

The House Committee on Natural Resources and Environment offers the following substitute to SB 385:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to cost
2 reimbursement fees and surcharges, so as to change the surcharge imposed by host local
3 governments regarding solid waste disposal facilities operated by private enterprises; to
4 exempt from such change such facilities permitted for the disposal of construction or
5 demolition waste, inert waste, and coal ash; to change the uses of such surcharge funds; to
6 provide effective dates for such surcharges; to provide for the use of funds collected from
7 such surcharges; to provide for contractual negotiation of such surcharges; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

13 "(d)(1)(A) Effective January 1, 1992 Until December 31, 2019, when a municipal solid
14 waste disposal facility is operated by private enterprise, the host local government is
15 authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent,
16 in addition to any other negotiated charges or fees which shall be imposed by and paid
17 to the host local government for the facility, ~~and shall be used to offset the impact of~~
18 ~~the facility, public education efforts for solid waste management, the cost of solid waste~~
19 ~~management, and the administration of the local or regional solid waste management~~
20 ~~plan; provided, however, that such~~ Except as otherwise provided in subparagraphs (B)
21 and (C) of this paragraph, effective January 1, 2020, when a municipal solid waste
22 disposal facility is owned by private enterprise, the host local government is authorized
23 and required to impose a surcharge of \$2.00 per ton or volume equivalent, in addition
24 to any other negotiated charges or fees which shall be imposed by and paid to the host
25 local government for the facility.

26 (B) When a municipal solid waste disposal facility is operated by private enterprise,
 27 the host local government is authorized and required to impose a surcharge of \$1.00 per
 28 ton or volume equivalent until June 30, 2025, and a surcharge of \$2.00 per ton or
 29 volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue
 30 gas desulfurization materials generated from burning coal for the purpose of generating
 31 electricity by electric utilities and independent power producers, in addition to any
 32 other negotiated charges or fees which shall be imposed by and paid to the host local
 33 government for the facility.

34 (C) When a municipal solid waste disposal facility is operated by private enterprise,
 35 the host local government is authorized and required to impose a surcharge of \$1.00 per
 36 ton or volume equivalent for construction or demolition waste or inert waste, in
 37 addition to any other negotiated charges or fees which shall be imposed by and paid to
 38 the host local government for the facility.

39 (2)(A) At least 50 percent of the surcharges collected pursuant to this subsection shall
 40 be expended for the following purposes:

- 41 (i) To offset the impact of the facility;
- 42 (ii) Public education efforts for solid waste management, hazardous waste
 43 management, and litter control;
- 44 (iii) The cost of solid waste management;
- 45 (iv) Administration of the local or regional solid waste management plan;
- 46 (v) Repair of damage to roads and highways associated with the facility;
- 47 (vi) Enhancement of litter control programs;
- 48 (vii) Ground-water and air monitoring and protection associated with the location of
 49 the facility;
- 50 (viii) Remediation and monitoring of closed or abandoned facilities within the
 51 jurisdiction of the host local government;
- 52 (ix) Infrastructure improvements associated with the facility;
- 53 (x) Allocation of such funds in any fiscal year to a reserve fund designated for use
 54 for the above purposes in future fiscal years; and
- 55 (xi) For the acquisition of property and interests in property adjacent to or in
 56 reasonable proximity to the facility upon a determination by the host local
 57 government that such acquisition will serve beautification, environmental, buffering,
 58 or recreational purposes such as will ameliorate the impact of the facility.

59 (B) Those surcharges not expended or allocated as provided for in subparagraph (A)
 60 of this paragraph may be used for other governmental expenses to the extent not
 61 required to meet the above or other solid waste management needs.

62 (3) Host local governments may negotiate for and obtain by contract surcharges higher
63 than those set forth in this subsection; furthermore, nothing in this subsection shall reduce
64 any such surcharge in existence on January 1, 2020."

65 **SECTION 2.**

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