

House Bill 647 (COMMITTEE SUBSTITUTE)

By: Representatives Smith of the 133rd, Smith of the 70th, Washburn of the 141st, Williams of the 145th, and Dickey of the 140th

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 general provisions relative to solid waste management, so as to
3 provide for post-closure ground-water monitoring at closed coal combustion residual
4 impoundments; to provide for definitions; to provide for ground-water monitoring reports;
5 to amend Part 3 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia
6 Annotated, relating to criminal trespass and damage to property relative to waste control, so
7 as to provide for a conforming cross-reference; to amend Part 1 of Article 3 of Chapter 8 of
8 Title 48 of the Official Code of Georgia Annotated, relating to county special purpose local
9 option sales tax, so as to provide for conforming cross-references; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
14 relating to general provisions relative to solid waste management, is amended in Code
15 Section 12-8-22, relating to definitions, by adding new paragraphs and renumbering existing
16 paragraphs to read as follows:

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"12-8-22.

As used in this article, the term:

(1) 'Affected county' means, in addition to the county in which a facility is or is proposed to be located, each county contiguous to the host county and each county and municipality within a county that has a written agreement with the facility to dispose of solid waste.

~~(1.1)~~(2) 'Biomedical waste' means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of the board as such rule existed on January 1, 2006, and other such waste materials.

~~(2)~~(3) 'Board' means the Board of Natural Resources of the State of Georgia.

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

(5) 'CCR surface impoundment' means a natural topographic depression, manmade excavation, or diked area, which is designed to hold an accumulation of CCR and liquids and at which CCR can be treated or disposed of.

~~(3)~~(6) 'Certificate' means a document issued by a college or university of the University System of Georgia or other organization approved by the director stating that the operator has met the requirements of the board for the specified operator classification of the certification program.

~~(4)~~(7) 'Closure' means a procedure approved by the division which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for post-closure.

~~(4.1)~~(8) 'Commercial solid waste' means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

~~(5)~~(9) 'Composting' means the controlled biological decomposition of organic matter into a stable, odor-free humus.

~~(5.1)~~(10) 'Construction or demolition waste' means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes, but is not limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, and other nonputrescible wastes associated with construction and demolition activities which have a low potential for ground-water contamination. Inert waste landfill materials approved by the board for disposal in landfills permitted by rule and regulation are also included in this definition if disposed in a construction or demolition waste landfill.

~~(6)~~(11) 'Contaminant' means any physical, chemical, biological, or radiological substance or matter.

~~(7)~~(12) 'Director' means the director of the Environmental Protection Division of the Department of Natural Resources.

~~(8)~~(13) 'Disposal facility' means any facility or location where the final deposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

~~(9)~~(14) 'Division' means the Environmental Protection Division of the Department of Natural Resources.

~~(9.1)~~(15) 'Feedstock' means raw material that is used in a machine or industrial process.

~~(10)~~(16) 'Financial responsibility mechanism' means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste handling facilities. Available financial responsibility

mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as defined in 40 C.F.R. Part 264 Subpart H — Financial Requirements.

~~(10.1)(17)~~ 'Gasification to fuels and chemicals' means a process through which recovered materials or other nonrecycled feedstock is heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and such mixture is converted into fuel, including ethanol and transportation fuel, chemicals, or other chemical feedstocks.

~~(10.2)(18)~~ 'Gasification to fuels and chemicals facility' means a facility that collects, separates, stores, or converts nonrecycled feedstock into fuels, chemicals, or other valuable final or intermediate products by using a gasification to fuels and chemicals process. Such term shall not include a waste handling facility or solid waste thermal treatment facility.

~~(11)(19)~~ 'Generator' means any person in Georgia or in any other state ~~who~~ that creates solid waste.

~~(12)(20)~~ 'Hazardous constituent' means any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 2004, codified as Appendix VIII to 40 C.F.R. Part 261 — Identification and Listing of Hazardous Waste.

~~(12.1)(21)~~ 'Industrial solid waste' means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the 'Georgia Hazardous Waste Management Act.' Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: ~~Electric~~ electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone,

glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

~~(13)~~(22) 'Label' means a code label described in paragraphs (2) and (3) ~~and (4)~~ of subsection (b) of Code Section 12-8-34.

~~(14)~~(23) 'Landfill' means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

~~(15)~~(24) 'Leachate collection system' means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

~~(15.1)~~(25) 'Litter' ~~has the meaning provided by~~ shall have the same meaning as set forth in Code Section 16-7-42.

