

## House Resolution 1613

By: Representatives Orrock of the 56<sup>th</sup>, Watson of the 70<sup>th</sup>, Mobley of the 69<sup>th</sup>, Sinkfield of the 57<sup>th</sup>, Drenner of the 66<sup>th</sup> and others

## 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 HOUSE OF REPRESENTATIVES that  
16 this body acknowledges the irreparable damage directly attributable to the Live Oak Landfill  
17 and urges the Governor and the General Assembly to take any necessary action and to issue  
18 any necessary order to effect the immediate cessation of operation and permanent closure of  
19 the Live Oak Landfill.

20 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
21 and directed to transmit appropriate copies of this resolution to Governor Roy Barnes,  
22 Lieutenant Governor Mark Taylor, Speaker of the House Thomas Murphy, Harold Reheis,  
23 the director of the Environmental Protection Division of the Department of Natural  
24 Resources, and Lonice C. Barrett, commissioner of the Department of Natural Resources.