

House Bill 388

By: Representatives Jones of the 167<sup>th</sup>, Nimmer of the 178<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Hogan of the 179<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to general provisions relative to solid waste management, so as to  
3 regulate the disposal of coal combustion residuals in landfills; to require a management plan  
4 from certain landfills prior to receiving or continuing to receive coal combustion residuals;  
5 to provide for requirements and duties under such plans; to provide for related matters; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,  
10 relating to general provisions relative to solid waste management, is amended by adding a  
11 new Code section to read as follows:

12 "12-8-24.4.

13 (a) As used in this Code section, the term:

14 (1) 'CCR' means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials  
15 generated from burning coal for the purpose of generating electricity by electric utilities  
16 and independent power producers.

17 (2) 'Plan' means the CCR Management Plan required under this Code section.

18 (b) On and after July 1, 2017, the disposal of CCR or the use of CCR as a daily cover at  
19 a municipal solid waste landfill or commercial solid waste landfill shall require that a CCR  
20 Management Plan be submitted to the division for review. The owner or operator of any  
21 such landfill shall incorporate such plan into the facility's design and operational plan  
22 before the initial receipt of CCR. Landfills that accepted CCR before July 1, 2017, and will  
23 continue to accept CCR following such date shall incorporate such plan into the facility's  
24 design and operational plan with a modification approved by the division by  
25 December 1, 2017.

26 (c)(1) The plan shall be submitted as a request for modification to the facility's design  
27 and operational plan. The division shall consider whether the nature of any of the  
28 following changes would likely have an impact on the ability of the facility to adequately  
29 protect human health and the environment such that a major modification shall be  
30 required:

- 31 (A) Altered design of the facility;  
32 (B) Management practices;  
33 (C) Types of wastes being handled; and  
34 (D) The method of waste handling.

35 The receipt of CCR at volumes equal to or greater than 5 percent of the daily tonnage  
36 received at the facility or greater than 100 tons per day shall require a major modification.

37 (2) Plans shall be approved for a duration of one year. Facilities shall submit a sealed  
38 review by a professional engineer describing activities, issues, and any noncompliance  
39 from the prior year. Based on the annual review, the division shall either issue written  
40 approval to continue under the existing plan or request the facility to amend its plan.  
41 Amendments to the plan shall include any changes necessitated by the prior year's  
42 operations. The facility shall place the written approval in its design and operational  
43 plan. Facilities requested to amend a plan shall obtain an approved amended plan within  
44 30 days of the division's request or cease receipt of CCR until such approval is granted.  
45 A professional engineer registered to practice in Georgia shall stamp and sign all  
46 documents.

47 (d) The plan shall include the following:

48 (1)(A) A demonstration that the facility is constructed with a base that is no less  
49 than 1.52 meters above the upper limit of the uppermost aquifer or that there will not  
50 be an intermittent, recurring, or sustained hydraulic connection between any portion of  
51 the base of the landfill and the uppermost aquifer due to normal fluctuations in  
52 ground-water elevations; and

53 (B) A demonstration that no portion of the facility is located within any wetlands. As  
54 used in this subparagraph, the term 'wetlands' means those areas that are inundated or  
55 saturated by surface or ground water at a frequency and duration sufficient to support,  
56 and that under normal circumstances do support, a prevalence of vegetation typically  
57 adapted for life in saturated soil conditions, including but not limited to swamps,  
58 marshes, bogs, and similar areas;

59 (2) The estimated total amount of CCR to be accepted on an annual basis and the daily  
60 maximum amount of CCR to be accepted shall be listed in the plan. For sites that will  
61 dispose of commingled CCR and municipal solid waste, the amount of municipal solid

- 62 waste received and the maximum ratio of CCR to municipal solid waste for placement  
63 in the landfill shall be listed in the plan;
- 64 (3) Incorporation of procedures for waste placement, cover, and recovery to minimize  
65 exposure and accidental releases;
- 66 (4) Measures that will minimize CCR from becoming airborne at the facility and  
67 minimize potential CCR fugitive dust emissions originating from disposal facilities,  
68 conditioning areas, roadways, and railroads;
- 69 (5) A demonstration that the landfill design ensures the safe containment of CCR or that  
70 such design is retrofitted to ensure such safe containment;
- 71 (6) A showing that CCR waste to be received is compatible with municipal solid waste  
72 or industrial waste streams received at the facility and that different CCR waste streams  
73 received are compatible with one another;
- 74 (7) An evaluation of impacts to the landfill's closure and postclosure care cost estimates.  
75 If CCR management changes either or both of these estimates, the applicable plan  
76 sections shall be revised to comply with Rule 391-3-4-.11 or 391-3-4-.12 of the division,  
77 as they existed on January 1, 2017. Ground-water monitoring costs shall be updated to  
78 reflect the additional constituents monitored for landfills that have accepted CCR. If the  
79 largest open waste-accepting area increases due to CCR management, closure cost  
80 estimates shall be updated accordingly;
- 81 (8) Incorporation of all constituents, including boron, listed in Appendices III and IV  
82 to 40 C.F.R. Part 257 into the facility's ground-water monitoring plan in accordance with  
83 Rules 391-3-4-.14(21)(c) and 391-3-4-.14(25) of the division, as they existed on  
84 January 1, 2017;
- 85 (9) Incorporation of a leachate monitoring report. The owner or operator shall test the  
86 leachate on a quarterly basis for all constituents, including boron, listed in Appendices  
87 III and IV to 40 C.F.R. Part 257. An annual leachate monitoring report containing the  
88 results of such testing shall be submitted to the division 12 months after the approval of  
89 the plan and each year thereafter;
- 90 (10) A demonstration that waste water from the cleaning of vehicles carrying CCR to the  
91 facility is handled in a manner which meets all applicable environmental laws and  
92 regulations; and
- 93 (11) Any additional information which may be required by the director.
- 94 (e) The plan shall be modified and submitted for the division's approval if changes in  
95 either operating procedures or the facility design are necessary to comply with the  
96 requirements for CCR management.
- 97 (f) The owner or operator shall notify the local governing authorities of the county, and  
98 any city within the county, in which the landfill is located upon the initial submission of

99 a plan or upon submission of an amended plan to the division. Copies of such  
100 correspondence to local governing authorities shall be provided to the division with the  
101 plan or amended plan."

102 **SECTION 2.**

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