

The House Committee on Natural Resources and Environment offers the following substitute to HB 274:

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 certain cost reimbursement fees and surcharges relative to solid waste  
9 management; to change certain provisions relating to tire disposal restrictions; to change  
10 certain provisions relating to yard trimmings disposal restrictions; to provide an effective  
11 date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

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

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

26 trimmings to promote bioenergy and renewable energy goals. The General Assembly,  
27 therefore, adopts and recommends the following hierarchy for handling yard trimmings:

- 28 (1) Naturalized, low-maintenance landscaping requiring little or no cutting;  
29 (2) Grass cycling by mowing it high and letting it lie;  
30 (3) Return to the soil or other beneficial reuse on the site where the material was grown,  
31 including but not limited to:

32 ~~(3)(A)~~ (A) Stacking branches into brush piles for use as wildlife habitats and for gradual  
33 decomposition into the soil;

34 ~~(4)(B)~~ (B) Composting on the site where the material was grown, followed by  
35 incorporation of the finished compost into the soil at that site; or

36 ~~(5)(C)~~ (C) Chipping woody material on the site where such material was generated; and

37 ~~(6)(4)~~ (4) Collecting yard trimmings and transporting them to another site to be ~~chipped or~~  
38 ~~composted for later use;~~ and

39 ~~(7) Chipping woody material for later use as fiber fuel.;~~

40 (A) Processed for mulch or feedstock for composting;

41 (B) Processed for use as a bioenergy feedstock; or

42 (C) Disposed in a lined landfill having a permitted gas collection system in operation

43 by which landfill gas is directed to equipment or facilities for beneficial reuse such as

44 electrical power generation, industrial end use, or other beneficial use promoting

45 renewable energy goals."

## 46 **SECTION 2.**

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

49 "(5.1) 'Construction or demolition waste' means waste building materials and rubble  
50 resulting from construction, remodeling, repair, or demolition operations on pavements,  
51 houses, commercial buildings, and other structures. Such waste includes but is not  
52 limited to waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper,  
53 cardboard, and other nonputrescible wastes associated with construction and demolition  
54 activities which have a low potential for ground-water contamination. Inert waste landfill  
55 materials ~~approved by the board for disposal in landfills permitted by rule and regulation~~  
56 are also included in this definition if disposed in a construction or demolition waste  
57 landfill."

58 "(12.2) 'Inert waste landfill' means a disposal facility accepting only wastes that will not  
59 or are not likely to cause production of leachate of environmental concern. Such wastes  
60 are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard

61 trimmings, and land clearing debris such as stumps, limbs, and leaves. This definition  
62 excludes industrial and demolition waste not specifically listed in this paragraph."

63 **SECTION 3.**

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

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

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

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

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

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

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

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

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

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

94 (10) Notice of final closure shall be provided to the director within 30 days of receiving  
95 the final load of waste. Any site that does not receive waste during a period of more than  
96 180 days shall be deemed abandoned and in violation of this subsection unless properly

97 closed. Notice of closure shall include the date of final waste receipt and an accurate  
 98 legal description of the boundaries of the inert waste landfill.

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

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

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

#### 108 **SECTION 4.**

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

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

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

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

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

#### 126 **SECTION 5.**

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

130 "(e) ~~After July 1, 1992, owners~~ Owners or operators of any solid waste disposal facility  
 131 other than an inert waste landfill ~~as defined in regulations promulgated by the board or a~~

132 private industry solid waste disposal facility shall assess and collect on behalf of the  
 133 division from each disposer of waste a surcharge of ~~50¢ per ton of solid waste disposed.~~  
 134 ~~From July 1, 2003, through June 30, 2008, said surcharge shall be 65¢ per ton of solid~~  
 135 ~~waste disposed. After July 1, 2008, said surcharge shall be 75¢ per ton of solid waste~~  
 136 ~~disposed. Two percent of said surcharges collected may be retained by the owner or~~  
 137 ~~operator of any solid waste disposal facility collecting said surcharge to pay for costs~~  
 138 ~~associated with collecting said surcharge. Surcharges assessed and collected on behalf of~~  
 139 ~~the division shall be paid to the division on July 1, 1993, for the period July 1, 1992,~~  
 140 ~~through December 31, 1992. All subsequent payments shall be due on not later than the~~  
 141 ~~first day of July of each year for the preceding calendar year. Any facility permitted~~  
 142 ~~exclusively for the disposal of construction or demolition waste that conducts recycling~~  
 143 ~~activities for construction or demolition materials shall receive a credit towards such~~  
 144 ~~surcharges of 75¢ per ton of material recycled at the facility.~~"

145 **SECTION 6.**

146 Said part is further amended in Code Section 12-8-40.1, relating to tire disposal restrictions,  
 147 by revising paragraph (3) of subsection (h) as follows:

148 "(3) The tire fees authorized in this subsection shall cease to be collected on June 30,  
 149 ~~2011~~ 2014. The director shall make an annual report to the House Committee on Natural  
 150 Resources and Environment and the Senate Natural Resources and the Environment  
 151 Committee regarding the status of the activities funded by the solid waste trust fund."

152 **SECTION 7.**

153 Said part is further amended in Code Section 12-8-40.2, relating to yard trimmings disposal  
 154 restrictions, by revising subsections (a) and (b) as follows:

155 "(a) Each city, county, or solid waste management authority ~~shall~~ may impose restrictions  
 156 on yard trimmings which are generated in or may ultimately be disposed of in its area of  
 157 jurisdiction; provided, however, that under no circumstances shall yard trimmings be  
 158 placed in or mixed with municipal solid waste, except at:

159 (1) Landfills restricted to construction or demolition waste;

160 (2) Inert waste landfills; or

161 (3) Lined municipal solid waste landfills having operating landfill gas collection systems  
 162 directed to beneficial uses of landfill gas that promote renewable energy goals such as  
 163 electrical power generation, industrial end use, or similar beneficial reuse.—~~These~~  
 164 ~~restrictions shall include but are not limited to:~~

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

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

170 ~~(3) A requirement that yard trimmings be sorted and stored for collection in such a~~  
 171 ~~manner as to facilitate collection, composting, or other handling; and~~

172 ~~(4) A requirement that yard trimmings be sorted and stockpiled or chipped, composted,~~  
 173 ~~used as mulch, or otherwise beneficially reused or recycled to the maximum extent~~  
 174 ~~feasible.~~

175 ~~(b) Prior to September 1, 1996, each city, county, and solid waste authority is authorized~~  
 176 ~~but not required to impose restrictions on yard trimmings which are generated or may~~  
 177 ~~ultimately be disposed of in its area of jurisdiction. Such restrictions may include, but are~~  
 178 ~~not limited to, the restrictions stated in paragraphs (1) through (4) of subsection (a) of this~~  
 179 ~~Code section. Except as otherwise provided in subsection (a) of this Code section, owners~~  
 180 ~~and operators of municipal solid waste landfills shall be prohibited from disposing of yard~~  
 181 ~~trimmings in municipal solid waste landfills."~~

182 **SECTION 8.**

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

185 **SECTION 9.**

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