~~(16)~~(26) 'Manifest' means a form or document used for identifying the quantity and composition and the origin, routing, and destination of special solid waste during its transportation from the point of generation, through any intermediate points, to the point of disposal, treatment, or storage.

~~(17)~~(27) 'Materials recovery facility' means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

~~(17.1)~~(28) 'Multijurisdictional solid waste management plan' means a comprehensive solid waste plan adopted pursuant to Code Section 12-8-31.1 covering two or more jurisdictions.

~~(18)~~(29) 'Municipal solid waste' means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks, ~~and means~~ solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and ~~day-use~~ day-use recreation areas. ~~The~~ This term includes yard trimmings, construction or demolition waste, and commercial solid waste but does not

include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

~~(19)~~(30) 'Municipal solid waste disposal facility' means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities.

~~(20)~~(31) 'Municipal solid waste landfill' means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

~~(20.1)~~(32) 'Nonrecycled feedstock' means one or more of the following materials, derived from nonrecycled materials, that has been processed so that it may be used as a feedstock in a gasification to fuels and chemicals facility, but excluding coal refuse and scrap tires:

(A) Post-use plastics; or

(B) Materials for which the Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. Section 241.3(c) or that are otherwise determined not to constitute waste.

~~(21)~~(33) 'Operator' means the person stationed on the site who is in ~~responsible~~ charge of and has direct supervision of daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.

~~(22)~~(34) 'Person' means the State of Georgia or any other state or any agency or institution thereof and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of

any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste management activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

~~(23)~~(35) 'Post-closure' ~~'Postclosure'~~ means a procedure approved by the division to provide for long-term financial assurance, monitoring, and maintenance of a solid waste disposal site to protect human health and the environment.

~~(22.1)~~(36) 'Post-use plastics' means recovered plastics, derived from any source, that are not being used for their originally intended purpose and that might otherwise become waste if not processed at a pyrolysis or gasification to fuels and chemicals facility or recycled, ~~and the term~~ This includes plastics that may contain incidental contaminants or impurities such as paper labels or metal rings.

~~(24)~~(37) 'Private industry solid waste disposal facility' means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

~~(24.1)~~(38) 'Pyrolysis' means a process through which post-use plastics are heated, in an oxygen-free environment, until melted and thermally decomposed, then cooled, condensed, and converted into oil, diesel, gasoline, home heating oil, or other liquid fuel; gasoline or diesel blendstock; chemicals or chemical feedstock; waxes or lubricants; or other similar raw materials or intermediate or final products.

~~(24.2)~~(39) 'Pyrolysis facility' means a facility that collects, separates, stores, or converts post-use plastics into fuels or other valuable final or intermediate products by using a pyrolysis process. Pyrolysis facilities shall not be considered solid waste handling facilities or solid waste thermal treatment facilities.

~~(25)~~(40) 'Recovered materials' means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or

removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

~~(26)~~(41) 'Recovered materials processing facility' means a facility engaged solely in the storage, processing, recycling, and resale or reuse of recovered materials. Such facility shall not be considered a solid waste handling facility; provided, however, that any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

~~(27)~~(42) 'Recycling' means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials, intermediates, or products which can be used as a substitute for products not derived by such processes.

~~(27.1)~~(43) 'Regional ~~landfill~~ landfill' or ~~regional~~ 'regional solid waste disposal facility' means a facility owned by a county, municipality, authority, or special district empowered to engage in solid waste management activities, or any combination thereof, which serves two or more or any combination of counties, municipalities, or special solid waste districts.

~~(27.2)~~(44) 'Regional solid waste management plan' means a comprehensive solid waste management plan adopted pursuant to Code Section 12-8-31.1 covering two or more counties and may include one or more municipal corporations within those counties.

~~(28)~~(45) 'Retreadable casing' means a scrap tire suitable for retreading.

~~(29)~~(46) 'Rigid plastic bottle' means any rigid plastic container with a neck that is smaller than the container body with a capacity of 16 ounces or more and less than five gallons.

~~(30)~~(47) 'Rigid plastic container' means any formed or molded part ~~comprised~~ composed predominantly of plastic resin, having a relatively inflexible finite shape or form, and intended primarily as a single-service container with a capacity of eight ounces or more and less than five gallons.

(31)(48) 'Scrap tire' means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

(32) ~~Reserved.~~

(33)(49) 'Solid waste' means any garbage or refuse; sludge from a waste-water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, ~~but~~ This term does not include recovered materials; post-use plastics and nonrecycled feedstock that are subsequently processed using a pyrolysis or gasification to fuels and chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

(34)(50) 'Solid waste handling' means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities, ~~but~~ This term does not include recovered materials processing or pyrolysis or gasification to fuels and chemicals processes, or the holding of post-use plastics or nonrecycled feedstock at a pyrolysis facility or gasification to fuels and chemicals facility prior to processing at the facility where those materials are being held to ensure production is not interrupted.

