

House Bill 93 (COMMITTEE SUBSTITUTE)

By: Representatives Williams of the 145<sup>th</sup>, Hogan of the 179<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, Stephens of the 164<sup>th</sup>, Petrea of the 166<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
2 relating to control of water pollution and surface-water use, so as to provide notice to local  
3 governing authorities prior to the dewatering of coal combustion residual surface  
4 impoundments; to provide for minimum notice requirements to the public of such  
5 dewatering; to provide for definitions; to provide for related matters; to repeal conflicting  
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to  
10 control of water pollution and surface-water use, is amended by revising Code  
11 Section 12-5-22, relating to definitions, as follows:

12 "12-5-22.

13 As used in this article, the term:

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

17 (2) 'CCR website' means the publicly accessible website required by 40 C.F.R. Section  
18 257.107 that each owner or operator of a CCR surface impoundment must maintain.

19 (3) 'CCR surface impoundment' or 'coal ash pond' means a natural topographic  
20 depression, manmade excavation, or diked area which is designed to hold an  
21 accumulation of CCR and liquids and which treats, stores, or disposes of CCR.

22 (4) 'Dewatering' means removing water from a CCR surface impoundment for discharge  
23 into state waters as part of the CCR surface impoundment closure process.

24 (5) 'Director' means the director of the Environmental Protection Division of the  
25 Department of Natural Resources.

26 ~~(2)~~(6) 'Division' means the Environmental Protection Division of the Department of  
27 Natural Resources.

28 ~~(3)~~(7) 'Effluent limitation' means any restriction or prohibition established under this  
29 article on quantities, rates, or concentrations, or a combination thereof, of chemical,  
30 physical, biological, or other constituents which are discharged from point sources into  
31 the water waters of the state, including, but not limited to, schedules of compliance.

32 ~~(4)~~(8) 'Industrial wastes' means any liquid, solid, or gaseous substance, or combination  
33 thereof, resulting from a process of industry, manufacture, or business or from the  
34 development of any natural resources.

35 ~~(5)~~(9) 'Nonpoint source' means any source which discharges pollutants into the waters  
36 of the state other than a point source.

37 ~~(6)~~(10) 'Other wastes' means liquid, gaseous, or solid substances, except industrial wastes  
38 and sewage, which may cause or tend to cause pollution of any waters of the state.

39 ~~(7)~~(11) 'Person' means any individual, corporation, partnership, or other unincorporated  
40 association. This term may extend and be applied to bodies politic and corporate.

41 ~~(8)~~(12) 'Point source' means any discernible, confined, or discrete conveyance, including,  
42 but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure,  
43 container, rolling stock, concentrated animal feeding operation, or vessel or other floating  
44 craft, from which pollutants are or may be discharged.

45 ~~(9)~~(13) 'Pollutant' means dredged spoil, solid waste, incinerator residue, sewage,  
46 garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive  
47 materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial wastes,  
48 municipal waste, and agricultural waste discharged into the waters of the state. It does  
49 not mean (A) sewage from vessels or (B) water, gas, or other material which is injected  
50 into a well to facilitate production of oil or gas, or water derived in association with oil  
51 or gas production and disposed of in a well, if the well, used either to facilitate production  
52 or for disposal purposes, is approved by the appropriate authorities of this state, and if  
53 such authorities determine that such injection or disposal will not result in degradation  
54 of ground-water or surface-water resources.

55 ~~(10)~~(14) 'Pollution' means the manmade or man-induced alteration of the chemical,  
56 physical, biological, and radiological integrity of water.

57 ~~(11)~~(15) 'Sewage' means the water carried waste products or discharges from human  
58 beings or from the rendering of animal products, or chemicals or other wastes from  
59 residences, public or private buildings, or industrial establishments, together with such  
60 ground, surface, or storm water as may be present.

61 ~~(12)~~(16) 'Sewage system' means sewage treatment works, pipelines or conduits, pumping  
62 stations, and force mains, and all other constructions, devices, and appliances appurtenant

63 thereto, used for conducting sewage or industrial wastes or other wastes to the point of  
64 ultimate disposal.

65 ~~(13)~~(17) 'Waters' or 'waters of the state' means any and all rivers, streams, creeks,  
66 branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and all other bodies  
67 of surface or subsurface water, natural or artificial, lying within or forming a part of the  
68 boundaries of the state which are not entirely confined and retained completely upon the  
69 property of a single individual, partnership, or corporation."

70 **SECTION 2.**

71 Said article is further amended by adding a new Code section to read as follows:

72 "12-5-30.5.

73 (a) No later than three business days after commencing the dewatering of a CCR surface  
74 impoundment, the owner or operator of the CCR surface impoundment shall provide  
75 written notice that dewatering has begun to the director and the local governing authority  
76 of any city and county in which the CCR surface impoundment is located. Within seven  
77 business days of receiving such written notice, the director shall post a public notice on the  
78 division's publicly accessible internet site stating that dewatering at the CCR surface  
79 impoundment has begun and shall describe the location thereof.

80 (b) No later than three business days after commencing the dewatering of a CCR surface  
81 impoundment, the owner or operator of the CCR surface impoundment shall post on its  
82 CCR website a public notice stating that dewatering has begun at the CCR surface  
83 impoundment and shall describe the location thereof. Within 14 business days of  
84 commencing dewatering, the owner or operator of the CCR surface impoundment shall also  
85 publish such notice in the legal organ of the county in which dewatering is taking place."

86 **SECTION 3.**

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