

The Senate Natural Resources and the Environment Committee offered the following substitute to HB 276:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to hazardous site response, so as to change certain procedures regarding  
3 appropriations to the Department of Natural Resources and the Georgia Hazardous Waste  
4 Management Authority; to extend the sunset date for certain hazardous waste fees; to amend  
5 Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to solid waste  
6 disposal cost reimbursement fees and surcharges, so as to extend the sunset date for certain  
7 solid waste disposal surcharges; to provide for related matters; to provide for an effective  
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,  
12 relating to hazardous site response, is amended by revising subsection (b) of Code Section  
13 12-8-95, relating to the hazardous waste trust fund, as follows:

14 "(b) The moneys deposited in the hazardous waste trust fund may be expended by the  
15 director as follows:

16 (1) For activities associated with the investigation, detoxification, removal, and disposal  
17 of any hazardous wastes, hazardous constituents, or hazardous substances at sites where  
18 corrective action is necessary to mitigate a present or future danger to human health or  
19 the environment;

20 (2) For emergency actions the director considers necessary to protect public health,  
21 safety, or the environment whenever there is a release of hazardous wastes, hazardous  
22 constituents, or hazardous substances;

23 (3) For activities of the division associated with the administration of this part, including  
24 reviewing and overseeing investigations, corrective action, and other actions by federal  
25 agencies required under this article and supporting the reduction of hazardous waste and  
26 pollution prevention activities by federal agencies;

27 (4) In accordance with rules promulgated by the board, for financing of the state and  
 28 local share of the costs associated with the investigation, remediation, and postclosure  
 29 care and maintenance of sites placed on the National Priority List pursuant to the federal  
 30 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as  
 31 amended, or sites placed on the hazardous site inventory pursuant to Code Section  
 32 12-8-97; provided, however, that the director shall ensure that beginning July 1, 2003,  
 33 and annually in each following year, an amount equal to at least one-half of the sum of  
 34 annual collections made pursuant to subsection (e) of Code Section 12-8-39 and  
 35 appropriated to the department in accordance with subsection (b) of Code Section  
 36 12-8-91 shall be available to be used for the purposes of this paragraph; provided, further,  
 37 that if a county or municipal corporation has been or is the owner of or operator of such  
 38 site, not less than \$500,000 of such costs shall be paid from the hazardous waste trust  
 39 fund; and

40 (5) For activities administered by the director associated with pollution prevention,  
 41 including reduction of hazardous wastes generated in the this state; and.

42 ~~(6) Provided that annual appropriations are made to the Department of Natural Resources~~  
 43 ~~in accordance with subsection (b) of Code Section 12-8-91, for transfer on an annual~~  
 44 ~~basis to the Georgia Hazardous Waste Management Authority in an amount equal to 10~~  
 45 ~~percent of the previous year's payment into the state treasury by the division of fees and~~  
 46 ~~penalties pursuant to subsection (e) of Code Section 12-2-2, subsection (e) of Code~~  
 47 ~~Section 12-8-39, and Code Section 12-8-95.1. If in any year the fees cease to be collected~~  
 48 ~~due to the unencumbered principal balance exceeding \$25 million in the hazardous waste~~  
 49 ~~trust fund, a transfer of funds shall be made to the Georgia Hazardous Waste~~  
 50 ~~Management Authority from the principal of the hazardous waste trust fund equal to the~~  
 51 ~~average transfer for the three preceding years. Such transferred funds are to be~~  
 52 ~~administered by the chief administrative officer of the Georgia Hazardous Waste~~  
 53 ~~Management Authority to fund source reduction and project activities as set forth in~~  
 54 ~~Article 4 of this chapter and in accordance with the policies of the board."~~

55 **SECTION 2.**

56 Said part is further amended by revising subsection (h) of Code Section 12-8-95.1, relating  
 57 to hazardous waste management fees and hazardous substance reporting fees, as follows:

58 "(h) Unless fee requirements established in this Code section are reimposed by the General  
 59 Assembly, no such fees shall be levied after July 1, ~~2013~~ 2018."

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**SECTION 3.**

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Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to solid waste disposal cost reimbursement fees and surcharges, is amended by revising subsection (g) as follows:

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"(g) Unless the requirement for the surcharge required by subsection (e) of this Code section is reimposed by the General Assembly, no such surcharge shall be collected after July 1, ~~2013~~ 2018."

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**SECTION 4.**

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

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**SECTION 5.**

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