

House Bill 929

By: Representatives Smith of the 133rd, Washburn of the 141st, Barr of the 103rd, Smith of the 70th, Dickey of the 140th, 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 post-closure ground-water monitoring at closed coal combustion residual
4 impoundments; to provide for definitions; to provide for ground-water monitoring reports;
5 to amend Part 3 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia
6 Annotated, relating to criminal trespass and damage to property relative to waste control, so
7 as to provide for a conforming cross-reference; to amend Part 1 of Article 3 of Chapter 8 of
8 Title 48 of the Official Code of Georgia Annotated, relating to county special purpose local
9 option sales tax, so as to provide for conforming cross-references; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
14 relating to general provisions relative to solid waste management, is amended in Code
15 Section 12-8-22, relating to definitions, by adding new paragraphs to read as follows:

16 "12-8-22.

17 As used in this article, the term:

18 (1) 'Affected county' means, in addition to the county in which a facility is or is proposed
19 to be located, each county contiguous to the host county and each county and
20 municipality within a county that has a written agreement with the facility to dispose of
21 solid waste.

22 ~~(1)~~(2) 'Biomedical waste' means pathological waste, biological waste cultures and
23 stocks of infectious agents and associated biologicals, contaminated animal carcasses
24 (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy
25 waste, discarded medical equipment and parts, not including expendable supplies and

26 materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of
27 the board as such rule existed on January 1, 2006, and other such waste materials.

28 ~~(2)~~(3) 'Board' means the Board of Natural Resources of the State of Georgia.

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

32 (5) 'CCR surface impoundment' means a natural topographic depression, manmade
33 excavation, or diked area, which is designed to hold an accumulation of CCR and liquids
34 and at which CCR can be treated or disposed of.

35 ~~(3)~~(6) 'Certificate' means a document issued by a college or university of the University
36 System of Georgia or other organization approved by the director stating that the operator
37 has met the requirements of the board for the specified operator classification of the
38 certification program.

39 ~~(4)~~(7) 'Closure' means a procedure approved by the division which provides for the
40 cessation of waste receipt at a solid waste disposal site and for the securing of the site in
41 preparation for post-closure.

42 ~~(4.1)~~(8) 'Commercial solid waste' means all types of solid waste generated by stores,
43 offices, restaurants, warehouses, and other nonmanufacturing activities, excluding
44 residential and industrial wastes.

45 ~~(5)~~(9) 'Composting' means the controlled biological decomposition of organic matter into
46 a stable, odor-free humus.

47 ~~(5.1)~~(10) 'Construction or demolition waste' means waste building materials and rubble
48 resulting from construction, remodeling, repair, or demolition operations on pavements,
49 houses, commercial buildings, and other structures. Such waste includes, but is not
50 limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper,
51 cardboard, and other nonputrescible wastes associated with construction and demolition
52 activities which have a low potential for ground-water contamination. Inert waste landfill
53 materials approved by the board for disposal in landfills permitted by rule and regulation
54 are also included in this definition if disposed in a construction or demolition waste
55 landfill.

56 ~~(6)~~(11) 'Contaminant' means any physical, chemical, biological, or radiological substance
57 or matter.

58 ~~(7)~~(12) 'Director' means the director of the Environmental Protection Division of the
59 Department of Natural Resources.

60 ~~(8)~~(13) 'Disposal facility' means any facility or location where the final deposition of
61 solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal
62 treatment technology facilities.

63 ~~(9)~~(14) 'Division' means the Environmental Protection Division of the Department of
64 Natural Resources.

65 ~~(9.1)~~(15) 'Feedstock' means raw material that is used in a machine or industrial process.

66 ~~(10)~~(16) 'Financial responsibility mechanism' means a mechanism designed to
67 demonstrate that sufficient funds will be available to meet specific environmental
68 protection needs of solid waste handling facilities. Available financial responsibility
69 mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters
70 of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees
71 as defined in 40 C.F.R. Part 264 Subpart H — Financial Requirements.

