

**City of Johns Creek
Solid Waste Management Plan
2008 - 2018**

PUBLIC HEARING DRAFT

SEPTEMBER 22, 2008

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Section 1 INTRODUCTION

The Comprehensive Solid Waste Management Act of 1990 requires that each local government in Georgia develop independently, or be included in, a Comprehensive Solid Waste Management Plan. The purpose of solid waste plans is to provide local officials with a long-range “blueprint” regarding the provision of solid waste management services such as collection, disposal, and recycling. This plan represents Johns Creek’s participation in and contribution to Georgia’s solid waste management strategy as set forth in the Solid Waste Management Act of 1990 and Georgia’s Solid Waste Management Plan.

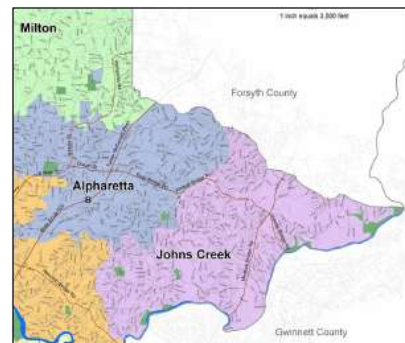
The Solid Waste Management Act requires that each plan:

- Provide for the assurance of adequate solid waste collection capability and disposal capacity within the planning area for at least ten (10) years from the date of plan completion.
- Promote a program to reduce the per capita rate of municipal solid waste disposed in solid waste facilities.
- Identify solid waste handling facilities within the plan’s area as to size and type.
- Identify land areas in the planning area unsuitable for solid waste handling facilities based on environmental and land use factors.

This plan represents the results of the first solid waste planning effort undertaken by Johns Creek since the city was incorporated in 2006. Previously part of unincorporated Fulton County, the city adopted the Fulton County Solid Waste Management Plan (December 2005) as an interim plan. In accordance with the Minimum Planning Standards and Procedures for Solid Waste Management, the City of Johns Creek conducted an initial public hearing on June 2, 2008. A second Public Hearing was conducted on September 22, 2008, prior to submitting the draft plan to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for review and approval.

1.1 PLANNING AREA

The City of Johns Creek, Georgia, is the planning area for this solid waste management plan. With an estimated population of 71,480 residents, Johns Creek is located in northern Fulton County and is one of 13 cities within the county. Johns Creek became a city on December 1, 2006, and encompasses the county’s four original farming communities of Warsaw, Shakerag, Newtown, and Ocee. The city is bound to the west by the cities of Roswell and Alpharetta; to the north by Forsyth County; and to the south by the Chattahoochee River.



1.2 PERSON RESPONSIBLE FOR THE PLAN

The person responsible for the preparation, maintenance, and administration of the solid waste management plan is:

Mr. Ken Hildebrandt, P.E.
Director of Public Works
City of Johns Creek
12000 Findley Road, Suite 400
(678) 512-3200
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1.3 TOPOGRAPHIC INFORMATION/UNIQUE FEATURES

Johns Creek is located within the Piedmont region of Georgia. A topographic map of the Johns Creek area is included in the Appendix. There are no unique land features within the city that would impact the provision of solid waste services.

1.4 POPULATION

Table 1 presents population projections for the City of Johns Creek. In 2000, the population for the area that is now incorporated as Johns Creek was 60,343. The city's current population (2008) is estimated to be 71,480, an 18.4 percent increase since the year 2000. Population projections contained in the draft *Johns Creek Comprehensive Plan 2009-2030* were reviewed, extrapolated, and incorporated into Table 1. As indicated, the city's population is projected to increase to approximately 83,333 residents by the year 2018, representing a 16.6 percent increase during the planning period.

TABLE 1 POPULATION PROJECTIONS – CITY OF JOHNS CREEK											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Population	71,480	72,910	74,340	75,770	77,213	78,233	79,253	80,273	81,293	82,313	83,333
Source: City of Johns Creek Comprehensive Plan, 2009 - 2030 (Draft). ESRI Business Analysis. Keck & Wood, Inc.											

1.5 SEASONAL POPULATION VARIATION

There are no significant seasonal variations in the city's population that would warrant consideration.

1.6 NUMBER OF HOUSEHOLDS

There are an estimated 24,897 households residing in Johns Creek. According to year 2000 Census Bureau data, the majority of the city's population resides in single-family detached housing units. Of the total housing units, 84 percent are owner-occupied, 12 percent are renter-occupied, and 4 percent are vacant.

1.7 ECONOMIC ACTIVITY

A review of various economic indicators reveals that the City of Johns Creek has a healthy and vibrant economy. Residents of Johns Creek enjoy higher than average incomes, are employed in a wide range of industries, and are not heavily dependent upon any one particular industry. The industries that employ the majority of the city's labor force (33,642) are Services (47 percent), Retail Trade (12 percent), Finance/Insurance/Real Estate (12 percent), and Manufacturing (8.8 percent). There are approximately 1,900 businesses operating in Johns Creek. The following list identifies the city's major employers:

- Ciba Vision
- Fulton County Board of Education
- Atlanta Casualty Group, Inc.
- Kroger Company
- Emory Johns Creek/HCA
- Federated Systems Group
- Thomson U.S., Inc.
- World Financial Group, Inc.
- QS America, LLC
- Publix
- Nordson Corporation
- F.A.T.S.
- Glenayre Technologies, Inc.
- Novartis Ophthalmics, Inc.
- Perimeter Church, Inc.
- Wal-Mart Stores
- Home Depot, Inc.
- State Farm Insurance
- LifeTime Fitness
- Whole Foods
- City of Johns Creek

Section 2 WASTE DISPOSAL STREAM ANALYSIS

2.1 INVENTORY OF WASTE DISPOSED

Johns Creek's solid waste stream is comprised of residential, commercial, industrial, and construction and demolition (C&D) materials. Since no detailed waste stream characterization data is available for Johns Creek, it is assumed that the city's waste stream composition is similar to that of Georgia as a whole. According to the *Georgia Statewide Waste Characterization Study (2005)*, 59 percent of the municipal solid waste stream is residential and 41 percent is commercial. Data regarding the total tonnage of solid waste collected in Johns Creek is currently unavailable due to the multitude of private waste haulers operating within the city and the fact that these haulers are not maintaining tonnage data specifically for Johns Creek. The Solid Waste Management

Act requires that all municipal solid waste (MSW) landfills report on a quarterly basis to the Georgia Environmental Protection Division (EPD) on the amount of waste they receive from each jurisdiction. A review of recent EPD Landfill Tonnage Reports reveals that the majority of private haulers report tonnage to landfills on a county basis rather than a city basis. As a result, no waste amount data specifically for Johns Creek is available from private haulers, landfills, or EPD. As recommended by the Georgia Department of Community Affairs (DCA), the state average for per capita waste disposal (6.38 pounds per day) will be used for the purposes of estimating and projecting waste amounts in this plan.

2.2 WASTE CHARACTERIZATION

Since there is no local data available regarding the composition of Johns Creek's waste stream, regional (Atlanta Regional Commission) averages obtained from the Georgia Department of Community Affairs (DCA) have been utilized. The results are presented in Table 2.

2.3 UNIQUE CONDITIONS AND/OR SEASONAL VARIATIONS

Johns Creek does not experience any significant seasonal changes in population levels that would significantly impact solid waste amounts.

2.4 WASTE GENERATING DISASTERS

The City of Johns Creek cannot reasonably project the additional amount of waste that might be generated by unknown and unanticipated disasters. Obviously, based on the impact of recent storm events, it can be anticipated that there will be additional waste that would require management. Other elements of this plan outline local contingency plans to address additional waste amounts resulting from unforeseen events.

2.5 PROJECTIONS OF WASTE TO BE DISPOSED

Table 2 presents waste amount and composition projections through the year 2018. These projections represent the amount and composition of solid waste that will likely be disposed in landfills in the absence of increased waste reduction efforts. Assuming that Johns Creek's waste composition is similar to regional averages (Atlanta Regional Commission), the city will need to target reductions in paper, organic, and plastic waste types. Combined, these materials make up over 80 percent of the city's waste stream.

TABLE 2 ESTIMATED AND PROJECTED WASTE AMOUNTS AND COMPOSITION CITY OF JOHNS CREEK											
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Paper (40%)	33,288	33,872	34,602	35,332	35,917	36,354	36,939	37,376	37,814	38,252	38,836
Plastic (16%)	13,315	13,548	13,841	14,134	14,366	14,541	14,775	14,950	15,125	15,300	15,535
Glass (4%)	3,329	3,387	3,460	3,533	3,592	3,635	3,694	3,737	3,781	3,825	3,884
Metal (6%)	4,993	5,081	5,190	5,300	5,387	5,454	5,541	5,606	5,672	5,738	5,825
Organic (26%)	21,637	22,017	22,491	22,965	23,345	23,631	24,009	24,294	24,579	24,864	25,243
C&D (5%)	4,162	4,234	4,326	4,416	4,489	4,544	4,617	4,674	4,728	4,782	4,854
Inorganic (3%)	2,496	2,540	2,595	2,650	2,694	2,726	2,770	2,803	2,836	2,869	2,913
TOTALS	83,220	84,680	86,505	88,330	89,790	90,885	92,345	93,440	94,535	95,630	97,090
Tons/Day	228	232	237	242	246	249	253	256	259	262	266
Source: Georgia Statewide Waste Characterization Study, 2005. Atlanta Regional Commission (ARC) averages.											

2.6 PER CAPITA MSW DISPOSAL REDUCTION GOAL

The waste amounts shown in Table 3 were calculated by applying the per capita disposal rates to population projections contained in the draft *City of Johns Creek Comprehensive Plan 2009 - 2030*. Using 83,220 tons per year as a base waste amount, the table illustrates the projected waste amounts with a **10 percent per capita reduction goal**. As indicated in Table 3, the city's per capita disposal rate is projected to decrease from 6.38 pounds per day in 2008 to 5.74 pounds per day by 2018, a **10 percent decrease**. **Local officials feel a 10 percent reduction goal is achievable due to Johns Creek being a new city (less than two years old) with no prior history of solid waste management planning.** The city will, however, strive for greater reductions during the period as recommendations of this plan are implemented.

TABLE 3
DISPOSAL PROJECTIONS - CITY OF JOHNS CREEK

YEAR	POPULATION	TOTAL TONS PER YEAR	TONS PER DAY	POUNDS/PERSON/DAY
2008	71,480	83,220	228	6.38
2009	72,910	83,950	230	6.32
2010	74,340	84,680	232	6.25
2011	75,770	85,410	234	6.19
2012	77,213	86,140	236	6.12
2013	78,233	86,505	237	6.06
2014	79,253	86,505	237	5.99
2015	80,273	86,870	238	5.93
2016	81,293	86,870	238	5.87
2017	82,313	87,235	239	5.80
2018	83,333	87,235	239	5.74

Source: Georgia Department of Community Affairs. City of Johns Creek Comprehensive Plan 2009 - 2030 (Draft). Keck & Wood, Inc.

Section 3 WASTE REDUCTION ELEMENT

3.1 INVENTORY OF WASTE REDUCTION PROGRAMS

Being a newly-incorporated city and less than two years old, Johns Creek currently does not provide or sponsor any organized waste reduction programs. However, the citizens of this community have benefited from already existing programs that were established by Fulton County and nearby cities such as recycling programs/drop-off centers and educational programming in the schools located inside of Johns Creek. By virtue of its location within the northern metropolitan Atlanta area, city residents have access to a wide variety of programs operated by area civic and charitable groups; community organizations; neighboring jurisdictions; and private haulers. These include the Morgan Falls "Dick Schmalz" Residential Recycling Drop-Off Center which is owned by Fulton County and operated by Keep Sandy Springs/North Fulton Beautiful (KSSNFB); the Roswell Recycling Center, owned and operated by the City of Roswell; and curbside recycling programs offered by private haulers serving the area.

3.2 SOURCE REDUCTION PROGRAMS

With the exception of an office paper and aluminum recycling program in place at City Hall, the City of Johns Creek currently does not provide or sponsor any organized source reduction programs. The City of Johns Creek routinely purchases recycled-content paper and has reduced the use of paper kitchen products at City Hall. It is likely that many commercial, industrial, and institutional establishments within the city have some type of similar source reduction programs in place. In particular, CIBA Vision, one of the city's largest employers, has their own established in-house waste reduction practices. They are very aggressive in the recycling efforts and

will prove to be a model for other businesses in the city. However, while documentation is not readily available to confirm the full scope and presence of other similar waste reduction practices, the city has included in their work program the need to inventory all business so that any waste reduction practice that exist can be accounted for. Further, this inventory will allow the city to assist those businesses not participating in waste reduction with a best practice template.

3.3 RECYCLING PROGRAMS AND FACILITIES

Although the City of Johns Creek has yet to implement any organized recycling programs or facilities, residents do have access to programs and facilities operated by Fulton County and neighboring jurisdictions. The majority of the private waste haulers that serve Johns Creek residents and businesses offer recycling service as a service option. In addition, many of the city's schools, churches, and apartment complexes provide and maintain recycling collection bins. Facilities operated by Fulton County that are within a reasonable distance from Johns Creek include the Morgan Falls Residential Drop-Off Center. The Morgan Falls facility accepts a variety of recyclable materials, including paper, aluminum cans, steel cans, glass, books, plastics, and cardboard. By example, the City of Sandy Springs offers additional waste reduction programs such as the FreeCycle Program which can be used by Johns Creek residents. The Roswell Recycling Center, a "recovered materials processing facility" located in Roswell, is another option available to Johns Creek residents. The facility accepts most recyclable material, including plastics, paper, glass, books, and cardboard. According to the *Georgia Recycling Markets Directory*, there are numerous businesses in Fulton and Forsyth counties that accept recyclable materials. These programs alone demonstrate the availability of facilities and programs in close vicinity to Johns Creek and thereby necessitates the need to include in the city's work program the need to inventory existing waste reduction programs and facilities offered by both the public and private sectors. A listing of these businesses, by county, is included in the Appendix.

3.4 YARD TRIMMINGS PROGRAMS AND FACILITIES

The City of Johns Creek currently does not provide or sponsor any organized yard trimmings diversion programs or processing facilities. Many of the private haulers serving Johns Creek do provide yard trimmings collection as part of their curbside collection programs. The extent of the services will be determined in the private hauler survey to be conducted later this year. According to EPD data, there are 1,049 inert landfills currently permitted in Fulton, Gwinnett, Forsyth, and Cherokee counties.

3.5 ITEMS REQUIRING SPECIAL HANDLING

The City of Johns Creek currently does not provide or sponsor any organized collection programs or drop-off facilities for special waste items such as appliances, electronics, batteries, paint, and tires. The Roswell Recycling Center accepts these types of material for recycling. The City of Duluth and Gwinnett County also have

recycling programs for special waste material. There are also numerous private haulers serving Johns Creek that specialize in the collection and disposition of these items.

