

House Bill 1645

By: Representative Lim of the 99th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated,
2 relating to general provisions of the Department of Natural Resources, so as to require the
3 Department of Natural Resources to develop a land conservation plan; to amend Part 6 of
4 Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to
5 coastal management, so as to authorize the Department of Natural Resources to study forms
6 of coastal energy; to amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code
7 of Georgia Annotated, relating to general provisions of solid waste management, so as to
8 require the solid waste management plan to be updated annually; to require separate
9 collection and disposal and provide for fees for said collection and disposal of certain types
10 of solid waste; to amend Part 1 of Article 3 of Chapter 8 of Title 12 of the Official Code of
11 Georgia Annotated, relating to hazardous waste management, so as to revise the definition
12 of hazardous waste to include certain byproducts from production of oil and gas; to amend
13 Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air
14 quality, so as to require the Board of Natural Resources to develop an air quality
15 management plan with certain requisite provisions; to amend Chapter 13 of Title 31 of the
16 Official Code of Georgia Annotated, relating to radiation control, so as to require the director
17 of the Environmental Protection Division to promulgate and annually update a

18 comprehensive plan for the concentration, storage, or burial of radioactive waste; to provide
19 for related matters; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Article 1 of Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to
23 general provisions of the Department of Natural Resources, is amended by revising Code
24 Section 12-2-4, relating to powers and duties of the department, as follows:

25 "12-2-4.

26 (a) The department shall make investigations of the natural mining industry and
27 commercial resources of the state and shall take such measures as it may deem best suited
28 to promote the conservation and development of such resources.

29 (b) The department shall have the care of the state parks and other recreational areas now
30 owned or to be acquired by the state.

31 (c) ~~Reserved~~ The department shall develop, annually revise, and publish on its website a
32 land conservation plan. Said plan shall recommend actions to be taken for the preservation
33 and rehabilitation of natural areas and identify areas of waste disposal.

34 (d) The department shall make such examination, survey, and mapping of the geology,
35 mineralogy, and topography of the state, including their industrial and economic utilization,
36 as it may consider necessary.

37 (e) The department shall make an investigation of the water supply and water power of the
38 state with recommendations and plans for promoting their more profitable use and shall
39 take such measures as it may consider necessary to promote their development.

40 (f) The department shall make investigations of existing conditions of trade, commerce,
41 and industry in the state, paying particular attention to the causes which may hinder or
42 encourage their growth and to potential sources of energy in the lands and waters of the

43 state, and may devise and recommend such plans as may be considered best suited to
44 promote the development of their interests.

45 (g) The department may take such other measures as it may deem advisable to obtain and
46 make public a more complete knowledge of the state and its resources, and it is authorized
47 to cooperate with other departments and agencies of the state in obtaining and making
48 public such information. It shall be the duty of the department to arrange and classify the
49 facts derived from its investigations so as to provide a general source of information in
50 regard to the state, its advantages, and its resources.

51 (h) The department shall prepare a report to be submitted by the Governor to each General
52 Assembly, showing the nature and progress of the department.

53 (i) The department shall from time to time prepare for print or electronic publication
54 reports and statements, with illustrations, maps, and other descriptions which adequately
55 set forth the natural and material resources of the state and its industrial and commercial
56 development, with a view toward furnishing information to educate the people regarding
57 the material advantages of the state, to encourage and foster the existing industries, and to
58 present inducements for investments in new enterprises. Such reports and information shall
59 be published and distributed as the department may direct, at the expense of the state, as
60 other public documents.

61 (j) It is the intent and purpose, in creating the Department of Natural Resources, that the
62 department shall confer with, cooperate with, and work in harmony with the Department
63 of Economic Development on all new activities of the Department of Natural Resources.

64 (k) The department shall without any fee therefor accept applications for certification of
65 environmentally sensitive conservation use property or constructed storm water wetland
66 conservation use property as provided for in Code Section 48-5-7.4 and shall certify
67 property to local boards of tax assessors and to the applicable local governing authority as
68 meeting or not meeting the criteria of such Code section."

SECTION 2.

Part 6 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to coastal management, is amended by revising Code Section 12-5-323, relating to powers and duties of the Department of Natural Resources, as follows:

"12-5-323.

The department shall have the following authority, which shall not be delegated to any other state agency:

(1) To prepare and administer a Georgia coastal management program and to monitor and inform appropriate local, state, and federal agencies concerning enforcement of this part and all rules, regulations, and orders upon which the Georgia coastal management program is based;

(2) To accept, expend, grant, and administer moneys that are available from persons or federal agencies to carry out the provisions of this part;

(3) To conduct public hearings on the Georgia coastal management program or any actions taken under this part;

(4) To concur or object to a certification of consistency filed by a person only in connection with an application for a federally administered permit and to concur or object to a determination of consistency filed by a federal agency in connection with a federal activity based on the policies of the Georgia coastal management program established pursuant to this part; provided, however, that if, prior to completion of review of a federally administered permit or federal activity under this part, the department receives notice of the denial of a state permit necessary for the activity, the department shall object to all certifications of consistency or determinations of consistency relating to the proposed activity filed by such person or federal agency; provided, further, that nothing in this part shall be construed to prevent the department from withdrawing such objection;~~and~~

(5) To study coastal sources of energy; and

121 a commercial hauler, the facility may charge a fee for the collection of said recoverable
122 materials."

