

House Bill 1072

By: Representatives Townsend of the 179th, Stephens of the 164th, Smith of the 70th, Buckner of the 137th, Franklin of the 160th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to
2 Environmental Protection Division, Environmental Advisory Council, duties of council and
3 its members and director, appeal procedures generally, permit applications, and inspections,
4 so as to authorize the director of the Environmental Protection Division to investigate and
5 consider out-of-state regulatory history when processing applications for certain permits; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to Environmental
10 Protection Division, Environmental Advisory Council, duties of council and its members and
11 director, appeal procedures generally, permit applications, and inspections, is amended by
12 adding a new subparagraph to paragraph (1) of subsection (c) to read as follows:

13 “(C)(i) The director may deny an application for any permit issued pursuant to
14 Chapter 4, 5, 7, or 9 of this title if when processing the application the director
15 determines that the applicant's regulatory history, including, but not limited to, such
16 applicant's history of violations of environmental laws or regulations and any civil or

17 criminal penalties incurred by such applicant in any other state, warrant denial of the
18 permit.

19 (ii) The director is authorized to investigate any permit applicant's regulatory
20 compliance history in any other state, which investigation may include environmental
21 laws and regulations and civil or criminal history. The director is also authorized to
22 require a permit applicant to submit, at the time of application, a completed
23 compliance history disclosure form as prepared by the department."

24 **SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.