(35)(51) 'Solid waste handling facility' means any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste, but does not include recovered materials processing facilities or pyrolysis or gasification to fuels and chemicals facilities.

(36)(52) 'Solid waste thermal treatment technology' means any solid waste handling facility the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

~~(37)~~(53) 'Special solid waste' means any solid waste not otherwise regulated under Part 1 of Article 3 of this chapter, known as the 'Georgia Hazardous Waste Management Act,' and regulations promulgated under such part originating or produced from or by a source or generator not subject to regulation under Code Section 12-8-24.

~~(38)~~(54) 'Tire' means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

~~(38.1)~~(55) 'Tire carrier' means any person engaged in collecting or transporting tires, other than new tires.

~~(39)~~(56) 'Tire retailer' means any person, other than a used motor vehicle parts dealer licensed in accordance with Chapter 47 of Title 43, engaged in the business of selling new replacement tires or used tires.

~~(40)~~(57) 'Tire retreader' means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.

~~(40.1)~~(58) 'Used tire' means a tire which has a minimum of 2/32 inch of road tread and which is still suitable for its original purpose but is no longer new. A tire retailer shall inventory and market used tires in substantially the same fashion as a new tire and be able to provide satisfactory evidence to the division that a market for the tire exists and the tire is in fact being marketed as a used tire. A used tire shall not be considered solid waste.

~~(41)~~(59) 'Waste to energy facility' means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.

~~(42)~~(60) 'Yard trimmings' means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations."

SECTION 2.

Said part is further amended by revising Code Section 12-8-24 of the Official Code of Georgia Annotated, relating to permits for solid waste or special solid waste handling, disposal, or thermal technology facility, and inspection of solid waste generators, by adding a new subsection as follows:

"(1)(1) Solid waste handling permits issued for CCR surface impoundments that are closed in place shall require the permittee to conduct post-closure care at such CCR surface impoundments for a minimum of 50 years following completion of the closure. Post-closure care permit terms and conditions for such CCR surface impoundments shall include requirements consistent with the regulations promulgated by the Board of Natural Resources pursuant to this article, including, but not limited to, maintenance of the integrity and effectiveness of the final cover system, maintenance of the ground-water monitoring system, and monitoring of ground water through the entire post-closure care period.

(2) Solid waste handling permits issued for CCR surface impoundments shall require that any ground-water monitoring report for a CCR surface impoundment posted by an owner or operator to the solid waste handling facility's internet site shall include an executive summary. The executive summary shall include a:

(A) Summary description of the facility and the CCR surface impoundment;

(B) Summary of the ground-water monitoring network;

(C) Map of the CCR surface impoundment, including the ground-water monitoring network;

(D) Summary of the results of the most recent sampling event; and

(E) Summary and status report of any corrective action remedy implementation, if applicable.

(3) The executive summary shall be drafted in a manner intended to ensure that it may be reasonably understood by persons without environmental or technical expertise in waste management.

(4) The division shall conduct inspections of CCR surface impoundments that are closed in place. Such inspections shall be conducted at least annually during closure of the CCR surface impoundment and at least once every five years following the completion of such closure."

SECTION 3.

Part 3 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to criminal trespass and damage to property relative to waste control, is amended in Code Section 16-7-51, relating to definitions, by revising paragraph (1) as follows:

"(1) 'Biomedical waste' means that term as defined in paragraph ~~(1.1)~~ (2) of Code Section 12-8-22."

SECTION 4.

Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county special purpose local option sales tax, is amended in Code Section 48-8-111, relating to procedure for imposition of tax, resolution or ordinance, notice to county election superintendent, and election, by revising subparagraph (a)(1)(B) as follows:

"(B) A capital outlay project or projects in the special district and consisting of a courthouse; administrative buildings; a civic center; a local or regional jail, correctional institution, or other detention facility; a library; a coliseum; local or regional solid waste handling facilities as defined under paragraph ~~(27.1)~~ (43) or ~~(35)~~ (51) of Code Section 12-8-22, as amended, excluding any solid waste thermal treatment technology facility, including, but not limited to, any facility for purposes of incineration or waste

307 to energy direct conversion; local or regional recovered materials processing facilities
308 as defined under paragraph ~~(26)~~ (41) of Code Section 12-8-22, as amended; or any
309 combination of such projects;"

310 **SECTION 5.**

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