

The Senate Committee on Natural Resources and the Environment offered the following substitute to HB 1182:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 12 of Title 2 of the Official Code of Georgia Annotated,
2 relating to soil amendments, so as to provide for additional prohibited acts; to provide for an
3 exception; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Article 3 of Chapter 12 of Title 2 of the Official Code of Georgia Annotated, relating to soil
7 amendments, is amended by revising Code Section 2-12-79, relating to prohibited acts, as
8 follows:

9 "2-12-79.

10 It shall be a violation of this article for any person to:

- 11 (1) Distribute an unregistered soil amendment;
- 12 (2) Distribute an unlabeled soil amendment;
- 13 (3) Distribute a misbranded soil amendment;
- 14 (4) Distribute an adulterated soil amendment;
- 15 (5) Fail to comply with a stop sale, use, or removal order;
- 16 (6) Fail to submit semiannual reports; or

17 (7)(A) Apply or distribute a soil amendment on a site, or on a separate site that has
18 close geographic proximity to and is operationally connected with the underlying site,
19 when:

20 (i) The owner of such site or the person who has applied or distributed a soil
21 amendment on such site is subject to a consent order, enforcement action, or ongoing
22 investigation by the department or the Environmental Protection Division of the
23 Department of Natural Resources, including, but not limited to, actions regarding the
24 contamination of surface water, ground water, or soil contamination, and such consent
25 order, enforcement action or ongoing investigation has not been withdrawn or
26 resolved to the satisfaction of the issuing agency with respect to such site;

27 (ii) A notice of violation has been issued by the Environmental Protection Division
28 of the Department of Natural Resources or the department; and

29 (iii) The department has notified the owner of such site and the person who has
30 applied or distributed a soil amendment on such site that application of soil
31 amendments on such site must cease.

32 (B) For purposes of this paragraph ~~only~~, the term 'site' means the site identified in the
33 nutrient management plan submitted to the department or a portion thereof;

34 (8) Store any soil amendment derived from industrial by-products within 100 feet of any
35 property line unless the current owner of an adjacent property provides written consent
36 to such storage; or

37 (9) Load or unload any soil amendment derived from industrial by-products within a
38 public road, as such term is defined in Code Section 32-1-3."

39 **SECTION 2.**

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