

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

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 certain reports by landfill owners and operators; to repeal certain cost reporting
5 requirements; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "12-8-31.1.

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

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

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

25 (b) The local, multijurisdictional, or regional solid waste plan and plan updates shall, at
26 a minimum, provide for the assurance of adequate solid waste handling capability and

27 capacity within the planning area for at least ten years from the date of completion of the
 28 plan which shall specifically include an adequate collection and disposal capability; shall
 29 enumerate the solid waste handling facilities as to size and type; and shall identify those
 30 sites which are not suitable for solid waste handling facilities based on environmental and
 31 land use factors.

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

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

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

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

- 61 (1) Certification that the facility for which a permit is sought complies with local land
 62 use and zoning requirements, if any;

63 (2) Verification that the facility for which a permit is sought meets the ten-year capacity
 64 needs identified in the local, multijurisdictional, or regional solid waste management
 65 plan; and

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

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

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

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

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

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

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

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

107 (h) The provisions of subsection (d) of this Code section notwithstanding, each public or
108 private owner or operator of a municipal solid waste landfill shall report annually to the
109 Department of Community Affairs on the status of solid waste management for each
110 municipal solid waste landfill it owns or operates in this state. The annual report for each
111 such landfill shall include but not be limited to:

112 (1) The amount of solid waste collected, processed, and disposed of at such landfill;

113 (2) The remaining permitted capacity of the landfill;

114 (3) Recycling and composting activities in existence at such landfill; and

115 (4) Any other pertinent information as may be required by the Department of
116 Community Affairs."

117 **SECTION 2.**

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

120 **SECTION 3.**

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