3.6 CONTINGENCY STRATEGY

As stated previously, waste reduction and recycling activities within Johns Creek are currently limited to those provided by private waste haulers. In the event of a natural disaster or emergency situation that interrupts waste reduction and recycling services, the city has several options. Since the city currently does not provide these services or operate any related facilities, it would be required to take necessary actions to ensure that service is resumed in a timely manner. This would require close coordination with private haulers serving the city and quick mobilization on the city's part to facilitate conditions conducive to the safe and efficient collection of disaster-related debris, such as yard waste and other items that cannot be placed in a municipal solid waste (MSW) facility. Due to the city's geographic location, there are numerous public and private recycling facilities and inert landfills within a 100-mile radius of Johns Creek. The city has the authority to invoke emergency procurement authorization to negotiate services with private haulers and public/private facilities. Under these same emergency procurement provisions, the city could also choose to negotiate directly with firms representing specific commodity markets to provide a collection, transfer, and marketing option on a temporary basis.

3.7 ASSESSMENT OF WASTE REDUCTION PROGRAMS

With the current "open-market" private hauler collection system, the City of Johns Creek has little control over the types and magnitude of recycling and waste reduction programs provided to city residents. As a result, the city has no data on the amount of recyclable materials and yard trimmings diverted from landfills. In order to achieve future waste reduction goals, operational and program improvements will be required.

The City and the Johns Creek Community Association (JCCA) partnered in surveying member neighborhoods on the current levels of service citizens were receiving from their private waste haulers. The survey received great response and the findings illustrated the lack of a consistent level of service, cost, and programs offered to the residential community. These findings demonstrate the need for the city to establish a consistent and adopted level of service and further warrants the need to examine a preferred hauler program with mandatory services and fees that are consistent for all citizens. As a result the city has included the need to explore the need for a preferred hauler with mandatory services and competitive fees in the work program. Additionally, the city has included in the work program the need to hire professional staff (reporting to the Public Works Director) to coordinate and manage the solid waste program for the city.

3.8 NEEDS AND GOALS

Goal: *To reduce the per capita amount of waste disposed by 10 percent over the next 10 years.*

The City of Johns Creek's goal is to incrementally reduce per capita disposal rates by 10 percent, from 6.38 pounds per day to 5.74 pounds per day. In order to achieve this goal, the city will need to:

1. Amend the Johns Creek Solid Waste Ordinance in order to:
 - Regulate the collection and disposal rates for both the residential and commercial haulers.
 - Require haulers to report tonnage collected within the city on a quarterly basis.
 - Require haulers to identify specific landfills they use to dispose of waste collected within the city.
 - Explore the fee structure for business license and special fees associated with being a registered "preferred hauler" with the city.
 - Enforce the Johns Creek Solid Waste Ordinance and identify key personnel responsibilities.
 - Require the provision of mandatory recycling services by all haulers doing business in the city.
 - Identify specific recycling materials to be collected by each hauler.
2. Inventory and assess waste reduction practices undertaken by the business community.
3. Compile a listing all public and private recycling programs and activities within the city.
4. Create a recycling program with local schools (public and private) through a "preferred hauler" approach in order to engage school children in recycling practices.
5. Encourage composting of yard waste such as limbs, grass clippings, and leaves.
6. Explore the creation of a bulk waste collection program for all citizens.

7. Develop and adopt a standard level of service for waste reduction in the city.
8. Coordinate with advertisers, including telephone companies, to explore alternate forms of advertising products.
9. Explore an incentive program for local businesses and residents to reduce waste.
10. Create a recycling program with local apartment complexes and shopping centers through a preferred hauler in order to reduce on-site generated waste.
11. Explore the creation of toxic material (i.e. paint) and electronic recycling program.

Section 4 COLLECTION ELEMENT

4.1 INVENTORY OF EXISTING PROGRAMS

The City of Johns Creek does not provide solid waste collection services. Collection services within Johns Creek are provided by numerous private haulers operating in an open-competition environment. Residents and businesses may choose any private hauler that offers service. Since there are no hauler registration requirements, the exact number of private haulers operating within the city is unknown. In an effort to identify private haulers operating within the city, a listing of haulers known to provide service in the north Fulton County area was generated by the city and a telephone survey was conducted for verification purposes. Major waste haulers identified are listed below.

MAJOR MUNICIPAL SOLID WASTE (MSW) HAULERS OPERATING IN JOHNS CREEK

Advanced Disposal
Allied Waste/BFI
Community Waste Service
United Waste
Waste Management

All of the haulers identified reported providing weekly curbside collection service and residential recycling services. Many of these haulers offer “back door” collection services upon request. In addition to MSW haulers, there are numerous private haulers that provide collection services for construction and demolition (C&D) waste, appliances, and other special waste types. No data is maintained by these private haulers to document waste amounts diverted from landfills.

4.2 DROP-OFF CONVENIENCE CENTERS/CURBSIDE COLLECTION

No solid waste drop-off centers, transfer stations, or convenience centers are located in Johns Creek. There are, however, several facilities located within a 50 mile radius of the

city that provide these services. Private waste haulers provide curbside residential collection services to all of the city's households.

4.3 YARD TRIMMINGS AND BULK ITEM COLLECTION

Twice per year, the City of Johns Creek sponsors and provides curbside collection of yard trimmings and bulk items such as appliances, furniture, and other household items. Collection services for yard trimmings and bulk items are provided by most of the major private waste haulers operating within the city, including Advanced Disposal, Waste Management, and United Waste. There are numerous other haulers operating within the north Fulton area that collect yard trimmings and discarded household appliances. These include 800 GOT-JUNK, Amerihaul, Just Trash, and Arrow Waste.

4.4 ILLEGAL DUMPING/LITTERING

Illegal dumping is not perceived to be a significant problem in Johns Creek. This is due in large part to the existence of curbside collection programs for household waste, yard trimmings, and special waste items. The city's Public Works Department routinely picks up litter and other debris within rights-of-way. The city is currently preparing an anti-littering ordinance to be enforced by the Code Enforcement division of the Community Development Department. Littering and other environmental citations are heard in Municipal Court. A copy of the city's anti-littering ordinance, prepared in compliance with the Metropolitan North Georgia Water Planning District, is included in the Appendix.

4.5 CONTINGENCY STRATEGY/NATURAL DISASTER-EMERGENCY SITUATION

Because of the numerous private haulers serving Johns Creek and the north Fulton County area, there are service options for residents and businesses should one or more haulers discontinue service. The detailed private hauler inventory being undertaken by the city as a separate project will assist residents and businesses in identifying potential waste service providers in the event their service becomes interrupted or discontinued. In the event of a natural disaster or an emergency situation that would alter current collection and disposal practices, the city would continue using private haulers for collection service. As is currently the case, private haulers would be responsible for locating disposal facilities. The city could contract with one or more private haulers for interim collection services or with another public entity in the form of an intergovernmental agreement to provide interim collection services. Additionally, in the event of an emergency, the city has the ability to alert its citizenry through their E-blast program, newsletter, website, and their 24/7 call center in order to get the information out and to alert the public of its contingency plan.

4.6 ASSESSMENT OF COLLECTION PROGRAMS

Given that the City of Johns Creek is less than two years old and is aggressively working to identify its full scope of services to its citizens as well as establishing levels of service, the city will evaluate its current waste reduction and collection practice.

The initial findings of the solid waste survey conducted in partnership with the JCCA points to the fact that there are varying levels of service as well as pricing structure provided to the citizens by a variety of vendors. It is important that the city establish a clear and consistent level of service for all its citizens which goes to the need to develop standards and specifications that the vendors must provide and deliver citywide. Further, the need to explore a preferred hauler is highlighted by the inconsistent pricing structure offered by the various vendors for often times the same service. Therefore, the city has included in its work program the need of the Public Works Director to develop specifications for services as well as exploring a preferred hauler program.

4.7 NEEDS AND GOALS

Goal: *To ensure the efficient and effective collection of solid waste and recyclable materials.*

Goal: *Reduce the number of private haulers operating within the city in order to provide consistent service levels, competitive rate structures, and facilitate infrastructure preservation.*

To achieve the stated collection goals, Johns Creek will need to:

1. Require all haulers to provide recycling and yard waste collection services.
2. Provide education materials and training for the community on recyclable products.
3. Work with the Fulton County Keep America Beautiful affiliate to develop programs for the community in order to educate and provide outreach programs.
4. Explore the creation of a Johns Creek Keep America Beautiful affiliate.
5. Explore a preferred hauler program in order to offer consistent levels of service and fees.
6. Explore and prepare standards and specifications of service in order to implement a preferred hauler program.
7. Develop a hauler routing system in order to protect the city's infrastructure from deterioration.

Section 5 DISPOSAL ELEMENT

5.1 INVENTORY OF SOLID WASTE DISPOSAL FACILITIES

No permitted solid waste handling facilities are located in Johns Creek. Private waste haulers transport solid waste collected within Johns Creek and the north Fulton County area to the landfills identified in Table 4.

TABLE 4 DISPOSAL FACILITIES					
Facility	Location	Permit Number	Waste Accepted	Remaining Capacity (Cubic Yards)	Year Expected to Reach Capacity
Pine Bluff LF	Ball Ground	028-039D (SL)	MSW	49084766	2041
Richland Creek	Buford	067-032D (SL)	MSW	12531275	2015
Eagle Point	Forsyth Co.	058-012D (MSWL)	MSW	2469690	2043
<i>Source: EPD, February 2008.</i>					

5.2 ASSURANCE OF TEN YEAR DISPOSAL CAPACITY

Based upon projected capacity, landfills currently being used for municipal solid waste (MSW) have sufficient disposal capacity to adequately serve Johns Creek for the duration of the planning period. Due to market conditions, it is likely that private haulers serving the Johns Creek area may transport some of the city's waste to facilities other than those listed in Table 4. Although the city has no ability to dictate where waste from the city is delivered for disposal, it has obtained disposal capacity assurance letters from the facilities identified in Table 4. These letters are included in the Appendix. According to EPD data, the Richland Creek facility is projected to reach capacity in 2015. The Pine Bluff and Eagle Point facilities are not projected to reach capacity until 2041 and 2043, respectively.

5.3 CONTINGENCY STRATEGY/NATURAL DISASTER-EMERGENCY SITUATION

In the event that one or more of the landfills used by private haulers for disposal of Johns Creek's waste becomes unavailable, haulers would be responsible for finding alternative disposal locations. There are numerous other landfill facilities in the north Georgia area that could be used if needed.

5.4 NEEDS AND GOALS

Goal: *Ensure that the city has a plan in place to ensure that sufficient disposal capacity is available to handle the amount of waste projected to be disposed of over the next 10 years.*

In order to achieve the stated disposal goal, the City of Johns Creek will need to:

1. Develop a contingency plan of alternate landfill sites in order to dispose of the city's solid waste materials.
2. Monitor, on an annual basis, capacity levels of declared landfill sites.
3. Develop a mandatory recycling program in order to divert dependency of landfills outside the control of the city.
4. Educate the public on the practice of recycling and waste reduction.
5. Engage and partner with the school community (public and private) to develop a recycling program
6. Develop a plan to include the schools, churches, and shopping centers as a capture point for their own generated recyclables.
7. Inventory all businesses to identify already existing recycling programs and account for the same
8. Partner with the local business community to offer recycling on-site for their establishment
9. Engage homeowners associations in establishing recycling efforts within their own neighborhoods
10. Identify businesses that generate hazardous waste. Coordinate such findings with the city's Fire Department and inventory the same.

Section 6 LAND LIMITATION ELEMENT

Population density, zoning, and land use factors, as well as natural environmental limitations limit the amount of land suitable for the development of new solid waste disposal and handling facilities. Facilities such as these should be located in areas where they have minimum adverse effects on the community and the environment.

6.1 NATURAL ENVIRONMENTAL LIMITATIONS

Natural environmental limitations include floodplains, wetlands, water supply watersheds, groundwater recharge areas, river corridors, and protected mountains. Maps illustrating the locations of these limitations in Johns Creek are included in the Appendix.

Floodplains

Georgia Department of Natural Resources (DNR) Rule 391-3-4.05(1) (d) stipulates that any solid waste landfill located in the 100-year floodplain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in a washout of solid waste so as to pose a threat to human health or the environment. The 100 year floodplain is defined as the land area with a 1 percent chance of being flooded every year. The 100 year flood plain is used for planning purposes to assist in identifying land that is not suitable for development.

Wetlands

Georgia Department of Natural Resources (DNR) Rule 391-3-16-.03(3) (e) establishes that solid waste landfills may institute an unacceptable use of wetland. DNR Rule 391-3-4-.05(1)(e) prohibits the development of solid waste landfills in wetlands, as defined by the U.S. Army Corps of Engineers., unless evidence is provided by the applicant that use of the wetland has been permitted or otherwise authorized under all other applicable state and federal laws and rules.

Groundwater Recharge Areas

Georgia Department of Natural Resources (DNR) Rule 391-3-16-.02(3)(a) requires that in significant groundwater recharge areas, GA DNR shall not issue permits for new solid waste landfills not having synthetic liners and leachate collection systems. GA DNR Rule 391-3-4-.05(1)(j) requires that new solid waste landfills or expansions of existing landfills located within two miles of a significant groundwater recharge area have liners and leachate collection systems, with the exception of facilities accepting waste generated from outside the county in which the facility is located. Aquifer recharge areas contain soils with properties that support the recharging of groundwater. In Fulton County, the primary public drinking water source is surface water from the Chattahoochee River and its tributaries, not groundwater.

Water Supply Watersheds

Georgia Department of Natural Resources (DNR) Rule 391-3-16-.10(7) c requires that at any location within a small water supply watershed, new solid waste landfills must have synthetic liners and leachate collection systems. Johns Creek is located within the Chattahoochee River basin.

River Corridors

Georgia Department of Natural Resources (DNR) Rules prohibit the development of new solid waste landfills within protected river corridors. The Chattahoochee River corridor is protected under the Metropolitan River Protection Act (MRPA), which establishes undisturbed vegetation buffer and impervious surface setbacks from both sides of the river's banks.

Protected Mountains

Georgia Department of Natural Resources (DNR) Rule 391-3-16.05(4)(1) prohibits the development of new solid waste landfills in areas designated as protected mountains. There are no protected mountains within the City of Johns Creek.

Fault Areas

Georgia Department of Natural Resources (DNR) Rule 391-3-4-.05(1)(f) requires that new landfill units and lateral expansions of existing landfills shall not be located within 200 feet of a fault that has had displacement in the Holocene Epoch unless the owner or operator demonstrates to EPD that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the landfill unit and will be protective of human health and the environment.

