

House Bill 43

By: Representatives Oliver of the 83rd, Dobbs of the 53rd, Gardner of the 57th, Ashe of the 56th, Benfield of the 85th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and
2 natural resources, so as to prohibit the purchase or use of coal extracted by mountaintop
3 removal coal mining for the generation of electricity; to provide for definitions; to provide
4 for a phase out period; to provide for civil penalties; to change certain provisions relating to
5 permit requirements, applications, issuance, revocation, suspension, and amendment; to
6 provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
11 resources, is amended by adding a new Code section to read as follows:

12 "12-4-75.1.

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

14 (1) 'Coal-fired generating unit' means a coal-fired facility that is located in this state and
15 has the capacity to generate 25 or more megawatts of electricity.

16 (2) 'Generating unit' means a device that produces electricity using a fossil fuel-fired
17 stationary boiler, combustion turbine, or combined cycle system.

18 (3) 'Mountaintop removal coal mining' means any method of surface coal mining that
19 removes a mountaintop or ridgeline, whether or not the mined area will be returned to its
20 approximate original contour. 'Mountaintop removal coal mining' includes, but is not
21 limited to, methods such as cross-ridge mining, box cut method mining, steep slope
22 mining, area mining and mountaintop mining, or any method of coal mining which
23 utilizes valley fills.

24 (4) 'Utility' means any retail supplier of electricity.

25 (b) By July 1, 2013, not less than 50 percent of the coal purchased or used by any utility
 26 that operates a coal-fired generating unit shall be extracted by a method other than by
 27 mountaintop removal coal mining.

28 (c) By July 1, 2016, not less than 75 percent of the coal purchased or used by any utility
 29 that operates a coal-fired generating unit shall be extracted by a method other than by
 30 mountaintop removal coal mining.

31 (d) No utility that operates a coal-fired generating unit shall purchase or use coal extracted
 32 by mountaintop removal coal mining on or after July 1, 2018."

33 **SECTION 2.**

34 Said title is further amended in Code Section 12-4-83, relating to civil penalty, procedure for
 35 imposing penalties, hearing, judicial review, and disposition of recovered penalties, by
 36 revising subsection (a) as follows:

37 "(a) Except as provided in subsection (c) of this Code section, any mining operator
 38 violating any provision of this part or any of the rules and regulations promulgated
 39 pursuant to this part, or who negligently or intentionally fails or refuses to comply with any
 40 final order of the director of the division, or any utility violating Code Section 12-4-75.1,
 41 shall be liable for a civil penalty not to exceed \$1,000.00 for such violation and an
 42 additional civil penalty not to exceed \$500.00 for each day during which such violation
 43 continues."

44 **SECTION 3.**

45 Said title is further amended in Code Section 12-9-7, relating to permit requirements,
 46 applications, issuance, revocation, suspension, or amendment, by adding a new subsection
 47 to read as follows:

48 "(k)(1) No permit shall be issued for any new coal-fired electrical generating facility
 49 pursuant to any permit application filed on or after July 1, 2011.

50 (2) Any permit issued pursuant to an application filed prior to July 1, 2011, for a
 51 coal-fired electrical generating facility which has not commenced electrical generating
 52 operations as of such date shall be suspended by the director pursuant to subsection (e)
 53 of this Code section for cause of protecting air quality in this state from further
 54 deterioration by new coal-fired electrical generating facilities.

55 (3) This subsection shall stand repealed on July 1, 2016. Permit suspensions pursuant
 56 to paragraph (2) of this subsection shall remain in effect until July 1, 2016."

57 **SECTION 4.**

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