

House Bill 435

By: Representatives Smith of the 18<sup>th</sup>, Evans of the 57<sup>th</sup>, Greene of the 154<sup>th</sup>, and Jenkins of the 136<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 solid waste management generally, so as to revise limitations on  
3 permitting of landfills near significant ground-water recharge areas; to prohibit permitting  
4 of new landfills within 50 miles of existing landfills; to require demonstration of need for  
5 new landfills to the director of the Environmental Protection Division of the Department of  
6 Natural Resources; to provide for buffer areas around landfills; to provide for definitions; to  
7 provide for 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 solid waste management generally, is amended by revising Code  
12 Section 12-8-25.2, relating to sites within two miles of significant ground-water recharge  
13 area, to read as follows:

14 "12-8-25.2.

15 No permit shall be issued for a municipal solid waste landfill if any part of the site is within  
16 two miles of an area that has been designated by the director as a significant ground-water

17 recharge area ~~unless such municipal solid waste landfill will have a liner and leachate~~  
18 ~~collection system and meets any other requirements as may be established by rules and~~  
19 ~~regulations of the board or pursuant to other geological considerations as may be~~  
20 ~~determined appropriate by the director."~~

21 **SECTION 2.**

22 Said part is further amended by adding new Code sections to read as follows:

23 "12-8-42.

24 (a) No permit shall be issued for a new private or public landfill to be located within 50  
25 miles of an existing private or public landfill in this state.

26 (b) Notwithstanding the geographical requirement set forth in subsection (a) of this Code  
27 section, every application for a permit for a new landfill shall demonstrate to the director  
28 that a need exists for the landfill in that jurisdiction, in that insufficient capacity currently  
29 exists within the region to accommodate the volume of commercial, residential, and local  
30 governmental waste.

31 12-8-43.

32 (a) As used in this Code section, the term 'buffer area' shall mean an area of natural habitat  
33 in which no residential or commercial structure exists.

34 (b) No new private or public landfill shall exceed more than 100 acres in size.

35 (c) Every new private and public landfill shall include a buffer area of not less than two  
36 square miles in every direction."

37 **SECTION 3.**

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