

House Bill 741 (AS PASSED HOUSE AND SENATE)

By: Representatives Tanner of the 9<sup>th</sup>, Tankersley of the 160<sup>th</sup>, Gasaway of the 28<sup>th</sup>, Powell of the 171<sup>st</sup>, Smith of the 70<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water  
2 resources, so as to revise certain requirements related to issuance of sludge land application  
3 permits; to require consistency with existing local zoning ordinances; to require that public  
4 hearings be held within jurisdiction of the governing authority where the proposed land  
5 application site is located; to provide for an effective date; to provide for related matters; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources,  
10 is amended by revising Code Section 12-5-30.3, relating to sludge land application systems,  
11 as follows:

12 "12-5-30.3.

13 (a) As used in this Code section, the term:

14 (1) 'Sludge' means the solid or semisolid residue generated at a waste-water treatment  
15 or pretreatment plant. Such term specifically excludes treated effluent, septage, and  
16 sludge that has been treated to further reduce pathogens by such processes as composting,  
17 heat drying, or heat treating.

18 (2) 'Sludge land application' means the placement of sludge on or under the ground  
19 surface for the purpose of sludge disposal, soil conditioning, or agricultural enhancement.  
20 Such term specifically excludes the disposal of sludge in a permitted landfill.

21 (b)(1) No person shall operate a sludge land application system without first securing the  
22 approval of the director. The director may include this approval and approval  
23 requirements in a permit issued under Code Section 12-5-30.

24 (2) Prior to the issuance of any permit for a sludge land application system, the director  
25 shall require written verification to be furnished by the applicant that the proposed facility  
26 complies with applicable local zoning or land use ordinances, if any.

27 (c) The Board of Natural Resources shall adopt technical regulations governing sludge  
28 land application and procedural regulations for approval of sludge land application  
29 systems, including public notice and public hearing requirements. All public hearings shall  
30 be conducted by the division and the applicant for the permit within the jurisdiction of the  
31 local governing authority where the proposed sludge land application site is located.

32 (d) The local governing authority in which a sludge land application site is located may  
33 assess upon the generator of the sludge and the owner of the sludge land application site  
34 reasonable fees for environmental monitoring of the site and may hire persons to monitor  
35 the site. Payment of the assessed fee shall be made prior to the application of sludge.  
36 Failure to pay such fees, if assessed, shall be grounds for the local governing authority to  
37 seek an injunction to stop the land application of sludge. The provisions of this ~~subsection~~  
38 section shall not apply to the land application of sludge which is generated by the treatment  
39 of industrial process waste water only.

40 (e) Any person who violates this Code section, regulations adopted by the Board of  
41 Natural Resources pursuant to this Code section, or any permit or approval requirements  
42 of the director issued pursuant to this Code section shall be subject to the civil penalties and  
43 the criminal penalties contained in Code Sections 12-5-52 and 12-5-53."

44 **SECTION 2.**

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

47 **SECTION 3.**

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