

The House Committee on Natural Resources and Environment offers the following substitute to HB 959:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to waste
2 management cost reimbursement and surcharges, so as to increase surcharges imposed by
3 local governments regarding municipal solid waste facilities operated by private enterprise;
4 to revise a provision relating to the disbursement of surcharges for certain expenditures; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 12-8-39 of the Official Code of Georgia Annotated, relating to waste
9 management cost reimbursement and surcharges, is amended by revising subsection (d) as
10 follows:

11 "(d)(1)(A) ~~Until June 30, 2019, when~~ When a municipal solid waste disposal facility
12 is operated by private enterprise, the host local government is authorized and required
13 to impose a surcharge of ~~\$1.00~~ \$2.50 per ton or volume equivalent, in addition to any
14 other negotiated charges or fees which shall be imposed by and paid to the host local
15 government for the facility. ~~Except as otherwise provided in subparagraphs (B) and (C)~~
16 ~~of this paragraph, effective July 1, 2019, when a municipal solid waste disposal facility~~
17 ~~is owned by private enterprise, the host local government is authorized and required to~~
18 ~~impose a surcharge of \$2.50 per ton or volume equivalent, in addition to any other~~
19 ~~negotiated charges or fees which shall be imposed by and paid to the host local~~
20 ~~government for the facility.~~

21 (B) When a municipal solid waste disposal facility is operated by private enterprise,
22 the host local government is authorized and required to impose a surcharge of ~~\$1.00~~
23 \$2.50 per ton or volume equivalent ~~until June 30, 2025, and a surcharge of \$2.00 per~~
24 ~~ton or volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or~~
25 ~~flue gas desulfurization materials generated from burning coal for the purpose of~~
26 ~~generating electricity by electric utilities and independent power producers, in addition~~

27 to any other negotiated charges or fees which shall be imposed by and paid to the host
28 local government for the facility.

29 (C) When a municipal solid waste disposal facility is operated by private enterprise,
30 the host local government is authorized and required to impose a surcharge of \$1.00 per
31 ton or volume equivalent for construction or demolition waste or inert waste, in
32 addition to any other negotiated charges or fees which shall be imposed by and paid to
33 the host local government for the facility.

34 (2)(A) At least ~~50~~ 10 percent of the surcharges collected pursuant to this subsection shall
35 be expended for the following purposes:

- 36 (i) To offset the impact of the facility;
- 37 (ii) Public education efforts for solid waste management, hazardous waste
38 management, and litter control;
- 39 (iii) The cost of solid waste management;
- 40 (iv) Administration of the local or regional solid waste management plan;
- 41 (v) Repair of damage to roads and highways associated with the facility;
- 42 (vi) Enhancement of litter control programs;
- 43 (vii) Ground-water and air monitoring and protection associated with the location of
44 the facility;
- 45 (viii) Remediation and monitoring of closed or abandoned facilities within the
46 jurisdiction of the host local government;
- 47 (ix) Infrastructure improvements associated with the facility;
- 48 (x) Allocation of such funds in any fiscal year to a reserve fund designated for use
49 for the above purposes in future fiscal years; and
- 50 (xi) For the acquisition of property and interests in property adjacent to or in
51 reasonable proximity to the facility upon a determination by the host local
52 government that such acquisition will serve beautification, environmental, buffering,
53 or recreational purposes such as will ameliorate the impact of the facility.

54 (B) Those surcharges not expended or allocated as provided for in subparagraph (A)
55 of this paragraph may be used for other governmental expenses to the extent not
56 required to meet the above or other solid waste management needs.

57 (3) Host local governments may negotiate for and obtain by contract surcharges higher
58 than those set forth in this subsection; furthermore, nothing in this subsection shall reduce
59 any such surcharge in existence on July 1, ~~2019~~ 2020."

60 **SECTION 2.**

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