

House Bill 879 (COMMITTEE SUBSTITUTE)

By: Representatives Jones of the 167th, McCall of the 33rd, Powell of the 171st, Battles of the 15th, Williams of the 145th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,
2 relating to control of water pollution and surface-water use, so as to provide notice to local
3 governing authorities prior to the dewatering of coal combustion residual surface
4 impoundments; to provide for minimum notice requirements to the public of such
5 dewatering; to provide for definitions; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
10 control of water pollution and surface-water use, is amended by revising Code Section
11 12-5-22, relating to definitions, as follows:

12 "12-5-22.

13 As used in this article, the term:

14 (1) 'CCR' or 'coal combustion residuals' means fly ash, bottom ash, boiler slag, and flue
15 gas desulfurization materials generated from burning coal for the purpose of generating
16 electricity by electric utilities and independent power producers.

17 (2) 'CCR rule compliance data and information website' means the publicly accessible
18 website required by 40 C.F.R. Section 257.107 that each owner or operator of a CCR
19 surface impoundment must maintain.

20 (3) 'CCR surface impoundment' or 'coal ash pond' means a natural topographic
21 depression, manmade excavation, or diked area which is designed to hold an
22 accumulation of CCR and liquids and which treats, stores, or disposes of CCR.

23 (4) 'Dewatering' means removing liquids from a CCR surface impoundment and
24 discharging those liquids into state waters as part of the CCR surface impoundment
25 closure process.

26 (5) 'Director' means the director of the Environmental Protection Division of the
27 Department of Natural Resources.

28 ~~(2)~~(6) 'Division' means the Environmental Protection Division of the Department of
29 Natural Resources.

30 ~~(3)~~(7) 'Effluent limitation' means any restriction or prohibition established under this
31 article on quantities, rates, or concentrations, or a combination thereof, of chemical,
32 physical, biological, or other constituents which are discharged from point sources into
33 the ~~water~~ waters of the state, including, but not limited to, schedules of compliance.

34 ~~(4)~~(8) 'Industrial wastes' means any liquid, solid, or gaseous substance, or combination
35 thereof, resulting from a process of industry, manufacture, or business or from the
36 development of any natural resources.

37 ~~(5)~~(9) 'Nonpoint source' means any source which discharges pollutants into the waters
38 of the state other than a point source.

39 ~~(6)~~(10) 'Other wastes' means liquid, gaseous, or solid substances, except industrial wastes
40 and sewage, which may cause or tend to cause pollution of any waters of the state.

41 ~~(7)~~(11) 'Person' means any individual, corporation, partnership, or other unincorporated
42 association. This term may extend and be applied to bodies politic and corporate.

43 ~~(8)~~(12) 'Point source' means any discernible, confined, or discrete conveyance, including,
44 but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure,
45 container, rolling stock, concentrated animal feeding operation, or vessel or other floating
46 craft, from which pollutants are or may be discharged.

47 ~~(9)~~(13) 'Pollutant' means dredged spoil, solid waste, incinerator residue, sewage,
48 garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive
49 materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes,
50 municipal waste, and agricultural waste discharged into the waters of the state. It does
51 not mean (A) sewage from vessels or (B) water, gas, or other material which is injected
52 into a well to facilitate production of oil or gas, or water derived in association with oil
53 or gas production and disposed of in a well, if the well, used either to facilitate production
54 or for disposal purposes, is approved by the appropriate authorities of this state, and if
55 such authorities determine that such injection or disposal will not result in degradation
56 of ground-water or surface-water resources.

57 ~~(10)~~(14) 'Pollution' means the manmade or man-induced alteration of the chemical,
58 physical, biological, and radiological integrity of water.

59 ~~(11)~~(15) 'Sewage' means the water carried waste products or discharges from human
60 beings or from the rendering of animal products, or chemicals or other wastes from
61 residences, public or private buildings, or industrial establishments, together with such
62 ground, surface, or storm water as may be present.

63 ~~(12)~~(16) 'Sewage system' means sewage treatment works, pipelines or conduits, pumping
 64 stations, and force mains, and all other constructions, devices, and appliances appurtenant
 65 thereto, used for conducting sewage or industrial wastes or other wastes to the point of
 66 ultimate disposal.

67 ~~(13)~~(17) 'Waters' or 'waters of the state' means any and all rivers, streams, creeks,
 68 branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies
 69 of surface or subsurface water, natural or artificial, lying within or forming a part of the
 70 boundaries of the state which are not entirely confined and retained completely upon the
 71 property of a single individual, partnership, or corporation."

72 **SECTION 2.**

73 Said article is further amended by adding a new Code section to read as follows:

74 "12-5-30.5.

75 (a) No later than three business days after commencing the dewatering of a CCR surface
 76 impoundment, the owner or operator of the CCR surface impoundment shall provide
 77 written notice that dewatering has begun to the director and the local governing authority
 78 of any city and county in which the CCR surface impoundment is located. Within seven
 79 business days of receiving such written notice, the director shall post a public notice on the
 80 division's publicly accessible Internet site stating that dewatering at the CCR surface
 81 impoundment has begun and shall describe the location thereof.

82 (b) No later than three business days after commencing the dewatering of a CCR surface
 83 impoundment, the owner or operator of the CCR surface impoundment shall post on its
 84 CCR rule compliance data and information website a public notice stating that dewatering
 85 has begun at the CCR surface impoundment and shall describe the location thereof. Within
 86 14 business days of commencing dewatering, the owner or operator of the CCR surface
 87 impoundment shall also publish such notice in the legal organ of the county in which
 88 dewatering is taking place."

89 **SECTION 3.**

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