

Senate Bill 511

By: Senators Pearson of the 51st, Bulloch of the 11th, Butler of the 55th, Seay of the 34th and Murphy of the 27th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to general provisions relative to solid waste management, so as to change  
3 certain provisions relating to declaration of policy and legislative intent relative to solid  
4 waste management; to change certain provisions relating to permits for solid waste or special  
5 solid waste handling, disposal, or thermal treatment technology facilities and inspection of  
6 solid waste generators; to change certain provisions relating to yard trimmings disposal  
7 restrictions; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,  
11 relating to general provisions relative to solid waste management, is amended by revising  
12 subsection (g) of Code Section 12-8-21, relating to declaration of policy and legislative intent  
13 relative to solid waste management, as follows:

14 "(g) It is further the intent of the General Assembly to provide a frame of reference for the  
15 state and all counties, municipal corporations, and solid waste management authorities in  
16 the state relating to the handling of yard trimmings. Disposal and decomposition of  
17 vegetative waste and other yard trimmings in a lined municipal solid waste landfill having  
18 a landfill gas collection system in operation directed to a beneficial use of landfill gas such  
19 as electrical power generation, industrial end use, or similar beneficial reuse is a use of yard  
20 trimmings that promotes renewable energy goals, protects the environment, and confers a  
21 substantial public benefit. Therefore, collection and disposal of municipal waste together  
22 with yard trimmings at such municipal solid waste landfills should be allowed while  
23 composting and other current methods for handling and disposal of yard trimmings  
24 continue to be utilized. Likewise, the ~~The~~ productivity of the soils of Georgia requires that  
25 nature's way of recycling vegetative matter be respected and followed ~~and that; therefore,~~  
26 such essential building materials ~~are no longer wasted by being buried in landfills but are~~

27 should continue to be allowed to be returned to the soil. The General Assembly, therefore,  
 28 adopts and recommends the following hierarchy methods for handling yard trimmings:

- 29 (1) Naturalized, low-maintenance landscaping requiring little or no cutting;  
 30 (2) Grass cycling by mowing it high and letting it lie;  
 31 (3) Return to the soil or other beneficial reuse on the site where the material was grown,  
 32 including but not limited to:  
 33 ~~(3)~~(A) Stacking branches into brush piles for use as wildlife habitats and for gradual  
 34 decomposition into the soil;  
 35 ~~(4)~~(B) Composting on the site where the material was grown, followed by  
 36 incorporation of the finished compost into the soil at that site; or  
 37 ~~(5)~~(C) Chipping woody material on the site where such material was generated;  
 38 ~~(6)~~(4) Collecting yard trimmings and transporting them to another site to be:  
 39 (A) Chipped ~~chipped~~ or composted for later use as fiber fuel, mulch, or other beneficial  
 40 use; and  
 41 (B) Disposed in a lined landfill having an active permitted gas collection system by  
 42 which landfill gas is directed to equipment or facilities for purposes of electrical power  
 43 generation, industrial end use, or other beneficial use promoting renewable energy  
 44 goals; or  
 45 (C) Any other method that does not violate the restrictions provided by paragraph (1)  
 46 of subsection (a) of Code Section 12-8-40.2; or  
 47 ~~(7)~~(5) Chipping woody material for later use as fiber fuel."

48 **SECTION 2.**

49 Said part is further amended by revising paragraph (1) of subsection (e) of Code Section  
 50 12-8-24, relating to permits for solid waste or special solid waste handling, disposal, or  
 51 thermal treatment technology facilities and inspection of solid waste generators, as follows:

52 "(e)(1)(A) As used in this paragraph, the term 'recovered materials processing facility'  
 53 shall, in addition to the meaning of paragraph (26) of Code Section 12-8-22, include  
 54 processing operations for materials consisting of concrete, asphalt, cardboard, or yard  
 55 trimmings or similar wood wastes diverted from the waste stream for the recycling or  
 56 other beneficial reuse of such materials.

57 (B) The director may suspend, modify, or revoke any permit issued pursuant to this  
 58 Code section if the holder of the permit is found to be in violation of any of the permit  
 59 conditions or any order of the director or fails to perform solid waste handling in  
 60 accordance with this part or rules promulgated under this part.

61 (C)(i) The director may modify any permit issued pursuant to this Code section in  
 62 accordance with rules promulgated by the board. All modifications of existing  
 63 permits shall be classified by the board as either major or minor modifications.

64 (ii) All modifications of existing permits to allow vertical or horizontal expansion of  
 65 existing disposal facilities, except a facility operated by a utility regulated by the  
 66 Public Service Commission, shall be classified as major permit modifications and  
 67 shall not be granted by the director sooner than three years from the date any such  
 68 facility commenced operation; provided, however, that a permit may be modified by  
 69 the director to allow a vertical or horizontal expansion one time within three years  
 70 from the date the facility commenced operation so long as the capacity of the facility  
 71 is not increased more than 10 percent.