123 **SECTION 4.**

124 Said part is further amended by revising Code Section 12-8-27, relating to standards for
125 handling special solid waste, transportation manifest, fees, inspection, prohibition of waste
126 generated out-of-state, and certification, as follows:

127 ~~"Reserved.~~ (a) Except as provided in subsections (b) and (c) of this Code section, a
128 transporter that offers the collection of solid waste shall:

129 (1) Beginning July 1, 2025, offer the separate collection of recoverable materials from
130 other solid waste and separately deliver said materials to a recoverable materials
131 processing facility;

132 (2) Beginning July 1, 2026, offer the separate collection of yard trimmings from other
133 solid waste and separately deliver said trimmings to a facility for the proper disposal of
134 yard trimmings; and

135 (3) Beginning July 1, 2027, offer the separate collection of food residuals from other
136 solid waste and separately deliver said food residuals to a facility for the proper disposal
137 of food residuals.

138 (b) The provisions of subsection (a) of this Code section shall not apply to a transporter
139 in a municipality that has adopted a solid waste management ordinance addressing the
140 collection of recoverable materials, yard trimmings, or food residuals, for the material
141 addressed by the ordinance, if the ordinance:

142 (1) Is applicable to all residents of the municipality;

143 (2) Prohibits a resident from opting out of municipally provided solid waste services; and

144 (3) Does not apply a variable rate for the collection for the material addressed by the
145 ordinance.

(c) The provisions of paragraphs (2) and (3) of subsection (a) of this Code section shall not apply to a transporter in a municipality if:

(1) The secretary has approved a solid waste implementation plan for the municipality;

(2) The approved plan delineates an area where solid waste management services required by paragraphs (2) and (3) of subsection (a) of this Code section are not required; and

(3) In the delineated area, alternatives, including on-site management, to the services required by paragraphs (2) and (3) of subsection (a) of this Code section are offered, the alternative services have capacity to serve the needs of all residents in the delineated area, and the alternative services are convenient to residents of the delineated area.

(d) A transporter that offers the collection of solid waste shall not charge a separate line item fee on a bill to a residential customer for the collection of recovered materials; however, said transporter may charge a fee for any service call, stop, or collection at a residential property or for a tiered or variable fee based on the size of the collection container provided to a residential customer, or the amount of waste collected from a residential customer. Said transporter may incorporate the cost of the collection of recoverable materials into the cost of the collection of solid waste and may adjust the charge for the collection of solid waste. A transporter that offers the collection of solid waste may charge a separate fee for the collection of yard trimmings or food residuals from a residential customer."

SECTION 5.

Said part is further amended by revising subsection (b) of Code Section 12-8-31, relating to the state solid waste management plan, as follows:

"(b) The state solid waste management plan shall be updated annually and submitted to the Governor's Development Council and shall serve as the guide for the development of local plans and regional plans for solid waste management."

SECTION 6.

Said part is further amended by adding a new Code section to read as follows:

"12-8-42.

A person who produces more than 104 tons of food residuals in a calendar year and is located within 20 miles of a facility for the proper disposal of food residuals that has available capacity and that is willing to accept the food residuals shall separate food residuals from other solid waste, provided that a de minimis amount of food residuals may be disposed of in solid waste when a person has established a program to separate food residuals and the program includes a component for the education of program users regarding the need to separate food residuals; and arrange for the transfer of food residuals to said facility."

SECTION 7.

Part 1 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to hazardous waste management, is amended by revising paragraph (10) of Code Section 12-8-62, relating to definitions, as follows:

"(10) 'Hazardous waste' means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 2010, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste. Such term includes, but is not limited to, all waste resulting from the exploration, development, extraction, or production of crude oil or natural gas, including, but not limited to, drilling fluids and produced waters."

SECTION 8.

Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air quality, is amended by adding a new Code section to read as follows:

197 "12-9-5.1.

198 (a) The board shall develop a state air quality management plan, which shall be submitted
199 to the Governor's Development Council and shall serve as the guide for the development
200 of local plans and regional plans for air quality management. Said plan shall include, but
201 not be limited to:

202 (1) A general analysis of air quality management practices currently in use, management
203 alternatives and technologies available, and their application;

204 (2) Procedures and strategies for meeting state goals and objectives for air pollution
205 reduction and air quality improvement;

206 (3) Minimum standards and procedures to be met by local and regional air quality
207 management plans, including the assurance of adequate handling capability and capacity
208 for the subsequent ten-year period;

209 (4) A procedure for informing the public annually of the locally incurred costs of air
210 pollution;

211 (5) Procedures for ensuring cooperative efforts on air quality planning by the state,
212 regional commissions, local governments, groups of local governments, and private
213 companies, including a description of the means by which the state will encourage local
214 governments to pursue regional approaches;

215 (6) A description of public and private alternatives for the provision of air quality
216 management services;

217 (7) A description of the respective roles of agencies in the implementation of a
218 state-wide public information education program on air quality management which
219 emphasizes grass roots participation of all age levels;

220 (8) Methods of assuring public participation in the planning and decision-making
221 processes; and

222 (9) Methods for assuring implementation of the state air quality management plan."

223 **SECTION 9.**

224 Chapter 13 of Title 31 of the Official Code of Georgia Annotated, relating to radiation
225 control, is amended in Code Section 31-13-7, relating to permits for disposal of radioactive
226 waste, by adding a new subsection to read as follows:

227 "(c) The director shall promulgate and annually update a comprehensive plan for the
228 concentration, storage, or burial of radioactive waste."

229 **SECTION 10.**

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