

House Bill 647

By: Representatives Smith of the 133rd, Smith of the 70th, Washburn of the 141st, Williams of the 145th, and Dickey of the 140th

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 provide for post-closure ground-water monitoring at closed coal combustion residual
4 impoundments; to provide for definitions; to provide for ground-water monitoring reports;
5 to amend Part 3 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia
6 Annotated, relating to criminal trespass and damage to property relative to waste control, so
7 as to provide for a conforming cross-reference; to amend Part 1 of Article 3 of Chapter 8 of
8 Title 48 of the Official Code of Georgia Annotated, relating to county special purpose local
9 option sales tax, so as to provide for conforming cross-references; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
14 relating to general provisions relative to solid waste management, is amended in Code
15 Section 12-8-22, relating to definitions, by adding new paragraphs and renumbering existing
16 paragraphs to read as follows:

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17 "12-8-22.

18 As used in this article, the term:

19 (1) 'Affected county' means, in addition to the county in which a facility is or is proposed
20 to be located, each county contiguous to the host county and each county and
21 municipality within a county that has a written agreement with the facility to dispose of
22 solid waste.

23 ~~(1)~~(2) 'Biomedical waste' means pathological waste, biological waste cultures and
24 stocks of infectious agents and associated biologicals, contaminated animal carcasses
25 (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy
26 waste, discarded medical equipment and parts, not including expendable supplies and
27 materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of
28 the board as such rule existed on January 1, 2006, and other such waste materials.

29 ~~(2)~~(3) 'Board' means the Board of Natural Resources of the State of Georgia.

30 (4) 'CCR' or 'coal combustion residuals' means fly ash, bottom ash, boiler slag, and flue
31 gas desulfurization materials generated from the burning of coal by electric utilities and
32 independent power producers for the purpose of generating electricity.

33 (5) 'CCR surface impoundment' means a natural topographic depression, manmade
34 excavation, or diked area, which is designed to hold an accumulation of CCR and liquids
35 and at which CCR can be treated or disposed of.

36 ~~(3)~~(6) 'Certificate' means a document issued by a college or university of the University
37 System of Georgia or other organization approved by the director stating that the operator
38 has met the requirements of the board for the specified operator classification of the
39 certification program.

40 ~~(4)~~(7) 'Closure' means a procedure approved by the division which provides for the
41 cessation of waste receipt at a solid waste disposal site and for the securing of the site in
42 preparation for post-closure.

43 ~~(4.1)~~(8) 'Commercial solid waste' means all types of solid waste generated by stores,
44 offices, restaurants, warehouses, and other nonmanufacturing activities, excluding
45 residential and industrial wastes.

46 ~~(5)~~(9) 'Composting' means the controlled biological decomposition of organic matter into
47 a stable, odor-free humus.

48 ~~(5.1)~~(10) 'Construction or demolition waste' means waste building materials and rubble
49 resulting from construction, remodeling, repair, or demolition operations on pavements,
50 houses, commercial buildings, and other structures. Such waste includes, but is not
51 limited to, waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper,
52 cardboard, and other nonputrescible wastes associated with construction and demolition
53 activities which have a low potential for ground-water contamination. Inert waste landfill
54 materials approved by the board for disposal in landfills permitted by rule and regulation
55 are also included in this definition if disposed in a construction or demolition waste
56 landfill.

57 ~~(6)~~(11) 'Contaminant' means any physical, chemical, biological, or radiological substance
58 or matter.

59 ~~(7)~~(12) 'Director' means the director of the Environmental Protection Division of the
60 Department of Natural Resources.

61 ~~(8)~~(13) 'Disposal facility' means any facility or location where the final deposition of
62 solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal
63 treatment technology facilities.

64 ~~(9)~~(14) 'Division' means the Environmental Protection Division of the Department of
65 Natural Resources.

66 ~~(9.1)~~(15) 'Feedstock' means raw material that is used in a machine or industrial process.

67 ~~(10)~~(16) 'Financial responsibility mechanism' means a mechanism designed to
68 demonstrate that sufficient funds will be available to meet specific environmental
69 protection needs of solid waste handling facilities. Available financial responsibility

70 mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters
71 of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees
72 as defined in 40 C.F.R. Part 264 Subpart H — Financial Requirements.

