

House Bill 880

By: Representatives Jones of the 167<sup>th</sup>, McCall of the 33<sup>rd</sup>, Powell of the 171<sup>st</sup>, Battles of the 15<sup>th</sup>, Williams of the 145<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 general provisions relative to solid waste management, so as to  
3 provide for safe disposal of coal ash in municipal solid waste and commercial industrial solid  
4 waste landfills; to provide for definitions; to provide requirements for siting new or expanded  
5 landfills receiving coal combustion residuals; to provide for such landfills permitted prior to  
6 July 1, 2018; to provide for ground-water monitoring; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,  
11 relating to general provisions relative to solid waste management, is amended in Code  
12 Section 12-8-22, relating to definitions, by revising paragraph (17.1) and adding new  
13 paragraphs to read as follows:

14 "(1.05) 'Aquifer' means a geologic formation, group of formations, or portion of a  
15 formation capable of yielding usable quantities of groundwater to wells or springs or  
16 other surface waters."

17 "(4.05) 'Coal combustion residuals' or 'CCR' means fly ash, bottom ash, boiler slag, and  
18 flue gas desulfurization materials generated from burning coal for the purpose of  
19 generating electricity by electric utilities and independent power producers."

20 "(14.1) 'Landfill unit' means an area of land in which solid waste is placed for permanent  
21 disposal and which is not a land application unit, surface impoundment, injection well,  
22 or compost pile."

23 "(17.1) 'Monofill' means a method of solid waste disposal that involves the landfilling  
24 of one waste type or wastes having very similar characteristics in a segregated trench or  
25 area that is physically separated from dissimilar or incompatible waste.

26 (17.2) 'Multijurisdictional solid waste management plan' means a comprehensive solid  
 27 waste plan adopted pursuant to Code Section 12-8-31.1 covering two or more  
 28 jurisdictions."

29 "(21.1) 'Permanent disposal' means placement of a division approved cover over solid  
 30 waste."

31 "(40.05) 'Uppermost aquifer' means the geologic formation nearest the natural ground  
 32 surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected  
 33 with such aquifer within the facility's proposed boundary. Upper limit is measured at a  
 34 point nearest to the natural ground surface to which the aquifer rises during the wet  
 35 season."

## 36 SECTION 2.

37 Said part is further amended by adding a new Code section to read as follows:

38 "12-8-24.4.

39 (a) On and after July 1, 2018, any modification of an existing permit to allow for the  
 40 receipt of CCR at a municipal solid waste landfill or a commercial industrial landfill, in  
 41 which CCR will be commingled with municipal solid waste or commercial industrial waste  
 42 and the ratio of CCR received daily to municipal solid waste or commercial industrial  
 43 waste received daily is 1:10 or greater, shall be a major modification. For purposes of  
 44 determining the ratio of CCR to municipal solid waste or commercial industrial waste,  
 45 CCR shall not be interpreted to include vegetation that grew in, on, or adjacent to any CCR  
 46 surface impoundment and that is received at a municipal solid waste landfill or commercial  
 47 industrial landfill.

48 (b)(1) Any owner or operator seeking a minor modification of an existing permit to  
 49 allow for the receipt of CCR at a municipal solid waste landfill or a commercial industrial  
 50 landfill, including a monofill at either type of landfill, shall notify the public of the intent  
 51 to receive CCR. Such notice shall be published in the legal organ of the county or  
 52 counties in which the landfill is located within seven business days of submitting the  
 53 minor permit modification application to the division.

54 (2) Within seven business days of receiving an application seeking a modification of an  
 55 existing permit to allow for the receipt of CCR at a municipal solid waste landfill or a  
 56 commercial industrial landfill, including a monofill at either type of landfill, the division  
 57 shall place the application on the division's publicly accessible Internet site.

58 (c)(1) On and after July 1, 2018, no permit or permit modification to allow for the receipt  
 59 of CCR at a municipal solid waste landfill or commercial industrial landfill shall be  
 60 approved unless:

61 (A) Either the landfill is constructed with a base that is located no less than 1.52 meters  
62 (five feet) above the upper limit of the uppermost aquifer, or the applicant demonstrates  
63 that there will not be an intermittent, recurring, or sustained hydraulic connection  
64 between any portion of the base of the landfill and the uppermost aquifer due to normal  
65 fluctuations in ground-water elevations; and

66 (B) No part of any landfill unit that may receive CCR is located in the 100-year flood  
67 plain.

68 (2) Any municipal solid waste landfill or commercial industrial landfill that received  
69 CCR before July 1, 2018, and does not meet the criteria for siting in paragraph (1) of this  
70 subsection shall cease receiving CCR on or before December 1, 2018, unless it is in  
71 compliance with the ground-water monitoring requirements in paragraph (2) of  
72 subsection (d) of this Code section.

73 (d)(1) Any municipal solid waste landfill or commercial industrial landfill that receives  
74 CCR shall incorporate the constituents listed in Appendix III to 40 C.F.R. Part 257 into  
75 its ground-water detection monitoring plan. The monitoring frequency for these  
76 constituents shall be at least quarterly during the active life of the facility (including  
77 closure) and the postclosure care period.

78 (2) Any municipal solid waste landfill or commercial industrial landfill that does not  
79 meet the criteria for siting in paragraph (1) of subsection (c) of this Code section and  
80 continues to receive CCR after December 1, 2018, shall incorporate the constituents  
81 listed in Appendix IV to 40 C.F.R. Part 257 into its ground-water detection monitoring  
82 plan. The monitoring frequency for these constituents shall be at least quarterly during  
83 the active life of the facility (including closure) and the postclosure care period."

84 **SECTION 3.**

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