

House Bill 274 (AS PASSED HOUSE AND SENATE)

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>, Mosby of the 90<sup>th</sup>, 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 certain cost reimbursement fees  
5 and surcharges relative to solid waste management; to change certain provisions relating to  
6 tire disposal restrictions; to change certain provisions relating to yard trimmings disposal  
7 restrictions; to provide an effective date; 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 in Code  
12 Section 12-8-21, relating to declaration of policy and legislative intent relative to solid waste  
13 management, by revising subsection (g) as follows:

14 "(g) It is further the intent of the General Assembly to provide a frame of reference for ~~the~~  
15 this state and all counties, municipal corporations, and solid waste management authorities  
16 in ~~the~~ this state relating to the handling of yard trimmings. ~~The productivity of the soils of~~  
17 ~~Georgia requires that nature's way of recycling vegetative matter be respected and followed~~  
18 ~~and that such essential building materials are no longer wasted by being buried in landfills~~  
19 ~~but are returned to the soil. It is also the intent of the General Assembly to encourage~~  
20 beneficial reuse of yard trimmings and other vegetative matter by composting and other  
21 methods of recycling and return of such vegetative matter to the soil and by reuse of yard  
22 trimmings to promote bioenergy and renewable energy goals. The General Assembly,  
23 therefore, adopts and recommends the following hierarchy for handling yard trimmings:  
24 (1) Naturalized, low-maintenance landscaping requiring little or no cutting;  
25 (2) Grass cycling by mowing it high and letting it lie;

- 26 (3) Return to the soil or other beneficial reuse on the site where the material was grown,  
 27 including but not limited to:
- 28 ~~(3)~~(A) Stacking branches into brush piles for use as wildlife habitats and for gradual  
 29 decomposition into the soil;
- 30 ~~(4)~~(B) Composting on the site where the material was grown, followed by  
 31 incorporation of the finished compost into the soil at that site; or
- 32 ~~(5)~~(C) Chipping woody material on the site where such material was generated; and  
 33 ~~(6)~~(4) Collecting yard trimmings and transporting them to another site to be ~~chipped or~~  
 34 ~~composted for later use;~~ and
- 35 ~~(7) Chipping woody material for later use as fiber fuel.:~~
- 36 (A) Processed for mulch or feedstock for composting;  
 37 (B) Processed for use as a bioenergy feedstock; or  
 38 (C) Disposed in a lined landfill having a permitted gas collection system in operation  
 39 by which landfill gas is directed to equipment or facilities for beneficial reuse such as  
 40 electrical power generation, industrial end use, or other beneficial use promoting  
 41 renewable energy goals."

## 42 SECTION 2.

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

46 "(e) ~~After July 1, 1992, owners~~ Owners or operators of any solid waste disposal facility  
 47 other than an inert waste landfill as defined in regulations promulgated by the board or a  
 48 private industry solid waste disposal facility shall assess and collect on behalf of the  
 49 division from each disposer of waste a surcharge of ~~50¢ per ton of solid waste disposed.~~  
 50 ~~From July 1, 2003, through June 30, 2008, said surcharge shall be 65¢ per ton of solid~~  
 51 ~~waste disposed. After July 1, 2008, said surcharge shall be 75¢ per ton of solid waste~~  
 52 ~~disposed. Two percent of said surcharges collected may be retained by the owner or~~  
 53 ~~operator of any solid waste disposal facility collecting said surcharge to pay for costs~~  
 54 ~~associated with collecting said surcharge. Surcharges assessed and collected on behalf of~~  
 55 ~~the division shall be paid to the division on July 1, 1993, for the period July 1, 1992,~~  
 56 ~~through December 31, 1992. All subsequent payments shall be due on~~ not later than  
 57 the first day of July of each year for the preceding calendar year. Any facility permitted  
 58 exclusively for the disposal of construction or demolition waste that conducts recycling  
 59 activities for construction or demolition materials shall receive a credit towards such  
 60 surcharges of 75¢ per ton of material recycled at the facility."

61 **SECTION 3.**

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

64 "(3) The tire fees authorized in this subsection shall cease to be collected on June 30,  
65 ~~2011~~ 2014. The director shall make an annual report to the House Committee on Natural  
66 Resources and Environment and the Senate Natural Resources and the Environment  
67 Committee regarding the status of the activities funded by the solid waste trust fund."

68 **SECTION 4.**

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

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

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

76 (2) Inert waste landfills; or

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

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

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

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

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

91 ~~(b) Prior to September 1, 1996, each city, county, and solid waste authority is authorized~~  
92 ~~but not required to impose restrictions on yard trimmings which are generated or may~~  
93 ~~ultimately be disposed of in its area of jurisdiction. Such restrictions may include, but are~~  
94 ~~not limited to, the restrictions stated in paragraphs (1) through (4) of subsection (a) of this~~  
95 ~~Code section. Except as otherwise provided in subsection (a) of this Code section, owners~~

96 and operators of municipal solid waste landfills shall be prohibited from disposing of yard  
97 trimmings in municipal solid waste landfills."

98 **SECTION 5.**

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

101 **SECTION 6.**

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