

House Bill 320 (COMMITTEE SUBSTITUTE)

By: Representatives Harden of the 148<sup>th</sup>, Smith of the 70<sup>th</sup>, Tankersley of the 160<sup>th</sup>, Riley of the 50<sup>th</sup>, Williams of the 119<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 solid waste management generally, so as to exempt certain compliant  
3 inert waste landfill operations from additional regulatory permitting; to provide for additional  
4 permitting exemptions; to delete a cross-reference; to amend Code Section 12-2-2 of the  
5 Official Code of Georgia Annotated, relating to general provisions regarding the  
6 Environmental Protection Division and Environmental Advisory Council, so as to update the  
7 effective date of rules and regulations for purposes of criminal law enforcement; to provide  
8 for related matters; to provide for an effective date; to repeal conflicting laws; and for other  
9 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, has been certified by  
16 a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full  
17 compliance with all permit by rule requirements established in the rules and regulations of  
18 the division as they existed on January 1, 2012, may continue to operate under such permit  
19 by rule requirements."

20 **SECTION 2.**

21 Said part is further amended by revising Code Section 12-8-27, which is reserved, as follows:  
22 "12-8-27.  
23 Any landfill receiving only inert waste and which has a total capacity of 250 cubic yards  
24 or less shall be exempt from all permitting requirements under this part so long as such  
25 landfill is at least 100 feet from any property line or enclosed structure. Reserved."

26

**SECTION 3.**

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

29 "(a) There shall be established the solid waste trust fund. The director shall serve as trustee  
30 of the solid waste trust fund. The moneys deposited in such fund pursuant to this Code  
31 section, ~~Code Section 12-8-27~~, and Code Section Sections 12-8-30.6; and ~~Code Section~~  
32 12-8-40.1 may be expended by the director, with the approval of the board, for the  
33 following purposes:

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

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

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

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

51

**SECTION 4.**

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

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

60 **SECTION 5.**

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

62 **SECTION 6.**

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