72 ~~(10.1)~~(17) 'Gasification to fuels and chemicals' means a process through which recovered
73 materials or other nonrecycled feedstock is heated and converted into a fuel-gas mixture
74 in an oxygen-deficient atmosphere, and such mixture is converted into fuel, including
75 ethanol and transportation fuel, chemicals, or other chemical feedstocks.

76 ~~(10.2)~~(18) 'Gasification to fuels and chemicals facility' means a facility that collects,
77 separates, stores, or converts nonrecycled feedstock into fuels, chemicals, or other
78 valuable final or intermediate products by using a gasification to fuels and chemicals
79 process. Such term shall not include a waste handling facility or solid waste thermal
80 treatment facility.

81 ~~(11)~~(19) 'Generator' means any person in Georgia or in any other state ~~who~~ that creates
82 solid waste.

83 ~~(12)~~(20) 'Hazardous constituent' means any substance listed as a hazardous constituent
84 in regulations promulgated pursuant to the federal act by the administrator of the United
85 States Environmental Protection Agency which are in force and effect on February 1,
86 2004, codified as Appendix VIII to 40 C.F.R. Part 261 — Identification and Listing of
87 Hazardous Waste.

88 ~~(12.1)~~(21) 'Industrial solid waste' means solid waste generated by manufacturing or
89 industrial processes or operations that is not a hazardous waste regulated under Part 1 of
90 Article 3 of this chapter, the 'Georgia Hazardous Waste Management Act.' Such waste
91 includes, but is not limited to, waste resulting from the following manufacturing
92 processes: ~~Electric~~ electric power generation; fertilizer and agricultural chemicals; food
93 and related products and by-products; inorganic chemicals; iron and steel products;
94 leather and leather products; nonferrous metal and foundry products; organic chemicals;
95 plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone,
96 glass, clay, and concrete products; textiles; transportation equipment; and water
97 treatment. This term does not include mining waste or oil and gas waste.

98 ~~(13)~~(22) 'Label' means a code label described in paragraphs (2) and (3) ~~and (4)~~ of
99 subsection (b) of Code Section 12-8-34.

100 ~~(14)~~(23) 'Landfill' means an area of land on which or an excavation in which solid waste
 101 is placed for permanent disposal and which is not a land application unit, surface
 102 impoundment, injection well, or compost pile.

103 ~~(15)~~(24) 'Leachate collection system' means a system at a landfill for collection of the
 104 leachate which may percolate through the waste and into the soils surrounding the
 105 landfill.

106 ~~(15.1)~~(25) 'Litter' ~~has the meaning provided by~~ shall have the same meaning as set forth
 107 in Code Section 16-7-42.

108 ~~(16)~~(26) 'Manifest' means a form or document used for identifying the quantity and
 109 composition and the origin, routing, and destination of special solid waste during its
 110 transportation from the point of generation, through any intermediate points, to the point
 111 of disposal, treatment, or storage.

112 ~~(17)~~(27) 'Materials recovery facility' means a solid waste handling facility that provides
 113 for the extraction from solid waste of recoverable materials, materials suitable for use as
 114 a fuel or soil amendment, or any combination of such materials.

115 ~~(17.1)~~(28) 'Multijurisdictional solid waste management plan' means a comprehensive
 116 solid waste plan adopted pursuant to Code Section 12-8-31.1 covering two or more
 117 jurisdictions.

118 ~~(18)~~(29) 'Municipal solid waste' means any solid waste derived from households,
 119 including garbage, trash, and sanitary waste in septic tanks, ~~and means~~ solid waste from
 120 single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds,
 121 picnic grounds, and ~~day-use~~ day-use recreation areas. ~~The~~ This term includes yard
 122 trimmings, construction or demolition waste, and commercial solid waste but does not
 123 include solid waste from mining, agricultural, or silvicultural operations or industrial
 124 processes or operations.

125 ~~(19)~~(30) 'Municipal solid waste disposal facility' means any facility or location where the
 126 final deposition of any amount of municipal solid waste occurs, whether or not mixed
 127 with or including commercial or industrial solid waste, and includes, but is not limited
 128 to, municipal solid waste landfills and municipal solid waste thermal treatment
 129 technology facilities.

