

The House Committee on Rules offers the following substitute to SB 20:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 12 of Title 2 of the Official Code of Georgia Annotated, relating to  
2 fertilizers, liming materials, and soil amendments, so as to authorize the Commissioner of  
3 Agriculture to promulgate and adopt rules and regulations relating to fertilizers, liming  
4 materials, and soil amendments derived from industrial by-products; to revise definitions; to  
5 amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste  
6 management, so as to revise the time at which certain municipal solid waste disposal facility  
7 surcharges will increase; to provide for related matters; to repeal conflicting laws; and for  
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Chapter 12 of Title 2 of the Official Code of Georgia Annotated, relating to fertilizers, liming  
11 materials, and soil amendments, is amended in Code Section 2-12-2, relating to definitions  
12 regarding fertilizers, by revising paragraphs (8) and (12) as follows:

14 "(8) 'Fertilizer' means any substance containing one or more recognized plant nutrients  
15 which is used for its plant nutrient content and which is designed for use or claimed to  
16 have value in promoting plant growth, except unmanipulated animal and vegetable  
17 manures, marl, lime, limestone, wood ashes, boiler ashes produced by the pulp and paper  
18 industry, and other products exempted by regulation by the Commissioner but does not  
19 include any material for which the distributor compensates, by any means, the property  
20 owner or property custodian which is receiving the material."

21 "(12) 'Industrial by-product' means any industrial waste or by-product which contains  
22 plant nutrients. Such term shall not include human waste or septage."

**SECTION 2.**

23 Said chapter is further amended by revising Code Section 2-12-15, relating to adoption and  
24 enforcement of rules and regulations regarding fertilizers generally, as follows:  
25

26 "2-12-15.

27 For the enforcement and implementation of this article, the Commissioner is authorized to  
 28 ~~prescribe~~ promulgate and adopt, according to the provisions of Chapter 13 of Title 50, the  
 29 'Georgia Administrative Procedure Act,' and enforce such reasonable rules and regulations  
 30 relating to the distribution of fertilizers as the Commissioner finds necessary to carry into  
 31 effect the full intent and meaning of this article and to ensure ethical practices in the sale,  
 32 delivery, and return of fertilizer. The Commissioner is also authorized to promulgate and  
 33 adopt rules and regulations relative to fertilizers derived from industrial by-products which  
 34 may include, but not be limited to, application rates, proper conditions for application,  
 35 application record keeping and retention, development and use of site-specific nutrient  
 36 management plans, and storage and containment in or on lands where fertilizers are  
 37 applied. The Commissioner is further authorized to share such information and consult  
 38 with other agencies such as, but not limited to, the Environmental Protection Division of  
 39 the Department of Natural Resources and the United States Department of Agriculture's  
 40 Natural Resources Conservation Service."

41 **SECTION 3.**

42 Said chapter is further amended in Code Section 2-12-41, relating to definitions relative to  
 43 liming materials, by revising subparagraph (E) of paragraph (1) as follows:

44 "(E) 'Industrial by-product' is any industrial waste or by-product containing calcium or  
 45 calcium and magnesium compounds which will neutralize soil acidity. Such term shall  
 46 not include human waste or septage."

47 **SECTION 4.**

48 Said chapter is further amended by revising Code Section 2-12-49, relating to rules and  
 49 regulations regarding liming materials, as follows:

50 "2-12-49.

51 The Commissioner, after reasonable notice and hearing, is authorized to promulgate and  
 52 ~~enforce~~ adopt rules and regulations for the administration of this article. The  
 53 Commissioner is also authorized to promulgate and adopt rules and regulations relative to  
 54 liming materials derived from industrial by-products which may include, but not be limited  
 55 to, application rates, proper conditions for application, application record keeping and  
 56 retention, development and use of site-specific nutrient management plans, and storage and  
 57 containment in or on lands where liming materials are applied. The Commissioner is  
 58 further authorized to share such information and consult with other agencies such as, but  
 59 not limited to, the Environmental Protection Division of the Department of Natural

60 Resources and the United States Department of Agriculture's Natural Resources  
 61 Conservation Service."

62 **SECTION 5.**

63 Said chapter is further amended in Code Section 2-12-71, relating to definitions relative to  
 64 soil amendments, by adding a new paragraph to read as follows:

65 "(4.1) 'Industrial by-product' means any industrial waste or by-product which contains  
 66 plant nutrients. Such term shall not include human waste or septage."

67 **SECTION 6.**

68 Said chapter is further amended by revising Code Section 2-12-80, relating to rules and  
 69 regulations regarding soil amendments, as follows:

70 "2-12-80.

71 The Commissioner is authorized to promulgate and adopt such rules and regulations as may  
 72 be necessary to enforce this article. Such regulations may relate to, but shall not be limited  
 73 to, methods of inspection and examination, designation of ingredients, and identity of  
 74 products. The Commissioner is also authorized to promulgate and adopt rules and  
 75 regulations relative to soil amendments derived from industrial by-products which may  
 76 include, but not be limited to, application rates, proper conditions for application,  
 77 application record keeping and retention, development and use of site-specific nutrient  
 78 management plans, and product storage and containment in or on lands where soil  
 79 amendments are applied. The Commissioner is further authorized to share such  
 80 information and consult with other agencies such as, but not limited to, the Environmental  
 81 Protection Division of the Department of Natural Resources and the United States  
 82 Department of Agriculture's Natural Resources Conservation Service."

83 **SECTION 7.**

84 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste  
 85 management, is amended in Code Section 12-8-39, relating to cost reimbursement fees and  
 86 surcharges, by revising paragraph (1) of subsection (d) as follows:

87 "(d)(1)(A) ~~Until June 30, 2019~~ (i) Effective until December 31, 2020, when a  
 88 municipal solid waste disposal facility is operated by private enterprise, the host local  
 89 government is authorized and required to impose a surcharge of \$1.00 per ton or  
 90 volume equivalent, in addition to any other negotiated charges or fees which shall be  
 91 imposed by and paid to the host local government for the facility.

92 (ii) Except as otherwise provided in subparagraphs (B) and (C) of this paragraph,  
 93 effective ~~July 1, 2019~~ on and after January 1, 2021, when a municipal solid waste

94 disposal facility is owned by private enterprise, the host local government is  
95 authorized and required to impose a surcharge of \$2.50 per ton or volume equivalent,  
96 in addition to any other negotiated charges or fees which shall be imposed by and paid  
97 to the host local government for the facility.

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

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

111

**SECTION 8.**

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