Seismic Impact Zones

Georgia Department of Natural Resources (DNR) Rule 391-3-4-.05(1)(g) prohibits that development of new landfill units and lateral expansions in seismic impact zones unless the owner or operator demonstrates to EPD that all containment structures, including liners, leachate collection systems, and surface water control systems are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

Unstable Areas

Georgia Department of Natural Resources (DNR) Rule 391-3-4-.05(1)(h) requires owners or operators of new landfill units, existing landfill units, and lateral expansions located in unstable areas to demonstrate that engineering measures have been incorporated in the landfill unit's design to ensure that the integrity of the structural components of the landfill unit will not be disrupted.

6.2 LAND USE AND ZONING LIMITATIONS

Zoning Restrictions

Georgia Department of Natural Resources (DNR) Rule 391-3-4-.05(1)(a) requires that solid waste facility sites must conform to all local zoning/land use ordinances. The City of Johns Creek Zoning Ordinance allows solid waste landfills in certain zoning districts with a Special Use Permit. The ordinance's M-1A Industrial Park and M-1 Light Industrial districts specifically list solid waste landfills as prohibited uses.

National Historic Sites

Municipal solid waste landfills are not permitted within 5,707 yards of a National Historic Site. No such sites currently exist in Johns Creek.

Archaeological Sites

The Archaeological Resources Protection Act of 1979 requires federal agencies or local governments utilizing federal funds to conduct archaeological investigations on lands under their jurisdiction to determine the nature and extent of the protected cultural resource present. No solid waste handling facility should be located so as to negatively impact an area of concentrated or known archeological sites on file with the Georgia Archaeological Site File (GASF). If a facility siting has the potential to impact an area of concentrated or known archaeological sites, then consultation with the State Archaeologist and the State Historic Preservation Office (SHPO) would be required.

Surface Water Intake

According to Georgia Department of Natural Resources (DNR) Rule 391-3-19-.01, solid waste landfills must have engineering modifications such as liners, leachate collection systems, and groundwater monitoring systems if they are located within two (2) miles of a surface water intake for a public source, unless such a site is the only feasible location. The Chattahoochee River serves as the primary water source for Fulton County residents.

Airport Safety

Georgia Department of Natural Resources (DNR) Rule 391-3-4-.05(1)(c) requires that new solid waste landfill units or lateral expansions of existing units shall not be within 5,000 feet of any runway planned or used for piston-type aircraft or within 10,000 feet of any runway planned or used for turbo-jet or piston-type aircraft.

Co-Located Landfills

Section 12-8-25.4 of the O.C.G.A. states that no solid waste handling facility, excluding materials recovery facilities and composting facilities, can be sited on a site that falls within a two-mile radius of three or more solid waste landfills (including closed landfills that receive waste on or after June 29, 1989).

Political Subdivisions

The Georgia Comprehensive Solid Waste Management Act prohibits the siting of a municipal solid waste landfill within one-half mile of another county's border without the approval of the jurisdiction's governing authority.

6.3 PLAN CONSISTENCY PROCESS

The requirements that a developer of a new solid waste management facility must fulfill in order to demonstrate that the facility is consistent with the City of Johns Creek Solid Waste Management Plan are outlined below. It is the responsibility of the facility owner to prove consistency. No proposed facility or facility expansion will be sited without a letter from the City of Johns Creek stating that the facility is consistent with the Solid Waste Management Plan. To determine if a proposed facility or facility expansion is consistent with the Solid Waste Management Plan, an owner/operator of the facility shall:

A. At least 60 days prior to the filing for a solid waste handling permit, or notifying EPD in the case of a solid waste handling facility that is permitted by rule, submit to the local governing authority a written statement documenting the following:

1. How the proposed facility or facility expansion will meet the specific goals and/or needs identified in the Solid Waste Management Plan, specifically what will be:
 - (a) the impact upon the collection capability within the planning area;
 - (b) the impact upon disposal capacity identified within in the planning area: and
 - (c) the impact to the waste reduction and recycling efforts within the planning area.
2. How the proposed facility or facility expansion and its operation will impact the community, specifically what will be:
 - (a) the impact to vehicle traffic and public safety around the proposed facility and throughout the planning area;
 - (b) the impact to the financial viability of the existing solid waste management system within the planning area;
 - (c) the impact to individual and business solid waste management rates;
 - (d) the impact of the proposed facility or facility expansion to other natural or cultural resources within the planning area: and
 - (e) the impact of the proposed facility or facility expansion to the current solid waste management infrastructure within the planning area, both public and private.

3. How the owner/operator of the proposed facility (and any subsequent owner/operators if sold) will satisfy any financial assurance provisions of the SWMP and any local ordinances.
4. That the proper public notification process was followed.
5. That the proposed facility or facility expansion is sited in an area deemed suitable according to the criteria listed in the Solid Waste Management Plan; and
6. That the proposed facility or facility expansion is sited in a location that is consistent with local zoning ordinances.

B. The City of Johns Creek shall review the "Written Statement of Consistency" and shall determine if the proposed facility or facility expansion is consistent with the Solid Waste Management Plan. Within 30 days of making their determination, the City of Johns Creek shall notify the developer whether or not the proposed facility or facility expansion is consistent with the Solid Waste Management Plan. If the proposed facility is not consistent with the Solid Waste Management Plan, the developer may address the inconsistencies and resubmit their request for another review.

6.2 NEEDS AND GOALS

Goal: *To ensure that proposed solid waste handling facilities are consistent with state and local solid waste management plans, as well as other federal, state and local environmental requirements.*

In order to achieve the stated goal, Johns Creek will need to:

1. Adhere to the Johns Creek Comprehensive Plan.
2. Review and amend city zoning ordinance and other regulatory tools in order to comply with the Johns Creek Comprehensive Plan and the Johns Creek Solid Waste Management Plan.
3. Implement the Plan Consistency Process of the Johns Creek Solid Waste Management Plan.
4. Continue to protect environmentally sensitive areas and lands within the city such as but not limited to: Chattahoochee River, Flood plains, Historic Sites, Groundwater Recharge Areas, land governed by the Metropolitan River Protection Act.

Section 7 EDUCATION AND PUBLIC INVOLVEMENT ELEMENT

7.1 INVENTORY AND ASSESSMENT

Although the City of Johns Creek does not currently provide formal education and public involvement programs, city residents have access to a wide range of programs and activities. The city does have the tools in place to provide educational outreach, including the city's newsletter, website, and e-mail capabilities. The majority of existing programs within the Johns Creek area are provided by Fulton County and neighboring jurisdictions. Programs available to Johns Creek residents include waste reduction, beautification, and litter prevention programs such as Adopt-A-Road, Evergreen Business, Evergreen Schools, Graffiti Hurts, and storm drain stenciling. The county also sponsors annual waste reduction and recycling events such as Bring One for the Chipper, Arbor Day, The Great American Clean-Up, Rivers Alive, and America Recycles Day.

7.2 NEEDS AND GOALS

Goal: *Assist city residents and businesses in becoming more aware of the need to support and participate in local waste reduction efforts.*

In order to achieve this goal, Johns Creek will need to:

1. Develop a link on the city's website to educate the public on recycling practices.
2. Create a Solid Waste Website for the City of Johns Creek.
3. Require haulers to provide recycling services as a condition to doing business in the city.
4. Collaborate with Fulton County Keep America Beautiful affiliate to provide educational materials and training in waste reduction practices.
5. Work with the Fulton County Board of Education, private schools, and local PTAs in order to develop a recycling drop-off site for each school.
6. Prepare information to be included in the city's newsletter and E-blasts on recycling practices and programs inside the city as well as those in surrounding communities.
7. Create and fund a new position to manage the Solid Waste Plan and to report to the Public Works Director.
8. Coordinate the Solid Waste Plan with the Stormwater Management Plan in order to combine efforts where available.

9. Create a link in the Solid Waste Plan website to identify electronic alternatives for established written data bases such as telephone books, coupon books, and advertising flyers.
10. Create a link on the Solid Waste website to list educational resources such as but not limited to: EPA Pay As You Go program, Department of Community Affairs (DCA) established resource list, free recycle programs (www.freecycle.com).
11. Create a Johns Creek Keep America Beautiful affiliate under the direction of the Public Works Director.
12. Work with Home Owners Association groups to provide educational materials, recycling training programs, as well as state and federal resource materials to achieve waste reduction.

Section 8 IMPLEMENTATION STRATEGY

The work program presented in the Table 5 identifies the various programs and activities the City of Johns Creek will undertake over the next 10 years to achieve the plan's stated goals. Activities programmed for the first five years represent the Short Term Work Program.

INSERT TABLE 5 HERE

APPENDIX

TABLE 5
CITY OF JOHNS CREEK SOLID WASTE MANAGEMENT PLAN
TEN YEAR WORK PROGRAM
2008-2018 *(Draft 9/4/08)*

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ACTIVITY	08	09	10	11	12	13	14	15	16	17	18	Responsibility	Cost Estimate	Funding Source
4. Continue required Full Cost Reporting/Solid Waste Surveys	X	X	X	X	X	X	X	X	X	X	X	Public Works Dept.	Staff	General Fund
5. Seek grants to support solid waste management plan implementation.	X	X	X	X	X	X	X	X	X	X	X	Public Works Dept.	Staff	General Fund

DEFINITIONS

The following definitions are based upon those contained in the Minimum Planning Standards and Procedures for Solid Waste Management.

1. Comprehensive Plan - The City of Johns Creek Comprehensive Plan, prepared pursuant to the Minimum Planning Standards and Procedures for Comprehensive Planning established by the Georgia Department of Community Affairs (DCA) in accordance with the O.C.G.A. 50-8-7.1 (b) and 50-8-7.2.
2. Comprehensive Solid Waste Management Plan - The City of Johns Creek Solid Waste Management Plan, prepared pursuant to the Minimum Planning Standards and Procedures for Solid Waste Management established by the Georgia Department of Community Affairs (DCA) in accordance with the O.C.G.A. 12-8-31.1
3. Composting - The controlled biological decomposition of organic matter into a stable, odor-free humus.
4. DCA - The Georgia Department of Community Affairs.
5. DNR - The Georgia Department of Natural Resources.
6. EPD - The Georgia Environmental Protection Division.
7. Full-Cost Report - The use of an accounting system that isolates, and then consolidates for reporting purposes, the direct and indirect costs that relate to the operation of the solid waste management system.
8. Georgia Comprehensive Solid Waste Management Act of 1990 - Establishes the statutory authority for local governments to develop solid waste management plans. The Act also requires local governments to report annually to DCA and to the public the amount of solid waste generated and the cost of disposing of that waste. (O.C.G.A. 12-8-20 *et seq*)
9. Governing Body - The Mayor and City Council of the City of Johns Creek.
10. Green Waste – Biodegradable waste that can be comprised of yard, garden, or park waste, such as grass, flower cuttings, and hedge trimmings.
11. Household Hazardous Waste - Unwanted household products that are labeled as flammable, toxic, corrosive, or reactive.
12. Implementation Strategy - The narrative and year-specific description that each county and municipality must submit as an element of a comprehensive solid waste management plan. An implementation strategy describes how each

local government intends to implement its comprehensive solid waste management plan through a ten-year period, including a listing of public actions to be undertaken by the community toward implementation of the comprehensive solid waste management plan and the related costs of such actions.

13. Local Government - Any county, municipality, or other political subdivision of the state.

14. Minimum Planning Standards and Procedures - The minimum planning standards and procedures, including the minimum elements which shall be addressed and included for preparation of local and regional comprehensive solid waste management plans, for implementation of local comprehensive solid waste management plans, and participation in the coordinated and comprehensive planning process.

15. Mulch - A byproduct typically comprised of materials from land clearing and yard trimmings that have been size-reduced by grinding, chipping, or shredding and used on top of the soil to retain moisture around vegetation or for aesthetic purposes.

16. Municipal Solid Waste - Any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and solid waste from single-family and multi-family residences, hotels and motels, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include recovered materials, or solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

17. Municipality - Any municipal corporation of the state and any consolidated city-county government of the state.

18. Plan Amendment - A significant action by a local government to change its currently approved solid waste management plan. Amendments shall be deemed necessary when the local government feels conditions have changed dramatically so as to alter the basic tenets of its approved solid waste plan.

19. Plan Approval - The certification conferred by the Georgia Department of Community Affairs (DCA) acknowledging that a local government has prepared, submitted to the regional development center for review, and has received written approval from DCA that their plan, plan amendment, or short-term work program update meets the minimum planning standards and procedures and may be adopted.

20. Preferred Hauler - A registered solid waste and recyclable material collection vendor or vendors selected by the City of Johns Creek through a public, competitive proposal process to provide collection of solid waste and

recyclable materials. Preferred haulers contracting with the City of Johns Creek must meet required service standards, performance and rate control measures, and reporting requirements.

21. Recovered Materials - Those materials which have known use, reuse, or recycling potential; can be feasibly used , reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

22. Recycling - Any process by which materials that would otherwise become solid waste are collected , separated, or processed and reused or returned to use in the form of raw materials or products.

23. Regional Development Center - A Regional Development Center established under O.C.G.A. 50-8-32. The Atlanta Regional Commission.

24. Short Term Work Program - That portion of the Implementation Strategy that lists the specific actions to be undertaken annually by the local government over the upcoming five years to implement the approved comprehensive solid waste management plan.

25. Solid Waste - Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. 1342; or source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

26. Solid Waste Disposal and Landfill Capacity Reports - Reports required by DNR Rule 391-3-4-.17 to be filed with the Director of DNR by holders of municipal solid waste disposal and landfill permits showing quarterly amount disposed and remaining landfill capacity.

27. Solid Waste Handling - The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

28. Solid Waste Handling Facility - Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

29. Solid Waste Handling Permit - Written authorization granted to a person by the Director of the Georgia EPD to engage in solid waste handling.

30. Source Reduction - Actions taken to prevent the generation of waste in the first place.

31. State Plan - The State Solid Waste Management Plan prepared by the Georgia DCA and DNR, including any revisions or amendments thereto.

32. Waste Stream Analysis - An inventory and analysis of the solid waste stream, including amounts of waste being generated and/or disposed, the source of the waste (i.e. residential, commercial), and a characterization of the waste by composition (i.e. paper, food, yard trimmings). A waste stream analysis also includes a percentage accounting of the waste stream by source and by composition.

**A RESOLUTION AUTHORIZING THE TRANSMITTAL OF THE
CITY OF JOHNS CREEK SOLID WASTE MANAGEMENT PLAN
TO THE ATLANTA REGIONAL COMMISSION
FOR REVIEW AND APPROVAL**

WHEREAS, the City of Johns Creek, Georgia, has prepared a Solid Waste Management Plan for the years 2008 – 2018; and

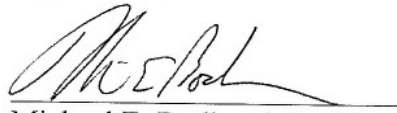
WHEREAS, the Solid Waste Management Plan was prepared in accordance with the Minimum Planning Standards and Procedures for Local Solid Waste Management Planning established by the Georgia Comprehensive Solid Waste Management Act; and

WHEREAS, two (2) public hearings on the planning process and draft plan were held at Johns Creek City Hall on June 2, 2008 and September 22, 2008.

