

House Bill 885

By: Representatives McCall of the 33rd, Knight of the 130th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, "The
2 Georgia Air Quality Act," so as to revise certain provisions relating to limitations on the
3 effect of said Act on powers of the Board of Natural Resources, Department of Natural
4 Resources, Environmental Protection Division of said department, and director of said
5 division; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, "The Georgia
9 Air Quality Act," is amended by revising Code Section 12-9-21, relating to limitations on the
10 effect of said Act on powers of the Board of Natural Resources, Department of Natural
11 Resources, Environmental Protection Division of said department, and director of said
12 division, as follows:

13 "12-9-21.

14 Nothing contained in this article shall be deemed to grant to the Board of Natural
15 Resources, department, division, or director any jurisdiction or authority to make any rule,
16 regulation, recommendation, or determination or to enter any order:

17 (1) With respect to air conditions existing solely within the property boundaries of
18 commercial and industrial plants, works, or operations; if such locations are not subject
19 to regulation under the federal act;

20 (2) Affecting the relations between employers and employees with respect to or arising
21 out of any air conditions if such relations are not subject to regulation under the federal
22 act; except that a source which uses a supplemental or intermittent control system for
23 purposes of complying with an order issued by the director under Code Section 12-9-13;
24 or the administrator under 42 U.S.C. Section 7413(d) may not temporarily reduce the pay
25 of any employee by reason of the use of supplemental or intermittent or other dispersion
26 dependent control systems for control of emissions of air pollutants; or

27 (3) Limiting or restricting the owners of any forest land from burning over their own
28 land, provided that such burning is consistent with the requirements of the federal act; or
29 (4) Limiting or restricting the owners of any agricultural land from burning over their
30 own land for purposes of any existing, expanded, or new agricultural operations as such
31 term is defined by Code Section 1-3-3, provided that such burning is consistent with the
32 requirements of the federal act."

33 **SECTION 2.**

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