

11.1 Description of the County

11.1.1 Background

Oglethorpe County is located on the eastern edge of the planning area. The County has four municipalities. Lexington, the county seat, Crawford, Arnoldsville and Maxeys. The County covers 436 square miles. Most of the County is rural. Most of the more densely populated areas are on the western edge of the County.

11.1.2 Population

The most recent population figures from the 2000 U.S. Census show the County population to be 12,635. Table 11-1 shows the 2000 population, by census zone. The 2004 population is estimated to be 14,154.

Table 11-1
Oglethorpe County and Census Zone Population

City	Population
Lexington-Crawford CCD, Oglethorpe County, Georgia	9,290
Maxeys CCD, Oglethorpe County, Georgia	1,715
Vesta-Enterprise CCD, Oglethorpe County, Georgia	1,630
Total	12,635

Source: 2000, U.S. Census

11.1.2.1 Seasonal Population Changes

The County does not experience any significant seasonal changes in population.

11.1.2.2 Number of Households

The total number of households in the County planning area in 2000 was 5,368. Table 11-2 shows the number of single and multi-family households in the planning area from the 2000 U.S. Census.

**Table 11-2
Housing Units, Oglethorpe County**

Type	Amount
Single Family Housing	3,488
Multi-Family Housing	1,880
Total	5,368

Source: 2000, U.S. Census

11.1.3 Economic Activity

As identified by the Georgia Department of Labor (2002), Table 11-3 indicates for the County the number of businesses and number of employees for each sector identified by NAISC code.

**Table 11-3
Oglethorpe County Employment by NAICS Category**

OGLETHORPE COUNTY		
Industry	Number of Firms	Number of Employees
Goods Producing	73	464
Agriculture, forestry, & fishing	17	107
Mining	12	120
Construction	27	113
Manufacturing	17	124
Food Manufacturing	0	0
Beverage & tobacco mfg	0	0
Textile mills	0	0
Textile product mills	*	*
Apparel Manufacturing	*	*
Leather & allied product mfg		
Wood product Manufacturing	*	*
Paper Manufacturing	*	*
Printing and related activities	*	*
Petroleum and coal products mfg	0	0
Chemical Manufacturing	0	0
Plastics & rubber products mfg	0	0
Nonmetallic mineral product mfg	*	*

OGLETHORPE COUNTY		
Industry	Number of Firms	Number of Employees
Primary metal Manufacturing	0	0
Fabricated metal product mfg	4	18
Machinery Manufacturing	*	*
Computer & electronic product mfg	*	*
Electrical equipment/appliance	0	0
Transportation equipment	0	0
Furniture and related product mfg	*	*
Miscellaneous mfg industries	*	*
Service Producing	106	688
Wholesale trade	7	32
Retail trade	24	143
Transportation and warehousing	*	*
Utilities	*	*
Information	*	*
Finance and insurance	8	50
Real estate and rental and leasing	*	*
Professional, scientific/tech svcs	15	41
Management: companies/enterprises	0	0
Administrative and waste svcs	13	125
Educational services	*	*
Health care and social services	7	97
Arts, entertainment and recreation	0	0
Accommodation and food services	7	37
Other services (except government)	8	12
Unclassified - industry not assigned	*	*
Total - Private Sector	182	1,159
Total - Government	21	531
Federal government	4	16
State government	7	44
Local government	10	470

Source: 2002, Georgia Department of Labor

11.2 Waste Disposal Stream Analysis

11.2.1 Inventory of Waste Disposed

Oglethorpe County reports that 571 tons of solid waste was delivered to MSW landfills in FY 2003 and 1,314 tons was disposed of in construction and demolition landfills. EPD tonnage reports provided by DCA show similar tonnages. The tons of solid waste disposed in an MSW landfill translates to .24 pounds per person per day, significantly lower than the state average. It is assumed that much of the solid waste that is delivered to the Athens-Clarke County landfill from Oglethorpe County is identified as waste from Athens-Clarke County. Despite the fact that Oglethorpe County is permitted to use this landfill, many individuals and private haulers are unaware of this fact and think that they have to claim the waste is from Athens-Clarke County to use the landfill. In addition, many haulers bring in waste that they have collected from both Athens-Clarke County and Oglethorpe County but report that the load as an Athens-Clarke County load.

Table 11-4 shows the results of an analysis that breaks down the waste reportedly disposed from Oglethorpe County in MSW and C and D landfills, by sector. A telephone survey of landfills in the State of Georgia, conducted by R.W. Beck, Inc., suggests that of the waste delivered to MSW landfills, 66.6 percent is MSW (generated by the commercial or residential sector), 12.3 percent is construction and demolition debris, 14 percent is industrial, and 7.1 percent is sludge or biosolids. These percentages were allocated to the amount of waste disposed of in MSW landfills from Oglethorpe County and its municipalities.

Table 11-4
Waste Disposed by Sector (4Q 2002 through 3Q 2003)
Oglethorpe County

Sector	Tons to MSW Landfill	Tons to C&D Landfill	Total Tons
Residential	224		224
Commercial	156		156
Industrial	80		80
C&D	70	1,314	1,384
Sludge/Biosolids	41	N/A	41
TOTAL	571	1,314	1,885

To break down the MSW portion of the waste sent to MSW landfills by residential and commercial generators, preliminary results from the first season of sampling for the Georgia Department of Community Affairs (DCA) waste composition study were used. Results from 120 samples taken from three landfills in the State indicated that approximately 32 percent of the waste stream comes from commercial generators and 46 percent comes from residential generators. The remaining 22 percent was in

transfer trailers and thus the source was not identifiable. For purposes of this analysis, it is assumed that the waste in the transfer trailers has the same residential/commercial split as the rest of the MSW delivered to the MSW landfills.

11.2.1.1 Waste Characterization

Preliminary analysis of waste characterization from the DCA sampling study shows the percentage of each type of material in the commercial and residential waste disposed of in an MSW landfill, shown in Table 11-5. These results suggest that 63 percent of the residential and commercial waste disposed of in landfills sampled in Georgia is paper or organic material. Once the waste characterization study is complete, these percentages can be revised to be more specific to the northeast Georgia region.

Table 11-5
Projected Characterization of MSW Disposed from Oglethorpe County¹

Material	Average
Newspaper	4.9%
Corrugated Cardboard	9.6%
Office	2.5%
Magazine/Glossy	3.0%
Paperboard	3.9%
Mixed (Other Recyclable)	3.3%
Other (Non-recyclable)	10.0%
Total Paper	37.2%
#1 PET Bottles	1.7%
#2 HDPE Bottles	1.2%
#3-#7 Bottles	0.3%
Expanded Polystyrene	1.6%
Film Plastic	8.1%
Other Rigid Plastic	3.9%
Total Plastic	16.9%
Clear	2.0%
Green	0.5%
Amber	1.6%
Other	0.5%
Total Glass	4.6%

Material	Average
Steel Cans	1.9%
Aluminum Cans	1.0%
Other Ferrous	2.9%
Other Non-Ferrous	0.8%
Total Metal	6.6%
Yard Waste	1.5%
Wood (non-C&D)	2.1%
Food Waste	11.9%
Textiles	3.8%
Diapers	2.7%
Fines	3.3%
Other Organics	0.8%
Total Organics	26.0%
Drywall	0.2%
Wood	3.1%
Inerts	0.2%
Carpet	1.4%
Other C&D	1.0%
Total C&D	5.9%
Televisions	0.1%
Computers	0.1%
Other Electronics	1.3%
Tires	0.3%
HHW	0.2%
Other Inorganics	0.9%
Total Inorganics	2.8%
Total	100.0%

¹ Based on sampling data from Georgia Waste Characterization, Fall 2003

11.2.1.2 Unique Conditions and/or Seasonal Variations

Oglethorpe County knows of no unique conditions or seasonal variations that will dramatically change the amount of waste projected.

11.2.1.3 Waste Generating Disasters

Without knowing the type and degree of an unanticipated disaster, Oglethorpe County can not project the amount or type of waste that would need to be managed from such an event. However, any additional yard trimmings that would need to be managed would be delivered to Athens-Clarke County to be ground with the County’s tub grinder. Any additional MSW would be delivered to the Athens-Clarke County landfill with landfills in Barrow or Banks County serving as back-ups.

11.2.2 Projections of Waste to be Disposed

Table 11-6 shows waste projections based on the estimated per capita waste disposed in the most recent year for which data are available. In Oglethorpe County, approximately .14 tons were disposed of per capita per year, .04 tons per capita per year in the MSW landfills. If this per capita disposal rate were to remain the same, it is estimated that 2,407 tons per year would be disposed by the end of the planning period.

**Table 11-6
Waste Disposal Projections at Current Per Capita Disposal Rate
Oglethorpe County**

Estimated Per Capita Disposed	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Population	13,494	13,820	14,154	14,496	14,846	15,204	15,572	16,040	16,427	16,824
Tons	1,931	1,977	2,025	2,074	2,124	2,175	2,228	2,295	2,350	2,407

11.2.2.1 Per Capita MSW Disposal Reduction Goal

In 1991, since Oglethorpe County had no historic scale data, the Northeast Georgia Regional Solid Waste Management Plan assumed that the per capita disposal rate was equivalent to the estimated regional average (without Athens-Clarke County) of .79 tons per capita per year. If this base year tonnage and the tonnage of waste reported by the County are used, Oglethorpe County’s per capita disposal rate would show a decline in waste of by 95 percent between 1991 and 2003. EPD’s data showing 1,056 tons were disposed from fourth quarter 2002 through third quarter 2003 in MSW landfills still results in a disposal rate of .08 tons per capita per year. In reality, the per capita disposal rate is unlikely to be this low; however, these are the only data that are available to make these determinations.

11.3 Waste Reduction Element

11.3.1 Inventory of Waste Reduction Programs

This section provides detailed information on Oglethorpe County's existing waste reduction programs that target the residential, commercial/institutional, industrial, construction and demolition, and yard trimming sectors and waste streams.

