

Senate Resolution 936

By: Senators Thomas of the 10th, Scott of the 36th, Stokes of the 43rd, Butler of the 55th and Polak of the 42nd

A RESOLUTION

1 Urging the Governor and the General Assembly to order the closing of the Live Oak
2 Landfill; and for other purposes.

3 WHEREAS, the Live Oak Landfill is a solid waste facility which borders communities in
4 South DeKalb County, North Clayton County, North Henry County, and South Atlanta; and

5 WHEREAS, the operation of the Live Oak Landfill poses an immediate and direct threat to
6 the health, safety, and well-being of thousands of citizens; and

7 WHEREAS, the noxious gases, toxic carcinogens, and the unbearable odors emanating from
8 the Live Oak Landfill have caused and continue to pose demonstrable health hazards for
9 those persons who live and work within its vicinity; and

10 WHEREAS, in the areas surrounding the landfill, there has been a verifiable increase in the
11 number of people seeking medical treatment for such health problems as asthma and other
12 breathing difficulties, and the risk of other health problems directly attributable to the landfill
13 looms large; and

14 WHEREAS, the odors emanating from Live Oak Landfill are so powerful, pervasive, and
15 invasive as to prevent residents from opening their doors and windows or from enjoying the
16 outdoors and warrant frequent complaints from travelers passing at a distance in their cars
17 along I-285, I-75, and Highway 675; and

18 WHEREAS, the landfill constitutes a continuing, unabated nuisance of immeasurable
19 proportions against which the residents have no defense and with which they cannot live; and

20 WHEREAS, the effect of the landfill's existence and operation has been so burdensome as
21 to erode the quality of life in the affected communities to such an extent that it amounts to
22 a constructive taking of the citizens' property; and

1 WHEREAS, pursuant to its constitutional charge and in furtherance of its own declared
2 policy, the State of Georgia has a responsibility to protect the public health, safety, and
3 well-being of its citizens and to protect and enhance the quality of its environment; and

4 WHEREAS, the operation of Live Oak Landfill adversely affects the health, safety,
5 economic well-being, and environment of the community and imposes an onus on the
6 community without any reciprocal benefits to the community; and

7 WHEREAS, it is an untenable burden which the state alone can relieve by shutting down
8 operations at the offending facility; and

9 WHEREAS, the landfill's present scope of operation is in direct and deliberate contravention
10 of the expressed legislative intent and purpose of SB 32 which was enacted in 1995
11 specifically to provide the protection herein sought on behalf of the public; and

12 WHEREAS, the Governor and the General Assembly are hereby called upon to take
13 immediate action to fulfill the state's primary duty toward its citizens—protection of the
14 public health, safety, and well-being.

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that this body acknowledges
16 the irreparable damage directly attributable to the Live Oak Landfill and urges the Governor
17 and the General Assembly to take any necessary action and to issue any necessary order to
18 effect the immediate cessation of operation and permanent closure of the Live Oak Landfill.

19 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
20 to transmit appropriate copies of this resolution to Governor Roy Barnes, Lieutenant
21 Governor Mark Taylor, Speaker of the House Thomas Murphy, and the director of the
22 Environmental Protection Division of the Department of Natural Resources.