

Senate Bill 157

By: Senators Jeffares of the 17th, Rogers of the 21st, Williams of the 19th, Gooch of the 51st, Ginn of the 47th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to provide that local solid waste management and reporting shall be
3 optional; to provide for notices of proposed changes to local solid waste management plans;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
8 management, is amended by revising Code Section 12-8-31.1, relating to local,
9 multijurisdictional, or regional solid waste plans, as follows:

10 "12-8-31.1.

11 (a)(1) Each city and county in Georgia shall develop or be included in a comprehensive
12 solid waste management plan ~~not later than July 1, 1993~~. Said plan may be developed
13 independently as a local plan or jointly with other jurisdictions as a multijurisdictional
14 or regional solid waste plan, ~~and shall conform to the plan development procedures~~
15 ~~developed and promulgated by the~~

16 (2)(A) The Department of Community Affairs under the provisions of Chapter 13 of
17 Title 50 shall promulgate solid waste planning guidance that a city or county may use
18 to update or amend such city's or county's solid waste plan.

19 (B) Any city or county that proposes to update or amend its solid waste management
20 plan shall publish notice of such proposed action in the county legal organ or the city's
21 or county's Internet website, as applicable, at least two weeks prior to adopting such
22 update or amendment to its plan in accordance with subsection (c) of this Code section.

23 (b) The local, multijurisdictional, or regional solid waste plan and plan updates shall, at
24 a minimum, provide for the assurance of adequate solid waste handling capability and
25 capacity within the planning area for at least ten years from the date of completion of the
26 plan which shall specifically include an adequate collection and disposal capability; shall

27 enumerate the solid waste handling facilities as to size and type; and shall identify those
 28 sites which are not suitable for solid waste handling facilities based on environmental and
 29 land use factors.

30 ~~(c) The review process for local, multijurisdictional, and regional solid waste management~~
 31 ~~plans shall be in such form as developed and promulgated by the Department of~~
 32 ~~Community Affairs under the provisions of Chapter 13 of Title 50. The regional~~
 33 ~~commission for each geographical location in which a local, multijurisdictional, or regional~~
 34 ~~plan applies shall confirm that the local, multijurisdictional, or regional plan is consistent~~
 35 ~~with the state solid waste management plan~~ To be included as part of a local,
 36 multijurisdictional, or regional solid waste plan, each city and county included as part of
 37 the plan shall adopt the plan and any plan updates by local ordinance or resolution.

38 ~~(d) Effective January 1, 1992, each~~ Each city and county ~~shall~~ may report annually to the
 39 Department of Community Affairs on the status of solid waste management in the
 40 jurisdiction. Such reports may be individual or collective in nature or, in lieu of local
 41 reports, a regional report may be filed by any of the several regional commissions for
 42 political jurisdictions within their region. The annual report ~~shall~~ may include but not be
 43 limited to:

- 44 (1) The amount of solid waste collected, processed, and disposed of in the area;
- 45 (2) The progress on the reduction in solid waste, as evidenced by the solid waste
 46 received at disposal facilities, ~~which are not exempt from subsection (c) of Code~~
 47 ~~Section 12-8-21~~, in the planning area since the previous reporting period and total
 48 cumulative progress made toward meeting the 25 percent waste reduction goal goals of
 49 the state;
- 50 (3) The remaining permitted capacity of disposal facilities;
- 51 (4) Recycling and composting activities in existence;
- 52 (5) Public information and education activities during the reporting period; and
- 53 (6) Any other pertinent information as may be required.

54 (e) After July 1, 1992, no permit, grant, or loan shall be issued for any municipal solid
 55 waste disposal facility or any solid waste handling equipment or recycling equipment used
 56 in conjunction therewith in a county or region which is not consistent with a local,
 57 multijurisdictional, or regional solid waste management plan. Each application for a
 58 permit, grant, or loan issued after July 1, 1992, shall include the following:

- 59 (1) Certification that the facility for which a permit is sought complies with local land
 60 use and zoning requirements, if any;
- 61 (2) Verification that the facility for which a permit is sought meets the ten-year capacity
 62 needs identified in the local, multijurisdictional, or regional solid waste management
 63 plan; and

64 (3) Demonstration that the host jurisdiction and all jurisdictions generating solid waste
 65 destined for the applicant's facility are part of an approved solid waste management plan
 66 or updated plan developed in accordance consistent with standards promulgated pursuant
 67 to this part, and are actively involved in, and have a strategy for, meeting the state-wide
 68 goal for reduction of solid waste disposal ~~by July 1, 1996.~~

69 (f) This Code section shall not apply to:

70 (1) Any solid waste disposal facility which is operated exclusively by a private solid
 71 waste generator on property owned by the private solid waste generator for the purpose
 72 of accepting solid waste exclusively from the private solid waste generator so long as the
 73 operation of the solid waste disposal facility does not adversely affect the public health
 74 or the environment. After commencement of operation by a private solid waste generator
 75 of a solid waste disposal facility which is permitted but not included in a local or regional
 76 solid waste management plan, an amendment into a local or regional solid waste
 77 management plan shall be required for any solid waste which is to be no longer disposed
 78 of by the private solid waste generator in its own solid waste disposal facility prior to any
 79 substantial reduction in the amount of solid waste accepted by the solid waste disposal
 80 facility or its closure; or

81 (2) ~~Effective September 1, 1994, any~~ Any privately owned solid waste handling facility
 82 seeking a permit or major modification of an existing permit where the host local
 83 governing authority has failed ~~either to submit or~~ to make a good faith effort, as
 84 determined by the Department of Community Affairs, to ~~submit~~ develop and adopt a
 85 local solid waste management plan or to be included in a multijurisdictional or regional
 86 solid waste management plan; provided, however, that the permit applicant continues to
 87 be obligated to demonstrate that all generating jurisdictions from which waste will be
 88 received are part of an approved solid waste management plan developed in accordance
 89 with ~~standards~~ planning guidance promulgated pursuant to this part and have a strategy
 90 to meet and are actively engaged in meeting the state-wide goal of reducing waste ~~by 25~~
 91 ~~percent by July 1, 1996.~~

92 (g) Effective July 1, 1991, it shall be the responsibility of the owner or operator of each
 93 municipal solid waste disposal facility to keep an accurate written record of all amounts of
 94 solid waste measured in tons received at the facility. Measurement in tons of solid waste
 95 received shall be accomplished by one or more of the following methods:

96 (1) The provision of stationary or portable scales at the disposal facility for weighing
 97 incoming waste;

98 (2) Implementation of contractual or other arrangements for the use of scales at a
 99 location other than the disposal facility for weighing all waste destined for disposal at the
 100 facility; or

101 (3) Implementation of contractual or other arrangements for the use of scales at a
102 location other than the disposal facility to weigh representative samples of the solid waste
103 received at the disposal facility on a basis which is sufficiently frequent to estimate
104 accurately the amount of solid waste received at the disposal facility."

105 **SECTION 2.**

106 Said chapter is further amended by repealing and reserving Code Section 12-8-39.2, relating
107 to reports of costs of solid waste management services.

108 **SECTION 3.**

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