

House Bill 705

By: Representatives Smith of the 70<sup>th</sup>, Meeks of the 178<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, Hogan of the 179<sup>th</sup>, and Williams of the 145<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste  
2 management, so as to require notice to county residents regarding the siting of certain waste  
3 disposal facilities in adjacent counties within two miles of the jurisdictional border; to repeal  
4 a population act; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste  
9 management, is amended by repealing Code Section 12-8-25, relating to sites in certain  
10 counties within one-half mile of adjoining county, and enacting a new Code Section 12-8-25  
11 to read as follows:

12 "12-8-25.

13 (a)(1) Except as otherwise provided in subsection (b) of this Code section, no permit  
14 shall be issued for a solid waste handling facility if any part of the site is within two miles  
15 of an adjoining county without the applicant's first receiving the consent of the governing  
16 authority of such adjoining county; provided, however, that the director may permit such  
17 a facility if the applicant provides evidence that no alternative sites or methods are  
18 available in that jurisdiction for the handling of its solid waste.

19 (2) At least two weeks prior to giving such consent, the governing authority of the  
20 adjoining county shall publish notice in the county legal organ on the matter.

21 (b) The consent of an adjoining county as provided in subsection (a) of this Code section  
22 shall not be required either by new permit or by modification of an existing permit when  
23 the expansion of an existing municipal solid waste disposal facility is granted by the  
24 director or when the ownership, direct or indirect, of an existing municipal solid waste  
25 disposal facility is transferred."

26 **SECTION 2.**

27 Said chapter is further amended in Code Section 12-8-66, relating to permits for the  
 28 construction, installation, operation, or alteration of hazardous waste facilities, by revising  
 29 subsection (h) as follows:

30 "(h) Upon the first receipt of an application for a hazardous waste facility permit, the  
 31 director, within 15 days, shall provide to the government of the county in which the facility  
 32 ~~is located or~~ is proposed to be located, to each city government located wholly or partially  
 33 within that county, and to the government of each county and city having territorial  
 34 boundaries within two miles of the ~~hazardous waste facility, or~~ proposed hazardous waste  
 35 facility a written notice indicating that an application has been received and describing the  
 36 hazardous waste activities the applicant proposes to conduct. Within a 30 day period after  
 37 first receipt of such application, the director shall also publish in at least one local  
 38 newspaper of general circulation in the county in which the facility is proposed to be  
 39 located and in any adjacent county having territorial boundaries within two miles of such  
 40 proposed location a public notice that an application for a hazardous waste facility permit  
 41 has been received. A public hearing shall be held if such is requested in writing within 30  
 42 days after publication of notification and is requested by 25 or more persons who claim to  
 43 be affected by the pending permit application, by a governmental subdivision, or by an  
 44 association having not fewer than 25 members. If requested, the public hearing shall be  
 45 conducted at the county seat of the county in which the hazardous waste facility is  
 46 proposed to be located. At least 45 days prior to the date of the public hearing, the director  
 47 shall provide written notice to the various local governmental subdivisions and other  
 48 interested parties in the locality in which the proposed facility may be located that a public  
 49 hearing has been requested, which written notice shall also include the date, time, location,  
 50 and purpose of the public hearing. The date, time, location, and purpose of such public  
 51 hearing shall be advertised in the legal organ of the county in which the facility is proposed  
 52 to be located at least 45 days in advance of the date set for the hearing. Such public  
 53 hearings shall be held for the purpose of receiving comments and suggestions concerning  
 54 the location and requirements for the operation of a hazardous waste facility. The director  
 55 shall consider fully all written and oral submissions regarding the proposed facility and the  
 56 pending application."

57 **SECTION 3.**

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