

Senate Bill 165

By: Senators Ligon, Jr. of the 3rd, Tillery of the 19th, Watson of the 1st and Jackson of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
2 relating to solid waste management, so as to impose liability on any producer of coal ash who
3 disposes of such coal ash in this state in the event of a release; to provide for definitions; to
4 require financial security and testing measures; to provide for causes of action; to provide for
5 exceptions; to 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 Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid
9 waste management, is amended by adding a new part to read as follows:

10 "Part 1A

11 12-8-42.

12 As used in this part, the term:

13 (1) 'Coal combustion residuals' means any fly ash, bottom ash, or boiler slag generated
14 as a result of the combustion of coal.

15 (2) 'Disposal site' means any physical location in this state for the final disposition of
16 coal combustion residuals or the temporary storage or collection of coal combustion
17 residuals prior to reuse or recycling.

18 (3) 'Originator' means any person who generates coal combustion residuals.

19 (4) 'Release' means spilling, leaking, emitting, discharging, escaping, leaching, or
20 disposing into ground water or surface water.

21 12-8-43.

22 (a) No originator shall dispose of coal combustion residuals at any disposal site unless
23 such originator owns at least \$100 million in assets in this state or has posted a surety bond
24 with the department in an amount sufficient to cover any liability under this part.

25 (b) The division is authorized to require the testing of coal combustion residuals for toxic
26 materials determined to be hazardous to public health and safety prior to disposal at any
27 disposal site.

28 12-8-44.

29 (a) An originator who delivers or causes to be delivered any coal combustion residuals to
30 any disposal site in this state shall be jointly and severally liable for damages resulting from
31 any release of coal combustion residuals from such disposal site.

32 (b) Any person harmed by the release of coal combustion residuals or toxic components
33 thereof from a disposal site shall have a cause of action against any originator who
34 disposed of any coal combustion residuals at such site in accordance with Chapter 9 of
35 Title 51.

36 12-8-45.

37 This part shall not apply to any originator who disposes of its coal combustion residuals
38 on property owned by such originator; provided, however, that nothing in this Code section
39 shall be construed to limit the duties or liability of any such originator with regard to other
40 applicable federal, state, or local law."

41 **SECTION 2.**

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