

House Bill 1059

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 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 by reduction
21 of potential greenhouse gas emissions, and confers a substantial public benefit; therefore,
22 disposal of 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) The director may suspend, modify, or revoke any permit issued pursuant to
53 this Code section if the holder of the permit is found to be in violation of any of the
54 permit conditions or any order of the director or fails to perform solid waste handling
55 in accordance with this part or rules promulgated under this part.

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

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

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

67 (iii) All modifications of permits for existing municipal solid waste disposal facilities
 68 for the addition at such disposal facility of a processing operation for materials
 69 consisting of concrete, asphalt, or yard trimmings or similar wood wastes diverted
 70 from the waste stream for the recycling or other beneficial reuse of such materials
 71 shall be classified as minor permit modifications. Such materials shall be recorded
 72 at the disposal facility separately from waste materials destined for disposal.
 73 Operators of such disposal facilities are encouraged to report to the Department of
 74 Community Affairs on an annual basis the total amounts of such materials diverted
 75 from landfill disposal.

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

87 **SECTION 3.**

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

90 "12-8-40.2.

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

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

- 97 (2) A ban on the disposal of yard trimmings at municipal solid waste disposal facilities
 98 having liners and leachate collection systems or requiring vertical expansion ~~within its~~
 99 ~~jurisdiction~~ except as provided in subsection (b) of this Code section;
- 100 (3) A requirement that yard trimmings be sorted and stored for collection in such a
 101 manner as to facilitate collection, composting, or other handling; and
- 102 (4) A requirement that yard trimmings be sorted and stockpiled or chipped, composted,
 103 used as mulch, or otherwise beneficially reused or recycled to the maximum extent
 104 feasible.
- 105 ~~(b) Prior to September 1, 1996, each city, county, and solid waste authority is authorized~~
 106 ~~but not required to impose restrictions on yard trimmings which are generated or may~~
 107 ~~ultimately be disposed of in its area of jurisdiction. Such restrictions may include, but are~~
 108 ~~not limited to, the restrictions stated in paragraphs (1) through (4) of subsection (a) of this~~
 109 ~~Code section. The provisions of subsection (a) of this Code section notwithstanding, each~~
 110 ~~city, county, or solid waste management authority shall allow, but not require, the disposal~~
 111 ~~of yard trimmings at any municipal solid waste disposal facility in its area of jurisdiction~~
 112 ~~that has a liner and a landfill gas collection system in operation by which landfill gas is~~
 113 ~~directed to any equipment, system, or facility for beneficial use, including but not limited~~
 114 ~~to use for generation of electrical power or industrial use. The operator of such a facility~~
 115 ~~may receive and process yard trimmings at the site in such manner as the operator deems~~
 116 ~~appropriate for disposal to promote landfill gas generation or other beneficial use of such~~
 117 ~~materials, provided that the addition of a yard trimmings chipping or other processing~~
 118 ~~operation at such site shall be subject to approval by the director through the issuance of~~
 119 ~~a minor modification to the solid waste handling permit for such facility. Except as~~
 120 ~~provided in this subsection, lined municipal solid waste landfills shall be prohibited from~~
 121 ~~accepting disposing of yard trimmings.~~
- 122 (c) Nothing in this Code section shall be construed to require any county, municipality, or
 123 solid waste authority to dispose of yard trimmings collected or received by that county,
 124 municipality, or authority in a municipal solid waste landfill.
- 125 ~~(c)(d)~~ (d) The Board of Natural Resources is authorized to develop guidelines to assist local
 126 governing authorities and others in the orderly stockpiling of yard trimmings at suitable
 127 sites, the chipping and composting of yard trimmings, and the distribution of the products
 128 resulting from such chipping and composting, and the disposal of yard trimmings in
 129 municipal solid waste landfills as provided in subsection (b) of this Code section to
 130 promote the beneficial use of landfill gas as a source of energy."

131 **SECTION 4.**

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