

House Bill 959 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Meeks of the 178th, Smith of the 133rd, Washburn of the 141st, Smith of the 70th, Werkheiser of the 157th, and others

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 increase surcharges imposed by
3 local governments regarding municipal solid waste facilities operated by private enterprise;
4 to revise a provision relating to the disbursement of surcharges for certain expenditures; to
5 extend date for prohibition on reducing surcharges; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

22 (B) When a municipal solid waste disposal facility is operated by private enterprise,
23 the host local government is authorized and required to impose a surcharge of ~~\$1.00~~
24 \$2.50 per ton or volume equivalent ~~until June 30, 2025, and a surcharge of \$2.00 per~~
25 ~~ton or volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or~~
26 ~~flue gas desulfurization materials generated from burning coal for the purpose of~~

27 generating electricity by electric utilities and independent power producers, in addition
 28 to any other negotiated charges or fees which shall be imposed by and paid to the host
 29 local government for the facility.

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

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

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

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

58 (3) Host local governments may negotiate for and obtain by contract surcharges higher
 59 than those set forth in this subsection; furthermore, nothing in this subsection shall reduce
 60 any such surcharge in existence on July 1, ~~2019~~ 2020."

61 **SECTION 2.**

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