

House Bill 564

By: Representatives Williams of the 37th, Oliver of the 82nd, and Buckner of the 137th

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 require
3 the director of the Division of Environmental Protection to regulate the storage, treatment,
4 and disposal of coal combustion residuals; to prohibit the Division of Environmental
5 Protection from issuing certain permits related to storage, treatment, and disposal of coal
6 combustion residuals; to provide for a definition; to provide for legislative intent; to provide
7 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 general provisions relative to solid waste management, is amended in Code
12 Section 12-8-21 by adding a new subsection to read as follows:

13 "(h) It is further the intent of the General Assembly to recognize that the United States
14 Environmental Protection Agency has determined that the storage, treatment, and disposal
15 of coal combustion residuals in contact with groundwater is illegal and poses a threat to
16 human health and the environment. It is also the intent of the General Assembly that coal

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17 combustion residuals shall not be stored, treated, or disposed of in any location in Georgia
18 in contact with groundwater or which may reasonably be expected to come into contact
19 with groundwater."

20 **SECTION 2.**

21 Said part is further amended in Code Section 12-8-22 by adding a new paragraph to read as
22 follows:

23 "(4.01) 'Coal combustion residuals' means fly ash, bottom ash, boiler slag, and flue gas
24 desulfurization materials generated from burning coal for the purpose of generating
25 electricity by electric utilities and independent power producers."

26 **SECTION 3.**

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

28 "12-8-25.6.

29 (a) The director shall regulate the storage, treatment, and disposal of coal combustion
30 residuals as needed to prevent the contamination of groundwater.

31 (b) No permit shall be issued for any disposal facility at which coal combustion residuals
32 are intended to be stored, treated, or disposed of in contact with groundwater or which may
33 reasonably be expected to come into contact with groundwater."

34 **SECTION 4.**

35 All laws and parts of laws in conflict with this Act are repealed.