73 ~~(10.1)~~(17) 'Gasification to fuels and chemicals' means a process through which recovered
74 materials or other nonrecycled feedstock is heated and converted into a fuel-gas mixture
75 in an oxygen-deficient atmosphere, and such mixture is converted into fuel, including
76 ethanol and transportation fuel, chemicals, or other chemical feedstocks.

77 ~~(10.2)~~(18) 'Gasification to fuels and chemicals facility' means a facility that collects,
78 separates, stores, or converts nonrecycled feedstock into fuels, chemicals, or other
79 valuable final or intermediate products by using a gasification to fuels and chemicals
80 process. Such term shall not include a waste handling facility or solid waste thermal
81 treatment facility.

82 ~~(11)~~(19) 'Generator' means any person in Georgia or in any other state ~~who~~ that creates
83 solid waste.

84 ~~(12)~~(20) 'Hazardous constituent' means any substance listed as a hazardous constituent
85 in regulations promulgated pursuant to the federal act by the administrator of the United
86 States Environmental Protection Agency which are in force and effect on February 1,
87 2004, codified as Appendix VIII to 40 C.F.R. Part 261 — Identification and Listing of
88 Hazardous Waste.

89 ~~(12.1)~~(21) 'Industrial solid waste' means solid waste generated by manufacturing or
90 industrial processes or operations that is not a hazardous waste regulated under Part 1 of
91 Article 3 of this chapter, the 'Georgia Hazardous Waste Management Act.' Such waste
92 includes, but is not limited to, waste resulting from the following manufacturing
93 processes: ~~Electric~~ electric power generation; fertilizer and agricultural chemicals; food
94 and related products and by-products; inorganic chemicals; iron and steel products;
95 leather and leather products; nonferrous metal and foundry products; organic chemicals;
96 plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone,

97 glass, clay, and concrete products; textiles; transportation equipment; and water
98 treatment. This term does not include mining waste or oil and gas waste.

99 ~~(13)~~(22) 'Label' means a code label described in paragraphs (2) and (3) ~~and (4)~~ of
100 subsection (b) of Code Section 12-8-34.

101 ~~(14)~~(23) 'Landfill' means an area of land on which or an excavation in which solid waste
102 is placed for permanent disposal and which is not a land application unit, surface
103 impoundment, injection well, or compost pile.

104 ~~(15)~~(24) 'Leachate collection system' means a system at a landfill for collection of the
105 leachate which may percolate through the waste and into the soils surrounding the
106 landfill.

107 ~~(15.1)~~(25) 'Litter' ~~has the meaning provided by~~ shall have the same meaning as set forth
108 in Code Section 16-7-42.

109 ~~(16)~~(26) 'Manifest' means a form or document used for identifying the quantity and
110 composition and the origin, routing, and destination of special solid waste during its
111 transportation from the point of generation, through any intermediate points, to the point
112 of disposal, treatment, or storage.

113 ~~(17)~~(27) 'Materials recovery facility' means a solid waste handling facility that provides
114 for the extraction from solid waste of recoverable materials, materials suitable for use as
115 a fuel or soil amendment, or any combination of such materials.

116 ~~(17.1)~~(28) 'Multijurisdictional solid waste management plan' means a comprehensive
117 solid waste plan adopted pursuant to Code Section 12-8-31.1 covering two or more
118 jurisdictions.

119 ~~(18)~~(29) 'Municipal solid waste' means any solid waste derived from households,
120 including garbage, trash, and sanitary waste in septic tanks, ~~and means~~ solid waste from
121 single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds,
122 picnic grounds, and ~~day-use~~ day-use recreation areas. ~~The~~ This term includes yard
123 trimmings, construction or demolition waste, and commercial solid waste but does not

124 include solid waste from mining, agricultural, or silvicultural operations or industrial
125 processes or operations.

