

House Bill 320

By: Representatives Harden of the 148th, Smith of the 70th, Tankersley of the 160th, Riley of the 50th, Williams of the 119th, 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 solid waste management generally, so as to categorically exempt
3 currently existing and compliant inert waste landfill operations from regulatory permitting;
4 to provide for additional permitting exemptions; to delete a cross-reference; to revise civil
5 penalty provisions; to amend Code Section 12-2-2 of the Official Code of Georgia
6 Annotated, relating to general provisions regarding the Environmental Protection Division
7 and Environmental Advisory Council, so as to update the effective date of rules and
8 regulations for purposes of criminal law enforcement; to provide for related matters; to
9 provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
13 relating to solid waste management generally, is amended in Code Section 12-8-24, relating
14 to permits for solid waste handling activities, by adding a new subsection to read as follows:
15 "(k) Any inert waste landfill operation which, as of January 1, 2014, is in full compliance
16 with all permit by rule requirements established in the rules and regulations of the division
17 as they existed on January 1, 2012, may continue to operate under such permit by rule
18 requirements."

19 **SECTION 2.**

20 Said part is further amended by revising Code Section 12-8-27, which is reserved, as follows:
21 "12-8-27.
22 Any landfill receiving only inert waste and which has a total capacity of 250 cubic yards
23 or less shall be exempt from all permitting requirements under this part. Reserved."

24 **SECTION 3.**

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

27 "(a) There shall be established the solid waste trust fund. The director shall serve as trustee
 28 of the solid waste trust fund. The moneys deposited in such fund pursuant to this Code
 29 section, ~~Code Section 12-8-27~~, and Code Section Sections 12-8-30.6; and ~~Code Section~~
 30 12-8-40.1 may be expended by the director, with the approval of the board, for the
 31 following purposes:

32 (1) To take whatever emergency action is necessary or appropriate to assure that the
 33 public health or safety is not threatened whenever there is a release or substantial threat
 34 of a release of contaminants from a disposal facility;

35 (2) To take preventive or corrective actions where the release of contaminants presents
 36 an actual or potential threat to human health or the environment and where the owner or
 37 operator has not been identified or is unable or unwilling to perform corrective action,
 38 including but not limited to closure and postclosure care of a disposal facility and
 39 provisions for providing alternative water supplies;

40 (3) To take such actions as may be necessary to monitor and provide postclosure care of
 41 any disposal facility, including preventive and corrective actions, without regard to the
 42 identity or solvency of the owner thereof, commencing five years after the date of
 43 completing closure; and

44 (4) To take such actions as may be necessary to implement the provisions of a scrap tire
 45 management program in this state, particularly as may be related to the cleanup of scrap
 46 tire disposal piles and facilities, regulation of scrap tire carriers and other handlers, and
 47 disbursement of grants and loans to cities, counties, and other persons as may be
 48 necessary to implement fully the provisions of this part."

49 **SECTION 4.**

50 Said part is further amended in Code Section 12-8-30.6, relating to civil penalties for solid
 51 waste management violations, by revising subsection (a) as follows:

52 "~~(a) Any person, provided that person is a public authority or a city or county government~~
 53 ~~located within the boundaries of Georgia, violating any provision of this part or rules or~~
 54 ~~regulations adopted pursuant to this part or intentionally or negligently failing or refusing~~
 55 ~~to comply with any final or emergency order of the director issued as provided in this part~~
 56 ~~shall be liable for a civil penalty not to exceed \$1,000.00 for such violation and for an~~
 57 ~~additional civil penalty not to exceed \$500.00 for each day during which such violation~~
 58 ~~continues. Any person other than a public authority or a city or county government located~~
 59 ~~within the boundaries of Georgia violating any provision of this part or intentionally or~~

60 negligently failing or refusing to comply with any final or emergency order of the director
61 issued as provided in this part shall be liable for a civil penalty not to exceed ~~\$25,000.00~~
62 \$5,000.00 per day for each day during which such violation continues."

63 **SECTION 5.**

64 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to general
65 provisions regarding the Environmental Protection Division and Environmental Advisory
66 Council, is amended by revising paragraph (5) of subsection (c) as follows:

67 "(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal
68 violations of the standards, rules, and regulations promulgated by the Board of Natural
69 Resources as provided in this title, the term 'standards, rules, and regulations' shall mean
70 those standards, rules, and regulations of the Board of Natural Resources in force and
71 effect on January 1, ~~1998~~ 2013."

72 **SECTION 6.**

73 This Act shall become effective on July 1, 2013.

74 **SECTION 7.**

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