NOW THEREFORE, BE IT RESOLVED, that the City of Johns Creek does hereby approve the submittal of the draft *City of Johns Creek Solid Waste Management Plan* to the Atlanta Regional Commission for review in accordance with Georgia's Minimum Planning Standards and Procedures for Local Solid Waste Management Planning.

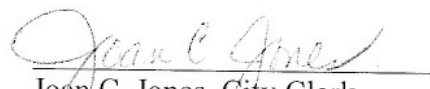
So resolved this 22nd day of September, 2008.

Approved by:


Michael E. Bodker, Mayor



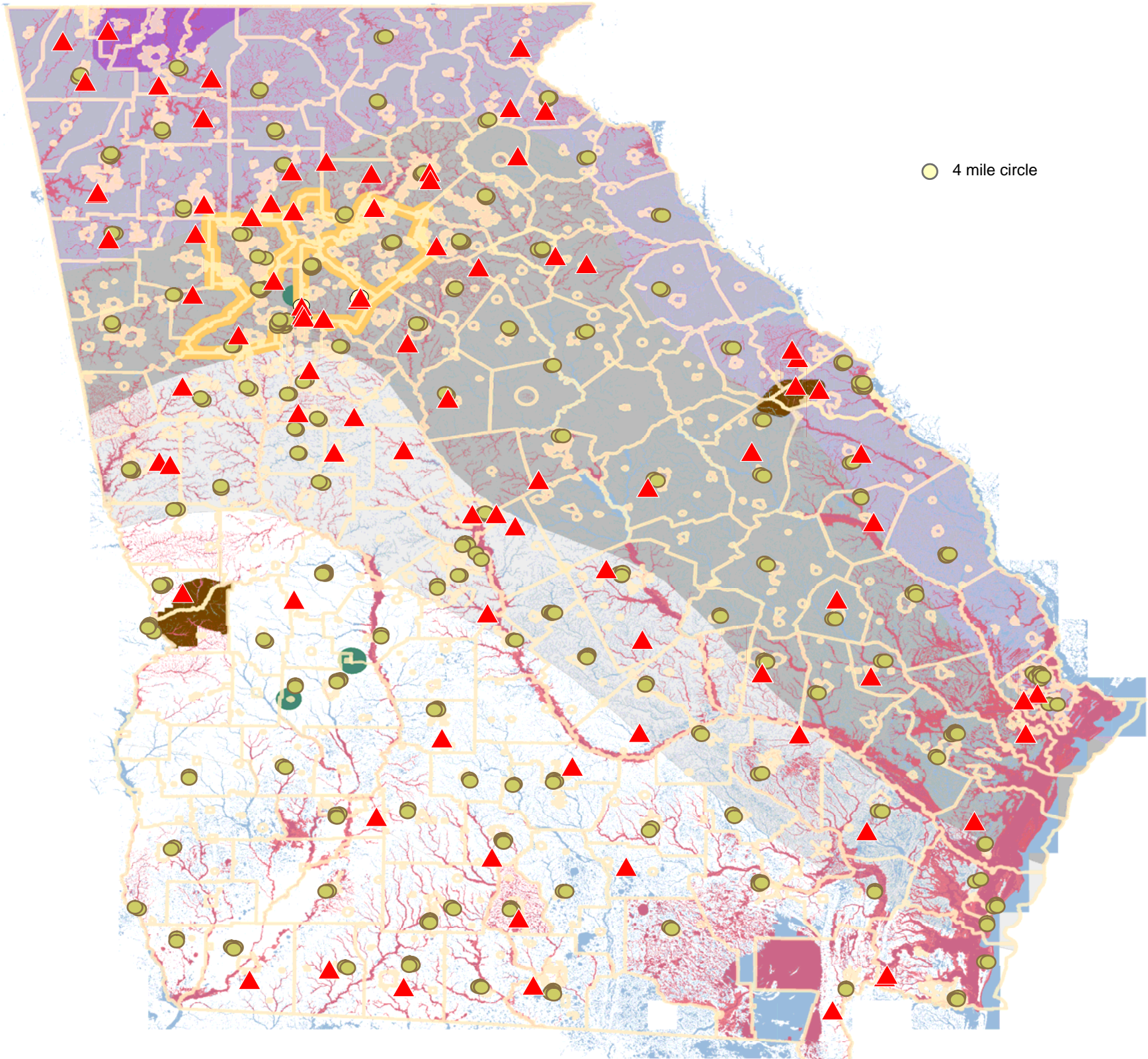
Attested:


Joan C. Jones, City Clerk

Landfill Siting Restrictions

Based on best available data as of October 2004

DRAFT



4 mile circle

Legend

- ▲ Landfills - 2004
- Co-located landfills
- Historic Sites - buffer
- Political subdivision buffer
- Political subdivision buffer (population)
- Airport restriction
- Restricted airspace - military
- In flood plain
- Wetlands

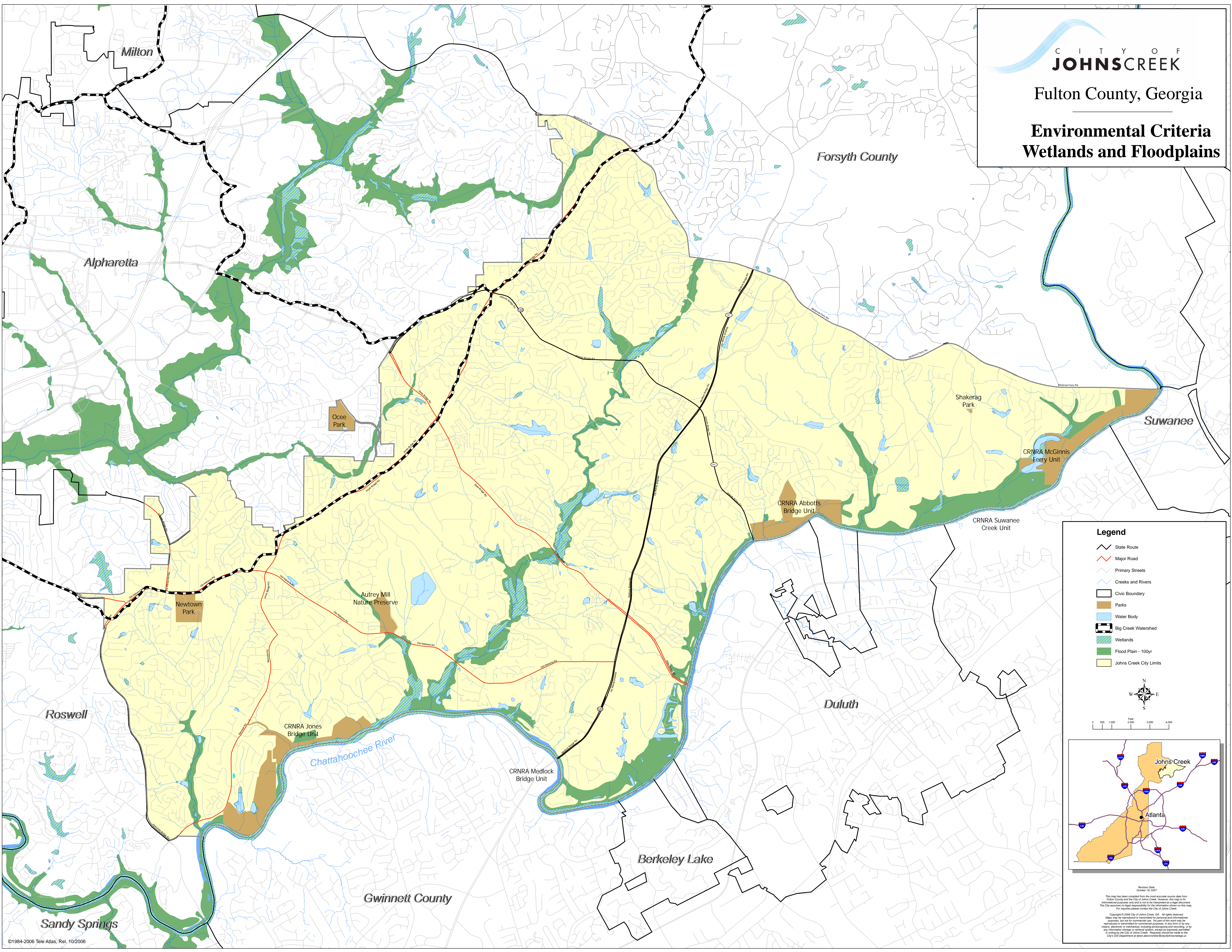
Peak Acceleration Values


- 0 - 6
- 7 - 9
- 10 - 14
- 15 - 20
- 21 - 99

Acceleration value in percent of gravity of the polygon. The polygon represents the range of acceleration values that are contained within its borders. The polygon is assigned the lowest value allowed within the polygon's borders. The range of values allowed within a polygon is controlled by the contours. Source: USGS, no warranty, expressed or implied is made by the USGS as to the accuracy of the data and related material nor shall the fact of distribution constitute any such warranty, and no responsibility is assumed by the USGS in connection therewith.

The map sets have been created from information provided by various government and private sources at different moments in time and at various levels of accuracy. It is the responsibility of the user of the data to be aware of the data's limitations and to utilize the data in an appropriate manner.







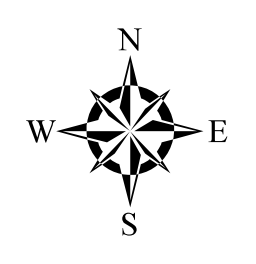
**CITY OF
JOHNS CREEK**

Fulton County, Georgia

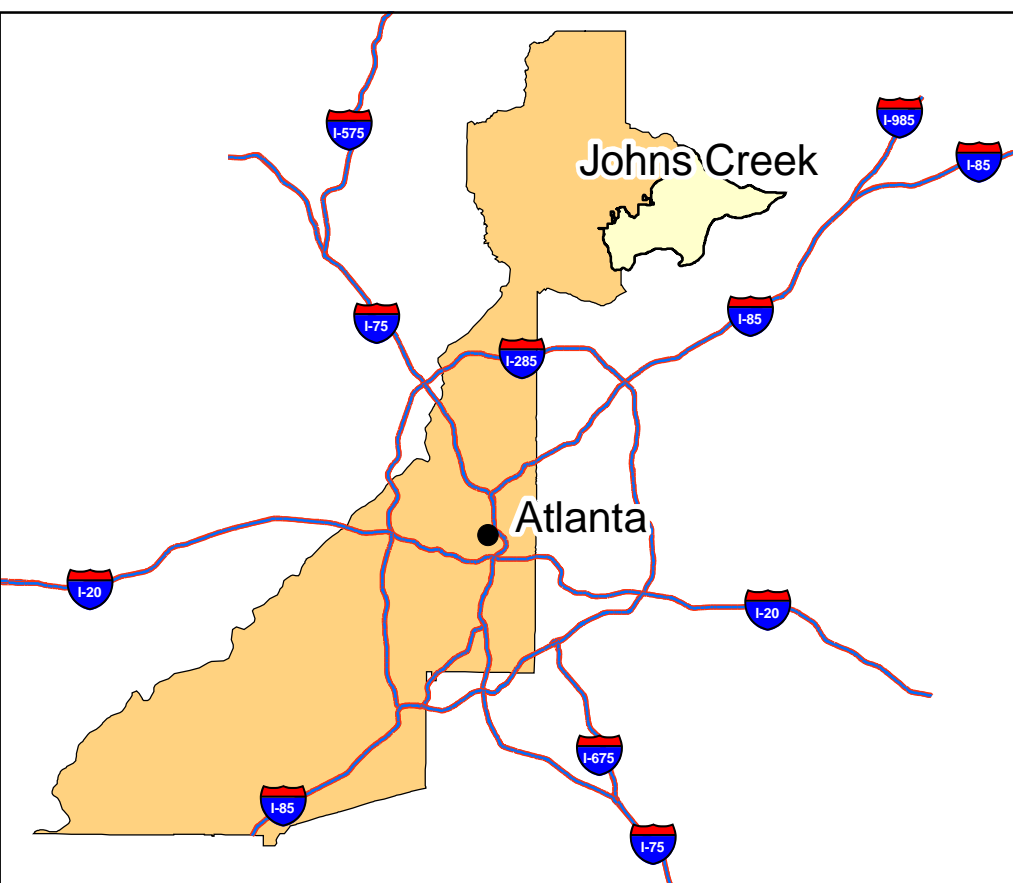
**Environmental Criteria
Wetlands and Floodplains**

Legend

- State Route
- Major Road
- Primary Streets
- Creeks and Rivers
- Civic Boundary
- Parks
- Water Body
- Big Creek Watershed
- Wetlands
- Flood Plain - 100yr
- Johns Creek City Limits