11.3.1.1 Source Reduction Programs

Oglethorpe County uses an Educational Grant funded PR program to promote source reduction, reuse and recycling initiatives. Educational programs are described in more detail in Section 10.6.

11.3.1.2 Recycling

Oglethorpe County operates three drop-off centers plus a C&D drop-off center that are available to all County residents. These centers accept paper (newspaper, corrugated cardboard, office paper, magazines, telephone books, junk mail, etc.) and all containers (aluminum and steel cans, glass, plastic, and juice/milk cartons). Materials are shipped to the Athens-Clarke County RMPF. The C&D drop-off center also accepts and recycles white goods and metals free of charge.

The City of Lexington uses a private hauler to recycle glass and plastic containers. Tables 11-6 and 11-7 describe the recycling programs and facilities available to Oglethorpe County.

Table 11-7
Recycling Programs in Planning Area (2003)

Type of Program	Jurisdictions	Population Served	Operated by:	Materials Accepted	Tons Diverted (2003)
Drop-Off Center	Oglethorpe County	12,635	Oglethorpe County	Newspaper /Magazines/ Catalogs	126.56
				Corrugated Cardboard	N/A
				Telephone Books	N/A
				Aluminum Cans	N/A
				Steel Cans	N/A
				Glass Bottles	68.71
				Juice/Milk Cartons	N/A
				Plastic Bottles	N/A
Curbside Recycling	City of Lexington	100 HH	City of Lexington	Glass Bottles	N/A
				Plastic	N/A

Source: Oglethorpe Solid Waste Department

**Table 11-8
Recycling Facilities**

Facility Name	Facility Type	Owner/Operator	Jurisdictions Served	Sectors Served	Materials Accepted	Tons Processed (2003)
Athens-Clarke County Materials Recycling Facility	RMPF	Athens-Clarke County/F CR	Oglethorpe County	Residential/Commercial	Newspaper, magazines, catalogs, corrugated cardboard, telephone books, aluminum cans, steel cans, plastic, glass, juice/milk cartons	20

11.3.1.3 Yard Trimmings Programs and Facilities

Oglethorpe County does not collect yard trimmings or compostable materials. The City of Maxeys reports that it has many residents who compost and mulch leaves. Some residents also have compost bins for backyard composting of household waste. A very minimal quantity is transported to the landfill. Table 11-9 describes the yard trimmings diversion programs operating in the County.

**Table 11-9
Yard Trimmings Programs (2003)**

Program	Owner/Operator	Jurisdictions Served	Sector Served*	Materials Accepted	Final Disposition
Home composting educational program	Individual Residents	City of Maxeys	R	Vegetative food, yard trimmings	Residents make and use compost

11.3.1.4 Items Requiring Special Handling

The Oglethorpe County C&D landfill collects and recycles scrap metal, oil and white goods. Table 11-10 describes the programs in place to divert these materials from disposal.

**Table 11-10
Management of Special Materials**

Material	Targeted Sector(s) ¹	Management Strategy	Final Disposition of Material(s)
Scrap Metal	R	Collected at County C&D landfill	Recycled
Motor Oil	R	Collected at County C&D landfill	Disposed at special materials landfills
White Goods	R	Collected at County C&D landfill	Recycled

¹ R= Residential, I=Industrial, C=Commercial, CD= C&D

11.3.2 Assessment of Waste Reduction Programs

The drop-off centers are available to all County residents and the County has an arrangement with Athens-Clarke County to accept these materials for recycling. Based on the information reported in the Waste Disposal Stream Analysis, results indicate that 63 percent of the waste disposed in Georgia landfills is paper or organic waste. Thus, the County might want to consider stepping up efforts to promote awareness of paper recycling at the drop-off centers and home composting, and possibly develop more programs to divert yard trimmings to increase diversion rates for these materials.

11.3.3 Needs and Goals

Based on the inventory and assessment, adequacy of current programs and other programmatic options, including costs, Oglethorpe County has developed the following waste reduction needs and goals:

- Ensure that the County continues to pursue the State’s 25% reduction in the amount of solid waste received at disposal facilities;
- Increase education and awareness of recycling programs and opportunities for paper and organic waste materials by having the County Code Enforcement Officer work with civic groups and schools; and
- Sustain waste reduction programs for the next 10 years.

11.4 Collection Element

11.4.1 Inventory of Existing Collection Programs

Oglethorpe County operates staffed convenience centers with green box drop off sites. The Cities contract directly with haulers for collection within their jurisdictions.

Crawford contracts with Georgia Waste for once per week curbside service and handicap pulls when needed. This contract is paid for partially through taxes and

partially by individuals. Georgia Waste picks up bagged household garbage. Commercial customers may use the City service or they have the option of using a dumpster which they can contract a hauler for on their own.

Lexington also uses Georgia Waste for once per week pick up. The City has a contract with the Georgia Waste paid from general tax revenues

Maxeys uses Ogle Enterprises, a local hauler for residential curbside pick up. Service is voluntary and fee based by the hauler. Citizens who elect not to use the contracted hauler can use the County green bag program. A list of the haulers operating in the County and a description of the collection programs are described in Tables 11-11 and 11-12.

**Table 11-11
Haulers Operating in Planning Area**

Hauler Name	Hauler Address	Sector Served ¹	Jurisdiction(s) Served	Arrangement ²
Georgia Waste	4999 Bold Springs-Monroe, GA-20656	R, C	Lexington	Operates under permit from the City paid from tax revenues.
Georgia Waste	4999 Bold Springs-Monroe, GA-20656	R, C	Crawford	Operates under permit from the Cities and contracts directly with residential customers.
Ogle Enterprises	Arnoldsville, GA	R	Maxeys plus others	Operates under permit from the Cities and contracts directly with residential customers.
F04 Waste Disposal	Arnoldsville, GA	R,C	Various	Contracts directly with customers.

¹ R= Residential, I=Institutional, C= Commercial, CD= C&D

² i.e., contract with local government, franchise agreement with local government, independent contract with generators, etc.

Source: Oglethorpe County Solid Waste Department

**Table 11-12
Inventory of Collection Programs**

Type	Collector	Program Description	Jurisdictions Served	Sectors Served ¹	Contractual Arrangements
Drop-off Collection	Oglethorpe County	Staffed convenience centers and green box drop off programs	Oglethorpe County	R	County hauls to Athens-Clarke County
Curbside Collection	Georgia Waste	Weekly curbside collection of garbage	Crawford	R, C	Contracts directly with residential customers.
Curbside Collection	Georgia Waste	Weekly curbside collection of garbage and recyclables	Lexington	R, C	Operates under permit from the City.
Curbside Collection	Ogle Enterprises	Weekly collection of garbage	Maxeys	R	Operates under permit from the Cities and contracts directly with residential customers.
Commercial Collection	Private Hauler	Negotiated by Business	Crawford	C	Entities arrange for collection with hauler of choice.
Commercial Collection	Private Hauler	Negotiated by Business	Lexington	C	Tax paid.

11.4.1.1 Contingency Strategy

In the event of an emergency or natural disaster, Oglethorpe County would contract with a private hauler to transport waste to the Athens-Clarke County landfill. The County estimates that it would take approximately two to three days to put a contingency plan in place.

11.4.2 Assessment of Collection Programs

Collection programs for solid waste are sufficient to meet existing community needs. The more populated areas have at the source collection and the convenience centers are available for all citizens. As the population grows, the County will continue to review what is needed to serve community needs, developing systems for at-the-source collection as needed. The County will also move away from the green box sites and towards a full system of staffed convenience centers.

11.4.3 Inventory of Illegal Dumping/Littering

Oglethorpe County has a moderate problem with illegal dumping with cases averaging about 15 per month. Offenders are issued a citation by the County Code Enforcement Officer.

11.4.4 Assessment of Programs to Address Illegal Disposal

Oglethorpe County relies on public information programs and aggressive code enforcement to keep illegal dumping to a minimum. Given that illegal dumping is still a moderate problem, the County will continue its public education efforts to increase awareness about the problem and the penalties.

11.4.5 Needs and Goals

Oglethorpe County’s goal for collection is to ensure efficient and effective collection of solid waste in the region over the next ten years.

11.5 Disposal Element

11.5.1 Inventory of Solid Waste Disposal Facilities

Oglethorpe County owns and operates a construction and demolition debris landfill (permit number 109-002D (SL)) located on US-78 that has an estimated remaining life of 11 years. There is one inert landfill that has been issued a permit-by-rule in the County. The Terry K. Pahl inert landfill (Permit No.109-06IL) is located on highway 78, three miles west of Crawford.

Private haulers operating in the County contract individually to transport waste to the landfill of their choice. Much of it is transported to the Athens-Clarke landfill and the Chamber’s R&B landfill.

Table 11-13 shows where waste from Oglethorpe County is likely to be disposed during the planning period based on where waste went in the past and the estimated capacity of landfills in the region.

Table 11-13
Inventory of Disposal Facilities and Thermal Treatment Technologies to be Used During
the Planning Period (2004 - 2013)

Facility Name	Jurisdiction(s) Using Facility	Physical Address	Owner/ Operator	Facility Type	Types of Waste Accepted	Year Expected to Reach Capacity
Clarke County- Athens Dunlap Road	Oglethorpe County	US 78 4.5 MI E Athens	Athens-Clarke County	MSWL	MSW	7/29/2016

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Facility Name	Jurisdiction(s) Using Facility	Physical Address	Owner/ Operator	Facility Type	Types of Waste Accepted	Year Expected to Reach Capacity
BFI Richland Creek Rd Landfill Gwinnett County	Oconee County	Off Richland Crk Rd NW of Buford	BFI	MSWL	MSW	1/29/2021
BFI Hickory Ridge Landfill DeKalb County	Oconee County	I-285 & Moreland Ave Atlanta, GA	BFI	MSWL	MSW	6/29/2005
Cherokee County Pine Bluff Landfill	Oconee County	US 78 4.5 MI E Athens	Athens-Clarke County	MSWL	MSW	1/1/2059
Oak Grove Landfill	Oconee County	E Cherokee Dr Between SRRr5 & SRr20 Canton, GA	USA Waste, Inc.	MSWL	MSW	11/1/2008
Banks County R&B Chambers Landfill	Oconee County	Off SR 324 3 mi SW of Winder	Republic Waste	MSWL	MSW	5/21/2040
Oglethorpe Co-US 78 C/D Landfill	Oconee County	US 78 one mile from Crawford	Oglethorpe County	C&D	C&D	2014

11.5.1.1 Assurance of 10-Year Capacity

Oglethorpe County has an agreement with Athens-Clarke County for the disposal of Oglethorpe's municipal solid waste at the Athens-Clarke County landfill. The agreement has no termination date and will remain in effect until such time as either of the counties takes action to terminate it.

