

House Bill 238

By: Representative Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to control of water pollution and surface-water use, so as to provide for regulation  
3 of sludge and waste-water land application systems; to require land application system  
4 operators to provide proof of financial ability to cover accidental clean-up costs; to require  
5 land application system sites to comply with local zoning ordinances; to prohibit operation  
6 of a land application system site during the appeal of a permit revocation or denial; to  
7 provide for an effective date; to repeal conflicting laws, and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to  
11 control of water pollution and surface-water use, is amended by revising Code Section  
12 12-5-30.3, relating to sludge land application systems, and adding a new Code Section  
13 12-5-30.4 as follows:

14 "12-5-30.3.

15 (a) As used in this Code section, the term:

16 (1) 'Financial responsibility mechanism' means a mechanism designed to demonstrate  
17 that sufficient funds will be available to meet specific environmental protection needs of  
18 sludge land application system sites. Available financial responsibility mechanisms  
19 include but are not limited to insurance, trust funds, surety bonds, letters of credit,  
20 personal bonds, certificates of deposit, financial tests, and corporate guarantees.

21 ~~(1)~~(2) 'Sludge' means the solid or semisolid residue generated at a waste-water treatment  
22 or pretreatment plant. Such term specifically excludes treated effluent, septage, and  
23 sludge treated to further reduce pathogens by such processes as composting, heat drying,  
24 or heat treating.

25 ~~(2)~~(3) 'Sludge land application' means the placement of sludge on or under the ground  
26 surface for the purpose of sludge disposal, soil conditioning, or agricultural enhancement.

27 Such term specifically excludes the disposal of sludge in a permitted landfill.

28 (b) No person shall operate a sludge land application system without first securing the  
29 approval of the director. The director may include this approval and approval requirements  
30 in a permit issued under Code Section 12-5-30. Approval for operation of a sludge land  
31 application system shall not be granted unless the existence of an adequate financial  
32 responsibility mechanism has been provided to the director. Such financial responsibility  
33 mechanisms shall ensure the satisfactory maintenance, closure, and postclosure care of  
34 such system site and the financial ability to carry out any corrective action which is  
35 necessary to ensure compliance with environmental standards after an accident.

36 (c) The Board of Natural Resources shall adopt technical regulations governing sludge  
37 land application and procedural regulations for approval of sludge land application  
38 systems, including public notice and public hearing requirements.

39 (d) A sludge land application site shall be in compliance with the zoning ordinances of the  
40 local governing authority in which the site is located as a condition of its state permit and  
41 shall include evidence of compliance with the original application.

42 ~~(d)~~(e) The local governing authority in which a sludge land application site is located may  
43 assess the generator of the sludge and the owner of the sludge land application site  
44 reasonable fees for environmental monitoring of the site and may hire persons to monitor  
45 the site. Payment of the assessed fee shall be made prior to the application of sludge.  
46 Failure to pay such fees, if assessed, shall be grounds for the local governing authority to  
47 seek an injunction to stop the land application of sludge. The provisions of this subsection  
48 shall not apply to the land application of sludge which is generated by the treatment of  
49 industrial process waste water only.

50 (f) Operation of a sludge land application system during an appeal of a permit revocation  
51 or denial is prohibited.

52 ~~(e)~~(g) Any person who violates this Code section, regulations adopted by the Board of  
53 Natural Resources pursuant to this Code section, or any permit or approval requirements  
54 of the director issued pursuant to this Code section shall be subject to the civil penalties and  
55 the criminal penalties contained in Code Sections 12-5-52 and 12-5-53."

56 "12-5-30.4.

57 (a) As used in this Code section, the term:

58 (1) 'Financial responsibility mechanism' means a mechanism designed to demonstrate  
59 that sufficient funds will be available to meet specific environmental protection needs of  
60 waste-water land application system sites. Available financial responsibility mechanisms

61 include but are not limited to insurance, trust funds, surety bonds, letters of credit,  
62 personal bonds, certificates of deposit, financial tests, and corporate guarantees.

63 (2) 'Waste water' means water which may contain septage, holding tank, grease trap, sand  
64 pit, sanitary sewer, kitchen, or toilet waste or industrial waste from business processes of  
65 any commercial or industrial facility. Such term specifically excludes treated effluent,  
66 septage, or waste from on-site food processing operations or animal husbandry.

67 (3) 'Waste-water land application' means the placement of treated waste-water on or under  
68 the ground surface for the purpose of waste-water disposal, soil conditioning, or  
69 agricultural enhancement. Such term specifically excludes the disposal of waste water in  
70 a permitted landfill.

71 (b) No person shall operate a waste-water land application system without first securing  
72 the approval of the director. The director may include this approval and approval  
73 requirements in a permit issued under Code Section 12-5-30. Approval for operation of a  
74 waste-water land application system shall not be granted unless the existence of an  
75 adequate financial responsibility mechanism has been provided to the director. Such  
76 financial responsibility mechanisms shall ensure the satisfactory maintenance, closure, and  
77 postclosure care of such system site and the financial ability to carry out any corrective  
78 action which is necessary to ensure compliance with environmental standards after an  
79 accident.

80 (c) The Board of Natural Resources shall adopt technical regulations governing  
81 waste-water land application and procedural regulations for approval of waste-water land  
82 application systems, including public notice and public hearing requirements.

83 (d) A waste-water land application site shall be in compliance with the zoning ordinances  
84 of the local governing authority in which the site is located as a condition of its state permit  
85 and shall include evidence of compliance with the original application.

86 (e) The local governing authority in which a waste-water land application site is located  
87 may assess the generator of the waste water and the owner of the waste-water land  
88 application site reasonable fees for environmental monitoring of the site and may hire  
89 persons to monitor the site. Payment of the assessed fee shall be made prior to the  
90 application of waste water. Failure to pay such fees, if assessed, shall be grounds for the  
91 local governing authority to seek an injunction to stop the land application of waste water.  
92 The provisions of this subsection shall not apply to the land application of waste water  
93 which is generated by the treatment of food process waste and animal husbandry waste  
94 water applied on site at the generating facility or farm only.

95 (f) Operation of a waste-water land application system during an appeal of a permit  
96 revocation or denial is prohibited.

97 (g) Any person who violates this Code section, regulations adopted by the Board of  
98 Natural Resources pursuant to this Code section, or any permit or approval requirements  
99 of the director issued pursuant to this Code section shall be subject to the civil penalties and  
100 the criminal penalties contained in Code Sections 12-5-52 and 12-5-53."

101 **SECTION 2.**

102 This Act shall become effective on July 1, 2009.

103 **SECTION 3.**

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