72 (iii) Modifications of permits for existing municipal solid waste disposal facilities for  
 73 the addition at such facility of a recovered materials processing facility shall be  
 74 classified as minor permit modifications, provided the location of such facility  
 75 complies with the same buffer requirements applicable to the disposal facility. Such  
 76 materials shall be reported at the disposal facility separately from waste materials  
 77 destined for disposal. Operators of such disposal facilities may report to the  
 78 Department of Community Affairs on an annual basis the total amounts of such  
 79 materials diverted from landfill disposal.

80 (iv) The disposal facility permit holder shall provide written notification to the chief  
 81 elected official of the jurisdiction in which the facility is located at least 30 days prior  
 82 to starting any recycling operation for materials consisting of concrete, asphalt, or  
 83 yard trimmings or similar wood waste to be diverted from the waste stream for  
 84 recycling or other beneficial use. This notification shall include an indication of  
 85 whether or not the ten-year demonstrated capacity of the landfill will be reduced. The  
 86 permit holder shall comply with all applicable local zoning ordinances. If necessary  
 87 to satisfy local solid waste planning and reporting requirements, disposal facility  
 88 operators may be required by the county, municipality, or solid waste management  
 89 authority for the jurisdiction in which the disposal facility is located to report the total  
 90 amounts of such materials diverted from landfill disposal."

91 **SECTION 3.**

92 Said part is further amended by revising Code Section 12-8-40.2, relating to yard trimmings  
 93 disposal restrictions, as follows:

94 "12-8-40.2.

95 (a) Each city, county, or solid waste management authority shall impose restrictions on  
96 yard trimmings which are generated in or may ultimately be disposed of in its area of  
97 jurisdiction. These restrictions shall include but are not limited to:

98 (1) A requirement that yard trimmings not be placed in or mixed with municipal solid  
99 waste, except at landfills restricted to construction or demolition waste or those municipal  
100 solid waste landfills described in subsection (b) of this Code section;

101 (2) A ban on the disposal of yard trimmings at municipal solid waste disposal facilities  
102 having liners and leachate collection systems or requiring vertical expansion ~~within its~~  
103 jurisdiction except as provided in subsection (b) of this Code section;

104 (3) A requirement that yard trimmings be sorted and stored for collection in such a  
105 manner as to facilitate collection, composting, or other handling; and

106 (4) A requirement that yard trimmings be sorted and stockpiled or chipped, composted,  
107 used as mulch, or otherwise beneficially reused or recycled to the maximum extent  
108 feasible.

109 ~~(b)(1) Prior to September 1, 1996, each city, county, and solid waste authority is~~  
110 ~~authorized but not required to impose restrictions on yard trimmings which are generated~~  
111 ~~or may ultimately be disposed of in its area of jurisdiction. Such restrictions may include,~~  
112 ~~but are not limited to, the restrictions stated in paragraphs (1) through (4) of subsection~~  
113 ~~(a) of this Code section. The provisions of subsection (a) of this Code section~~  
114 ~~notwithstanding, each city, county, or solid waste management authority shall allow, but~~  
115 ~~not require, the disposal of yard trimmings at any municipal solid waste disposal facility~~  
116 ~~in its area of jurisdiction that has a liner and a landfill gas collection system in operation~~  
117 ~~by which landfill gas is directed to any equipment, system, or facility for beneficial use,~~  
118 ~~including but not limited to use for generation of electrical power or industrial use. The~~  
119 ~~operator of such a facility may receive and process yard trimmings at the site for disposal~~  
120 ~~where such landfill operates a gas collection system that provides landfill gas generation~~  
121 ~~or other beneficial use of the gas. The addition of yard trimmings for disposal, chipping,~~  
122 ~~or other processing operation at such site shall be subject to approval by the director~~  
123 ~~through the issuance of a minor modification to the solid waste handling permit for such~~  
124 ~~facility.~~

125 (2) If the granting of the minor permit modification impairs the ability of the facility to  
126 fulfill the capacity assurances previously issued to local governments, the facility shall  
127 notify the impacted local governments within 30 days of receiving the permit  
128 amendment.

129 (3) Notwithstanding any other provision of this subsection, the governing authority of  
130 a local political subdivision in which a municipal solid waste disposal facility otherwise

131 subject to this subsection is located may enact an ordinance prohibiting the disposal of  
132 yard trimmings at such facility.

133 (4) Except as provided in this subsection, lined municipal solid waste landfills shall be  
134 prohibited from accepting the disposal of yard trimmings.

135 (c) The Board of Natural Resources is authorized to develop guidelines to assist local  
136 governing authorities and others in the orderly stockpiling of yard trimmings at suitable  
137 sites, the chipping and composting of yard trimmings, ~~and~~ the distribution of the products  
138 resulting from such chipping and composting, and the disposal of yard trimmings in  
139 municipal solid waste landfills as provided in subsection (b) of this Code section to  
140 promote the beneficial use of landfill gas as a source of energy."

141 **SECTION 4.**

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