Oglethorpe County also a letter of disposal capacity assurance from the Unified Government of Athens-Clarke County documenting that the landfill has adequate disposal capacity until 2016, well beyond the range of the planning period. This letter is included at the end of this Section. Table 11-14 indicates the County's intention to use its landfill for C&D waste and the Athens-Clarke County landfill for MSW.

Table 11-14
Disposal Capacity Assurance Summary (2004-2013)

Oglethorpe County	Year 1 (2004)	Year 2 (2005)	Year 3 (2006)	Year 4 (2007)	Year 5 (2008)	Year 6 (2009)	Year 7 (2010)	Year 8 (2011)	Year 9 (2012)	Year 10 (2013)
Amount of Waste	1,931	1,977	2,025	2,074	2,124	2,175	2,228	2,295	2,350	2,407
Amount to Athens-Clarke County landfill ¹	584.79	598.91	613.38	628.19	643.37	658.90	674.82	695.12	711.90	729.10
Amount to Oglethorpe County C&D	1345.74	1378.24	1411.52	1445.61	1480.53	1516.29	1552.91	1599.62	1638.25	1677.82

¹ Assumes that all waste from the County is delivered to Athens-Clarke County landfill. Private haulers contracting directly with generators may deliver this waste to other landfills.

11.5.1.2 Contingency Strategy

In the event of an emergency or natural disaster that prevented Oglethorpe County from being able to dispose their solid waste at the Athens-Clarke County landfill, the County would contract immediately with another privately-owned landfill for interim disposal. A contingency plan should be implemented within one to two days.

11.5.2 Assessment of Disposal

Oglethorpe County’s current disposal practices should be adequate for the ten-year planning period. The County has an indefinite agreement with Athens-Clarke County for the disposal of MSW and a letter of disposal capacity assurance from the landfill guaranteeing disposal capacity until 2016 which is well beyond the 10-year planning period.

11.5.3 Statement of Needs and Goals

Oglethorpe County’s goal is to ensure that disposal facilities in the region meet regulatory requirements and can continue to support and facilitate effective solid waste handling programs for the next ten years.

11.6 Education and Public Involvement Element

11.6.1 Inventory of Public Education and Involvement

Oglethorpe County has an ongoing Enforcement and Education Grant that handles all PR work. Table 11-17 describes the public education and involvement activities in the County.

**Table 11-15
Existing Environmental Education Initiatives**

Program/Activity	Jurisdictions Covered	Operated by	Target Audience	Number of Participants per Year	Description of Impact
Public Education	Oglethorpe County	Code Enforcement	Schools, civic groups	500-1000	Raises awareness of environmental issues

11.6.2 Assessment of Public Education and Involvement

Oglethorpe County may need to find other source of funding for its public education and enforcement program if the state grant funds become unavailable for this purpose.

11.6.3 Statement of Needs and Goals

Oglethorpe County’s goal with regard to public education and involvement is to ensure that residents and businesses in the County understand the issues, needs, and goals of the solid waste management system.

11.7 Land Limitation Element

11.7.1 Inventory of Land Areas

In 1997, the Northeast Georgia Solid Waste Management Authority conducted a regional landfill site suitability study. As part of this study, the ten counties developed siting criteria and screened all land within the ten-county area to determine the suitability of all sites for landfill development.

Figure 11-1 shows a map of the ten-county region with areas shaded that are considered unsuitable and of limited suitability for a solid waste disposal facility. These determinations were made based on water protection and land use criteria and host community concerns established by the Northeast Georgia Regional Solid Waste Management Authority. Table 11-16 identifies the criteria and whether the presence of these factors excluded a site altogether or lowered the ranking of the site for landfill suitability.

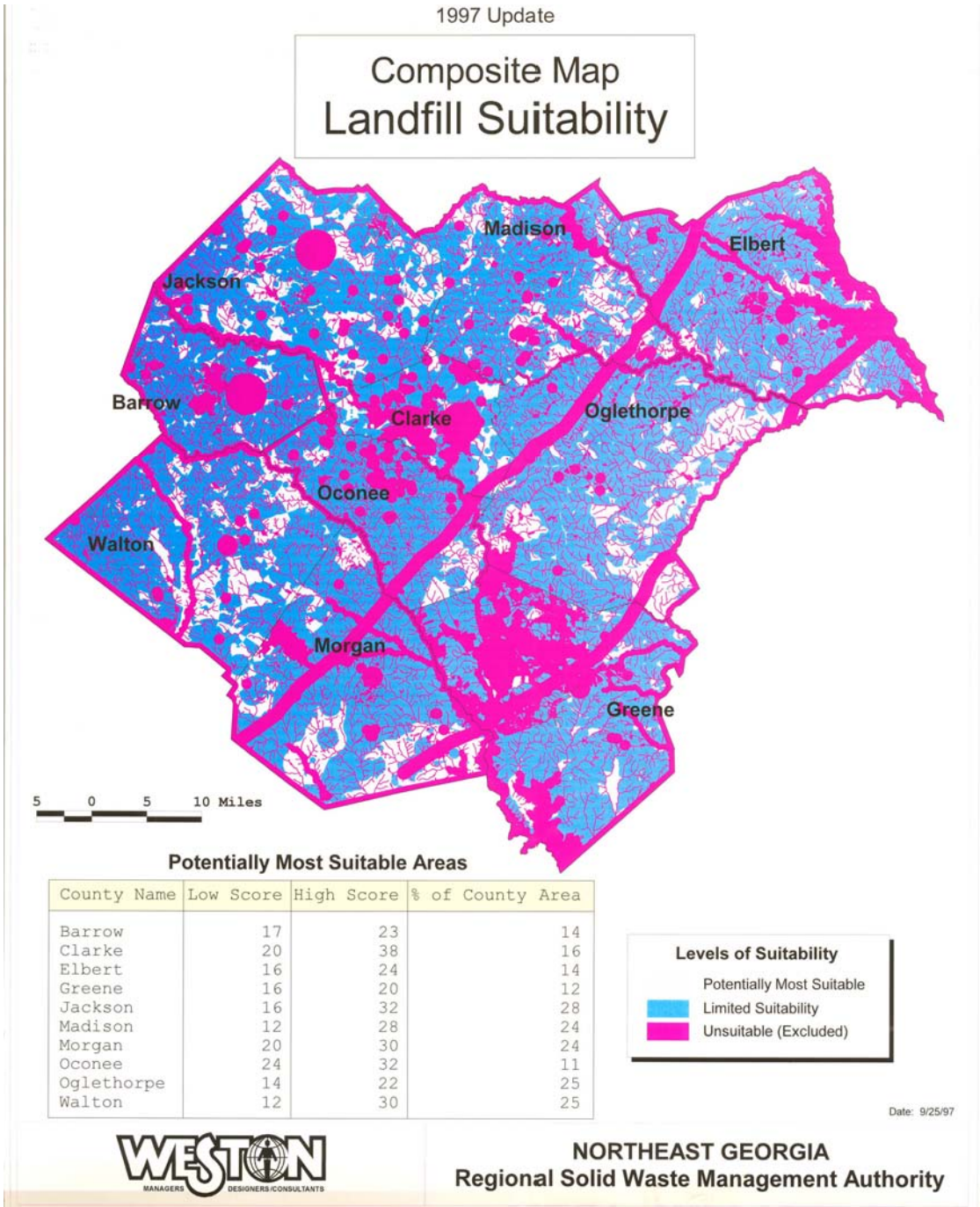


Figure 11-1

**Table 11-16
Regional Landfill Suitability Criteria**

	Criteria	Type
Water Protection (Geotechnical)	Major Fault Zone	Exclusionary
	Public Drinking Water Sources	Exclusionary
	Hydrologically Sensitive Area	Ranked
	Private Drinking Water Wells	Ranked
	Lakes, Rivers, and Creeks	Exclusionary
	Floodplains	Exclusionary
	Wetlands	Exclusionary and Ranked
	Steep Areas	Exclusionary
Land Use	Airports	Exclusionary
	Nonparticipating County Borders	Exclusionary
	Public Lands and Parks	Exclusionary
	Population Density	Exclusionary and Ranked
	Historic and Key Archaeological Sites	Ranked
	Biological/Rare Element Sites	Ranked
Host Community Concerns	Existing Pollution Sources	Ranked

Oglethorpe County is in the process of approving a zoning ordinance that would set further limits on where solid waste handling facilities could be sited in the County. The draft ordinance states that “pursuant to the law of the State of Georgia, Oglethorpe County has adopted a Comprehensive Solid Waste Plan that includes limitations on the siting of solid waste facilities based on environmental and land use factors”.

11.7.2 Procedures for Siting Solid Waste Facilities

Any entity requesting a renewal or issuance of a solid waste handling permit from EPD must demonstrate that the facility or facility expansion is consistent with the local government’s solid waste management plan. The County will use the following criteria to determine whether the issuance of the requested permit is consistent with the Solid Waste Management Plan.

