

Senate Bill 123

By: Senators Ligon, Jr. of the 3rd, Watson of the 1st, Kirk of the 13th, Orrock of the 36th,
Jones of the 25th and others

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to waste
2 management cost reimbursement and surcharges, so as to remove provisions relating to coal
3 combustion residual surcharges and their disbursement for certain expenditures; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

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

10 "(d)(1)(A) Until June 30, 2019, when a municipal solid waste disposal facility is
11 operated by private enterprise, the host local government is authorized and required to
12 impose a surcharge of \$1.00 per ton or volume equivalent, in addition to any other
13 negotiated charges or fees which shall be imposed by and paid to the host local
14 government for the facility. Except as otherwise provided in ~~subparagraphs~~
15 subparagraph (B) ~~and (C)~~ of this paragraph, effective July 1, 2019, when a municipal
16 solid waste disposal facility is owned by private enterprise, the host local government
17 is authorized and required to impose a surcharge of \$2.50 per ton or volume equivalent,
18 in addition to any other negotiated charges or fees which shall be imposed by and paid
19 to the host local government for the facility.

20 ~~(B) When a municipal solid waste disposal facility is operated by private enterprise,~~
21 ~~the host local government is authorized and required to impose a surcharge of \$1.00 per~~
22 ~~ton or volume equivalent until June 30, 2025, and a surcharge of \$2.00 per ton or~~
23 ~~volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue gas~~
24 ~~desulfurization materials generated from burning coal for the purpose of generating~~
25 ~~electricity by electric utilities and independent power producers, in addition to any other~~

26 ~~negotiated charges or fees which shall be imposed by and paid to the host local~~
 27 ~~government for the facility.~~

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

33 (C) Any contract in existence on July 1, 2020, shall be exempt from the provisions of
 34 this subsection until such time as the contract is renewed, replaced, extended, amended,
 35 or otherwise changed.

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

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

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

59 ~~(3)(2)~~ Host local governments may negotiate for and obtain by contract surcharges
 60 higher than those set forth in this subsection; furthermore, nothing in this subsection shall
 61 reduce any such surcharge in existence on July 1, 2019."

62

SECTION 2.

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