

House Bill 274

By: Representatives Nix of the 69<sup>th</sup>, Anderson of the 117<sup>th</sup>, Stephens of the 164<sup>th</sup>, Maddox of the 127<sup>th</sup>, and Mosby of the 90<sup>th</sup>

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 define and redefine certain terms; to change certain provisions relating  
5 to permits for solid waste or special solid waste handling, disposal, or thermal treatment  
6 technology facilities and inspection of solid waste generators; to change certain provisions  
7 relating to number of solid waste facilities within a given area; to change certain provisions  
8 relating to the solid waste trust fund; to provide for nonlapsing of funds; to change certain  
9 provisions relating to certain cost reimbursement fees and surcharges relative to solid waste  
10 management; to change certain provisions relating to tire disposal restrictions; to provide for  
11 dedication of certain revenue; to change certain provisions relating to yard trimmings  
12 disposal restrictions; to provide an effective date; to repeal conflicting laws; and for other  
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,  
17 relating to general provisions relative to solid waste management, is amended in Code  
18 Section 12-8-21, relating to declaration of policy and legislative intent relative to solid waste  
19 management, by revising subsection (g) as follows:

20 "(g) It is further the intent of the General Assembly to provide a frame of reference for ~~the~~  
21 this state and all counties, municipal corporations, and solid waste management authorities  
22 in the this state relating to the handling of yard trimmings. ~~The productivity of the soils of~~  
23 Georgia requires that nature's way of recycling vegetative matter be respected and followed  
24 and that such essential building materials are no longer wasted by being buried in landfills  
25 but are returned to the soil. It is also the intent of the General Assembly to encourage  
26 beneficial reuse of yard trimmings and other vegetative matter by composting and other

27 methods of recycling and return of such vegetative matter to the soil and by reuse of yard  
 28 trimmings to promote bioenergy and renewable energy goals. The General Assembly,  
 29 therefore, adopts and recommends the following hierarchy methods for handling yard  
 30 trimmings:

- 31 (1) Naturalized, low-maintenance landscaping requiring little or no cutting;  
 32 (2) Grass cycling by mowing it high and letting it lie;  
 33 (3) Return to the soil or other beneficial reuse on the site where the material was grown,  
 34 including but not limited to:  
 35 ~~(3)(A)~~ Stacking branches into brush piles for use as wildlife habitats and for gradual  
 36 decomposition into the soil;  
 37 ~~(4)(B)~~ Composting on the site where the material was grown, followed by  
 38 incorporation of the finished compost into the soil at that site; or  
 39 ~~(5)(C)~~ Chipping woody material on the site where such material was generated; and  
 40 ~~(6)(4)~~ Collecting yard trimmings and transporting them to another site to be ~~chipped or~~  
 41 ~~composted for later use;~~ and  
 42 ~~(7) Chipping woody material for later use as fiber fuel.:~~  
 43 (A) Processed for mulch or feedstock for composting;  
 44 (B) Processed for use as a bioenergy feedstock; or  
 45 (C) Disposed in a lined landfill having a permitted gas collection system in operation  
 46 by which landfill gas is directed to equipment or facilities for beneficial reuse such as  
 47 electrical power generation, industrial end use, or other beneficial use promoting  
 48 renewable energy goals."

49 **SECTION 2.**

50 Said part is further amended in Code Section 12-8-22, relating to definitions, by revising  
 51 paragraph (5.1) and adding a new paragraph (12.2) as follows:

52 "(5.1) 'Construction or demolition waste' means waste building materials and rubble  
 53 resulting from construction, remodeling, repair, or demolition operations on pavements,  
 54 houses, commercial buildings, and other structures. Such waste includes but is not  
 55 limited to waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper,  
 56 cardboard, and other nonputrescible wastes associated with construction and demolition  
 57 activities which have a low potential for ground-water contamination. Inert waste landfill  
 58 materials ~~approved by the board for disposal in landfills permitted by rule and regulation~~  
 59 are also included in this definition if disposed in a construction or demolition waste  
 60 landfill."

61 "(12.2) 'Inert waste landfill' means a disposal facility accepting only wastes that will not  
 62 or are not likely to cause production of leachate of environmental concern. Such wastes

63 are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard  
64 trimmings, and land clearing debris such as stumps, limbs, and leaves. This definition  
65 excludes industrial and demolition waste not specifically listed in this paragraph."

66 **SECTION 3.**

67 Said part is further amended in Code Section 12-8-24, relating to permits for solid waste or  
68 special solid waste handling, disposal, or thermal treatment technology facilities and  
69 inspection of solid waste generators, by adding a new subsection to read as follows:

70 "(k)(1) No person shall operate an inert waste landfill on or after January 1, 2013,  
71 without a valid application for the same on file with the director. Any person operating  
72 an inert waste landfill shall comply with regulatory requirements applicable to  
73 construction or demolition waste landfills with regard to buffer zones, explosive gases  
74 control, and financial assurance.

75 (2) No person shall operate an inert waste landfill on or after July 1, 2014, without a  
76 valid permit for the same issued by the director. The regulatory requirements contained  
77 in such permits shall be limited to the requirements of paragraph (1) and paragraphs (3)  
78 through (13) of this subsection.

