

FINAL AGREEMENT

The Unified Government of Athens-Clarke County and Oglethorpe County Board of Commissioners have negotiated with the Citizens Committee under the requirements of the Solid Waste Management Act and have agreed to the following (relative to the proposed expansion of the Athens-Clarke County Landfill as defined in the Site Acceptability Study dated July 8, 1991, and as shown on Exhibit A):

I. LONG RANGE USE OF LANDFILL

1. The landfill shall be relocated at the time the existing site and the presently proposed expansion have reached their capacities as allowed in the permits issued for operation of the respective sites. There shall be no expansion onto adjacent or contiguous properties for the purposes of landfill operations. This provision shall not apply to the use of adjacent properties as a borrow area for cover material.
2. The landfill area after closure shall be used for purposes compatible with the surrounding residential zoning.
3. The Design & Operational (D&O) Plan will establish the contours of the landfill. There shall be no vertical expansion of the landfill beyond the limits of the existing permit nor in excess of the proposed landfill permit.

II. LANDFILL PLANNING

1. The Citizens' Committee will be asked to review and comment on the development of the conceptual buffer requirements to be included in the D & O Plan and the detailed buffer requirements included in the construction plans.
2. The installation of the required buffer shall begin as soon as possible following the approval of the D & O Plan by the State and the award of the construction contract.

III. PAVING OF DIRT ROADS

1. Joe Carey Road and the unnamed road off Joe Carey Road, Clarke Road, Clark Drive, and Nash Circle: The Unified

Government of Athens-Clarke County shall negotiate with the contiguous property owners to have the required right-of-way donated to the Unified Government. The Government shall pay for the survey and prepare the deeds for the property owners to convey the property. These roads shall be moved to the top of the priority list for the Athens-Clarke County Dirt Road Improvement Program and shall be paved when funds are available.

2. **Dawson Road, Walter Sams Road, and Tucker Trail:** Oglethorpe County shall gravel and maintain these roads. Dawson Road and Walter Sams Road shall be placed on the next paving list submitted, in calendar year 1993, to Georgia Department of Transportation by Oglethorpe County.

IV. RECYCLING

Oglethorpe County and Athens-Clarke County will implement recycling efforts outlined in the Northeast Georgia Solid Waste Management Plan or other similar waste reduction measures.

V. CITIZENS' ADVISORY COMMITTEE

A Citizens' Advisory Committee shall be created to serve as liaison with the Joint Solid Waste Coordinating Committee (established in the joint use agreement between Athens-Clarke County and Oglethorpe County) and the residents near the landfill. An interim Advisory Committee shall:

1. be comprised of two (2) members from each County;
2. be appointed by the respective governing authority of the two counties, within 90 days, for the purpose of creating the structure, including terms of office, for the permanent Citizens' Advisory Committee;
3. be selected from property owners or residents within the area designated on the attached domestic water well location map, Exhibit B;

VI. LANDFILL ENTRANCE

1. The current contractual agreement between Athens-Clarke County and Oglethorpe County calls for the entrance to the landfill to remain on Lexington Road. It is the intent of this agreement to support and restate that the landfill entrance shall remain on the Lexington Road for the life of the landfill operation.

2. The Athens-Clarke County Solid Waste Department has agreed to determine a manner in which vehicles will be able to line up along the landfill entrance road prior to normal operating hours, rather than at the entrance and in the turn lane of U. S. Highway 78 (Lexington Road).

VII. TRAFFIC AND SPEED LIMITS

1. The Traffic Engineering Division has determined the appropriate speed limit on Dunlap Road to be 45 mph. Both Athens-Clarke County and Oglethorpe County shall post the speed limit along Dunlap Road within 30 days.
2. Athens-Clarke County shall apply to Georgia Department of Transportation for a radar permit on Dunlap Road within 120 days.
3. A school bus turn-around sign or a school bus stop sign shall be erected in the area of the northern Nash Circle intersection with Dunlap Road within 30 days.

VIII. VEHICLE COVER REGULATIONS AND LITTER

1. Law enforcement personnel shall be made aware of the governments' desire that vehicles which are not adequately covered and litter violators be ticketed, and that all current litter laws will be strictly and vigorously enforced.

Quarterly reports of the number of tickets given for violations of both the vehicle covering and litter laws will be provided to the Athens-Clarke County Solid Waste Department with copies made available upon request.

In addition, landfill personnel shall notify the Sheriff's Department to send a letter to frequent violators of the cover and litter laws.

2. Local governmental agencies shall adhere strictly to cover and litter laws. (Specific notifications have been issued to the Housing Authority of the City of Athens, Inc., and to the directors of every department of the Unified Government of Athens-Clarke County and Oglethorpe County.)
3. Landfill personnel shall work with Traffic Engineering to develop a sign with wording and graphics designed to alert all carriers to the importance of closing or covering "empty" vehicles and the fines for violations.

4. Within one mile of the entrance to the landfill, along Robert Hardeman Road and Dunlap Road and along the Lexington Road from Whit Davis Road to the Oglethorpe County line shall have the below noted special attention placed on trash pickup:

At least weekly, the Landfill Manager (or designee) will determine a schedule for litter pick up along the designated stretches of roads. At minimum, large items of litter and debris will be removed weekly. This will begin in FY94 (around the end of August, 1993) in order for Athens-Clarke County to budget within the Landfill Enterprise Fund the necessary staff to accomplish this task. This system will be reassessed periodically. (Currently, the Athens-Clarke County Public Works Department is responsible for trash pickup, but, beginning with the FY94 budget in July, 1993, the cost for trash pickup associated with the landfill will be paid out of the Landfill Enterprise Fund.)

