

The House Committee on Natural Resources and Environment offers the following substitute to SB 78:

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Part 3 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Georgia Voluntary Remediation Program for hazardous waste, so
3 as to establish the Voluntary Remediation Program Escrow Account; to change certain
4 provisions relating to the voluntary remediation program; to provide for definitions; to
5 provide for related matters; to provide for an effective date and applicability; to repeal
6 conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Part 3 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
10 relating to the Georgia Voluntary Remediation Program for hazardous waste, is amended by
11 revising subsection (a) of Code Section 12-8-104, relating to powers and duties of the
12 director, as follows:

13 "(a) The director shall have the power and duty:
14 (1) To make determinations, in accordance with procedures and criteria enumerated in
15 this part, as to whether a property qualifies and an applicant is eligible for the voluntary
16 remediation program;
17 (2) To approve, in accordance with procedures and criteria enumerated in this part and
18 rules and regulations promulgated pursuant to this part, voluntary remediation plans;
19 (3) To approve, in accordance with procedures and criteria enumerated in this part and
20 rules and regulations promulgated pursuant to this part, compliance status reports;
21 (4) To concur with certifications of compliance;
22 (5) To collect ~~application fees from participants~~ assess, receive, administer, and disperse
23 funds obtained from application and reimbursement fees for the purpose of carrying out
24 the duties and powers under this part;
25 (6) To enter into such agreements and contracts as required to accomplish the purposes
26 of this part; and

27 (6)(7) To grant waivers of all or any portion of the fees provided by this part for any
28 small business or for any county, municipality, or other political subdivision of this state."

SECTION 2.

30 Said part is further amended by adding a new Code section to read as follows:

31 "12-8-104.1.

32 (a) There is established the Voluntary Remediation Escrow Account. The director shall
33 serve as the trustee of the escrow account. The account shall consist of the application fees
34 and reimbursement fees collected by the director pursuant to this part and pursuant to Code
35 Section 12-8-209, and such fees shall be held in an interest bearing account.

36 (b) The director is authorized to expend the principal balance of the escrow account for
37 costs incurred in administering the voluntary remediation program including reimbursing
38 state contractors used in the administration of such program. The director is also
39 authorized to expend interest earned on the account for the administration of the voluntary
40 remediation program; provided, however, that interest funds collected must be expended
41 within the same fiscal year in which the interest was earned and any interest not so
42 expended shall be deposited in the state treasury. Any unused funds remaining following
43 the conclusion of a project shall be deposited in the general treasury."

SECTION 3.

45 Said part is further amended by replacing "remediation plan" with "investigation and
46 remediation plan" wherever such term occurs in:

47 (1) Code Section 12-8-107, relating to the submission of voluntary remediation plans,
48 enrollment, proof of assurance, termination, and compliance status reports; and
49 (2) Code Section 12-8-108, relating to standards and policies considered in investigation of
50 voluntary remediation property.

SECTION 4.

52 This Act shall become effective upon its approval by the Governor or upon its becoming law
53 without such approval.

SECTION 5.

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