0 500 1,000 2,000 3,000 4,000 Feet

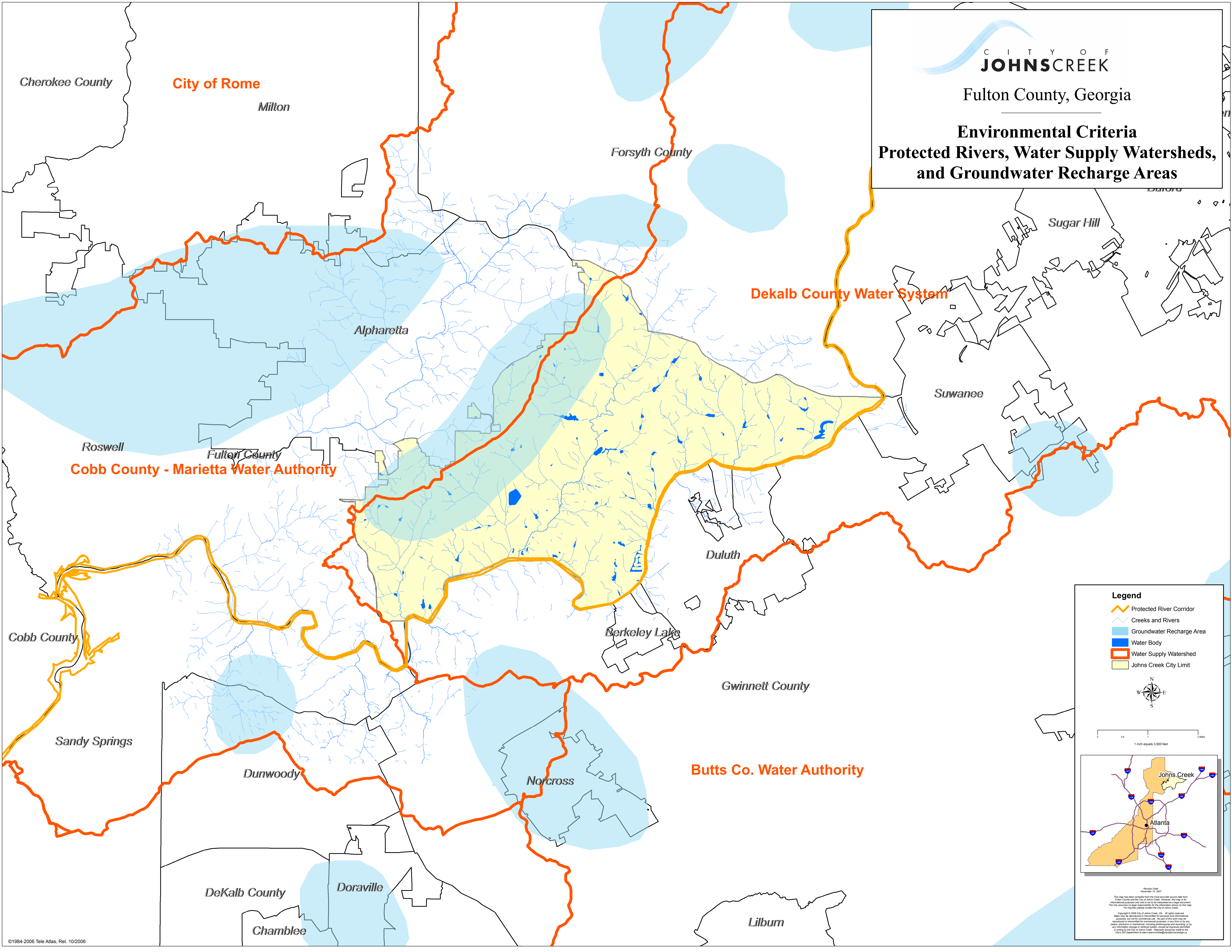



Johns Creek
Atlanta

Revision Date:
October 16, 2007

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CITY OF

JOHNS CREEK


Fulton County, Georgia


Environmental Criteria


Protected Rivers, Water Supply Watersheds,


and Groundwater Recharge Areas


Legend


 Protected River Corridor

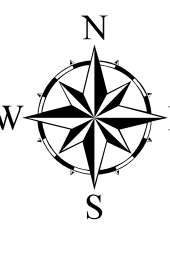
 Creeks and Rivers

 Groundwater Recharge Area

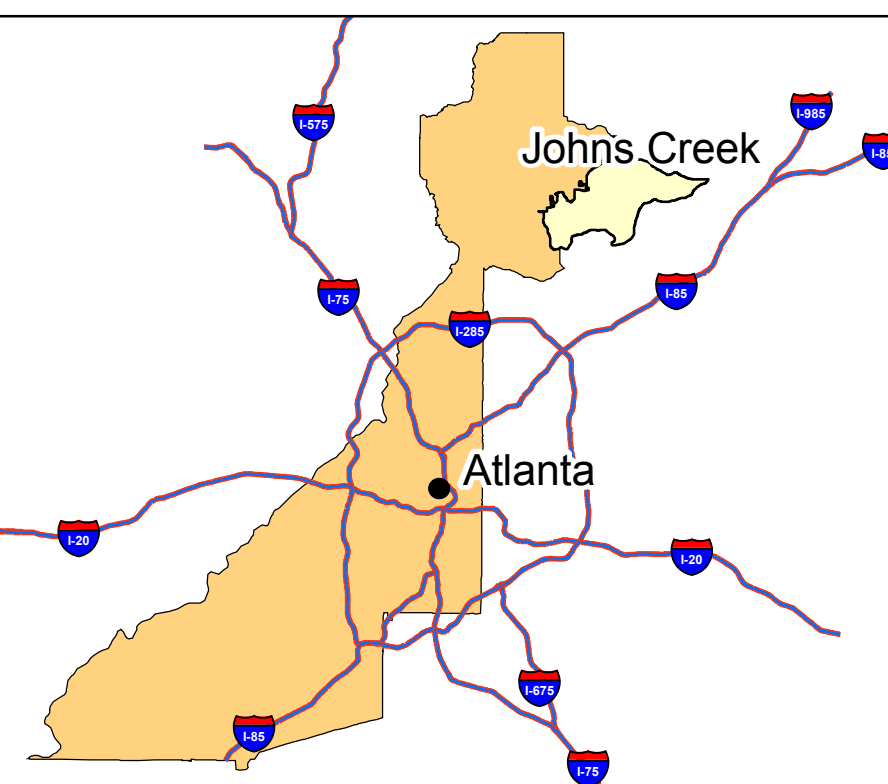
 Water Body

 Water Supply Watershed

 Johns Creek City Limit



0 0.5 1 2 Miles
1 inch equals 3,000 feet



Revision Date:
November 14, 2007

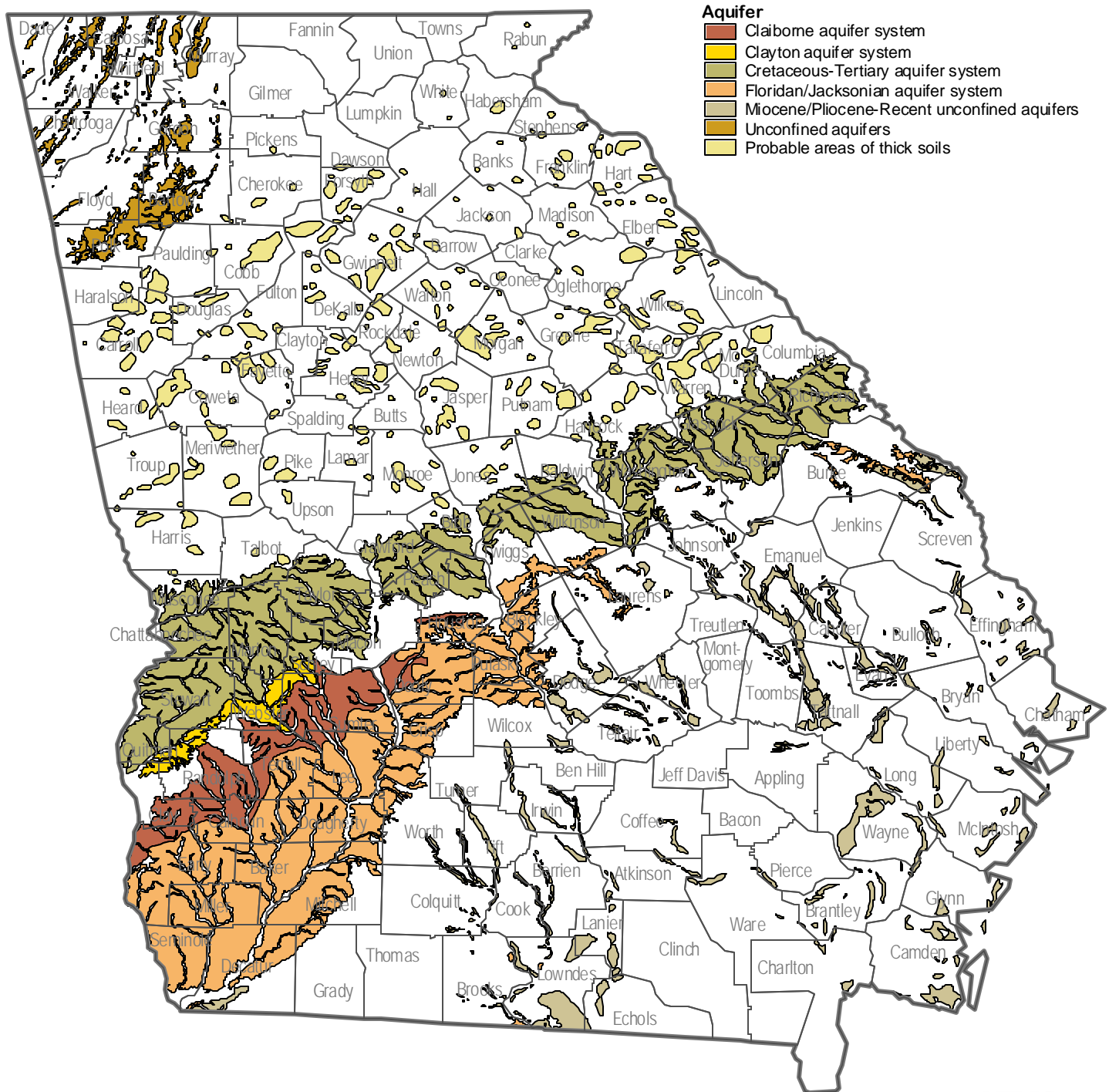
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at [770.424.5000](tel:7704245000).

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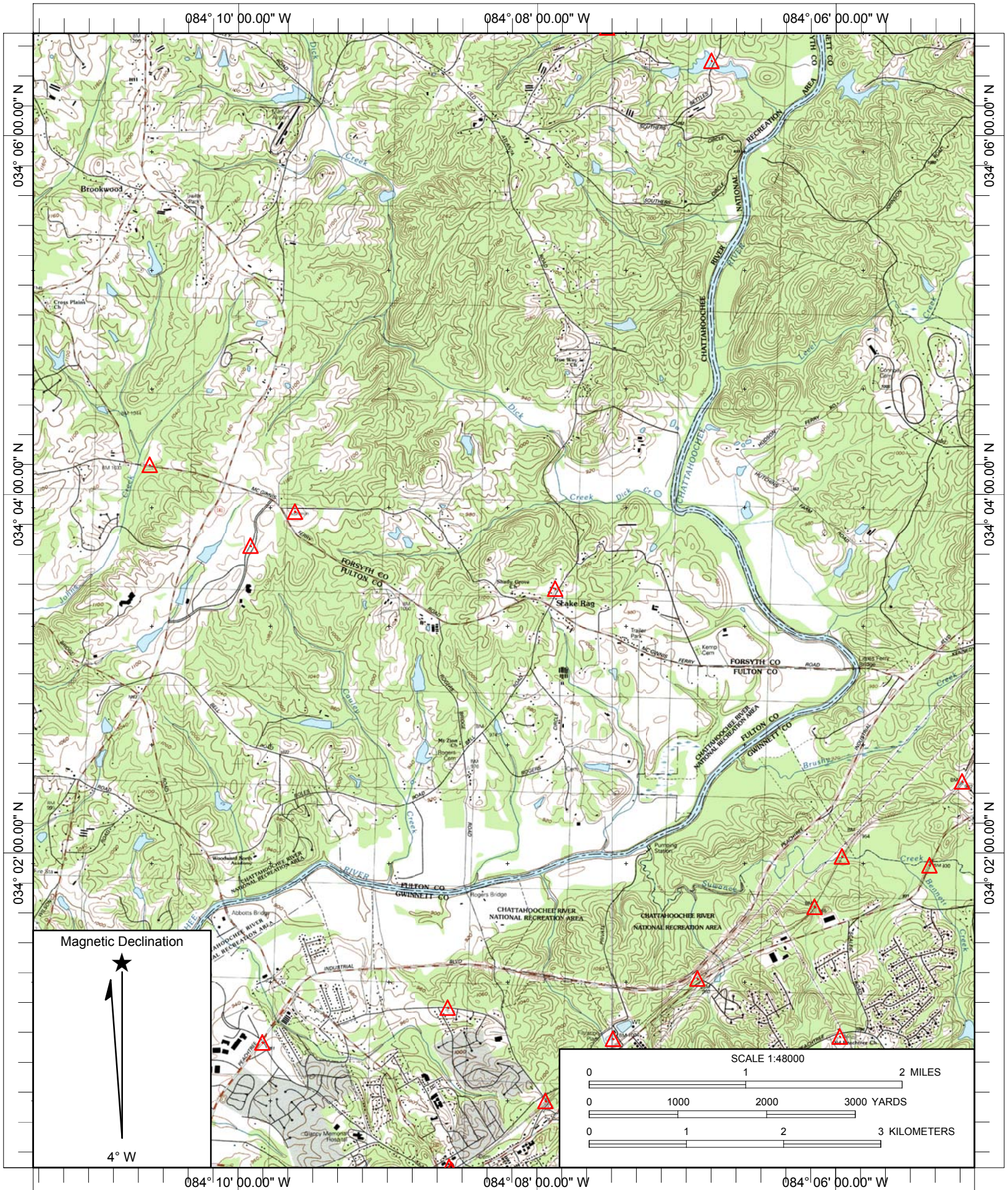
X:\GIS\PublicWorks\Utilities\Water_Main\mxd\JohnsCreek_WaterSupply_RechargeAreas.mxd

Georgia's Groundwater Recharge Areas



Data Source: Georgia Geologic Survey
Produced by the Georgia Department of Community Affairs