130 ~~(20)~~(31) 'Municipal solid waste landfill' means a disposal facility where any amount of
 131 municipal solid waste, whether or not mixed with or including commercial waste,
 132 industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is
 133 disposed of by means of placing an approved cover thereon.

134 ~~(20.1)~~(32) 'Nonrecycled feedstock' means one or more of the following materials,
 135 derived from nonrecycled materials, that has been processed so that it may be used as a

136 feedstock in a gasification to fuels and chemicals facility, but excluding coal refuse and
 137 scrap tires:

138 (A) Post-use plastics; or

139 (B) Materials for which the Environmental Protection Agency has made a nonwaste
 140 determination under 40 C.F.R. Section 241.3(c) or that are otherwise determined not
 141 to constitute waste.

142 ~~(21)~~(33) 'Operator' means the person stationed on the site who is in ~~responsible~~ charge
 143 of and has direct supervision of daily field operations of a municipal solid waste disposal
 144 facility to ensure that the facility operates in compliance with the permit.

145 ~~(22)~~(34) 'Person' means the State of Georgia or any other state or any agency or
 146 institution thereof and any municipality, county, political subdivision, public or private
 147 corporation, solid waste authority, special district empowered to engage in solid waste
 148 management activities, individual, partnership, association, or other entity in Georgia or
 149 any other state. This term also includes any officer or governing or managing body of
 150 any municipality, political subdivision, solid waste authority, special district empowered
 151 to engage in solid waste management activities, or public or private corporation in
 152 Georgia or any other state. This term also includes employees, departments, and agencies
 153 of the federal government.

154 ~~(23)~~(35) 'Post-closure' ~~'Postclosure'~~ means a procedure approved by the division to
 155 provide for long-term financial assurance, monitoring, and maintenance of a solid waste
 156 disposal site to protect human health and the environment.

157 ~~(22.1)~~(36) 'Post-use plastics' means recovered plastics, derived from any source, that are
 158 not being used for their originally intended purpose and that might otherwise become
 159 waste if not processed at a pyrolysis or gasification to fuels and chemicals facility or
 160 recycled, ~~and the term~~ This includes plastics that may contain incidental contaminants
 161 or impurities such as paper labels or metal rings.

162 ~~(24)~~(37) 'Private industry solid waste disposal facility' means a disposal facility which
 163 is operated exclusively by and for a private solid waste generator for the purpose of
 164 accepting solid waste generated exclusively by said private solid waste generator.

165 ~~(24.1)~~(38) 'Pyrolysis' means a process through which post-use plastics are heated, in an
 166 oxygen-free environment, until melted and thermally decomposed, then cooled,
 167 condensed, and converted into oil, diesel, gasoline, home heating oil, or other liquid fuel;
 168 gasoline or diesel blendstock; chemicals or chemical feedstock; waxes or lubricants; or
 169 other similar raw materials or intermediate or final products.

170 ~~(24.2)~~(39) 'Pyrolysis facility' means a facility that collects, separates, stores, or converts
 171 post-use plastics into fuels or other valuable final or intermediate products by using a

172 pyrolysis process. Pyrolysis facilities shall not be considered solid waste handling
173 facilities or solid waste thermal treatment facilities.

174 ~~(25)~~(40) 'Recovered materials' means those materials which have known use, reuse, or
175 recycling potential; can be feasibly used, reused, or recycled; and have been diverted or
176 removed from the solid waste stream for sale, use, reuse, or recycling, whether or not
177 requiring subsequent separation and processing.

178 ~~(26)~~(41) 'Recovered materials processing facility' means a facility engaged solely in the
179 storage, processing, recycling, and resale or reuse of recovered materials. Such facility
180 shall not be considered a solid waste handling facility; provided, however, that any solid
181 waste generated by such facility shall be subject to all applicable laws and regulations
182 relating to such solid waste.

183 ~~(27)~~(42) 'Recycling' means any process by which materials which would otherwise
184 become solid waste are collected, separated, or processed and reused or returned to use
185 in the form of raw materials, intermediates, or products which can be used as a substitute
186 for products not derived by such processes.