126 ~~(19)~~(30) 'Municipal solid waste disposal facility' means any facility or location where the
127 final deposition of any amount of municipal solid waste occurs, whether or not mixed
128 with or including commercial or industrial solid waste, and includes, but is not limited
129 to, municipal solid waste landfills and municipal solid waste thermal treatment
130 technology facilities.

131 ~~(20)~~(31) 'Municipal solid waste landfill' means a disposal facility where any amount of
132 municipal solid waste, whether or not mixed with or including commercial waste,
133 industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is
134 disposed of by means of placing an approved cover thereon.

135 ~~(20.1)~~(32) 'Nonrecycled feedstock' means one or more of the following materials,
136 derived from nonrecycled materials, that has been processed so that it may be used as a
137 feedstock in a gasification to fuels and chemicals facility, but excluding coal refuse and
138 scrap tires:

139 (A) Post-use plastics; or

140 (B) Materials for which the Environmental Protection Agency has made a nonwaste
141 determination under 40 C.F.R. Section 241.3(c) or that are otherwise determined not
142 to constitute waste.

143 ~~(21)~~(33) 'Operator' means the person stationed on the site who is in ~~responsible~~ charge
144 of and has direct supervision of daily field operations of a municipal solid waste disposal
145 facility to ensure that the facility operates in compliance with the permit.

146 ~~(22)~~(34) 'Person' means the State of Georgia or any other state or any agency or
147 institution thereof and any municipality, county, political subdivision, public or private
148 corporation, solid waste authority, special district empowered to engage in solid waste
149 management activities, individual, partnership, association, or other entity in Georgia or
150 any other state. This term also includes any officer or governing or managing body of

151 any municipality, political subdivision, solid waste authority, special district empowered
152 to engage in solid waste management activities, or public or private corporation in
153 Georgia or any other state. This term also includes employees, departments, and agencies
154 of the federal government.

155 ~~(23)~~(35) 'Post-closure' '~~Postclosure~~' means a procedure approved by the division to
156 provide for long-term financial assurance, monitoring, and maintenance of a solid waste
157 disposal site to protect human health and the environment.

158 ~~(22.1)~~(36) 'Post-use plastics' means recovered plastics, derived from any source, that are
159 not being used for their originally intended purpose and that might otherwise become
160 waste if not processed at a pyrolysis or gasification to fuels and chemicals facility or
161 recycled, ~~and the term~~ This includes plastics that may contain incidental contaminants
162 or impurities such as paper labels or metal rings.

163 ~~(24)~~(37) 'Private industry solid waste disposal facility' means a disposal facility which
164 is operated exclusively by and for a private solid waste generator for the purpose of
165 accepting solid waste generated exclusively by said private solid waste generator.

166 ~~(24.1)~~(38) 'Pyrolysis' means a process through which post-use plastics are heated, in an
167 oxygen-free environment, until melted and thermally decomposed, then cooled,
168 condensed, and converted into oil, diesel, gasoline, home heating oil, or other liquid fuel;
169 gasoline or diesel blendstock; chemicals or chemical feedstock; waxes or lubricants; or
170 other similar raw materials or intermediate or final products.

171 ~~(24.2)~~(39) 'Pyrolysis facility' means a facility that collects, separates, stores, or converts
172 post-use plastics into fuels or other valuable final or intermediate products by using a
173 pyrolysis process. Pyrolysis facilities shall not be considered solid waste handling
174 facilities or solid waste thermal treatment facilities.

175 ~~(25)~~(40) 'Recovered materials' means those materials which have known use, reuse, or
176 recycling potential; can be feasibly used, reused, or recycled; and have been diverted or

177 removed from the solid waste stream for sale, use, reuse, or recycling, whether or not
178 requiring subsequent separation and processing.

179 ~~(26)~~(41) 'Recovered materials processing facility' means a facility engaged solely in the
180 storage, processing, recycling, and resale or reuse of recovered materials. Such facility
181 shall not be considered a solid waste handling facility; provided, however, that any solid
182 waste generated by such facility shall be subject to all applicable laws and regulations
183 relating to such solid waste.

184 ~~(27)~~(42) 'Recycling' means any process by which materials which would otherwise
185 become solid waste are collected, separated, or processed and reused or returned to use
186 in the form of raw materials, intermediates, or products which can be used as a substitute
187 for products not derived by such processes.