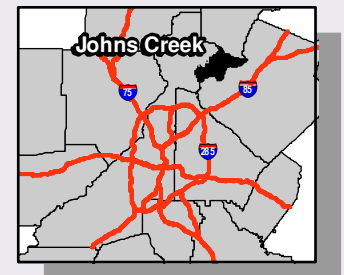
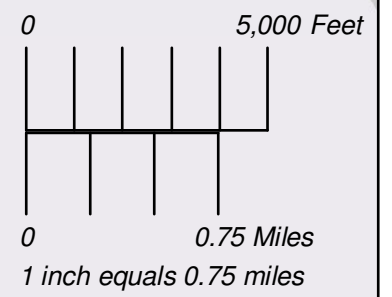
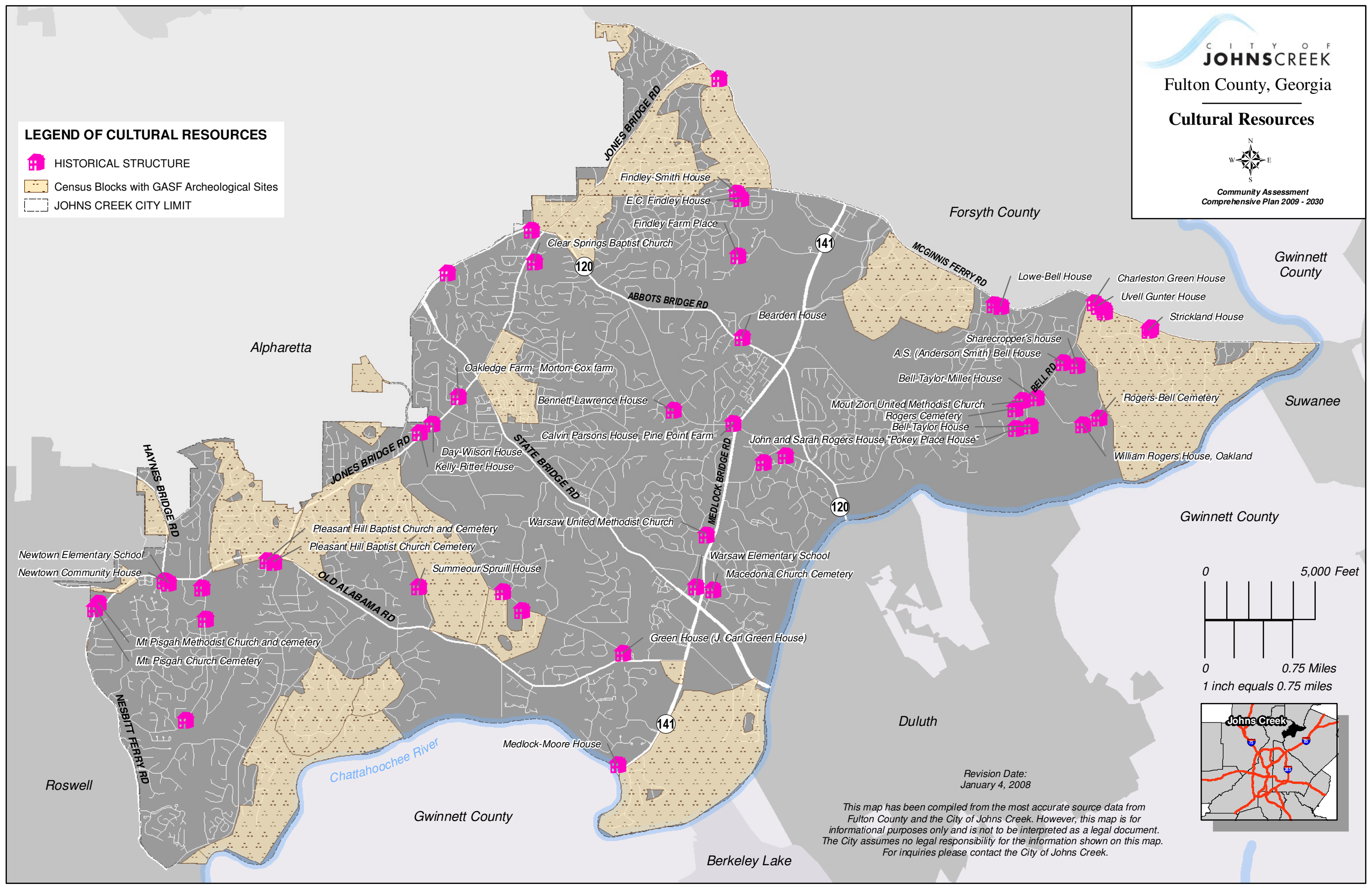
Name: DULUTH
 Date: 6/6/2008
 Scale: 1 inch equals 4000 feet

Location: 034° 03' 24.57" N 084° 08' 13.46" W NAD 27
 Caption: City of Johns Creek



LEGEND OF CULTURAL RESOURCES

- HISTORICAL STRUCTURE
- Census Blocks with GASF Archeological Sites
- JOHNS CREEK CITY LIMIT



Revision Date:
January 4, 2008

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**PINE BLUFF LANDFILL**

13809 E. Cherokee Drive
Ball Ground, GA 30107
(770) 479-2936
(770) 479-3265 Fax

Ken L. Hildebrandt, PE
Director of Public Works
City of Johns Creek
12000 Findley Road, Suite 400
Johns Creek, GA 30097-1412

Dear Mr. Hildebrandt:

This letter serves as a disposal capacity assurance for waste generated by the City of Johns Creek from 2008 to 2018. The Georgia EPD permit number for this facility is 028-039D(SL). This assurance is based upon the City of Johns Creek disposing of approximately 97,200 cubic yards of waste or approximately 83,333 tons of waste at this facility on an annual basis.

We thank the City of Johns Creek for this business partnership and look forward to providing environmentally sound waste disposal options for the foreseeable future.

Sincerely,
Pine Bluff Landfill, Inc.

A handwritten signature in black ink, appearing to read 'Bogdan Mykhalus', with a stylized flourish at the end.

Bogdan Mykhalus
District Manager

Cc: Jo Ann Birrell, Waste Management
Marie Garrett via fax (770-442-3489)



Eagle Point Landfill
8880 Old Federal Road
Ball Ground, Ga. 30107

City of Johns Creek
Ken L. Hildebrandt, PE,
Director of Public Works
12000 Findley Road, Suite 400
Johns Creek, GA 30097-1412

Dear Mr. Hildebrandt,

This letter serves as a disposal capacity assurance for waste generated by the City of Johns Creek from **2008 to 2020**. The Georgia EPD permit number for this facility is **058-012D (MSWL)**. This assurance is based upon City of Johns Creek disposing of approximately 160,000 cubic yards of waste or approximately 85,000 tons of waste at this facility on an annual basis.

We thank the City of Johns Creek for this business partnership and look forward to providing environmentally sound waste disposal options for the foreseeable future.

Sincerely,

Charlie Gray
Area President

RICHLAND CREEK LANDFILL

AW AN ALLIED WASTE COMPANY

Ken L. Hildebrandt, PE
Director of Public Works
12000 Findley Road, Suite 400
Johns Creek, GA 30097-1412

To whom it may concern,

Sufficient transfer/disposal capacity, as applicable, exists at Richland Creek Landfill to accommodate City Of Johns Creek from January 1, 2009 to December 31, 2015.

These assurances are based upon Allied Waste disposing of approximately **83,333** tons of MSW and Bulky Waste at this Facility on an annual basis; the remaining transfer/disposal capacity at Richland Creek Landfill; and the amount of MSW and Bulky Waste otherwise received at Richland Creek Landfill.

Appropriate arrangements are in place such that Richland Creek Landfill will reserve a portion of its capacity on behalf of City Of Johns Creek over the remaining life of Richland Creek Landfill.

The Georgia EPD permit number for this Facility is **067-032D(SL)**. The current remaining permitted capacity of Richland Creek Landfill is **11,721,766** cubic yards.

BFI Waste Systems Of Georgia, LLC DBA, Richland Creek Landfill understands that this assurance does not obligate any person to use Richland Creek Landfill.

Sincerely,



Timothy D. Johnson
General Manager
770-271-3575

AN ORDINANCE ESTABLISHING SOLID WASTE COLLECTION SERVICES WITHIN THE CITY OF JOHNS CREEK; PROVIDING FOR THE SCOPE AND NATURE OF THE OPERATION; PROVIDING FOR THE DISPOSAL OF GARBAGE, SOLID WASTE AND REFUSE; PROVIDING PROCEDURES FOR THE HANDLING OF COMPLAINTS; REQUIRING INDEMNITY INSURANCE; PROVIDING FOR REVOCATION AND AMENDMENT; PROHIBITING ASSIGNMENT AND SUBLETTING OF THE CONTRACT WITHOUT CONSENT; PROVIDING FOR FORFEITURE; AND MAKING OTHER PROVISIONS

- WHEREAS:** Several companies ("Company") currently operate solid waste services within the corporate city limits pursuant to their contracts with their customers; and
- WHEREAS:** The City of Johns Creek ("City") seeks to provide standards of operation, regulation, and oversight in the providing of solid waste services within the corporate city limits; and
- WHEREAS:** It is in the interest of the City and its citizens to offer companies currently providing such services a non-exclusive contract on such terms and conditions as will provide the City with the controls and options necessary to provide for the public good.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF JOHNS CREEK HEREBY ORDAINS:

Section 1. Definitions.

- 1.0 For the purpose of this ordinance, whenever inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined in this Section 1 or otherwise in this ordinance shall be given their common and ordinary meaning.
- 1.1 The following words, terms, phrases and their derivations shall, in this ordinance, have the meaning given in this section.
- 1.1.1 "City Clerk" shall mean the City Clerk or City Secretary of the City.
- 1.1.2 "City Council" or "Council" shall mean the governing body of the City.

- 1.1.3. "City Manager" shall mean the City Manager or his/her authorized designee.
- 1.1.4 "Customer" shall mean any firm, person, entity, corporation or organization that contracts with the Company for the collection of Residential and/or Commercial Refuse and Waste, whether such service is used by said firm, person, entity, corporation, organization or others
- 1.1.5 "Residential and Commercial Refuse and Waste" shall mean any refuse, rubbish, garbage or waste material that is not Hazardous waste and all Commercial and Residential Refuse. Residential and Commercial Refuse and Waste shall include materials designated for recycling and yard/landscape waste; and all construction and demolition waste,
- 1.1.6 "Effective Date" shall be immediately upon adoption.
- 1.1.7 "EPD" shall mean the Environmental Protection Division of the State of Georgia's National Resource Department
- 1.1.8 "Gross Receipts" shall mean the total amount collected by the Company from any and all Customers for services rendered under authority of this Ordinance.
- 1.1.9 "Hazardous Waste" shall mean waste in any amount which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate State agency by or pursuant to Federal or State law, or waste in any amount which is regulated under Federal or State law. For purposes of this agreement, the term hazardous waste shall also include motor oil, gasoline, paint, paint cans, and solvents.
- 1.1.10 "Non-Exclusive Contract" shall mean this Ordinance, and all the rights and obligations established herein.
- 1.1.11 "Residential Refuse" shall mean all household and domestic garbage, trash and rubbish and used materials resulting from inhabiting a residential unit; or construction or remodeling work generated by a person or persons dwelling in a Residential Unit.
- 1.1.12 "Residential Unit" shall mean a dwelling unit designed for, or, in the normal course of use, occupied by a person or a family, e.g. a single family house, duplex apartment unit or triplex apartment unit, that is situated in a building having less than four (4) such separate residential units. For the purpose of this Contract, a "Residential Unit" shall not include any mobile home park, apartment building, condominium, nursing home, or similar residential, convalescent or multi-family dwelling, whether of single or multi-level construction, consisting of four (4) or more dwelling units.

1.1.13 "Street" or "Alley" shall mean all publicly dedicated or maintained streets, alleys, easements and rights-of-way, a portion of which is open to use by the public of vehicular travel.

1.1.14 "Commercial Refuse" shall mean any garbage, trash, rubbish and used materials resulting from the operation of a business, company, corporation, or other commercial entity within a structure zoned for such business; or construction or remodeling work generated by a person or persons associated with preparing a structure for such use.

1.1.15 "Company" whether used in the singular or plural tense, shall mean any entity organized to provide collection and disposal of all putrescible and non putrescible solid, semi-solid, and liquid wastes within the City of Johns Creek, whether on a one-time contract basis or a recurring basis.

1.1.16 "City" means the City of Johns Creek, Georgia, an incorporated municipal government in Fulton County, State of Georgia. Boundaries defining the City limits may be changed via annexation ordinances approved by the City Council for which any new boundary created shall be subject to this contract.

Section 2. Grant of Non-Exclusive Contract.

The City shall hereby grant to Companies a non-exclusive contract pursuant to the terms set forth herein to use the public streets, alleys, roads and thoroughfares within the City for the purpose of operating and engaging in the business of collecting and disposing of Residential and Commercial Refuse and Waste; including, but not limited to, contracting with Customers and providing service pursuant to contract therefore, placing and servicing containers, operating trucks, vehicles and trailers, and such other operations and activity as are customary and/or incidental to such business and service.

Section 3. Term.

The term of any agreement shall be for a period of one (1) year beginning on the effective date of the Contract execution and terminating on the first anniversary of said date. The Company shall begin performance under this contract immediately after the effective date of the Contract execution.

Section 4. Scope and Nature of Operation.

- 4.1 *Residential and Commercial Refuse and Waste.* The Company may collect and deliver for disposal all Residential and Commercial Refuse and Waste accumulated within the corporate limits of the City by the Company's Customers and the words "refuse", "garbage", "trash" and "waste" when used in this Ordinance are used for convenience and, unless the context shows otherwise, refer to and are limited to Residential and Commercial Refuse and Waste. The Company will furnish the personnel and equipment to collect refuse, provide the services described herein, and as contracted for with its Customers, in an efficient and businesslike manner.
- 4.2 *Service Provided.* Company shall provide container, bin and other collection service for the collection of Residential and Commercial Refuse and Waste according to the individual Customer agreements and applicable City regulations and shall make provision for the special collection of such refuse and waste upon request. The Company shall cause or require its equipment, containers and bins to be kept and maintained in a manner to not

cause or create a threat to the public health and shall keep the same in a good state of repair.

- 4.3 *Collection Operation.* (a) Save and except as provided in this Section, collection shall not start before 7:00 AM or continue after 7:00 PM at any location; provided that collections: (i) made in a manner that does not cause or result in loud noise; (ii) that are made at a location which will not cause the disturbance of persons occupying the premise or neighboring property; or (iii) that may be made at any time except to perform emergency work required to safeguard the immediate health, safety and welfare of the public. If the City receives complaints from customers, hours of operation will be subject to a mutually agreeable solution between the Company and the City. Other exceptions to collection hours shall be effected only upon the mutual agreement of the Customer and only when such exception will not result in the disturbance of occupants of the property served or of neighboring properties, or when the Company reasonably determines an exception necessary due to unusual circumstances. Subject to the ordinances and regulations adopted by the Council, the frequency of collection shall be determined by each individual customer agreement.
- 4.4 *Holidays.* The Company shall observe such holidays as it, in its sole discretion, determines appropriate.

Section 5. Vehicles to be Covered and Identified.

All vehicles used by Company for the collection and transportation of refuse shall be covered at all times while loaded and in transit to prevent the blowing or scattering of refuse onto the public streets or properties adjacent thereto, and such vehicles shall be clearly marked with the Company's name in letters not less than two (2) inches in height.

Section 6. Regulation of Containers.

The Company may rent or lease containers to any customer within the corporate limits of the City for refuse storage and collection purposes subject to the following requirements:

- 6.1 All containers shall be constructed and maintained according to good industry practice;
- 6.2 All containers shall be equipped with stable covers to prevent blowing or scattering of refuse while being transported for disposal of their contents;
- 6.3 All containers, save and except those being used for the purpose of collecting and storing rubble, building and scrap construction materials, shall be equipped with covers suitable to prevent blowing or scattering refuse and access to the container by animals while the container is at the site designated by Customer;
- 6.4 All containers shall be periodically cleaned, maintained, serviced and kept in a reasonably good state of repair, to prevent the unreasonable accumulation of refuse residues, to avoid excessive odor and harborage for rodents and flies resulting from excessive residues remaining after collection of containers; and
- 6.5 All containers shall be clearly marked with the Company's name and telephone number in letters not less than two (2) inches in height.
- 6.6 All containers shall not be on public rights of way and shall be located so as to not interfere, block, obstruct or impede the normal use of any sidewalk, street, alley

driveway or fire lane, or to block, obstruct or impede sight distance at street, road or alley intersections.

Section 7. Disposal of Refuse.

The Company will deliver all Residential and Commercial Refuse and Waste collected by it from its customers within the City, except for materials which the Company may select for recovery and recycling, to a disposal facility that is permitted by the EPD to accept such refuse and waste. Rules and regulations governing hours of operation and disposal practices at the disposal facility will be observed and followed by the Company while engaged in the disposal of refuse pursuant to this Ordinance.