187 ~~(27.1)~~(43) 'Regional ~~landfill~~ landfill' or ~~regional~~ regional solid waste disposal facility'
188 means a facility owned by a county, municipality, authority, or special district
189 empowered to engage in solid waste management activities, or any combination thereof,
190 which serves two or more or any combination of counties, municipalities, or special solid
191 waste districts.

192 ~~(27.2)~~(44) 'Regional solid waste management plan' means a comprehensive solid waste
193 management plan adopted pursuant to Code Section 12-8-31.1 covering two or more
194 counties and may include one or more municipal corporations within those counties.

195 ~~(28)~~(45) 'Retreadable casing' means a scrap tire suitable for retreading.

196 ~~(29)~~(46) 'Rigid plastic bottle' means any rigid plastic container with a neck that is smaller
197 than the container body with a capacity of 16 ounces or more and less than five gallons.

198 ~~(30)~~(47) 'Rigid plastic container' means any formed or molded part ~~comprised~~ composed
199 predominantly of plastic resin, having a relatively inflexible finite shape or form, and
200 intended primarily as a single-service container with a capacity of eight ounces or more
201 and less than five gallons.

202 ~~(31)~~(48) 'Scrap tire' means a tire that is no longer suitable for its original intended
203 purpose because of wear, damage, or defect.

204 ~~(32) Reserved.~~

205 ~~(33)~~(49) 'Solid waste' means any garbage or refuse; sludge from a waste-water treatment
206 plant, water supply treatment plant, or air pollution control facility; and other discarded
207 material including solid, semisolid, or contained gaseous material resulting from
208 industrial, commercial, mining, and agricultural operations and community activities, ~~but~~

209 This term does not include recovered materials; post-use plastics and nonrecycled
 210 feedstock that are subsequently processed using a pyrolysis or gasification to fuels and
 211 chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved
 212 materials in irrigation return flows or industrial discharges that are point sources subject
 213 to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material
 214 as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

215 ~~(34)~~(50) 'Solid waste handling' means the storage, collection, transportation, treatment,
 216 utilization, processing, or disposal of solid waste or any combination of such activities,
 217 ~~but~~ This term does not include recovered materials processing or pyrolysis or gasification
 218 to fuels and chemicals processes, or the holding of post-use plastics or nonrecycled
 219 feedstock at a pyrolysis facility or gasification to fuels and chemicals facility prior to
 220 processing at the facility where those materials are being held to ensure production is not
 221 interrupted.

222 ~~(35)~~(51) 'Solid waste handling facility' means any facility the primary purpose of which
 223 is the storage, collection, transportation, treatment, utilization, processing, or disposal,
 224 or any combination thereof, of solid waste, but does not include recovered materials
 225 processing facilities or pyrolysis or gasification to fuels and chemicals facilities.

226 ~~(36)~~(52) 'Solid waste thermal treatment technology' means any solid waste handling
 227 facility the purpose of which is to reduce the amount of solid waste to be disposed of
 228 through a process of combustion, with or without the process of waste to energy.

229 ~~(37)~~(53) 'Special solid waste' means any solid waste not otherwise regulated under Part
 230 1 of Article 3 of this chapter, known as the 'Georgia Hazardous Waste Management Act,'
 231 and regulations promulgated under such part originating or produced from or by a source
 232 or generator not subject to regulation under Code Section 12-8-24.

233 ~~(38)~~(54) 'Tire' means a continuous solid or pneumatic rubber covering designed for
 234 encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle
 235 nor a part of the motor vehicle as original equipment.

236 ~~(38.1)~~(55) 'Tire carrier' means any person engaged in collecting or transporting tires,
 237 other than new tires.

238 ~~(39)~~(56) 'Tire retailer' means any person, other than a used motor vehicle parts dealer
 239 licensed in accordance with Chapter 47 of Title 43, engaged in the business of selling
 240 new replacement tires or used tires.

241 ~~(40)~~(57) 'Tire retreader' means any person actively engaged in the business of retreading
 242 scrap tires by scarifying the surface to remove the old surface tread and attaching a new
 243 tread to make a usable tire.

