

1 HB556
2 139137-3
3 By Representatives Baker, Shiver, Brown, Faust, Lee, Chesteen,
4 Drake, Vance, Jones, Merrill, Gaston, Fincher, Collins,
5 Nordgren, Harper, McMillan, Thomas, Oden, Wren and Beech
6 RFD: Commerce and Small Business
7 First Read: 15-MAR-12

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ENROLLED, An Act,

To amend Act 2011-297, now appearing as Section 22-27-5.2, Code of Alabama 1975, to extend the prohibition against the permitting of certain new solid waste facilities from May 31, 2013, to May 31, 2014.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act 2011-297, now appearing as Section 22-27-5.2 of the Code of Alabama 1975, is amended to read as follows:

"§22-27-5.2.

"(a) (1) Notwithstanding any provision of law, ~~for a period of 24 months after May 31, 2011~~ until May 31, 2014, neither the department nor any state or local agency may grant any new permits to a new public solid waste landfill facility which is intended to receive waste not generated by the permittee.

"(2) The ~~24-month~~ moratorium period is necessary in order to allow the department and the Alabama Department of Public Health to review their duties and responsibilities pursuant to the Solid Wastes and Recyclable Materials Management Act. As appropriate, following this review, the department, with input from the Alabama Department of Public Health, shall make recommendations for necessary legislation

1 or undertake rulemaking to implement enhancement identified
2 during the review period.

3 "(3) For the purpose of evaluating solid waste
4 landfill management issues facing the state and to allow for
5 the update of the state's comprehensive solid waste management
6 plan to identify and provide for the state's solid waste
7 management needs, there is imposed a moratorium on the
8 issuance by the department of any new permits for new public
9 solid waste landfills which are intended to receive wastes not
10 generated by the permittee as further qualified in subsection
11 (b). The moratorium shall not apply to industrial landfills
12 receiving waste generated in-state only by the permittee.

13 "(b) The moratorium restriction provided in
14 subsection (a) applies only to any proposed public solid waste
15 landfill facility that has not received its final approval
16 within the department solid waste landfill permitting process
17 and shall include proposed facilities which will meet, upon
18 completion, any of the following criteria regarding capacity,
19 site acreage, or location.

20 "(1) A proposed capacity in excess of 1,500 tons per
21 day.

22 "(2) A proposed capacity of 2,000 cubic yards per
23 day or more.

24 "(3) A site consisting of 500 acres or more.

1 "(4) When combined with existing or proposed public
2 solid waste landfill facilities located within the same county
3 or counties or within 20 miles thereof, a capacity or site
4 which exceeds the minimum amounts set forth in subdivision
5 (1), (2), or (3).

6 "(5) A proposed capacity by a new public solid waste
7 landfill which will be more than that reasonably anticipated
8 in the foreseeable future as identified in the local solid
9 waste management plan for the communities located within the
10 county in which the facility is to be located or within 20
11 miles of the facility.

12 "(c) The director may waive the limitation imposed
13 by this moratorium for a particular facility upon a finding
14 based upon a joint recommendation by the State Health Officer
15 and the respective host government. The request for waiver
16 shall be initiated by resolution of the governing body of the
17 jurisdiction which recognizes a potential crisis in solid
18 waste management by public solid waste landfills in the
19 jurisdiction. The resolution shall be adopted at a public
20 meeting of the governing body following publication of at
21 least one notice in a newspaper of general circulation in the
22 area at least 10 days prior to the meeting. The resolution
23 shall request the State Health Officer and the respective host
24 government to determine if the situation poses a threat to
25 human health or the environment within the jurisdiction based

1 upon substantive criteria to be established jointly by the
2 department, the State Health Officer, and the respective host
3 government. In the event the State Health Officer and the host
4 government so certify, the moratorium may be waived and the
5 director may issue a permit for the limited purpose of serving
6 the service area or jurisdiction identified."

7 Section 2. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.