79 (3) Only such waste as is acceptable under paragraph (12.2) of Code Section 12-8-22  
80 shall be disposed of in an inert waste landfill.

81 (4) No portion of the waste disposal area shall be located within 100 linear feet of any  
82 property line or enclosed structure.

83 (5) Materials placed in inert waste landfills shall be spread in layers and compacted to  
84 the smallest practical volume, and a uniform compacted layer of clean earth cover no less  
85 than one foot in depth shall be placed over all exposed inert waste material at least  
86 monthly.

87 (6) The inert waste landfill site shall be graded and drained to minimize runoff onto the  
88 inert waste landfill surface, to prevent erosion, and to drain water from the surface of the  
89 inert waste landfill.

90 (7) Access to inert waste landfills shall be limited to authorized entrances which shall be  
91 closed when the site is not in operation.

92 (8) Suitable means shall be provided to prevent and control fires. Stockpiled soil shall  
93 be considered to be the most satisfactory fire-fighting material.

94 (9) A uniform compacted layer of final cover not less than two feet in depth and a  
95 vegetative cover shall be placed over the final lift not later than one month following final  
96 placement of inert waste within that lift.

97 (10) Notice of final closure shall be provided to the director within 30 days of receiving  
98 the final load of waste. Any site that does not receive waste during a period of more than

99 180 days shall be deemed abandoned and in violation of this subsection unless properly  
 100 closed. Notice of closure shall include the date of final waste receipt and an accurate  
 101 legal description of the boundaries of the inert waste landfill.

102 (11) All deeds for real property which have been used for inert waste landfilling shall  
 103 include notice of the inert waste landfill operations, the date the inert waste landfill  
 104 operation commenced and terminated, an accurate legal description of the actual location  
 105 of the inert waste landfill, and a description of the type of solid wastes which have been  
 106 deposited in the inert waste landfill. Concurrent with the submission of notice of final  
 107 closure to the director, the owner or operator shall submit to the director confirmation that  
 108 the information required in this subsection has been noticed on the property deed.

109 (12) All wastes received at the inert waste landfill shall be reported annually.

110 (13) A status report shall be submitted to the director annually."

#### 111 **SECTION 4.**

112 Said part is further amended in Code Section 12-8-25.4, relating to limits on the number of  
 113 solid waste facilities within a given area, by revising subsection (c) as follows:

114 "(c) For the purposes of the criteria specified in subsection (b) of this Code section, the  
 115 term 'landfill' shall include:

116 (1) Any active landfill permitted under authority of the state under this part or any prior  
 117 general law of the state; and

118 (2) Any inactive landfill so permitted under this part or any prior general law, which  
 119 landfill ceased receiving waste on or after June 29, 1989, and is either in closure or  
 120 postclosure status, provided that such a landfill which has completed postclosure care  
 121 status shall no longer be included

122 but for purposes of subsection (b) of this Code section, the count of landfills shall not  
 123 include any ~~permit by rule~~ inert waste landfill or any private industry solid waste disposal  
 124 facility; and in counting landfills, each existing landfill site shall be counted only once even  
 125 if such landfill site has previously been expanded under a new or existing permit, provided  
 126 the facilities under each new or existing permit are the same type landfill, are owned by the  
 127 same person, and are contiguous or if not contiguous are separated only by the width of a  
 128 public road."

#### 129 **SECTION 5.**

130 Said part is further amended in Code Section 12-8-27.1, relating to the solid waste trust fund,  
 131 by revising subsection (d) as follows:

132 "(d) Any interest earned upon the corpus of the solid waste trust fund shall not become  
 133 a part thereof but shall be paid over to the division to be utilized by the division for

134 administration of the state solid waste management program. ~~Any funds not expended~~  
 135 ~~for this purpose in the fiscal year in which they are generated shall be deposited into the~~  
 136 ~~state treasury. Nothing in this Code section shall be construed so as to allow the division~~  
 137 ~~to retain any funds required by the Constitution of Georgia to be paid into the state~~  
 138 ~~treasury.~~ The division shall comply with all provisions of Part 1 of Article 4 of Chapter  
 139 12 of Title 45, known as the 'Budget Act'; provided, however, that the division shall be  
 140 exempt from the provisions of Code Section 45-12-92, which requires payment into the  
 141 state treasury of moneys collected by state agencies."

