

House Bill 495

By: Representatives Greene-Johnson of the 60th, Post 3, Watson of the 60th, Post 2, Mitchell of the 61st, Post 3, Williams of the 61st, Post 2, Noel of the 44th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to provide that all real property previously used as an industrial or
3 chemical or landfill site shall be tested for hazardous contamination prior to the construction
4 of any public or private school, recreational facility, or residential community development
5 on such site; to condition the issuance of a construction permit on such testing; to provide a
6 short title; to define a term; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
11 management, is amended by inserting at the end of thereof a new Article 10 to read as
12 follows:

13 "ARTICLE 10

14 12-8-215.

15 This article shall be known and may be cited as the 'Public Safety Land Use Act.'

16 12-8-216.

17 As used in this article, the term 'person' means the State of Georgia or any agency or
18 institution thereof and any municipality, county, political subdivision, public or private
19 corporation, individual, partnership, association, or other entity in this state or any other
20 state.

1 12-8-217.

2 (a) Each person shall be required to test or cause to be tested for hazardous contamination
3 all newly purchased or donated real property which has been used previously as a site for
4 industrial or chemical application or use or as a landfill before such real property may be
5 used for constructing a public or private school, a recreational facility, or a residential
6 community development. No local government shall issue a construction permit to a
7 person for any such real property unless proof of testing for hazardous contamination
8 performed by a neutral third party is presented to the local government.

9 (b) The director of the Environmental Protection Division of the department shall provide
10 guidance in defining the scope of hazardous contamination testing to local governments."

11

SECTION 2.

12 All laws and parts of laws in conflict with this Act are repealed.