



Manual of Administrative Procedures

MAP 19-1

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Administrative Procedure Solid Waste Landfills Near Certain Public Airports

[Document history](#)

The following Georgia Department of Transportation (GDOT) procedures apply to construction or establishment of Solid Waste Landfills near certain public airports in the State of Georgia.

1. FEDERAL LAW

Pursuant to Title V, Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, hereinafter referred to as AIR-21, no person shall construct or establish a municipal solid waste landfill within six (6) miles of a public airport as defined in Title V, Section 503(d) of AIR-21 unless the Georgia Department of Transportation, herein after referred to as the Department, as the state aviation agency, requests a waiver of exemption for the landfill from the Federal Aviation Administration (FAA).

2. APPLICANT

If an individual or entity (the "Applicant") wishes to construct or establish a solid waste landfill within six (6) miles of an airport as defined in Title V, Section 503(d) of AIR-21, the Applicant must prepare and submit an information package to the Department in compliance with the "Rules of State Department of Transportation, Chapter 672-9-.05", before the Department will consider requesting that the Administrator of the FAA exempt the landfill from the application of AIR-21. Copies of the Rules of the State Department of Transportation, Chapter 672-9-.05 "Construction or Establishment of Solid Waste Landfills Near Certain Public Airports", herein after referred to as "the Rule", are available from the Department's Aviation Programs office or the Office of Legal Services.

3. DEPARTMENT PROCEDURE

All inquiries and applications regarding the establishment of Solid Waste Landfills near certain Public Airports shall be forwarded to the Department's Aviation Programs office for action. For

the purposes of this administrative procedure an application will be defined as a completed GDOT Waste Disposal/Processing Facility Coordination Form and items required in paragraph (b)(2)-(b)(9) of the Rule.

4. AVIATION PROGRAMS PROCEDURE

- a. The Aviation Programs office shall be the central point of contact and responsibility within the Department to act on all matters regarding the establishment of Solid Waste Landfills within six (6) miles of certain public airports.
- b. GDOT Waste Disposal/Processing Facility Coordination Forms, [DOT 1900](#), and any general information regarding the request for waivers for construction of landfills within six (6) miles of certain airports shall be provided to the public and/or potential Applicants.
- c. Upon receipt of an Application for request for waiver, the Aviation Programs office shall confirm the application is complete and contains all required actions in compliance with the Rule. A Waiver Application Checklist will be completed by Aviation Programs.
- d. Acknowledgement of receipt of the application must be submitted to the Applicant within fourteen (14) days of receipt of all required and requested information. An application shall not be deemed submitted and complete until all required and requested information has been received by Aviation Programs, including the Wildlife Hazard Assessment.
- e. A review of the applicant's published public notice(s) will be made for conformance to the requirements of paragraph (b)(3) of the Rule.
- f. A review of the mailing list and notice for all FAA registered pilots and aircraft owners within 60 miles of the affected airport will be conducted for compliance with paragraph (b)(4) of the Rule by Aviation Programs. In accordance with Section 715 of Public Law 106-181 also known as the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, which provides FAA airmen/registered pilots the option to withhold their information from public release, Aviation Programs will interpret ". . . all FAA registered pilots . . ." in paragraph (b)(4) of the Rule to mean all FAA registered pilots whose names and addresses are publicly available from the FAA's Civil Aviation Registry. Registry information for airmen/pilots and aircraft owners is available online at <http://registry.faa.gov/> or by contacting the FAA Civil Aviation Registry at (405) 954-7059.
- g. Determination of the 60 mile radius for notification of FAA registered airmen and aircraft owners can be accomplished using a geographical map with county boundaries, such as the Department's State Highway Map. Using the map's appropriate scale a 60 mile radius should be drawn centered on the affected airport. Airmen and aircraft owners residing within the drawn 60-mile radius should be notified by the applicant. Registry information obtained from the FAA should be requested in a listing by county. At the applicant's option notification can be made to all airmen and aircraft owners residing in a county that is only partially contained in the 60 mile radius. Additionally, at the request of the applicant, assistance is available from the Aviation Programs office in determining the correct zip codes and/or cities for notifying airmen and aircraft owners residing in counties partially contained in the 60 mile radius.
- h. Review applicant's notice to the affected airport owner and owners of any other public,