- Determine whether the proposed facility or facility expansion is sited in an area deemed unsuitable according to one of the criteria list above (in groundwater recharge area; located within two miles of a municipal water supply; on soils poorly suited for development; on slopes of greater than 25 percent; presence of major highways, roads, and airports; on urban or built up lands; water bodies or wetlands; or on federal, state, or public lands).
- Determine whether the proposed facility or facility expansion is sited in a location that is consistent with local zoning ordinances.

- Determine whether the proposed facility or facility expansion negatively impacts other natural or cultural resources of the County.
- Determine whether the proposed facility or facility expansion negatively impacts the current solid waste management infrastructure of the County;
- Determine whether the proposed facility or facility expansion negatively impacts collection capability and disposal capacity identified in the Plan.
- Determine whether the proposed facility or facility expansion negatively impacts the County's ability to contribute to the State's 25 percent waste reduction goal.
- Determine whether the proposed facility or facility expansion negatively impacts the financial viability of the County's solid waste management system.

No proposed facility or facility expansion will be sited in the County without a letter from the County Commission stating that the facility is consistent with the Solid Waste Management Plan. The County Commission will hold at least one public hearing to gather input to make this determination.

11.7.3 Assessment of Land Limitation

Approximately 75 percent of the land area in Ogelthorpe County is considered unsuitable or of limited suitability for siting a landfill.

The procedure described above, once put into place, will help ensure that facilities sited in the County are consistent with this Plan.

11.7.4 Needs and Goals

The County's goal with regard to land limitation is to ensure that proposed solid waste handling facilities are compatible with surrounding areas, are placed in areas suitable for such developments, and are consistent with the Solid Waste Management Plan.

11.8 Implementation Strategies

11.8.1 Summary of County Needs and Goals

Oglethorpe County has established the following needs and goals as part of its Solid Waste Management Plan:

- To ensure efficient and effective collection of solid waste in the County over the next ten years.
- To contribute to the statewide goal of 25 percent per capita reduction in the amount of solid waste disposed of in 1992.
- To ensure that disposal facilities in the region meet regulatory requirements and can continue to support and facilitate effective solid waste handling programs for the next ten years.

- To ensure that residents and businesses in the region understand the issues, needs, and goals of the solid waste
- To ensure that proposed solid waste handling facilities are compatible with surrounding areas, are placed in areas suitable for such developments, and are consistent with the Solid Waste Management Plan.
- To achieve a balanced and affordable solid waste management plan implementation strategy, while also meeting the goals and requirements of state law.

11.8.2 Statement/Demonstration of 10-Year Collection Capability

Collection programs for solid waste are sufficient to meet existing community needs. The more populated areas have curbside collection and the convenience centers are available for all citizens. As the population grows, the County will continue to review what is needed to serve community needs, developing systems for at-the-source collection as needed. The County has moved away from the green box sites and toward a full system of staffed convenience centers.

11.8.3 Statement/Demonstration of 10-Year Disposal Capacity

Oglethorpe County's current disposal practices should be adequate for the ten-year planning period. The County has an indefinite agreement with Athens-Clarke County for the disposal of MSW and a letter of disposal capacity assurance from the landfill guaranteeing disposal capacity until 2016 which is well beyond the 10-year planning period.

11.8.4 Short Term Work Program (5-Year List of Programs/Work Activities)

Table 11-17 indicates the five year implementation strategy to meet the County's needs and goals, by element.

Table 11-17
Northeast Georgia
Solid Waste Management Plan Short-Term Work Program
2004 – 2008
Oglethorpe County

Action	04	05	06	07	08	Responsible Party	\$\$	Possible Funding
AMOUNT OF WASTE ELEMENT								
<i>Goal: To determine the amount and composition of solid waste generated in the region in order to establish a sound information base upon which to make management decisions and determine if state and local goals are met.</i>								
1. The County will use EPD's disposal capacity reports and DCA's waste characterization data to quantify the amount and type of waste disposed in the County.	x	x				County		
COLLECTION ELEMENT								
<i>Goal: To ensure efficient and effective collection of solid waste in the region over the next ten years.</i>								
1. County will operate staffed convenience centers.	x	x	x	x	x	County	\$10K/site/yr	Solid Waste Fund
2. City of Lexington will continue to contract with a private firm for the collection of residential solid waste.	x	x	x	x	x	City of Lexington/ Private Firm	N/A	N/A
3. City of Crawford will continue to contract service for collection of residential and commercial solid waste.	x	x	x	x	x	City of Crawford	\$14,400	Gen tax revenue
4. City of Maxeys will to offer curbside collection for its residents on a voluntary basis through a private hauler.	x	x	x	x	x	City of Maxeys		Fee paid directly to hauler

**Table 11-17
Northeast Georgia
Solid Waste Management Plan Short-Term Work Program
2004 – 2008
Oglethorpe County**

Action	04	05	06	07	08	Responsible Party	\$\$	Possible Funding
WASTE REDUCTION ELEMENT								
<i>Goal: To ensure a 25 percent reduction by 1996 in the amount of solid waste disposed of in the region Landfill and to sustain waste reduction programs for the next 10 years.</i>								
1. Oglethorpe County will operate staffed drop-off sites for recyclables and send recovered materials to the Athens-Clarke County RMPF.	x	x	x	x	x	Oglethorpe County	\$10K/year/ site	Solid Waste Fund
2. The City of Lexington will continue to use a private hauler to collect glass and plastic at curbside.	x	x	x	x	x	City of Lexington/ Private Firm	N/A	N/A
3. County and municipalities will encourage commercial recycling programs.	x					County/ Municipalities	\$5K/year	Solid Waste Fund
DISPOSAL ELEMENT								
<i>Goal: To ensure that disposal facilities in the region meet regulatory requirements and can continue to support and facilitate effective solid waste handling programs for the next ten years.</i>								
1. Oglethorpe County will continue to own and operate a C&D landfill.	x	x	x	x	x	Oglethorpe County/ Municipalities	N/A	N/A
2. Private haulers will continue to deliver MSW to landfills of their choice, however; a capacity assurance agreement with Athens-Clarke County will remain in force.								

Table 11-17
 Northeast Georgia
 Solid Waste Management Plan Short-Term Work Program
 2004 – 2008
 Oglethorpe County

Action	04	05	06	07	08	Responsible Party	\$\$	Possible Funding
3. County will promote education and enforcement programs concerning illegal dumping as long as state grants remain in place to support.	x	x	x	x	x	County	\$10K/year	Solid Waste Fund/Donations
PUBLIC EDUCATION AND INVOLVEMENT ELEMENT								
<i>Goal: To ensure that residents and businesses in the region understand the issues, needs, and goals of the solid waste management system.</i>								
1. Municipalities will work with the County for coordination of public education activities.	x	x	x	x	x	Cities/County	N/A	N/A
2. The County's Code Enforcement Department will continue to work with civic groups and schools to awareness of environmental issues.	x	x	x	x	x	County	N/A	N/A
LAND LIMITATION ELEMENT								
<i>Goal: To ensure that proposed solid waste handling facilities are compatible with surrounding areas and are placed in areas suitable for such developments.</i>								
1. County will ensure sufficient land use controls are in place.	x	x	x	x	x	County	---	---
2. County will review all permit requests for new solid waste handling facilities or expansions for consistency with SWMP.	x	x	x	x	x	County, NEGRSWMA	---	---

OGLETHORPE COUNTY

ROBERT C. JOHNSON, *CHAIRMAN*

SHEILA C. ARNOLD, *CLERK*

BOARD OF COMMISSIONERS
P. O. BOX 261 • (706) 743-5270
LEXINGTON, GEORGIA 30648
FAX (706) 743-8371

COMMISSIONERS
BOBBY R. ARNOLD
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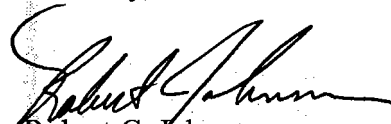
January 12, 2004

Kathy Botticello
R.W. Beck
800 N. Magnolia Ave.
Suite 300
Orlando, FL 32803

Dear Ms. Botticello:

This is to confirm that Oglethorpe County is participating in the multi-jurisdictional planning headed up by the Northeast Regional Solid Waste Authority.

Sincerely,



Robert C. Johnson
Chairman

RCJ/sa





September 1, 2004

Robert Johnson, Chairman
Oglethorpe County Board of Commissioners
P.O. Box 261
Lexington, Georgia 30648

Chairman Johnson:

This letter serves as a disposal capacity assurance for waste generated by Oglethorpe County from 2004 to 2013. The Georgia EPD permit number for this facility is 029-012D(SL). This assurance is based upon Oglethorpe County and the municipalities of Lexington, Crawford, Arnoldsville, and Maxeys disposing of approximately 600 tons of waste at this facility on an annual basis.

If you should have any questions or comments, please call me at (706)613-3508.

Sincerely,

A handwritten signature in cursive script, appearing to read 'C. Bradley Rickard'.

