

House Bill 276

By: Representatives Nimmer of the 178th, Hatchett of the 150th, Coomer of the 14th, Smith of the 70th, and Nix of the 69th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia
2 Annotated, relating to hazardous site response, so as to change certain procedures regarding
3 appropriations to the Department of Natural Resources and the Georgia Hazardous Waste
4 Management Authority; to extend the sunset date for certain hazardous waste fees; to provide
5 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 3 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
10 relating to hazardous site response, is amended by revising subsection (b) of Code Section
11 12-8-95, relating to the hazardous waste trust fund, as follows:

12 "(b) The moneys deposited in the hazardous waste trust fund may be expended by the
13 director as follows:

14 (1) For activities associated with the investigation, detoxification, removal, and disposal
15 of any hazardous wastes, hazardous constituents, or hazardous substances at sites where
16 corrective action is necessary to mitigate a present or future danger to human health or
17 the environment;

18 (2) For emergency actions the director considers necessary to protect public health,
19 safety, or the environment whenever there is a release of hazardous wastes, hazardous
20 constituents, or hazardous substances;

21 (3) For activities of the division associated with the administration of this part, including
22 reviewing and overseeing investigations, corrective action, and other actions by federal
23 agencies required under this article and supporting the reduction of hazardous waste and
24 pollution prevention activities by federal agencies;

25 (4) In accordance with rules promulgated by the board, for financing of the state and
26 local share of the costs associated with the investigation, remediation, and postclosure

27 care and maintenance of sites placed on the National Priority List pursuant to the federal
 28 Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as
 29 amended, or sites placed on the hazardous site inventory pursuant to Code Section
 30 12-8-97; provided, however, that the director shall ensure that beginning July 1, 2003,
 31 and annually in each following year, an amount equal to at least one-half of the sum of
 32 annual collections made pursuant to subsection (e) of Code Section 12-8-39 and
 33 appropriated to the department in accordance with subsection (b) of Code Section
 34 12-8-91 shall be available to be used for the purposes of this paragraph; provided, further,
 35 that if a county or municipal corporation has been or is the owner of or operator of such
 36 site, not less than \$500,000 of such costs shall be paid from the hazardous waste trust
 37 fund; and

38 (5) For activities administered by the director associated with pollution prevention,
 39 including reduction of hazardous wastes generated in ~~the~~ this state; ~~and.~~

40 ~~(6) Provided that annual appropriations are made to the Department of Natural Resources~~
 41 ~~in accordance with subsection (b) of Code Section 12-8-91, for transfer on an annual~~
 42 ~~basis to the Georgia Hazardous Waste Management Authority in an amount equal to 10~~
 43 ~~percent of the previous year's payment into the state treasury by the division of fees and~~
 44 ~~penalties pursuant to subsection (e) of Code Section 12-2-2, subsection (e) of Code~~
 45 ~~Section 12-8-39, and Code Section 12-8-95.1. If in any year the fees cease to be collected~~
 46 ~~due to the unencumbered principal balance exceeding \$25 million in the hazardous waste~~
 47 ~~trust fund, a transfer of funds shall be made to the Georgia Hazardous Waste~~
 48 ~~Management Authority from the principal of the hazardous waste trust fund equal to the~~
 49 ~~average transfer for the three preceding years. Such transferred funds are to be~~
 50 ~~administered by the chief administrative officer of the Georgia Hazardous Waste~~
 51 ~~Management Authority to fund source reduction and project activities as set forth in~~
 52 ~~Article 4 of this chapter and in accordance with the policies of the board."~~

53 **SECTION 2.**

54 Said part is further amended by revising subsection (h) of Code Section 12-8-95.1, relating
 55 to hazardous waste management fees and hazardous substance reporting fees, as follows:

56 "(h) Unless fee requirements established in this Code section are reimposed by the General
 57 Assembly, no such fees shall be levied after July 1, ~~2013~~ 2018."

58 **SECTION 3.**

59 This Act shall become effective upon its approval by the Governor or upon its becoming law
 60 without such approval.

61

SECTION 4.

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