188 ~~(27.1)~~(43) 'Regional ~~landfill~~ landfill' or ~~regional~~ 'regional solid waste disposal facility'
189 means a facility owned by a county, municipality, authority, or special district
190 empowered to engage in solid waste management activities, or any combination thereof,
191 which serves two or more or any combination of counties, municipalities, or special solid
192 waste districts.

193 ~~(27.2)~~(44) 'Regional solid waste management plan' means a comprehensive solid waste
194 management plan adopted pursuant to Code Section 12-8-31.1 covering two or more
195 counties and may include one or more municipal corporations within those counties.

196 ~~(28)~~(45) 'Retreadable casing' means a scrap tire suitable for retreading.

197 ~~(29)~~(46) 'Rigid plastic bottle' means any rigid plastic container with a neck that is smaller
198 than the container body with a capacity of 16 ounces or more and less than five gallons.

199 ~~(30)~~(47) 'Rigid plastic container' means any formed or molded part ~~comprised~~ composed
200 predominantly of plastic resin, having a relatively inflexible finite shape or form, and
201 intended primarily as a single-service container with a capacity of eight ounces or more
202 and less than five gallons.

203 ~~(31)~~(48) 'Scrap tire' means a tire that is no longer suitable for its original intended
204 purpose because of wear, damage, or defect.

205 ~~(32)~~ Reserved.

206 ~~(33)~~(49) 'Solid waste' means any garbage or refuse; sludge from a waste-water treatment
207 plant, water supply treatment plant, or air pollution control facility; and other discarded
208 material including solid, semisolid, or contained gaseous material resulting from
209 industrial, commercial, mining, and agricultural operations and community activities, ~~but~~
210 This term does not include recovered materials; post-use plastics and nonrecycled
211 feedstock that are subsequently processed using a pyrolysis or gasification to fuels and
212 chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved
213 materials in irrigation return flows or industrial discharges that are point sources subject
214 to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material
215 as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

216 ~~(34)~~(50) 'Solid waste handling' means the storage, collection, transportation, treatment,
217 utilization, processing, or disposal of solid waste or any combination of such activities, ~~but~~
218 This term does not include recovered materials processing or pyrolysis or gasification
219 to fuels and chemicals processes, or the holding of post-use plastics or nonrecycled
220 feedstock at a pyrolysis facility or gasification to fuels and chemicals facility prior to
221 processing at the facility where those materials are being held to ensure production is not
222 interrupted.

223 ~~(35)~~(51) 'Solid waste handling facility' means any facility the primary purpose of which
224 is the storage, collection, transportation, treatment, utilization, processing, or disposal,
225 or any combination thereof, of solid waste, but does not include recovered materials
226 processing facilities or pyrolysis or gasification to fuels and chemicals facilities.

227 ~~(36)~~(52) 'Solid waste thermal treatment technology' means any solid waste handling
228 facility the purpose of which is to reduce the amount of solid waste to be disposed of
229 through a process of combustion, with or without the process of waste to energy.

230 ~~(37)~~(53) 'Special solid waste' means any solid waste not otherwise regulated under Part
231 1 of Article 3 of this chapter, known as the 'Georgia Hazardous Waste Management Act,'
232 and regulations promulgated under such part originating or produced from or by a source
233 or generator not subject to regulation under Code Section 12-8-24.

234 ~~(38)~~(54) 'Tire' means a continuous solid or pneumatic rubber covering designed for
235 encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle
236 nor a part of the motor vehicle as original equipment.

237 ~~(38.1)~~(55) 'Tire carrier' means any person engaged in collecting or transporting tires,
238 other than new tires.

239 ~~(39)~~(56) 'Tire retailer' means any person, other than a used motor vehicle parts dealer
240 licensed in accordance with Chapter 47 of Title 43, engaged in the business of selling
241 new replacement tires or used tires.

242 ~~(40)~~(57) 'Tire retreader' means any person actively engaged in the business of retreading
243 scrap tires by scarifying the surface to remove the old surface tread and attaching a new
244 tread to make a usable tire.