C. Bradley Rickard, P.G.
Landfill Superintendent

SOLID WASTE

P.O. Box 1868 • Athens, Georgia 30603 • (706) 613-3501



STATE OF GEORGIA

COUNTY OF CLARKE

CONTRACT FOR USE OF LANDFILL

THIS CONTRACT, made and entered into this 5th day of August, 1992 between THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA, a body corporate and politic and a political subdivision of the State of Georgia, hereafter called "Athens-Clarke County", and THE BOARD OF COMMISSIONERS OF OGLETHORPE COUNTY, GEORGIA, a political subdivision of the State of Georgia, hereafter referred to as "Oglethorpe County",

W I T N E S S E T H :

WHEREAS, Athens-Clarke County is the owner of land in Oglethorpe County which is adjacent to the existing Athens-Clarke County Landfill, and

WHEREAS, Oglethorpe County is approaching full capacity at its current landfill, and

WHEREAS, Athens-Clarke County and Oglethorpe County agree to develop the land in Oglethorpe County presently owned by Athens-Clarke County for landfill purposes, as shown on Exhibit "B" and designated as Parcel C of the Potentiometric Map (revised dated 4/3/92) of the EPD approved Site Suitability Study, and

WHEREAS, Oglethorpe County is attempting to obtain approval for its current landfill to be used for inert materials and construction/demolition debris for the joint use of Athens-Clarke County and Oglethorpe County, and

WHEREAS, Athens-Clarke County and Oglethorpe County desire to develop a strategy that addresses the short term, interim and long term landfill, recycling, and all other waste management needs of both counties; and

WHEREAS, both counties realize that the first step in addressing this strategy is to enter into a contract regarding the use of the present Athens-Clarke County Landfill for solid wastes and the possible use of the Oglethorpe County landfill for inert material and construction/demolition debris,

NOW THEREFORE, for and in consideration of the mutual promises and benefits set out below, it is agreed between the parties as follows:

1. TIPPING FEES

a. Athens-Clarke County and Oglethorpe County shall pay the published tipping fee for use of the Athens-Clarke County Landfill as recorded at the Athens-Clarke County Landfill, and as approved by the Athens-Clarke County Commission.

b. Athens-Clarke County and Oglethorpe County shall pay the published tipping fee for use of the Oglethorpe County Landfill for inert wastes and construction/demolition wastes, as recorded at the Oglethorpe County Landfill, and as approved by the Oglethorpe County Board of Commissioners.

c. Fees are to be reviewed annually and, as appropriate, updated. The annual review of fees should consider cost elements similar to those evaluated in the "Landfill Tipping Fee Analysis" attached hereto as "Exhibit A".

d. Athens-Clarke County agrees to defer all fees, with no interest, incurred by Oglethorpe County for a period of six (6) months from the date Oglethorpe County begins to dispose solid wastes in the Athens-Clarke County Landfill. This deferment is based on the recognition that Oglethorpe County shall have significant start-up expenses in connection with this contract. The first payment on this deferred amount shall be due at the end of the twelfth (12th) month after solid waste is placed in land located in Oglethorpe County and owned by Athens-Clarke County or on January 1, 1995, whichever date is later. Payment of this deferment shall be made on a monthly basis, in an amount equal to five percent (5%) of the total deferred fees, until the deferred amount is paid in full.

e. Each party shall be billed at the end of every month with the fees being due and payable by the last day of the following month. If said fees are not received by the Athens-Clarke County Finance Department, or the Oglethorpe County Commission, by the due date, a 10% penalty on any balance due shall be assessed. If all past due amounts are not received within ninety (90) days of the date of billing, the government responsible for the operation of the respective landfill shall not accept any solid wastes or inert and/or construction/demolition wastes for disposal until the amounts are paid in full by the owing party, and/or shall take appropriate action to collect amounts owed.

f. Changes in Tipping Fees shall be reviewed by the Joint Solid Waste Coordinating Committee, as outlined in Section 14 of this document, prior to implementation by either government.

2. HOST FEES

a. The "host county" shall be that County in which the landfill property, currently receiving solid wastes for disposal, is located. The "non-host county" shall be that County which is depositing wastes within the boundaries of the host county.

b. The host county shall receive a one dollar (\$1.00) per ton host fee, from the approved and published tipping fee, on the total waste weight/volume entering the Athens-Clarke County Landfill. The weight/volume totals are to be accumulated monthly with a copy being available to either county upon request. Said host fee shall increase at the rate of five (5) cents for every one (1) dollar, or part thereof, increase in the tipping fee (exclusive of host fee). For the purpose of future calculations, the initial tipping fee for the Athens-Clarke County Landfill is established at \$11.00 per ton. Any host fee charged by Oglethorpe County for the inert and/or construction/demolition landfill shall not exceed, on a percentage basis (host fee divided by tipping fee), that charged at the landfill operated by Athens-Clarke County for municipal solid waste.

c. The host fee for the preceding month shall be due and payable by the last business day of the following month. If said fees are not received by the Athens-Clarke County Finance Department, or the Oglethorpe County Commission, by the due date, a 10% penalty on any balance due shall be assessed. If all past due amounts are not received within ninety (90) days of the date of billing, the government responsible for the operation of the respective landfill shall not accept any solid wastes or inert

and/or construction/demolition wastes for disposal until the amounts are paid in full by the owing party, and/or shall take appropriate action to collect amounts owed.

3. TERM OF CONTRACT

a. This contract shall begin on the date of execution of this contract by both parties and shall remain in effect until such time as the existing Athens-Clarke County Landfill is no longer in operation, unless terminated by the action of either Athens-Clarke County or Oglethorpe County, as specified in Section 16.

b. The non-host county shall give thirty (30) days' written notice to the host county of its intent to begin disposing wastes in their respective landfills.

4. WASTE TRANSPORTATION

Each party shall be responsible for providing its own waste transportation to the Athens-Clarke County Landfill or the Oglethorpe County Landfill.

5. COMPLIANCE WITH ORDINANCES

Both parties agree that they will comply with all present and future Athens-Clarke County Ordinances, policies and regulations regarding the use and operation of the Athens-Clarke County Landfill and all present and future Oglethorpe County Ordinances, policies and regulations regarding the use and operation of the Oglethorpe County Landfill. Both parties shall have prior notification and opportunity for input on any proposed changes or

revisions to these ordinances and/or policies before said changes or revisions are implemented as provided in Section 14. Athens-Clarke County agrees to amend its present Landfill Ordinance to prohibit the disposal of inert wastes (with the exception of yard trimmings) and construction/demolition wastes in the Athens-Clarke County Landfill when the Oglethorpe County Landfill becomes permitted as an inert wastes and construction/demolition wastes landfill.

6. PERMIT REQUIREMENTS

Athens-Clarke County shall be responsible for all regulations regarding the management of the Athens-Clarke County Landfill that are required under any Georgia Department of Natural Resources - Environmental Protection Division (EPD) permit(s). Oglethorpe County shall be responsible for all regulations regarding the management of the Oglethorpe County Landfill that are required under any EPD permit(s).

7. ORIGIN OF WASTE

The host county agrees to accept solid waste generated within the boundaries of the non-host county. Anyone depositing waste in either landfill under this paragraph shall comply with all present and future ordinances, policies and regulations regarding the use and operation of said landfill.

8. RESTRICTIONS ON USE OF BOTH LANDFILLS

Both parties agree to prohibit the placement of solid waste,

inert materials, or construction/demolition debris originating outside the geographical limits of Athens-Clarke County and Oglethorpe County within either of the current landfill areas. Any and all exceptions to this restriction must be approved, in writing, by both the Athens-Clarke County and Oglethorpe County Commissions.

9. USE OF LAND IN OGLETHORPE COUNTY

It is specifically agreed by the parties that expansion of the existing Athens-Clarke County Municipal Solid Waste Landfill shall be limited to the areas designated as Parcels B & C on the Potentiometric Map (revised dated 4/3/91) of the EPD approved Site Suitability Study and attached hereto as Exhibit B.

Should Oglethorpe County decide for any reason to terminate this contract, it agrees that Athens-Clarke County shall be allowed continued use of Parcel C, as more particularly described on the Potentiometric Map referenced above, for landfill purposes without any recourse or interference from Oglethorpe County.

10. DIVISION OF FEES

a. Recycling elements of the tipping fee structure, similar to that element identified as "recycling" in Exhibit A, shall be distributed each month to the respective counties based on their pro-rata share of the monthly usage at the landfill including any such fee element in the tipping fee structure. Each county's percentage, of this element of the tipping fee, during any year will be determined by multiplying the estimated population for the

element of the landfill tipping fee, will be based on the estimated population for the county, for each of the calendar years in which fees were paid, times the annual average per capita tons of solid waste generated by each county's population during that calendar year divided by the total number of tons of solid waste placed in the landfill during that calendar year. The total payment to each county shall be the sum of the yearly contributions of each county plus accrued interest, as calculated using the above defined method, during the life of this contract.

The annual, or most recent, population estimates of the U.S. Bureau of Census (Series P-26) will be used for each year's calculation, unless an alternate method is agreed to by the Joint Solid Waste Coordinating Committee. Further, for the purpose of calculating this fee, the annual average per capita generation of solid waste for Oglethorpe County will be no less than 0.6388 tons (3.5 pounds per capita per day).

c. The future site development element of the landfill tipping fees shall be maintained separately in a manner to be determined by the Joint Solid Waste Coordinating Committee. The division of the account on termination of this agreement shall be governed by this contract.

d. All other elements of the tipping fees, unless jointly agreed at some future time, shall be retained by the operating jurisdiction.

11. RECYCLING AND WASTE REDUCTION

Both parties agree that they will engage in developing

county, for the calendar year prior to the calendar year in which the fees are being paid, times the annual average per capita tons of solid waste generated by each county's population during the previous calendar year divided by the total number of tons of solid waste placed in the landfill during the previous calendar year (see Exhibit "D"). The annual, or most recent, population estimates of the U.S. Bureau of Census (Series P-26) will be used for each year's calculation, unless an alternate method is agreed to by the Joint Solid Waste Coordinating Committee. The recycling fees distribution percentages shall be recalculated each year upon the availability of the above noted census estimates, but by not later than July 1 of each year, and shall remain in effect for the next twelve (12) months or until next calculated. Further, for the purpose of calculating this fee, the annual average per capita generation of solid waste for Oglethorpe County will not be less than 0.6388 tons (3.5 pounds per capita per day).

These fees shall be paid within the month following the month in which the fees are collected.

b. Should either party desire to terminate this contract, the monies collected, from the future site development element of the landfill tipping fees, similar to that defined as "future site development cost" in Exhibit A, will be distributed to the respective counties based on their pro-rata share of the landfill usage during the life of this contract. Upon termination of this contract, as provided for in Section 16, such funds shall be distributed to each county within ninety (90) days of their written request for such funds. Each county's yearly percentage, of this

recycling and waste reduction strategies in their respective counties in order to achieve the solid waste reduction goal outlined in the Georgia Solid Waste Management Act of 1990.

12. CLOSURE

Both parties agree that each party shall be responsible for closure of their respective landfills.

