

House Bill 320 (AS PASSED HOUSE AND SENATE)

By: Representatives Harden of the 148th, Smith of the 70th, Tankersley of the 160th, Riley of the 50th, Williams of the 119th, 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 solid waste management generally, so as to exempt certain compliant
3 inert waste landfills from additional regulatory permitting; to delete a cross-reference; to
4 amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to general
5 provisions regarding the Environmental Protection Division and Environmental Advisory
6 Council, so as to update the effective date of rules and regulations for purposes of criminal
7 law enforcement; to provide for related matters; to provide for an effective date; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
12 relating to solid waste management generally, is amended in Code Section 12-8-24, relating
13 to permits for solid waste handling activities, by adding a new subsection to read as follows:
14 "(k) Any inert waste landfill which, as of January 1, 2014, has been certified by a
15 professional engineer registered in accordance with Chapter 15 of Title 43 as being in full
16 compliance with all permit by rule requirements established in the rules and regulations of
17 the division as they existed on January 1, 2012, may continue to operate under such permit
18 by rule requirements."

19 **SECTION 2.**

20 Said part is further amended in Code Section 12-8-27.1, relating to the solid waste trust fund,
21 by revising subsection (a) as follows:

22 "(a) There shall be established the solid waste trust fund. The director shall serve as trustee
23 of the solid waste trust fund. The moneys deposited in such fund pursuant to this Code
24 section, ~~Code Section 12-8-27,~~ and Code Section Sections 12-8-30.6; and ~~Code Section~~
25 12-8-40.1 may be expended by the director, with the approval of the board, for the
26 following purposes:

(1) To take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or substantial threat of a release of contaminants from a disposal facility;

(2) To take preventive or corrective actions where the release of contaminants presents an actual or potential threat to human health or the environment and where the owner or operator has not been identified or is unable or unwilling to perform corrective action, including but not limited to closure and postclosure care of a disposal facility and provisions for providing alternative water supplies;

(3) To take such actions as may be necessary to monitor and provide postclosure care of any disposal facility, including preventive and corrective actions, without regard to the identity or solvency of the owner thereof, commencing five years after the date of completing closure; and

(4) To take such actions as may be necessary to implement the provisions of a scrap tire management program in this state, particularly as may be related to the cleanup of scrap tire disposal piles and facilities, regulation of scrap tire carriers and other handlers, and disbursement of grants and loans to cities, counties, and other persons as may be necessary to implement fully the provisions of this part."

SECTION 3.

Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to general provisions regarding the Environmental Protection Division and Environmental Advisory Council, is amended by revising paragraph (5) of subsection (c) as follows:

"(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the standards, rules, and regulations promulgated by the Board of Natural Resources as provided in this title, the term 'standards, rules, and regulations' shall mean those standards, rules, and regulations of the Board of Natural Resources in force and effect on January 1, ~~1998~~ 2013."

SECTION 4.

This Act shall become effective on July 1, 2013.

SECTION 5.

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