

House Bill 1059 (COMMITTEE SUBSTITUTE)

By: Representatives Nix of the 69th, Harbin of the 118th, Stephens of the 164th, Mosby of the 90th, England of the 108th, and others

A BILL TO BE ENTITLED
AN ACT

1 Code Section 12-8-24, of the Official Code of Georgia Annotated, relating to permits for
2 solid waste or special solid waste handling, disposal, or thermal treatment technology
3 facilities and inspection of solid waste generators, so as to change certain provisions relating
4 to such permits; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 12-8-24, of the Official Code of Georgia Annotated, relating to permits for
8 solid waste or special solid waste handling, disposal, or thermal treatment technology
9 facilities and inspection of solid waste generators, is amended by revising paragraph (1) of
10 subsection (e) as follows:

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

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

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

23 (ii) All modifications of existing permits to allow vertical or horizontal expansion of
24 existing disposal facilities, except a facility operated by a utility regulated by the
25 Public Service Commission, shall be classified as major permit modifications and
26 shall not be granted by the director sooner than three years from the date any such

27 facility commenced operation; provided, however, that a permit may be modified by
28 the director to allow a vertical or horizontal expansion one time within three years
29 from the date the facility commenced operation so long as the capacity of the facility
30 is not increased more than 10 percent.

31 (iii) All modifications of permits for existing municipal solid waste disposal facilities
32 for the addition at such facility of a recovered materials processing facility shall be
33 classified as minor permit modifications, provided the location of such facility
34 complies with the same buffer requirements applicable to the disposal facility. Such
35 materials shall be reported at the disposal facility separately from waste materials
36 destined for disposal. Operators of such disposal facilities may report to the
37 Department of Community Affairs on an annual basis the total amounts of such
38 materials diverted from landfill disposal.

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

50 **SECTION 2.**

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