13. POST CLOSURE USE

a. After closure of the portion of the Athens-Clarke County Landfill located in Oglethorpe County, the land will be developed in accordance with a plan that is mutually acceptable to both counties.

b. The utilization and funding for said project shall be negotiated at the time of development of the use plan.

14. JOINT SOLID WASTE COORDINATING COMMITTEE

a. Both parties agree that a Joint Solid Waste Coordinating Committee shall be established consisting of three (3) appointments from each county. This committee shall meet on a regularly scheduled basis as mutually agreed upon by the members, or as called by the Chairman/Chief Elected Officer of either County.

b. The members of the Committee shall elect a Chairman from its members who shall serve for a term of one (1) year. The chairmanship shall alternate yearly between the two counties. The Chairman shall be a voting member of the Committee.

c. The purpose of this Committee shall be to keep each

county informed of any developments on solid waste management at a local, state and national level, to discuss any changes in fees, policies, regulations and ordinances at both landfills, to attempt to resolve any problems or disputes that may arise between the parties, and to develop strategies for the further implementation of the intent of this agreement relative to joint long range solid waste management programs.

15. MEDIATION

Should a dispute arise between the parties that cannot be resolved through the Joint Solid Waste Coordinating Committee or by the governing bodies, both parties agree that as an alternative to a court proceeding, non-binding mediation shall be utilized prior to any lawsuit being filed. This mediation shall be governed according to the rules and regulations promulgated in the Georgia Planning Act of 1989 as a part of the Growth Strategies law, a copy of which is attached hereto as "Exhibit C".

16. TERMINATION OF CONTRACT

a. This contract shall be valid for the duration of the life of the Athens-Clarke County Landfill, or the Oglethorpe County Construction/Demolition Landfill, whichever date is later, unless sooner terminated. Should either party desire for any reason to terminate this contract, that party shall give the other party a minimum thirty-six (36) months' written notice of its intent to terminate.

b. All outstanding debts owed by either party to the other

shall be paid as of the date of termination.

17. CHANGES TO THE CONTRACT

This contract contains the entire understanding between the parties and there shall be no changes to this contract unless agreed to in writing by both governing bodies. This Contract may be renegotiated if there is a substantial change in the status or usability of the Athens-Clarke County Landfill or the Oglethorpe County Landfill.

IN WITNESS WHEREOF, the parties have set their hands and seals to this contract on the day and year first above written.

**THE UNIFIED GOVERNMENT OF
ATHENS-CLARKE COUNTY, GEORGIA**

BY: *Dwain O'Leary*

CHIEF ELECTED OFFICER

ATTEST: *Gregory Spaulding*

CLERK OF COMMISSION

OGLETHORPE COUNTY, GEORGIA

BY: *W.A. Bryant*

CHAIRMAN

ATTEST: *Rudolph M. Paul*

CLERK OF COMMISSION

EXHIBIT D

EXAMPLE FEE CALCULATIONS

PER TON HOST FEE CALCULATION FOR 1994 (EXAMPLE)

Assumptions:

1. Initial Tipping Fee (Exclusive of Host Fee) = \$11.00/ton (See Exhibit A)
2. Projected FY 1994 Tipping Fee (Exclusive of Host Fee) = \$27.50/ton (See Exhibit A)

Host Fee Calculation:

$$(\$27.50/\text{ton} - \$11.00/\text{ton}) \times 0.05 + \$1.00/\text{ton} = \$1.83/\text{ton}$$

TOTAL TIPPING FEE CALCULATION FOR 1994 (EXAMPLE)

Assumptions:

1. Projected FY 1994 Tipping Fee (Exclusive of Host Fee) = \$27.47/ton (See Exhibit A, actual cost)
2. Projected 1994 Host Fee = \$1.83/ton (See above calculations)

Total Tipping Fee Calculation:

$$\$27.47/\text{ton} \text{ (See assumption \#1)} + \$1.83/\text{ton} \text{ (See host fee calculation)} = \$29.30 . \text{ Set Tipping Fee at } \$29.50/\text{ton}$$

RECYCLING FEE DISTRIBUTION CALCULATION FOR 1994 (EXAMPLE)

Assumptions:

1. Calculations based on fees etc. shown for 1994 of Exhibit A and solid waste generation rates produce in 1993 and calculated for payment in calendar year 1994.
2. 1993 population estimates for Oglethorpe and Clarke Counties, based on population growth rates of 1.5% per year for each county and the 1990 census populations, are 10,209 and 91,597, respectively.

Solid waste tonnage by county for calendar year 1993:

Oglethorpe County = 3.5 lbs/capita/day = annual average per capita value of 1,278 lbs or 0.6388 tons (estimate of tonnage not available at this time). Use 0.6388 tons/capita/year X 10,209 persons = 6,521 tons per year

EXHIBIT D

(Page 2)

Clarke County = 117,188 tons per year (See FY 93 on Exhibit A for estimate) / 91,597 = annual average per capita value of 2,559 lbs or 1.2794 tons = 7.01 lbs/capita/day

Total calendar year tonnage = 6,521 + 117,188 = 123,709 tons

Projected total annual recycling fees collected:

123,709 tons X \$1.26 per ton = \$155,873.34

Distribution of collected recycling fees:

Oglethorpe County = 10,209 persons X 0.6388 tons per person per year / 123,709 tons per year X 155,873.34 = \$8,217.10

A-C County = 91,597 persons X 1.2795 tons per person per year / 123,709 X \$155,873.34 = \$147,669.94. Due to rounding of numbers, the A-C County share should be \$155,873.34 - \$8,217.10 = \$147,656.24

ORDINANCES AND
AGREEMENTS

SOLID WASTE, SCRAP TIRE, AND TRASH ORDINANCE OF OGLETHORPE COUNTY

TITLE

AN ORDINANCE DEFINING LITTER, WASTE, SCRAP TIRES AND PUBLIC OR PRIVATE PROPERTY; REGULATING THE DISPOSAL OF LITTER AND WASTE, THE TRANSPORTATION OF LITTER AND WASTE, THE USE OF GARBAGE OR LITTER CONTAINERS OR RECEPTACLES, PROVIDING FOR THE ORDERLY DISPOSAL OF SOLID WASTE; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE ORDINANCE AND FOR OTHER PURPOSES RELATED THERETO.

ENACTMENT CLAUSE

FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PRESENT AND FUTURE INHABITANTS OF OGLETHORPE COUNTY AND TO PROVIDE AN ORDERLY AND SAFE DISPOSAL OF WASTE, THE BOARD OF COMMISSIONERS OF OGLETHORPE COUNTY, GEORGIA DOES HEREBY ORDAIN AND ENACT INTO LAW THE FOLLOWING:

SECTION 1 - DEFINITIONS

THE TERM "LITTER" SHALL MEAN ALL DISCARDED SAND, GRAVEL, SLAG, BRICKBATS, RUBBISH, WASTE MATERIAL, TIN CANS, REFUSE, GARBAGE, TRASH, DEBRIS, DEAD ANIMALS OR OTHER DISCARDED MATERIALS OF EVERY KIND AND DESCRIPTION WHICH ARE NOT WASTE AS SUCH TERM IS DEFINED HEREIN.

"PUBLIC OR PRIVATE PROPERTY" MEANS THE RIGHT OF WAY OF ANY ROAD OR HIGHWAY; ANY BODY OF WATER OR WATER COURSE; ANY PARK, PLAYGROUND, BUILDING, REFUGE, OR CONSERVATION OR RECREATION AREA; AND RESIDENTIAL OR FARM PROPERTIES, TIMBERLANDS, OR FORESTS.

"WASTE" MEANS ALL DISCARDED SUBSTANCES AND MATERIALS WHATSOEVER EXCEEDING 10 POUNDS IN WEIGHT OR 15 CUBIC FEET IN VOLUME, OR ANY SUCH SUBSTANCE IN ANY WEIGHT OR VOLUME IF BIOMEDICAL WASTE, HAZARDOUS WASTE (AS THAT TERM IS DEFINED IN O.C.G.A. SECTION 12-8-62), OR ANY SUCH SUBSTANCE OR MATERIAL DUMPED FOR COMMERCIAL PURPOSES. WITH THE EXCEPTION OF ANIMAL BI-PRODUCTS, "WASTE" INCLUDES WITHOUT LIMITATION, BOTTLES, BOXES, CONTAINERS, PAPERS, TOBACCO PRODUCTS, TIRES, APPLIANCES, MECHANICAL EQUIPMENT OR PARTS, BUILDING OR CONSTRUCTION MATERIALS, TOOLS, MACHINERY, WOOD, MOTOR VEHICLES AND MOTOR VEHICLE PARTS, VESSELS, AIRCRAFT EQUIPMENT, WASTE OIL, BATTERIES, ANTIFREEZE, SLUDGE FROM A WASTEWATER TREATMENT FACILITY, WATER SUPPLY TREATMENT PLANT, OR AIR POLLUTION CONTROL FACILITY, AIR CONTAMINANTS FROM ANY SOURCE OR FACILITY, AND ANY OTHER DISCARDED MATERIAL OR SUBSTANCE OF EVERY KIND AND DESCRIPTION RESULTING FROM DOMESTIC, INDUSTRIAL, COMMERCIAL, MINING, OR GOVERNMENTAL OPERATIONS, INCLUDING HOUSEHOLD, COMMERCIAL, CONSTRUCTION AND DEMOLITION WASTE, OR INDUSTRIAL SOLID WASTE WHICH IS NONHAZARDOUS, NONMEDICAL, AND IN A FORM CLASSIFIED AS SOLID WASTE BY THE GEORGIA DEPARTMENT OF NATURAL RESOURCES.