244 ~~(40.1)~~(58) 'Used tire' means a tire which has a minimum of 2/32 inch of road tread and
 245 which is still suitable for its original purpose but is no longer new. A tire retailer shall

246 inventory and market used tires in substantially the same fashion as a new tire and be able
 247 to provide satisfactory evidence to the division that a market for the tire exists and the tire
 248 is in fact being marketed as a used tire. A used tire shall not be considered solid waste.
 249 ~~(41)~~(59) 'Waste to energy facility' means a solid waste handling facility that provides for
 250 the extraction and utilization of energy from municipal solid waste through a process of
 251 combustion.
 252 ~~(42)~~(60) 'Yard trimmings' means leaves, brush, grass clippings, shrub and tree prunings,
 253 discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative
 254 matter resulting from landscaping development and maintenance other than mining,
 255 agricultural, and silvicultural operations."

256 SECTION 2.

257 Said part is further amended by revising Code Section 12-8-24 of the Official Code of
 258 Georgia Annotated, relating to permits for solid waste or special solid waste handling,
 259 disposal, or thermal technology facility, and inspection of solid waste generators, by adding
 260 a new subsection as follows:

261 "(1)(1) Solid waste handling permits issued for CCR surface impoundments that are
 262 closed in place shall require the permittee to conduct post-closure care at such CCR
 263 surface impoundments for a minimum of 30 years following completion of the closure.
 264 Post-closure care permit terms and conditions for such CCR surface impoundments shall
 265 include requirements consistent with the regulations promulgated by the Board of Natural
 266 Resources pursuant to this article, including, but not limited to, maintenance of the
 267 integrity and effectiveness of the final cover system, maintenance of the ground-water
 268 monitoring system, and monitoring of ground water through the entire post-closure care
 269 period.

270 (2) Solid waste handling permits issued for CCR surface impoundments shall require that
 271 any ground-water monitoring report for a CCR surface impoundment posted by an owner
 272 or operator to the solid waste handling facility's internet site shall include an executive
 273 summary. The executive summary shall include a:

274 (A) Summary description of the facility and the CCR surface impoundment;

275 (B) Summary of the ground-water monitoring network;

276 (C) Map of the CCR surface impoundment, including the ground-water monitoring
 277 network;

278 (D) Summary of the results of the most recent sampling event; and

279 (E) Summary and status report of any corrective action remedy implementation, if
 280 applicable.

281 (3) The executive summary shall be drafted in a manner intended to ensure that it may
 282 be reasonably understood by persons without environmental or technical expertise in
 283 waste management.

284 (4) The division shall conduct inspections of CCR surface impoundments that are closed
 285 in place. Such inspections shall be conducted at least annually during closure of the CCR
 286 surface impoundment and at least once every five years following the completion of such
 287 closure."

288 **SECTION 3.**

289 Part 3 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
 290 relating to criminal trespass and damage to property relative to waste control, is amended in
 291 Code Section 16-7-51, relating to definitions, by revising paragraph (1) as follows:

292 "(1) 'Biomedical waste' means that term as defined in paragraph ~~(1.1)~~ (2) of Code Section
 293 12-8-22."

294 **SECTION 4.**

295 Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
 296 relating to county special purpose local option sales tax, is amended in Code
 297 Section 48-8-111, relating to procedure for imposition of tax, resolution or ordinance, notice
 298 to county election superintendent, and election, by revising subparagraph (a)(1)(B) as
 299 follows:

300 "(B) A capital outlay project or projects in the special district and consisting of a
 301 courthouse; administrative buildings; a civic center; a local or regional jail, correctional
 302 institution, or other detention facility; a library; a coliseum; local or regional solid waste
 303 handling facilities as defined under paragraph ~~(27.1)~~ (43) or ~~(35)~~ (51) of Code
 304 Section 12-8-22, as amended, excluding any solid waste thermal treatment technology
 305 facility, including, but not limited to, any facility for purposes of incineration or waste
 306 to energy direct conversion; local or regional recovered materials processing facilities
 307 as defined under paragraph ~~(26)~~ (41) of Code Section 12-8-22, as amended; or any
 308 combination of such projects;"

309 **SECTION 5.**

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