private or military airport within a 60 mile radius of the affected airport. At the request of the applicant, Aviation Programs shall provide the names and addresses of public, private and military airports within a 60 mile radius of the affected airport in accordance with paragraph (b)(5) of the Rule. Aviation Programs will contact each airport manager of the public, private or military airports identified in paragraph (b)(5) of the Rule. This contact may be written, oral or through electronic means. The Department's contact will serve to verify notification as attested by the Applicant and to request airport managers provide notification to their tenants including any commercial air carriers certificated under Federal Aviation Regulations (FAR) Part 121. Additionally, Aviation Programs will contact any affected commercial air carriers certificated under Federal Aviation Regulations Part 121 to confirm notification of the application.

- i. A review of any copies of information submitted by the applicant to the Georgia Department of Natural Resources – Environmental Protection Division or other state agencies will be conducted. Review comments will be listed on the Waiver Application Checklist. Applicant will be contacted for clarification and resolution of any inconsistent information.
- j. The FAA Southern Regional Air Traffic Services' Airspace Study and established flight procedures report will be reviewed by Aviation Programs. Any determination or recommendations from FAA will be noted on the Waiver Application Checklist along with any agency review comments.
- k. A review of the Wildlife Hazard Assessment received as a requirement of the Rule, shall be conducted by the Aviation Programs office. The USDA Wildlife Services' determination contained in the Wildlife Hazard Assessment will be entered on the Waiver Application Checklist along with any review comments. Applicants are urged to submit their written request for a Wildlife Hazard Assessment to the Department as soon as possible, to allow sufficient time for completion of the study. In accordance with paragraph (b)(8) of the rule, the Department will initiate commission of study and contract with the USDA. The USDA Wildlife Services will provide a scope of services, time of performance and cost for the study specific to the applicant's proposed landfill site and the affected airport. Prior to the Department's official notice to proceed to USDA, the applicant shall be required to provide full payment to the Department for the cost of the study.
- l. Any additional information deemed relevant and submitted by the applicant shall be reviewed. This information shall be listed as received on the Waiver Application Checklist along with any review comments.
- m. The Department shall require a public hearing if within 30 days of the publication of the notice specified in paragraph (b)(3) of the Rule, Aviation Programs receives requests for a public hearing from at least twenty-five (25) persons who are residents of the State of Georgia, a governmental subdivision, or by an association having not less than 25 members. The public hearing shall be held in the county where the affected airport is located. The Department, in its sole discretion, may hold a public hearing in such county even if less than twenty-five (25) requests are received. The Department shall determine the date, time, location, wording of notice and other details as required for any public hearing held. All costs of providing notice of the hearing, conducting the hearing, and the cost of transcribing the hearing shall be borne by the Applicant.
- n. The criteria upon which the Aviation Programs office will evaluate any exemption request

shall include, but not limited to the following:

- Any adverse impact on aviation safety;
 - Other pre-existing natural features in the area of the affected airport that may adversely impact aviation safety;
 - Any adverse impact upon the users, owners, or managers of the affected airport, any military or other air facilities in the area of the affected airport, or citizens living in the vicinity of the affected airport;
 - Any adverse impact upon airports within a 60-mile radius of the affected airport;
 - Any adverse impact on safety of the traveling public of the State;
 - The affected airport's role in meeting the overall needs of the state-wide transportation system; and
 - Any adverse economic impact resulting from the foregoing criteria.
- o. Aviation Programs shall have forty-five (45) days to review the completed application and transcribed comments of any public hearing held and enter a written final recommendation that the Department will or will not request that the Administrator of the FAA exempt the landfill from AIR-21, including the reasons for the decision. Prior to release of the written recommendation to the Applicant, Aviation Programs recommendation will be forwarded through the Office of Legal Services and the Commissioner of the Department for concurrence in the final determination.
- p. The Department's final decision will be subject to judicial review as provided in the Georgia Administrative Procedures Act.
- q. When the Department's final decision is to request an FAA waiver, Aviation Programs shall process such waiver request to the FAA Administrator with a copy to the Applicant.
- r. Upon receipt of FAA Administrator's decision regarding the granting of a waiver, the Applicant shall be notified with a copy of the FAA decision notification within seven (7) days of receipt by the Department.

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