"DUMP" MEANS TO THROW, DISCARD, PLACE, DEPOSIT, DISCHARGE, BURN, OR DISPOSE OF A SUBSTANCE

"SCRAP TIRES" MEANS ALL TIRES WHICH ARE NO LONGER SUITABLE FOR THEIR ORIGINAL INTENDED PURPOSE BECAUSE OF WEAR, DAMAGE OR DEFECT. SEE O.C.G.A. SECTION 12-8-22 (31)

"SCRAP TIRE GENERATOR" SHALL MEAN ANY PERSON WHO GENERATES SCRAP TIRES AS DEFINED IN SECTION 391-3-4-.19 (2.1) OF THE GEORGIA RULES OF SOLID WASTE MANAGEMENT

"SCRAP TIRE CARRIER" SHALL MEAN ANY PERSON ENGAGED IN PICKING UP OR TRANSPORTING SCRAP TIRES NOT OTHERWISE EXEMPTED UNDER SECTION 391-3-4-.19(5.G) FOR THE PURPOSE OF REMOVAL TO SCRAP TIRE PROCESSOR, END USER, OR DISPOSAL FACILITY. O.C.G.A. 12-8-22 (32)

"TIRE RETAILER" SHALL MEAN ANY PERSON ENGAGED IN THE BUSINESS OF SELLING NEW REPLACEMENT TIRES. O.C.G.A. 12-8-22 (39)

SECTION 2 -- WASTE DISPOSAL --GENERAL:

- (A) THE OWNER OR OCCUPANT OF ANY PREMISES SHALL BE RESPONSIBLE FOR THE SANITARY HANDLING AND DISPOSITION OF GARBAGE, LITTER, WASTE, SCRAP TIRES, AND REFUSE ON THE PREMISES USED OR OCCUPIED BY SUCH PERSON.
- (B) IT SHALL BE UNLAWFUL TO DUMP , DEPOSIT, THROW OR LEAVE OR TO CAUSE OR PERMIT THE DUMPING, DEPOSITING, PLACING, THROWING OR LEAVING OF LITTER, WASTE OR SCRAP TIRES AT ANY PLACE IN THIS COUNTY, INCLUDING , WITHOUT LIMITATION, ANY PUBLIC OR PRIVATE PROPERTY IN THIS COUNTY OR ANY WATERS IN THIS COUNTY UNLESS SUCH LITTER OR WASTE ORIGINATES IN THIS COUNTY AND:
1. THE PROPERTY IS DESIGNATED AND PERMITTED BY THE STATE OF GEORGIA AND/OR BY THE OGLETHORPE COUNTY BOARD OF COMMISSIONERS OR ITS DULY DESIGNATED AGENT FOR DISPOSAL OF LITTER AND WASTE, AND THE PERSON IS AUTHORIZED TO USE SUCH PROPERTY AND:
 2. THE LITTER OR WASTE IS PLACED INTO A RECEPTACLE OR CONTAINER INSTALLED ON SUCH PROPERTY; HOWEVER, ANY LITTER OR WASTE PLACED INTO SUCH A RECEPTACLE OR CONTAINER INSTALLED ON SUCH PROPERTY MUST NOT BE ALLOWED TO ACCUMULATE FOR AN UNREASONABLE PERIOD OF TIME, AND IN NO EVENT SHALL IT BE ALLOWED TO ACCUMULATE TO THE POINT OF OVERFLOWING THE CONTAINER OR RECEPTACLE OR TO A POINT WHERE THE CONTAINER OR RECEPTACLE MAY NOT BE CLOSED.
 3. EFFECTIVE JANUARY 12, 1999, ANY AND ALL LITTER PLACED IN A COUNTY OWNED SOLID WASTE RECEPTACLE MUST BE CONTAINED IN A COUNTY AUTHORIZED "GREEN BAG".
- (C) IT SHALL BE UNLAWFUL FOR ANY PERSON TO DUMP OR PLACE WASTE UNLESS AUTHORIZED TO DO SO BY LAW OR BY A DULY ISSUED PERMIT:

- 1) IN OR ON ANY PUBLIC HIGHWAYS, ROAD, STREET, ALLEY, OR THOROUGHFARE, INCLUDING ANY PORTION OF THE RIGHT OF WAY THEREOF, OR ON ANY OTHER PUBLIC LANDS EXCEPT IN CONTAINERS OF AREAS LAWFULLY PROVIDED FOR SUCH DUMPING;
- 2) IN OR ON ANY FRESH WATER LAKE, RIVER, CANAL, OR STREAM OR CREEK OR;
- 3) IN OR ON ANY PUBLIC OR PRIVATE PROPERTY UNLESS SUCH DUMPING WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH AND IS NOT IN VIOLATION OF ANY OTHER LOCAL, STATE OR FEDERAL LAW, RULE, OR REGULATION.

D) ALL PERSONS DEFINED AS SCRAP TIRE GENERATORS, SCRAP TIRE CARRIERS, TIRE RETAILERS, SHALL BE SUBJECT TO RULES AS DEFINED IN SECTION 391-3-4-.19 AND HANDLE SCRAP TIRES IN ACCORDANCE WITH THE PROVISIONS OF O.C.G.A 12-8-20 et. seq. AND THE RULES FOR SOLID WASTE MANAGEMENT, CHAPTER 391-3-4 APPLICABLE TO SOLID WASTE.

SECTION 3 -- TRANSPORTING LITTER AND WASTE:

- (A) IT SHALL BE UNLAWFUL TO DRIVE OR OPERATE A VEHICLE IN OGLETHORPE COUNTY HAULING WET OR MOIST LITTER OR WASTE WHICH LEAKS, FLOWS FREELY OR SPILLS FROM SUCH VEHICLE.
- (B) ANY LITTER OR WASTE HAULED ON A MOVING VEHICLE IN OGLETHORPE COUNTY SHALL BE COVERED OR SECURED IN SUCH A MANNER THAT THE LITTER OR WASTE WILL NOT BLOW OR ESCAPE FROM SAID VEHICLE WHILE MOVING OR PARKED ON PUBLIC STREETS OR ROADWAYS IN OGLETHORPE COUNTY.
- (C) IT SHALL BE UNLAWFUL FOR ANY VEHICLE TO TRANSPORT LITTER OR WASTE ON ANY PUBLIC STREETS, OR ROADWAYS, IN OGLETHORPE COUNTY WITHOUT SUITABLE COVERINGS OR OTHER RESTRAINT DEVICES SECURELY FASTENING SUCH LITTER OR WASTE TO THE VEHICLE SO AS TO PREVENT ANY MATERIALS FROM BEING DEPOSITED ON THE ROADS OR ADJOINING AREAS OF THE COUNTY. HOWEVER, THIS SECTION SHALL NOT PROHIBIT THE NECESSARY SPREADING OF ANY SUBSTANCE IN PUBLIC ROAD MAINTENANCE OR PUBLIC ROAD CONSTRUCTION OPERATIONS.

SECTION 4 -- REGULATION OF GARBAGE OR LITTER CONTAINERS OR RECEPTACLES

- (A) ALL GARBAGE OR LITTER CONTAINERS OR RECEPTACLES SHALL BE MAINTAINED IN AS SANITARY A MANNER AS IS REASONABLY POSSIBLE CONSISTENT WITH ITS USE FOR GARBAGE AND LITTER DISPOSAL.
- (B) PERSONS USING GARBAGE OR LITTER CONTAINER OR RECEPTACLES SHALL DEPOSIT ALL AUTHORIZED GARBAGE AND REFUSE IN THE CONTAINER OR RECEPTACLE.
- (C) NO PERSON SHALL DEPOSIT ANY BURNING OR SMOLDERING MATERIAL IN ANY SUCH CONTAINER AND RECEPTACLE.
- (D) NO PERSON SHALL SET FIRE TO THE CONTENTS OF ANY SUCH CONTAINER OR RECEPTACLE.
- (E) NO DEAD ANIMALS SHALL BE DEPOSITED IN ANY SUCH CONTAINER OR RECEPTACLE.

- (F) NO PERSON SHALL DEPOSIT LARGE NON-COMPACTIBLE ARTICLES IN SUCH CONTAINERS OR RECEPTACLES SUCH AS STOVES, REFRIGERATORS, BED SPRINGS, MATTRESSES, TIRES, LARGE TREE LIMBS, AIR CONDITIONING UNITS, OR SIMILAR ITEMS.
- (G) NO ONE SHALL DEPOSIT ANY FLAMMABLE OR EXPLOSIVE MATERIALS IN ANY SUCH CONTAINERS OR RECEPTACLES.
- (H) NO PERSON SHALL PLACE OR SCATTER LITTER OR WASTE IN OR AROUND SUCH CONTAINERS OR RECEPTACLES.
- (J) NO ONE SHALL SCAVENGE OR COLLECT ITEMS FROM IN OR AROUND SUCH CONTAINERS OR RECEPTACLES

SECTION 5 -- ACCUMULATION:

- (A) NO OWNER OR OCCUPANT OF ANY PREMISES IN THE UNINCORPORATED AREAS OF OGLETHORPE COUNTY SHALL ALLOW LITTER OR WASTE TO ACCUMULATE THEREON. NO OWNER OR OCCUPANT OF ANY SUCH PROPERTY SHALL BURY OR BURN LITTER OR WASTE WITHOUT PRIOR AUTHORIZATION AND PERMISSION FROM THE APPLICABLE REGULATORY AGENCY, INCLUDING BUT NOT LIMITED TO, THE ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL PROTECTION DIVISION AND/OR THE GEORGIA FORESTRY SERVICE. NOTHING IN THIS PROVISION SHALL AUTHORIZE OR BE CONSTRUED TO PERMIT THE BURIAL OR BURNING OF ANY MATERIAL WHICH IS OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW.
- (B) NO OWNER OR OCCUPANT OF ANY PROPERTY SHALL ALLOW THE ACCUMULATION, ON HIS OR HER PREMISES, OF GARBAGE OR WASTE WHERE SUCH MATERIAL CREATES OR CAUSES A HEALTH HAZARD TO NEIGHBORS OR OTHER CITIZENS, OR WHICH IS UNSIGHTLY OR EMITS FOUL OR OBNOXIOUS ODORS.
- (C) IT SHALL BE UNLAWFUL FOR ANY PERSON TO SET FIRE TO THE CONTENTS OF, INDISCRIMINATELY SCATTER OR DISPERSE THE CONTENTS OF, OR OTHERWISE VANDALIZE ANY CONTAINERS USED FOR THE STORAGE OR DUMPING OF LITTER OR WASTE.
- (D) THE CONDUCT DESCRIBED IN PARAGRAPHS (A)-(C) OF THIS SECTION 5 SHALL CONSTITUTE A SEPARATE VIOLATION OF THE ORDINANCE FOR EACH DAY THE GARBAGE OR WASTE MATERIAL REMAINS ON SUCH PREMISES.