Section 8. Fees and Reporting.

- 8.1 *Contract Processing and Management Fee.* The City may establish a fee to cover the costs associated with administering and monitoring the activities of Companies providing services pursuant to this Ordinance or any resulting Contract. Any such fee shall be paid by each company in conjunction with the submission of a Request for Contract, as provided in Section 19.
- 8.2 *Other Fees.* There shall be no other special fees assessed by the City specifically for the right to provide services pursuant to this Ordinance or a resulting Contract. However, this provision does not preclude the requirement that the Company comply with the City's general taxes, fees, and charges.
- 8.3 *Reporting.* Any Company providing service pursuant to this Ordinance or a resulting Contract shall from time to time provide the City with the necessary statistics regarding waste collected and disposed which shall allow the City to comply with State reporting requirements.

Section 9. Compliance with Law.

The Company shall conduct under this Ordinance in compliance with the material provisions of all applicable local, state and federal laws, rules and regulations, and with the general specifications contained in this Ordinance.

Section 10. Insurance Provided by Company.

- 10.1 *Minimum Coverage Requirements.* The Company shall maintain throughout the term of its Contract, property damage coverage, general liability insurance, and automobile liability insurance for any vehicles owned or operated by Company, with an insurance company authorized and licensed to do business in the State of Georgia and acceptable to the City, insuring against claims for liability and damages for the benefit of the City. The insurance shall include the City as an additional insured. Property damage coverage insurance under this section shall be a minimum of Five Hundred Thousand and No/100 Dollars (\$500,000). Automobile liability insurance under this section shall, at a minimum, have limits of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for bodily injury for each person, and Five Hundred Thousand and No/100 Dollars (\$500,000) for each occurrence, and property damage of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000) for each occurrence and general liability insurance under this section shall be a minimum of Five Hundred Thousand and No/100 Dollars (\$500,000) for the protection of the public in connection with:

- 10.1.1 *Property Damage.* Liability to persons or damages to property, in any way arising out of or through the acts or omissions of Company, its servants, agents or employees or to which Company's negligence shall in any way contribute;
- 10.1.2 *Miscellaneous.* Arising out of any claim or invasion of the right of privacy, for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation;
- 10.1.3 *Contractors.* Arising out of Company's operations and relationships with any independent contractor or subcontractor.
- 10.2 *Employer's Liability.* If the Company is required by Georgia Statute, the Company shall maintain throughout the term of the Contract resulting from this Ordinance the requisite statutory workers' compensation insurance, and a minimum of One Hundred Thousand and No/100 Dollars (\$100,000) employer's liability insurance.
- 10.3 *Certificate of Insurance.* The insurance policy, or policies, obtained by the Company in compliance with this section shall be approved by the City Manager in the City Manager's reasonable discretion, and the certificate of insurance for the insurance policy shall be filed and maintained with the City during the term of the Contract resulting from this Ordinance with a copy of the endorsement required under Section 10.4 to be attached or made a part of such certificate.
- 10.4 *Endorsements.* All insurance policies maintained pursuant to this Ordinance shall contain the following conditions by endorsement:
 - 10.4.1 *Additional Insured.* The City shall be an additional insured and the term "owner" and "City" shall include all authorities, Boards, Bureaus, Commissions, Divisions, Departments and offices of the City and the individual members, officers, employees and agents thereof in their official capacities and/or while acting on behalf of the City.
 - 10.4.2 *Other Insurance Clause.* The policy clause "Other Insurance" shall not apply to the City when the City is an insured on the policy;
 - 10.4.3 *No Recourse.* Companies issuing the insurance policies shall not recourse against the City for payment of any premium or assessment.
- 10.5 *Increase Requirements.* The City may chose to amend this Ordinance to make reasonable adjustments to the insurance coverage and their limits when deemed necessary and prudent based upon changes in statutory law, court decisions, or the claims history of the industry.

Section 11. Indemnification and Hold Harmless.

The Company agrees to indemnify, defend and save harmless the City, its agents, officers and employees, against and from any and all claims by or on behalf of any person, firm, corporation or other entity arising from any negligent act or omission or willful misconduct of the Company, or any of its agents, contractors, servants, employees or contractors, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claim or proceeding brought thereon. Promptly after receipt from any third party by City of a written notice of any demand, claim or

circumstance that, immediately or with the lapse of time, would give rise to a claim or the commencement (or threatened commencement) of any action, proceeding or investigation (an "Asserted Claim") that may result in losses for which indemnification may be sought hereunder, the City shall give written notice thereof (the "Claims Notice") to the Company provided, however, that a failure to give such notice shall not prejudice the City's right to indemnification hereunder except to the extent that the Company is actually and materially prejudiced thereby. The Claims Notice shall describe the Asserted Claim in reasonable detail, and shall indicate the amount (estimated, if necessary) of the losses that have been or may be suffered by the City when such information is available. The Company may elect to compromise or defend, at its own expense and by its own counsel, any Asserted Claim. If the Company elects to compromise or defend such Asserted Claim, it shall, within twenty (20) business days following its receipt of the Claims Notice (or sooner, if the nature of the Asserted Claim so required) notify the City of its intent to do so, and the City shall cooperate, at the expense of the Company, in the compromise of, or defense against, such Asserted Claim. If the Company elects not to compromise or defend the Asserted Claim, fails to notify the City of its election as herein provided or contests its obligation to provide indemnification under this Agreement, the City may pay, compromise or defend such Asserted Claim with all reasonable costs and expenses borne by the Company. Notwithstanding the foregoing, neither the Company nor the City may settle or compromise any claim without the consent of the other party; provided, however, that such consent to settlement or compromise shall not be unreasonably withheld. In any event, the City and the Company may participate at their own expense, in the defense of such Asserted Claim. If the Company chooses to defend any Asserted Claim, the City shall make available to the Company any books, records or other documents within its control that are necessary or appropriate for such defense.

Section 12. Forfeiture and Terminating of Contract.

- 12.1 *Material Breach.* In addition to all other rights and powers retained by the City under this Ordinance or otherwise, the City reserves the right to declare any resulting Contract from this Ordinance forfeited and to terminate the Contract and all rights and privileges of the Company hereunder in the event of a material breach of the terms and conditions hereof. A material breach by Company shall include, but shall not be limited to, the following:
 - 12.1.1 *Fees.* Failure to pay the fees set out in Section 8;
 - 12.1.2 *Telephone Listings.* Failure to keep and maintain a telephone listing and office or answering service that is available by phone without long distance charge during regular business hours for service to the public, and which telephone or office shall, at minimum, provide and maintain the following services:
 - (a) Coordinate and provide information concerning deposits, payments and accounts to Customers and prospective Customers;
 - (b) Respond to Customer and prospective Customer questions and issues about billings, accounts, deposits and services;
 - (c) Coordination with the City with respect to private sector and public works projects and issues related to or affecting the Company's operation; and
 - (d) Immediate response, upon request, to police, fire and other emergency situations in which the public health and safety requires action with respect to or assistance regarding Company's property.
 - 12.1.3 *Failure to Provide Service.* Failure to materially provide the services provided for in this Ordinance;

- 12.1.4 *Misrepresentation.* Material misrepresentation of fact in the application for or negotiation of any contract resulting from this Ordinance; or
- 12.1.5 *Conviction.* Conviction of any director, officer, employee, or agent of the Company of the offense of bribery or fraud connected with or resulting from the award of a contract from this Ordinance.
- 12.2 *Operation Information.* Material misrepresentation of fact knowingly made to the City with respect to or regarding Company's operations, management, revenues, services or reports required pursuant to this Ordinance.
- 12.3 *Economic Hardship.* Company shall not be excused by mere economic hardship or by misfeasance or malfeasance of its directors, officers or employees.
- 12.4 *Forfeiture and Proceedings.* Any unwarranted and intentional neglect, failure or refusal of the Company to comply with any material provision of this Ordinance or resulting Contract within thirty (30) days after written notice from City setting forth the specific provision and noncompliance, said notice to be mailed to Company at its principal place of business by certified mail, return receipt requested, shall be deemed a breach of this Ordinance, and the City Council, upon notice to Company and hearing, may, for good cause declare a Contract forfeited and exclude Company from further use of the streets of the City under this Ordinance, and the Company shall thereupon surrender all rights in and under this Ordinance and Contract.
 - 12.4.1 *Proceedings.* In order for the City to declare forfeiture pursuant to Sections 12.1, 12.4, or 12.4.3, the City shall make a written demand that the Company comply with any such provision, rule, order, or determination under or pursuant to this Ordinance. If such violation by the Company continues for a period of thirty (30) days following such written demand without written proof that the corrective action has been taken or is being actively and expeditiously pursued, the Council may take under consideration the issue of termination of the resulting Contract from this Ordinance. The City shall cause to be served upon Company, at least twenty (20) days prior to the date of such a Council meeting, a written notice of intent to request such termination and the time and place of the meeting. Notice shall be given of the meeting and issue which the Council is to consider.
 - 12.4.2 *Hearing.* The Council shall hear and consider the issue, hear any person interested therein, and shall determine whether or not any violation by the Company has occurred.
 - 12.4.3 *Forfeiture.* If the Council shall determine that the violation by the Company was the fault of Company and within its control, the Council may declare the contract forfeited and terminated, or the Council may grant to Company a period of time for compliance.

Section 13. Transfer, Sale or Conveyance by Company.

The Company shall not transfer, assign, sell or convey any rights granted under any resulting Contract from this Ordinance without the prior approval of the Council expressed by ordinance; provided that this section shall not apply to vehicles, replacements, maintenance, upgrades or modifications of equipment, machinery, containers and buildings by Company for the purpose of maintaining and continuing its operation within the City; and provided further that Company may, in its sole discretion and upon written notice to the City, transfer, assign, sell or convey this Ordinance to a wholly owned subsidiary of the

Company or to an affiliated entity that is under common control with Company (i.e. has a common parent entity).

Section 14. Foreclosure.

Upon the foreclosure or other judicial sale of all or a substantial part of the assets and property of the Company used for and dedicated to providing service pursuant to this Ordinance, the Company shall notify the City of such fact, and such notification shall be treated as a notification that a change in control of the Company has taken place and the provisions of this Ordinance governing the consent of the Council to such change in control of the Company shall apply. Upon the foreclosure or judicial sale, or the leasing of all or a substantial part of the property and assets of the Company dedicated to and used for the purposes of providing service pursuant to this Ordinance, without the prior approval of the Council, the Council may, upon hearing and notice, terminate any Contract resulting from this Ordinance.

Section 15. Receivership and Bankruptcy.

- 15.1 *Cancellation Option.* The Council shall have the right to cancel any Contract resulting from this Ordinance one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Company, whether in receivership, reorganization, bankruptcy, other action or proceeding, whether voluntary or involuntary, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, unless:
 - 15.1.1 *Trustee Compliance.* Within one hundred twenty (120) days after his election or appointment, such receiver trustee shall have fully complied with all the provisions of this Ordinance and remedied all defaults thereunder; or
 - 15.1.2 *Trustee Agreement.* Such receiver or trustee, within one hundred twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction, whereby the receiver or trustee assumes and agrees to be bound by each and every provision of this Ordinance granted to the Company.

Section 16. Retention of City Police Powers.

The City retains and reserves all of its police powers and the rights, privileges, and immunities that it now has under the law to regulate, patrol and police the streets and public ways within the City, and the granting of any Contract as a result of this Ordinance shall in no way interfere with the improvements to, or maintenance of, any street, alley or public way, and the rights of the City to use said streets, alleys and public ways.

Section 17. Amendments of City Ordinances and Regulations.

The City reserves the right and power, pursuant to its police power, after due notice to Company, to modify, amend, alter, change or eliminate any rules, regulations, fees, charges and rates of the City, and to impose such additional conditions, that are not inconsistent with the rights granted by this Ordinance, upon the Company and all persons, firms or entities of the same class as the Company, as may be reasonably necessary in the discretion of the City Council to preserve and protect the public, health, safety and welfare and/or insure adequate service to the public.

Section 18. Taxes.

The Company shall promptly pay all lawful ad valorem taxes, levies and assessments, if any, that are imposed upon the Company. Absent an administrative or judicial challenge, or appeal, the failure to pay any such tax, levy or assessment shall be a breach of this Ordinance.

Section 19. Acceptance by Company.

Within thirty (30) days after the passage of this Ordinance, or within thirty (30) days of establishing a business within the corporate City limits, all Companies operating a Residential or Commercial Refuse Waste service shall file with the City its acceptance of the terms and provisions of this Ordinance, and request for Contract. The acceptance and request for Contract shall be in writing on the Company's letterhead and provide as follows:

City of Johns Creek
Attention: City Manager
9810-A Medlock Bridge Road, Suite 104
Johns Creek, GA 30097-2056

_____(the "Company"), acting by and through an officer who is acting within its official capacity and authority, hereby accepts this Ordinance to operate a refuse and solid waste collection and disposal system within the City as said Ordinance is set forth and provided herewith. The Company agrees to be bound and governed by each term, provision and condition of the Ordinance, to accept and to give the benefits provided by the Ordinance, and to perform each service and duty set forth and provided for in the Ordinance in a businesslike and reasonable manner and in compliance with the Ordinance.

Company: _____

By: _____

Printed Name: _____

Title: _____

Section 20. Public Necessity.

The Council hereby finds and declares that the public welfare, convenience and necessity require the service which is to be furnished by the Company.

Section 21. Solvability.

If any section, paragraph, subdivision, clause, part or provision hereof shall be adjudged invalid or unconstitutional the same shall not affect the validity hereof as a whole or any part or provision other than the part or parts held invalid or unconstitutional.

Section 22. Captions and Headings.

The use of captions or headings for the various sections of this Ordinance are for convenience of parties only and do not reflect the intent of the parties. The rule of interpretation to solve ambiguities in a contract against the party drafting such contract shall not apply to this Ordinance.

Section 23. No Suspension of Laws.

All provisions of the ordinances of the City as now existing or as may be amended from time to time, and all provisions of the statutes of the State of Georgia applicable to general law cities shall be a part of any resulting contract from this Ordinance as fully as if the same had been expressly stated herein, and said

the City retains and may exercise all of the governmental and police powers and all other rights and powers not directly inconsistent with the terms, conditions and provisions of this Ordinance.

Section 24. Peaceful Employment.

From and after the effective date of this ordinance, the City and the Company shall be and are hereby authorized and entitled to act in reliance upon the terms, conditions and provisions of this Ordinance and any resulting Contract and, subject thereto, the Company shall collect rates for service, operate and conduct its business and work within the City, and enjoy the benefits and privileges of this Ordinance during the term hereof.

Section 25. Open Meetings.


It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, as required by the Open Meetings Act, Georgia Government Code.

Section 26. Endorsements and Records.