142 **SECTION 6.**

143 Said part is further amended in Code Section 12-8-39, relating to certain cost reimbursement  
 144 fees and surcharges relative to solid waste management, by revising subsection (e) as  
 145 follows:

146 "(e) ~~After July 1, 1992, owners~~ Owners or operators of any solid waste disposal facility  
 147 other than an inert waste landfill ~~as defined in regulations promulgated by the board or a~~  
 148 private industry solid waste disposal facility shall assess and collect on behalf of the  
 149 division from each disposer of waste a surcharge of ~~50¢ per ton of solid waste disposed.~~  
 150 ~~From July 1, 2003, through June 30, 2008, said surcharge shall be 65¢ per ton of solid~~  
 151 ~~waste disposed. After July 1, 2008, said surcharge shall be 75¢ per ton of solid waste~~  
 152 ~~disposed. Two percent of said surcharges collected may be retained by the owner or~~  
 153 ~~operator of any solid waste disposal facility collecting said surcharge to pay for costs~~  
 154 ~~associated with collecting said surcharge. Surcharges assessed and collected on behalf of~~  
 155 ~~the division shall be paid to the division on July 1, 1993, for the period July 1, 1992,~~  
 156 ~~through December 31, 1992. All subsequent payments shall be due on not later than the~~  
 157 ~~first day of July of each year for the preceding calendar year. Any facility permitted~~  
 158 ~~exclusively for the disposal of construction or demolition waste that conducts recycling~~  
 159 ~~activities for construction or demolition materials shall receive a credit towards such~~  
 160 ~~surcharges of 75¢ per ton of material recycled at the facility.~~"

161 **SECTION 7.**

162 Said part is further amended in Code Section 12-8-40.1, relating to tire disposal restrictions,  
 163 by revising subsection (h) as follows:

164 "(h)(1) ~~Beginning July 1, 1992, a~~ A fee is imposed upon the retail sale of all new  
 165 replacement tires in this state of \$1.00 per tire sold. The fee shall be collected by retail  
 166 dealers at the time the retail dealer sells a new replacement tire to the ultimate consumer;  
 167 provided, however, that a Georgia tire distributor who sells tires to retail dealers ~~must~~  
 168 shall collect such fees from any retail dealer who does not have a valid scrap tire

169 generator identification number issued by the division. The fee and any required reports  
 170 shall be remitted to the division not less than quarterly on such forms as may be  
 171 prescribed by the division. ~~The division is authorized to contract with the Department~~  
 172 ~~of Revenue to, and the Department of Revenue is authorized to, collect such fees on~~  
 173 ~~behalf of the division. All fees received shall be deposited into the state treasury to the~~  
 174 ~~account of the general fund in accordance with the provisions of Code Section 45-12-92.~~  
 175 All such fees collected shall be subject to Code Section 45-12-92.1 and deposited into the  
 176 solid waste trust fund. All moneys deposited into the solid waste trust fund shall be  
 177 deemed expended and contractually obligated and shall not lapse to the general fund.

178 (2) In collecting, reporting, and paying the fees due under this subsection, each  
 179 distributor or retailer shall be allowed the following deductions, but only if the amount  
 180 due was not delinquent at the time of payment:

181 (A) A deduction of 3 percent of the first \$3,000.00 of the total amount of all fees  
 182 reported due on such report; and

183 (B) A deduction of one-half of 1 percent of that portion exceeding \$3,000.00 of the  
 184 total amount of all fees reported due on such report.

185 (3) ~~The tire fees authorized in this subsection shall cease to be collected on June 30,~~  
 186 ~~2011. Assessment and collection of the fee provided by this subsection shall cease in the~~  
 187 ~~event of a final determination by a court of competent jurisdiction that moneys derived~~  
 188 ~~from such fees are not eligible for retention and expenditure by the division pursuant to~~  
 189 ~~Code Section 45-12-92.1. The director shall make an annual report to the House~~  
 190 ~~Committee on Natural Resources and Environment and the Senate Natural Resources and~~  
 191 ~~the Environment Committee regarding the status of the activities funded by the solid~~  
 192 ~~waste trust fund."~~

### 193 SECTION 8.

194 Said part is further amended in Code Section 12-8-40.2, relating to yard trimmings disposal  
 195 restrictions, by revising subsection (a) and adding a new subsection (b) as follows:

196 "(a) Each city, county, or solid waste management authority ~~shall~~ may impose restrictions  
 197 on yard trimmings which are generated in or may ultimately be disposed of in its area of  
 198 jurisdiction. ~~These restrictions shall include but are not limited to: ; provided, however, that~~  
 199 under no circumstances shall

200 (1) ~~A requirement that~~ yard trimmings ~~not~~ be placed in or mixed with municipal solid  
 201 waste, except at landfills restricted to construction or demolition waste;

202 (2) ~~A ban on the disposal of yard trimmings at municipal solid waste disposal facilities~~  
 203 ~~having liners and leachate collection systems or requiring vertical expansion within its~~  
 204 ~~jurisdiction;~~

205 ~~(3) A requirement that yard trimmings be sorted and stored for collection in such a~~  
206 ~~manner as to facilitate collection, composting, or other handling; and~~  
207 ~~(4) A requirement that yard trimmings be sorted and stockpiled or chipped, composted,~~  
208 ~~used as mulch, or otherwise beneficially reused or recycled to the maximum extent~~  
209 ~~feasible. or in lined municipal solid waste landfills having operating landfill gas~~  
210 ~~collection systems directed to beneficial uses of landfill gas that promote renewable~~  
211 ~~energy goals such as electrical power generation, industrial end use, or similar beneficial~~  
212 ~~reuse."~~

213 **SECTION 9.**

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

216 **SECTION 10.**

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