5. Emergency trash pickups after hours and on weekends (for large items or spills on the roadway) are handled when these problems are noted by police patrolling in the area or whenever any citizen calls the non-emergency Police Dispatch number -- 613-3345 -- or 911. However, the non-emergency number should be used whenever possible. Police dispatch is responsible for sending a police officer to the reported location. The police are responsible for determining if the spill is a traffic hazard and, if so determined, contacting Public Works for immediate clean up. If it is not a hazard, the Police Department will contact the Solid Waste Department the next working day for scheduling pick up.
6. The Athens-Clarke County Marshal is responsible for investigating reports of illegal dumping and enforcing the law.
7. Oglethorpe County has designated the Sheriff's Department at 743-8101 as the number that should be called to report illegal dumping or emergency spills in Oglethorpe County.

IX. WATER ISSUES

1. For residential dwelling units or commercial structures meeting the following conditions on October 8, 1992, the government will provide the items listed below in Sections 1A through 1D:
 - a. The structure is legally located in accordance with the zoning ordinance and meets the state housing

code.

- b. The structure is occupied as a residential dwelling unit or commercial structure and uses a well for its human consumption water supply.
- c. The human consumption water supply well for the structure is located within 500 feet of the landfill boundary. Further, for the purpose of this agreement, well number 24 (as shown on the map prepared by Jordan, Jones, & Goulding entitled "Domestic Water Well Location Map" and dated October 5, 1992) will also be covered by the provisions of Section 1 of this water supply proposal.
- d. It is agreed that the Billups Church is also covered by all provisions of Section 1 of this water supply proposal. Further, it is understood that the church will be reimbursed for any fees already paid to the Athens-Clarke County Public Utilities Department for items listed in section 1B of this water supply proposal.

- A. The installation of a public water supply line to a point, nearest existing government owned water lines as determined to be appropriate by the Athens-Clarke County Public Utilities Department, within the roadway frontage of the property parcel. Funding for any required water line extension will be provided by the Landfill Enterprise Fund.

All required water line extensions will be completed by January 1, 1995, if all required easements, etc., as outlined in item 1D, are provided.

- B. The Landfill Enterprise Fund will pay to the Athens-Clarke County Public Utilities Department, on behalf of the property owner, the following water service related fees for each residential dwelling unit or commercial structure:

1. Cost of one 3/4" water meter
2. Cost of one 3/4" water stub
3. Cost of one water connection fee associated with item number 1B1.
4. Cost of one backflow device for 3/4" meter of type required by Public Utilities Department.
5. Cost of any required pavement cut for water stub.
6. Cost of any required GDOT permit.

7. Cost of closure, in accordance with EPD requirements, of all wells located within 500 feet of the landfill boundary. This cost will be limited to the lower of a minimum of three estimates that the property owner is to obtain from qualified companies. This cost will be paid as reimbursement to, or on behalf of, the property owner within thirty (30) days of written notification of the proper closure of such wells.

The property owner will be responsible for making all arrangements for the proper closure of such wells.

- C. A one-time lump sum payment, in the amount of \$3,181, as calculated in the attached memo from Gary Duck and dated October 13, 1992 (Exhibit C), is to be paid for the estimated water consumption of a single family residence over a fifteen (15) year period. This payment will be limited to one payment per residential dwelling unit or commercial structure meeting the conditions of items 1a. through 1c.

Payment of this lump-sum amount will be made to the owner of the dwelling unit or commercial structure within thirty (30) days of written notification to the Athens-Clarke County Solid Waste Department of the proper closure of all wells, associated with the subject dwelling unit or commercial structure and meeting any of the conditions noted below in section 1C1, 1C2, or 1C3, in accordance with EPD regulations. Failure to complete proper closure of all wells, associated with the subject dwelling unit or commercial structure and meeting any of the conditions noted below in sections 1C1, 1C2, or 1C3, within the timeframe noted in item 1D4 will relieve the government of the requirement to make the subject one-time lump sum payment.

1. Located within 500 feet of the landfill boundary and on the same parcel as the subject dwelling unit or commercial structure.
2. Located within 500 feet of the landfill boundary and on any property owned by the owner of the subject dwelling unit or commercial structure.
3. Located within 500 feet of the landfill boundary and which previously provided water, for human consumption, to the subject dwelling unit or commercial structure.

D. This offer is contingent on the following actions by the property owner(s):

1. The donation of all easements required for water line installation and/or water supply fixtures (e.g. water meters, etc.)
 2. A written acceptance of the government's offer, as outlined above, once notified of the availability of water within their property frontage. Such written acceptance must be received within thirty (30) days of notice of water availability.
 3. The filing of appropriate water supply applications with the Athens-Clarke County Utilities Department within six (6) months after the notice of water availability.
 4. The closure of all wells, located within 500 feet of the landfill boundary, on the property parcel within nine (9) months of the notice of water availability. Failure to close all wells will result in the termination of service from the government public water supply system. Reinstatement of service will require the payment of all fees listed in item 1B.
 5. Representatives of the Athens-Clarke County Departments of Solid Waste and Public Utilities will arrange a public meeting, or individual meetings, with residents/property owners, meeting the conditions outlined in items 1a. through 1c. Such meeting(s) will be to discuss these contingency requirements and procedures for connecting to the public water supply system.
2. For residential dwelling units or commercial structures meeting the requirements of 1a. and 1b. and located within 1000 feet of, but more than 500 feet from, the landfill boundary, the government will provide the following:
- A. Within six (6) months of the approval of the design and operational plan for the Athens-Clarke County/Oglethorpe County landfill, complete a scientific test of the quality of water in all wells used for human consumption and existing on October 8, 1992. Such studies are to be for the purpose of establishing baseline water quality.