The City Clerk is directed to make endorsements as appropriate over his/her official hand and the seal of the City on the form provided at the conclusion of this Ordinance, for the public record and convenience of the citizens, of the date upon which this Ordinance is finally passed and adopted.

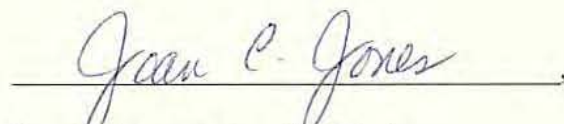
THIS ORDINANCE WAS PASSED AND APPROVED on this the 15th of November, 2006.

Approved:



Michael E. Bodker, Mayor

Attest:



Joan C. Jones, Acting City Clerk
(Seal)

Approved as to Form and Content:



City Attorney

AN ORDINANCE TO ADOPT AND APPROVE CHAPTER 14, ARTICLE 9, LITTER CONTROL, PROVIDING INCLUSION AND IDENTIFICATION IN THE CODE OF ORDINANCES FOR THE CITY OF JOHNS CREEK, GEORGIA AND AN ORDINANCE AMENDING CHAPTER 17, PUBLIC WORKS, OF THE CODE OF ORDINANCES OF THE CITY OF JOHNS CREEK GEORGIA BY DELETING SECTION 5, LITTERING PROHIBITED, AND REPLACING WITH SECTION 5, ILLEGAL DISPOSAL OF WASTE, AND ADDING A NEW SECTION 6, CONSTRUCTION SITE WASTE

- WHEREAS,** the Mayor and Council are the governing authority of the City of Johns Creek; and
- WHEREAS,** the Mayor and Council are charged with the protection of the health, safety, and welfare of the citizens of Johns Creek; and
- WHEREAS,** the Ordinance relating to Chapter 14, Article 9 Litter Control Ordinance is hereby adopted and approved; and is attached hereto as if fully set forth herein; and
- WHEREAS,** this Ordinance shall be designated as Chapter 14, Article 9 of the Code of Ordinances of the City of Johns Creek, Georgia; and
- WHEREAS,** the City of Johns Creek has heretofore adopted an Ordinance relating to Chapter 17, Public Works; and
- WHEREAS,** the Mayor and City Council have determined that it is appropriate to amend Chapter 17 of the Code of Ordinances of the City of Johns Creek by replacing Section 5, Littering Prohibited, with Section 5, Illegal Disposal of Waste, and adding Section 6, Construction Site Waste; and
- WHEREAS,** Chapter 17, Public Works, as amended, is attached hereto as if fully set forth herein; and
- WHEREAS,** these Ordinances shall become effective upon adoption.

NOW THEREFORE, the Council of the City of Johns Creek hereby ordains the Code of the City of Johns Creek is hereby amended by the creation of a new article to an existing chapter referred to as Chapter 14, Article 9: Litter Control, and a revision to an existing Chapter 17: Public Works which shall read as follows:

Chapter 14, Article 9: Litter Control

Section 1: Purpose and Intent

The purpose of this ordinance is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this ordinance are:

- (1) Provide for uniform prohibition throughout the City of Johns Creek of any and all littering on public or private property; and,
- (2) Prevent the desecration of the beauty and quality of life of the City of Johns Creek and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

Section 2: Applicability

This ordinance shall apply to all public and private property within the City of Johns Creek.

Section 3: Compatibility with Other Regulations

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 4: Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Section 5: Definitions

"Litter" means any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., §16-7-51, paragraph 6.

"Public or private property" means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park,

playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

Section 6: Prohibition Against Littering Public or Private Property or Waters

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in this City of Johns Creek or any waters in this City of Johns Creek unless:

- (1) The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a receptacle or container installed on such property; or,
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

Section 7: Vehicle Loads Causing Litter

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway. (Reference O.C.G.A. § 40-6-254.)

Section 8: Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

Section 9: Evidence

- (1) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.
- (2) Except as provided in subsection (1), whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writing which display the name of the person thereon in such a manner as to indicate that the article belongs or

belonged to such person, it shall be a rebuttable presumption that such person has violated this ordinance.

Section 10: Penalties

Any person who violates this ordinance shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

- (1) By a fine of not less than \$200 and not more than \$1,000; and
- (2) In addition to the fine set out in subsection 1 above, the violator shall reimburse the City of Johns Creek for the reasonable cost of removing the litter when the litter is or is ordered removed by the City of Johns Creek; and
- (3)
 - (A) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right of way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 - (B) In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right of way, or with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and,
- (4) The court may publish the names of persons convicted of violating this ordinance.

Section 11: Enforcement

Johns Creek Code Enforcement Officers and the Johns Creek Police Department are hereby authorized, empowered and directed to enforce compliance with this article; however, nothing stated herein shall prohibit other law enforcement agencies, officers or officials of this state from enforcing similar laws or regulations within their jurisdiction.

Chapter 17: Public Works

Section 1 of Amendment. Chapter 17 of the Code of Ordinances of the City of Johns Creek, Georgia is hereby Amended by replacing Section 5, Littering Prohibited, with Section 5, Illegal Disposal of waste, as follows:

Section 5: Illegal Disposal of Waste.

- (a) *Public Property.* It shall be unlawful for any person, firm or corporation, in person or by his agent, employee, or servant, to cast, throw, sweep, sift, or deposit any kind of leaves, dirt, rubbish, waste article, thing, or substance whatsoever, whether liquid or solid anywhere within the jurisdiction of the City in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain, or snow, into or upon any public way or other public place in the City or the river, creek, branch, public water, drain, sewer, or receiving basin within the jurisdiction of the City; provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the City; or to goods, wares, or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed there from within 2 hours after being so deposited; or to articles or things deposited in or conducted into the City sewer system through lawful drains in accordance with the ordinances of the City relating thereto.
- (b) *Private Property.* The acts described in Section (5)(a)(i) of this Article shall also apply to acts committed to or against private property without the consent of the owner.
- (b) All business firms dispensing their product in cups, plates, wrappers, sacks, and other similar forms of containers shall provide adequate metal or plastic containers upon the premises for collection of refuse. It shall be the express responsibility of all such business firms to collect all cups, plates, wrappers, sacks, and other similar forms of containers dispensed by said business that may discarded upon the premises or neighboring street and sidewalks. It further shall be the responsibility of said business to collect the aforementioned items from the premises of the neighboring property when the owners of the property specifically request and authorize the business personnel to enter upon their property for that purpose.
- (c) Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by this section or who violates any order or determination of the department promulgated pursuant to this Article shall be punished as directed by law, and in addition thereto, may be enjoined from continuing the violation. Each day a violation occurs shall constitute a separate offense. Any willful and wanton violation of this subsection resulting in the unlawful littering of the streets, sidewalks, and neighboring property shall be deemed a nuisance and on conviction thereof by the Municipal Court of Johns Creek, the Mayor and Council may after notice and a hearing revoke the business license of the violator.

Section 2 of Amendment. Chapter 17 of the Code of Ordinances of the City of Johns Creek, Georgia is further hereby Amended by adding Section 6, Construction Site Waste, as follows:

Section 6: Control of Construction Site Wastes

Construction site operators must control and properly discard of wastes such as discarded building materials, concrete truck washout, chemicals, and sanitary wastes that may cause adverse water quality impacts at the construction site.

Section 3 of Amendment. This Amendment shall become effective immediately upon its adoption by the Council of the City of Johns Creek, and incorporated into the Code of the City of Johns Creek, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this 22nd day of September, 2008.

Approved:



Michael E. Bodker, Mayor

ATTEST:

Content:


Joan Jones, City Clerk

Approved as to Form and


William F. Riley, City Attorney

Company Name	Materials	County
<u>A & A Recycling</u>	metals, ferrous metals, metal appliances, autos, non ferrous metals, aluminum cans, paper, newspaper, Cardboard, office paper, mixed paper, other paper, glass	Fulton
<u>Accucycle, Georgia's E-Waste Recycler</u>	computer equipment	Fulton
<u>Advantage Laser Products, Inc.</u>	toner cartridges, inkjet cartridges.	Fulton
<u>American Fiber Co. Services</u>	paper, newspaper, Cardboard, other paper, magazines, computer paper, office paper	Fulton
<u>American Recycling of Georgia</u>	mixed paper, magazines, newspaper, office paper, Cardboard, PET, HDPE, Film plastic, PS	Fulton
<u>AmeriSouth Recycling & Consulting Inc.</u>	Paper, cardboard, PET, HDPE, LDPE, PP	Fulton
<u>Atlanta Computer Recycling and Liquidation</u>	computer equipment	Fulton
<u>Atlanta Computer Systems</u>	computer equipment	Fulton
<u>Atlanta Pallets & Service</u>	wood pallets	Fulton
<u>Atlanta Recycling Solutions</u>	computer equipment	Fulton
<u>Bromley Pallet Recyclers</u>	wooden pallets	Fulton
<u>Bryant Textiles</u>	textiles	Fulton
<u>Cartridge World</u>	toner cartridges	Fulton
<u>Cartridge World Lindbergh</u>	ink jet printer cartridges, toner printer cartridges	Fulton
<u>Computer Recycling by Zentech</u>	computer equipment, televisions, cell phones	Fulton
<u>D&D Mobile Shredding</u>	office paper, Cardboard, newsprint, magazines, mixed paper	Fulton
<u>Davis Recycling</u>	metals, non ferrous metals, aluminum cans, rubber, crumb rubber, lead batteries	Fulton
<u>Dixie Pulp & Paper</u>	paper, newspspaer, Cardboard, mixed paper,	Fulton

	magazines, other paper, office paper	
Dreamsan, Inc.	newspaper, PET, HDPE, aluminum cans, Cardboard, magazines, glass	Fulton
Enviro	yard trimmings, wood, wood pallets, clearing debris, concrete, dirt	Fulton
F.P. International, Inc.	polystyrene foam	Fulton
Georgia Mattress	mattresses	Fulton
Georgia Recycling and Waste Control	carpet and carpet padding	Fulton
Georgia Tire Recycling	scrap tires	Fulton
Georgia-Pacific Corp.	paper, newspaper, Cardboard, mixed paper, magazines, other paper, office paper, PET, HDPE, PS, PP, LDPE, film plastic	Fulton
JMG Services LLC	computer equipment, cell phones, printers	Fulton
MDS Services LLC	computer equipment	Fulton
Metro Alloys, Inc.	ferrous metals, non-ferrous metals	Fulton
MicroSeconds	computer equipment	Fulton
Nemo Plastics, Inc.	HDPE, PP, PET, injection grade plastics, film plastics, aluminum, steel cans, OCC	Fulton
Newell Recycling of Atlanta, LLC	metals, ferrous metals, metal appliances, autos, non ferrous metals, aluminum cans, Cardboard	Fulton
Nexis Paper	paper, Cardboard, other paper, phonebooks, office paper	Fulton
Owens-Brockway, Inc.	glass	Fulton
Perkins Auto Recycling	autos	Fulton
Pirkle, Inc.	metals, ferrous metals, metal appliances, non ferrous metals, aluminum cans	Fulton
Pratt Industries Recycling Division	mixed paper, Cardboard, office paper, newspaper, telephone books, magazines, other paper, PET, HDPE, PP, LDPE, PVC, PS, film plastics, clear glass, brown glass, green glass, steel cans, aluminum cans	Fulton
Recall	paper, other paper, office paper	Fulton
Recycled Materials, Inc	PET, HDPE, LDPE, PVC, PS, PP, film plastic	Fulton

Regional Recycling	metals, ferrous metals, steel cans, metal appliances, autos, non ferrous metals, aluminum cans	Fulton
Ribbon Reload Recycling (3R)	toner cartridge, printer ribbon, ink jets, copier and fax toner	Fulton
Sonoco Recycling	cardboard, white ledger, mixed paper, ONP, Standard Office Paper, Hard White Shavings, Hard White Envelope, LPSBS, HPSBS, Unprinted SBS, ferrous metal, aluminum cans, PET, HDPE	Fulton
Star Iron & Metal Co.	metals, ferrous metals, metal appliances, non ferrous metals, aluminum cans	Fulton
Strategic Materials, Inc.	Glass, All Glass Containers, Float & Window Scrap, IG units,	Fulton
United Plastic Recycling, Inc.	PET Preforms, PVC Rigid, HDPE Crate Grade, TPO-Painted, PET-Post Consumer, BOPP, LDPE / LLDPE Film, PP, HDPE-FM, PS	

Company Name	Materials	County
5R Enterprises, LLC	computer equipment, telecommunications gear, NiMH batteries, NiCd batteries, Li-ion batteries	Gwinnett
Atlantix Global Systems	computer equipment	Gwinnett
Better Futures, Inc.	inkjet cartridges, cell phones	Gwinnett
Blaze Recycling & Metals, Inc.	metals, steel cans, metal appliances, autos, non ferrous metals, aluminum cans	Gwinnett
Canvas Systems	computer equipment	Gwinnett
City of Snellville	Cardboard, Newspaper, mixed paper, glass, PET, HDPE, ferrous metal, non-ferrous metal, aluminum cans, carpet padding, car batteries	Gwinnett
CompuPoint USA	computer equipment	Gwinnett
Dolco Packaging Corp.	polystyrene foam, egg cartons	Gwinnett
Eco-Freeze Co.	anti-freeze	Gwinnett
Ecofreeze Company	antifreeze	Gwinnett
E-Recycle USA	Computer equipment	Gwinnett

Evergreen Partnering Group	PS-Food service #6 Polystyrene. No packing peanuts or PS packing material.	Gwinnett
JJS Developments LLC	computer equipment	Gwinnett
Laser Cartridge Renewal	laser toner cartridges, inkjet printer cartridges	Gwinnett
Market Velocity, Inc.	computer equipment	Gwinnett
Newell Recycling of Atlanta, LLC	All non-ferrous and ferrous metals	Gwinnett
PDG Computers	computer equipment, printers	Gwinnett
Pifusion Development Group	computer equipment	Gwinnett
Premiere Waste Services	Construction and Demolition Debris	Gwinnett
Recycle America Alliance	paper, newspaper, Cardboard, mixed paper, magazines, other paper, office paper.	Gwinnett
Rehrig-Pacific Company	HDPE	Gwinnett
Safety-Kleen Norcross	oil filters, motor oil, fluorescent lamps	Gwinnett
Southern Refurb, Inc.	computer equipment, cell phones,	Gwinnett
SP Recycling Corp. Gwinnett	metals, steel cans, aluminum cans, paper, newspaper, Cardboard, mixed paper, magazines, office paper, other paper, glass, PET, HDPE, LDPE, PP, phonebooks	Gwinnett
Tullis Metals	ferrous metals, metal appliances, autos, non ferrous metals, aluminum cans	Gwinnett

Company Name	Materials	County
Polymer Sciences Inc.	PET, HDPE, LDPE, PVC, PS, PP, film plastic	Forsyth