

Outline for Open DeKalb Meeting with Commissioner Rader re PDK

2-26-2020

Introduction

DeKalb County must conduct a reliable study of the relevant air and noise pollution from three different size categories of aircraft using PDK before it can reverse course and use a large business jet, a Gulfstream 550, as the target aircraft around which to plan the future development of PDK.

1. Definitions and Context.

- A. Aircraft size is referenced by an aircraft's certified maximum take-off weight ("MTOW"). References to the weight limit at PDK are to the certified MTOW, not the actual weight of an aircraft on any given day.
- B. Airport development is 100% a local decision and is not dictated by the FAA, confirmed most recently to the Director of the FAA Airports Division, Southern Region (includes 8 states), Mr. Stephen Hicks, at PDK in January 2019. An airport owner (DeKalb County) has zero obligation to expand the airport even though the FAA is willing to fund expansion projects. "Just Say No."

The Weight Limit at PDK

2. There is a weight limit at PDK of aircraft with MTOWs of 66,000 lbs. or less. A full explanation of the weight limit is attached for reference as Exhibit A. In sum, in the 1980s, PDK added 1000' to the longest runway and called the extra length a "displaced threshold," not a runway extension. That nomenclature put the new runway footage into a category of airport development that did not require an environmental impact statement (an extensive and expensive study of the environmental impacts of a proposed course of development) as required by the National Environmental Policy Act ("NEPA"). The Community filed suit alleging that an environmental impact study was required because the 1000 feet were going to be used to allow larger aircraft to use PDK. Based on explicit representations by DeKalb County and the FAA that there was a 66,000 lbs. weight limit on aircraft that would not be impacted by the addition of the 1000' safety buffer, the federal Eleventh Circuit Court of Appeals in 1988 held that such environmental impact study was not required.

3. In 2001-2004 citizens see, smell and hear more larger aircraft. PDK would not answer questions about what sizes of aircraft were in fact using PDK.

As a result, Open DeKalb funded a successful lawsuit under the Georgia Open Records Act that decided that the County was liable and required PDK to disclose what aircraft were using the Airport upon public request.

4. After a meeting with Open DeKalb, the then-CEO, the head of Public Works and the PDK Airport administration recognized that they could avert litigation if it could be shown that larger jets are not more pollution, thus permitting the then-underway Master Plan using as its model aircraft a Gulfstream 4 to proceed. DeKalb County then entered into a memorandum of understanding with Open DeKalb under which DeKalb County agreed to fund (via PDK) a plenary environmental study of the respective air and noise pollution impacts of three categories of aircraft (small, medium and large to use the vernacular) at PDK. See MOU and Research Agreement with Emory with those goals explicitly set forth in Appendix A.

5. Emory's effort failed because its methodology was flawed. See ODI letter to Evans; Evans letter to Emory re breach of agreement.

6. DeKalb (via Luz Berrero) and the Airport (via Director Evans) decided not to sue Emory for the failed study but promised Open DeKalb that the Airport would fund another study to meet the agreed-upon goals of the failed Emory study.

7. Director Evans told ODI that he had known all along that Emory's methodology was flawed. He said he was under pressure to do an air pollution study and he proposed KB Consultants for such a study. See KB work proposal.

8. Open DeKalb (ODI) responded to the KB proposal as not coming close to fulfilling the agreed-upon goals. See ODI markup.

9. Unbeknownst to ODI, Evans engaged KB to do a sort of "study" of air pollution at PDK.

10. KB produced a work product that Evans provided to the FAA and others that purported to report on a "study" of air pollution (no pretense was made that it looked at any noise pollution, as required by the goals). See KB work dated September 2018 and stamped "draft."

11. ODI learned of the KB "study" on March 1, 2020, the day that the results were to be presented to the PDK Advisory Board.

12. ODI was able to hastily read the KB report and challenge its reliance on ADMITTEDLY incomplete data, data from far flung Augusta, GA, or grossly

outdated data and discussed those disqualifying problems with the KB work product at the AAB meeting on March 11, 2020. See 3-11-2019 letter to Evans.

13. The next day, ODI sent a follow up letter to Director Evans regarding the obvious gross inadequacies of the KB work product. See 3-12-2019 letter to Evans.

14. Evans and the FAA have ignored that communication and its unrebutted disqualification of the KB work product and continue to allow the public and others to rely on the KB purported “study” as all that is required to approve the master plan. See, e.g., FAA slides from meeting in January 2020 with GA DOT, FAA, GA EPA, U.S. FAA and Open DeKalb relying on KB work’s “conclusions” as a resolution of the open environmental study needs at PDK to move forward with a new master plan.

14. The DeKalb BOC cannot countenance this use of a knowingly inadequate and unreliable “study” to approve a master plan for PDK that boot straps the Gulfstream 550 into the position as the model/target aircraft around which to develop DeKalb County’s PDK Airport.