

House Bill 429

By: Representatives Smith of the 18<sup>th</sup>, Greene of the 154<sup>th</sup>, Jenkins of the 136<sup>th</sup>, Evans of the 57<sup>th</sup>, and Mathis of the 149<sup>th</sup>

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 the "Georgia Comprehensive Solid Waste Management Act," so as to  
3 prohibit the permitting of new municipal solid waste landfills if construction of any portion  
4 of such landfill site will be located within a 1.5 mile radius of any perennial stream where  
5 the Tallapoosa darter (*Etheostoma tallapoosae*), a species protected pursuant to Article 5 of  
6 Chapter 3 of Title 27, the "Endangered Wildlife Act of 1973," may be found; to provide for  
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,  
11 relating to the "Georgia Comprehensive Solid Waste Management Act," is amended by  
12 adding a new Code section to read as follows:

13 "12-8-42.

14 No permit shall be issued for any new municipal solid waste landfill if construction of any  
15 portion of the site will be located within a 1.5 mile radius of any perennial stream where

16 the Tallapoosa darter (Etheostoma tallapoosae), a species protected pursuant to Article 5  
17 of Chapter 3 of Title 27, the 'Endangered Wildlife Act of 1973,' may be found."

18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.