SECTION 6 -- VIOLATIONS/PENALTIES

- (A) ANY PERSON, FIRM, OR CORPORATION VIOLATING ANY PORTION OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, IN THE MAGISTRATE COURT OF OGLETHORPE COUNTY, SHALL BE PUNISHED AS FOLLOWS:
 - (1) BY FINE OF NOT LESS THAN \$100.00 NOR MORE THAN \$1000.00, OR UP TO 60 DAYS IMPRISONMENT, OR BOTH. EACH DAY THE VIOLATION CONTINUES SHALL BE A SEPARATE OFFENSE. HOWEVER, THIS SECTION SHALL NOT PRECLUDE THE COUNTY FROM CHOOSING TO SEEK CIVIL REDRESS IN A COURT OF COMPETENT JURISDICTION IN ADDITION TO THE CRIMINAL

PROSECUTION, IT BEING THE INTENT OF THE COUNTY TO HAVE BOTH THE CIVIL AND CRIMINAL RIGHTS OF PROSECUTION IN THIS AREA; AND/OR

- (B) IN THE SOUND DISCRETION OF THE MAGISTRATE COURT, THE VIOLATOR 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 THE PERSON HAS DEPOSITED AND ANY AND ALL LITTER DEPOSITED THEREON BY ANYONE ELSE PRIOR TO THE DATE OF EXECUTION OR SENTENCE; AND/OR
- (C) IN THE SOUND DISCRETION OF THE MAGISTRATE COURT THE PERSON MAY BE DIRECTED TO PICK UP AND REMOVE LITTER FROM ANY PUBLIC PARK, PRIVATE RIGHT OF WAY, OR WITH THE 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 THE PERSON HAS DEPOSITED LITTER THEREON, AND ALL LITTER DEPOSITED THEREON BY ANYONE PRIOR TO THE DATE OF EXECUTION OF SENTENCE; AND/OR
- (D) THE COURT MAY ORDER THE PUBLICATION OF THE NAMES OF PERSONS CONVICTED OF VIOLATING THIS ORDINANCE.
- (E) IN THE CASE OF AN IMPROPER GARBAGE OR WASTE DISPOSAL SITE, THE PROPERTY OWNER, CONTRACTOR, DEVELOPER, BUILDER OR OTHER PERSON RESPONSIBLE FOR THE PROPERTY SHALL CAUSE THE PROPERTY TO BE CLEANED AND TO COME INTO FULL COMPLIANCE WITH THIS ORDINANCE. OGLETHORPE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY COSTS OF CLEANUP OR REMEDIATION.

SECTION 7 – ENFORCEMENT:

ENFORCEMENT OF THIS ORDINANCE SHALL BE THE RESPONSIBILITY OF THE OGLETHORPE COUNTY CODE ENFORCEMENT OFFICER OR HIS/HER DESIGNEE OR THE OGLETHORPE COUNTY SHERIFF OR HIS/HER DESIGNEE. ANY PERSON OR PERSONS AUTHORIZED TO ENFORCE THIS ORDINANCE SHALL BE EMPOWERED TO ENTER ANY PROPERTY, UPON REASONABLE CAUSE, AT REASONABLE TIMES IN ORDER TO INSPECT THE PROPERTY FOR VIOLATIONS OF THIS ORDINANCE, SUBJECT TO THE CONDITION THAT TO ALLOW ENTRY ON PRIVATE PROPERTY FOR INSPECTION, THE ALLEGED VIOLATION OF THIS ORDINANCE MUST BE VISIBLE FROM A PUBLIC ROAD OR RIGHT OF WAY, OR UPON SUCH OFFICER HAVING RECEIVED A COMPLAINT BY A RESIDENT OF OGLETHORPE COUNTY, GEORGIA ALLEGING A VIOLATION OF THIS ORDINANCE. THE MAGISTRATE COURT OF OGLETHORPE COUNTY SHALL ALSO BE AUTHORIZED TO ISSUE SUMMONS FOR HEARING ON ALLEGED VIOLATION OF THE ORDINANCE UPON WRITTEN ACCUSATION OF ANY PERSON SUI JURIS ALLEGING SUCH VIOLATION.

SECTION 8 – CIVIL REMEDIES AND ABATEMENT OF NUISANCE:

IN THE EVENT THAT ANY PERSON, FIRM, OR CORPORATION VIOLATES ANY PROVISION OF THIS ORDINANCE, THE COUNTY ATTORNEY OR OTHER APPROPRIATE AUTHORITY OF THE COUNTY MAY , IN ADDITION TO OTHER REMEDIES, INSTITUTE AN ACTION FOR INJUNCTION, MANDAMUS, OR OTHER APPROPRIATE ACTION OR PROCEEDING TO PREVENT SUCH UNLAWFUL ACT OR TO CORRECT OR ABATE SUCH VIOLATION.

SECTION 9 – EVIDENCE OF VIOLATIONS:

- (A) 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.
- (B) WHENEVER ANY LITTER WHICH IS DUMPED, DEPOSITED, THROWN, OR LEFT ON PUBLIC OR PRIVATE PROPERTY IN VIOLATION OF THE ORDINANCE IS DISCOVERED TO CONTAIN ANY ARTICLE OR ARTICLES, INCLUDING BUT NOT LIMITED TO LETTERS, BILLS, PUBLICATIONS, OR OTHER WRITINGS WHICH DISPLAY THE NAME OF A 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 -- YARD TRIMMINGS:

YARD TRIMMINGS SHALL NOT BE PLACED IN OR MIXED WITH SOLID WASTE. YARD TRIMMINGS SHALL NOT BE DISPOSED AT ANY SOLID WASTE DISPOSAL FACILITY HAVING LINERS AND LEACHATE COLLECTION SYSTEMS OR REQUIRING VERTICAL EXPANSION WITHIN THE COUNTY. YARD TRIMMINGS SHALL BE SORTED AND STOCKPILED OR CHIPPED, COMPOSTED, USED AS MULCH OR OTHERWISE BENEFICIALLY REUSED OR RECYCLED TO THE MAXIMUM EXTENT FEASIBLE. ANY YARD TRIMMINGS TO BE COLLECTED BY ANY ENTITY OTHER THAN THE PROPERTY OWNER SHALL BE SORTED AND STORED IN SUCH A MANNER AS TO FACILITATE COLLECTION, COMPOSTING, OR OTHER HANDLING.

SECTION 11 -- RECYCLING:

THE OGLETHORPE COUNTY BOARD OF COMMISSIONERS HEREBY FINDS THAT IT IS IN THE BEST INTEREST OF THE CITIZENS OF OGLETHORPE COUNTY, IN ORDER TO PROMOTE THE HEALTH, SAFETY, WELFARE AND MORALS OF THE CITIZENS OF THE COUNTY, TO RECYCLE AS MANY WASTE MATERIALS AS POSSIBLE IN ORDER TO REDUCE THE ACCUMULATION OF LITTER AND GARBAGE AND SOLID WASTE MATERIAL WITHIN THE COUNTY AND TO REDUCE THE OVERALL SOLID WASTE MATERIALS WHICH MUST BE PROPERLY DISPOSED OF. THEREFORE, IT IS THE POLICY OF THE OGLETHORPE COUNTY BOARD OF COMMISSIONERS TO ENCOURAGE RECYCLING WHENEVER PRACTICABLE.

SECTION 12 -- SEVERABILITY:

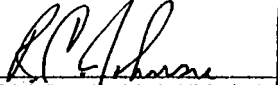
SHOULD ANY SENTENCE, SECTION, SUBSECTION, OR PROVISION OF THIS ORDINANCE OR APPLICATION OF A PROVISION OF THIS ORDINANCE BE DECLARED INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, SUCH DECLARATION SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE NOR ANY PART THEREOF THAT IS NOT SPECIFICALLY DECLARED TO BE INVALID OR UNCONSTITUTIONAL.

THEREFORE, BE IT ORDAINED, THAT ALL CONFLICTING RESOLUTIONS, ORDINANCES, OR PART OF ORDINANCES, OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

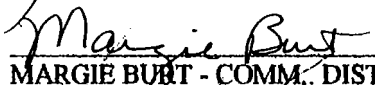
BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL TAKE EFFECT 60 DAYS AFTER PASSAGE BY THE OGLETHORPE COUNTY BOARD OF COMMISSIONERS, AND SHALL BE ENFORCED FROM AND AFTER SUCH DATE, THE PUBLIC WELFARE DEMANDING IT. SO

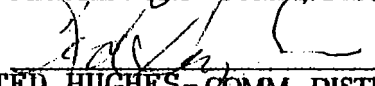
ADOPTED AND APPROVED BY THE BOARD OF COMMISSIONERS OF OGLETHORPE COUNTY, GEORGIA, THIS 11 DAY OF Jan, 1999

BOARD OF COMMISSIONERS OF OGLETHORPE COUNTY, GEORGIA


ROBERT C. JOHNSON, JR., CHAIRMAN


JOHN M. BRIDGES - COMM., DISTRICT 1



MARGIE BURT - COMM., DISTRICT 2


TED HUGHES - COMM., DISTRICT 3


BOBBY ARNOLD - COMM., DISTRICT 4


BOBBY COOK -- COMM., DISTRICT 5

ATTEST:


JUDY H. PAUL, COUNTY CLERK