245 ~~(40.1)~~(58) 'Used tire' means a tire which has a minimum of 2/32 inch of road tread and
246 which is still suitable for its original purpose but is no longer new. A tire retailer shall
247 inventory and market used tires in substantially the same fashion as a new tire and be able
248 to provide satisfactory evidence to the division that a market for the tire exists and the tire
249 is in fact being marketed as a used tire. A used tire shall not be considered solid waste.

250 ~~(41)~~(59) 'Waste to energy facility' means a solid waste handling facility that provides for
251 the extraction and utilization of energy from municipal solid waste through a process of
252 combustion.

253 ~~(42)~~(60) 'Yard trimmings' means leaves, brush, grass clippings, shrub and tree prunings,
254 discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative
255 matter resulting from landscaping development and maintenance other than mining,
256 agricultural, and silvicultural operations."

257

SECTION 2.

258 Said part is further amended by revising Code Section 12-8-24 of the Official Code of
259 Georgia Annotated, relating to permits for solid waste or special solid waste handling,
260 disposal, or thermal technology facility, and inspection of solid waste generators, by adding
261 a new subsection as follows:

262 "(1)(1) Solid waste handling permits issued for CCR surface impoundments that are
263 closed in place shall require the permittee to conduct post-closure care at such CCR
264 surface impoundments for a minimum of 30 years following completion of the closure.
265 Post-closure care permit terms and conditions for such CCR surface impoundments shall
266 include requirements consistent with the regulations promulgated by the Board of Natural
267 Resources pursuant to this article, including, but not limited to, maintenance of the
268 integrity and effectiveness of the final cover system, maintenance of the ground-water
269 monitoring system, and monitoring of ground water through the entire post-closure care
270 period.

271 (2) Solid waste handling permits issued for CCR surface impoundments shall require that
272 any ground-water monitoring report for a CCR surface impoundment posted by an owner
273 or operator to the solid waste handling facility's internet site shall include an executive
274 summary. The executive summary shall include a:

275 (A) Summary description of the facility and the CCR surface impoundment;

276 (B) Summary of the ground-water monitoring network;

277 (C) Map of the CCR surface impoundment, including the ground-water monitoring
278 network;

279 (D) Summary of the results of the most recent sampling event; and

280 (E) Summary and status report of any corrective action remedy implementation, if
281 applicable.

282 (3) The executive summary shall be drafted in a manner intended to ensure that it may
283 be reasonably understood by persons without environmental or technical expertise in
284 waste management.

285 (4) The division shall conduct inspections of CCR surface impoundments that are closed
286 in place. Such inspections shall be conducted at least annually during closure of the CCR
287 surface impoundment and at least once every five years following the completion of such
288 closure."

289 **SECTION 3.**

290 Part 3 of Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
291 relating to criminal trespass and damage to property relative to waste control, is amended in
292 Code Section 16-7-51, relating to definitions, by revising paragraph (1) as follows:

293 "(1) 'Biomedical waste' means that term as defined in paragraph ~~(1.1)~~ (2) of Code Section
294 12-8-22."

295 **SECTION 4.**

296 Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
297 relating to county special purpose local option sales tax, is amended in Code
298 Section 48-8-111, relating to procedure for imposition of tax, resolution or ordinance, notice
299 to county election superintendent, and election, by revising subparagraph (a)(1)(B) as
300 follows:

301 "(B) A capital outlay project or projects in the special district and consisting of a
302 courthouse; administrative buildings; a civic center; a local or regional jail, correctional
303 institution, or other detention facility; a library; a coliseum; local or regional solid waste
304 handling facilities as defined under paragraph ~~(27.1)~~ (43) or ~~(35)~~ (51) of Code
305 Section 12-8-22, as amended, excluding any solid waste thermal treatment technology
306 facility, including, but not limited to, any facility for purposes of incineration or waste

307 to energy direct conversion; local or regional recovered materials processing facilities
308 as defined under paragraph ~~(26)~~ (41) of Code Section 12-8-22, as amended; or any
309 combination of such projects;"

310 **SECTION 5.**

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