

Senate Bill 380

By: Senators Mullis of the 53rd, Tolleson of the 20th, Ginn of the 47th, Harper of the 7th and Thompson of the 5th

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 disposal, so as to provide for
3 permit by notification for inert waste landfill operations; to amend Code Section 50-13-4 of
4 the Official Code of Georgia Annotated, relating to procedural requirements for adoption,
5 amendment, or repeal of rules, emergency rules, limitation on action to contest rules, and
6 legislative override, so as to require rule proposal notices of the Environmental Protection
7 Division to be furnished to specific standing committees; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
12 relating to general provisions relative to solid waste disposal, is amended in Code Section
13 12-8-24, relating to permit and inspection requirements for solid waste handling, by repealing
14 subsection (k).

15 style="text-align:center">**SECTION 2.**

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

17 "12-8-24.3.

18 (a) As used in this Code section, the term 'inert waste landfill' means a disposal facility
19 accepting only wastes that are not likely to cause production of leachate of environmental
20 concern, including earth, concrete, cured asphalt, rock, bricks, yard trimmings, stumps,
21 limbs, and leaves. Such term shall exclude industrial and demolition waste not specifically
22 listed above.

23 (b) An inert waste landfill operator shall be deemed to have a solid waste handling permit
24 if, within 30 days of commencing operation of such landfill, notification is made to the
25 director and the following additional requirements are met:

- 26 (1) Only waste that will not or is not likely to produce leachate of environmental concern
 27 is disposed of in the landfill;
- 28 (2) No portion of the waste disposal area is located within 100 linear feet of any property
 29 line or enclosed structure;
- 30 (3) Materials placed in the landfill are spread in layers and compacted to the least
 31 practical volume, and a uniform compacted layer of clean earth cover no less than one
 32 foot in depth is placed over all exposed inert waste material at least monthly;
- 33 (4) The landfill site is graded and drained to minimize runoff onto the landfill surface to
 34 prevent erosion and to drain water from the surface of the landfill;
- 35 (5) Access to the landfill is limited to authorized entrances which shall be closed when
 36 the site is not in operation;
- 37 (6) Suitable means are provided to prevent and control fires; and
- 38 (7) A uniform compacted layer of final cover not less than two feet in depth and an
 39 additional vegetative cover is placed over the final lift no later than one month following
 40 final placement of inert waste within that lift.
- 41 (c) Notice of final closure of an inert waste landfill shall be provided to the director within
 42 30 days of receiving the final load of waste. Concurrent with the submission of notice of
 43 final closure to the director, the owner or operator shall submit to the director confirmation
 44 that notice of the landfill operation, the date the landfill operation commenced and
 45 terminated, an accurate legal description of the actual location of the landfill, and a
 46 description of the type of solid wastes which have been deposited in the landfill has been
 47 recorded on the property deed for the parcel containing such landfill."

48 **SECTION 3.**

49 Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural
 50 requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on
 51 action to contest rules, and legislative override, is amended by revising subsection (e) as
 52 follows:

53 "(e) The agency shall transmit the notice provided for in paragraph (1) of subsection (a)
 54 of this Code section to the legislative counsel. The notice shall be transmitted at least 30
 55 days prior to the date of the agency's intended action. Within three days after receipt of the
 56 notice, if possible, the legislative counsel shall furnish the presiding officers of each house
 57 with a copy of the notice, and the presiding officers shall assign the notice to the
 58 chairperson of the appropriate standing committee in each house for review and any
 59 member thereof who makes a standing written request. In the event a presiding officer is
 60 unavailable for the purpose of making the assignment within the time limitations, the
 61 legislative counsel shall assign the notice to the chairperson of the appropriate standing

62 committee. The legislative counsel shall also transmit within the time limitations provided
63 in this subsection a notice of the assignment to the chairperson of the appropriate standing
64 committee. Each standing committee of the Senate and the House of Representatives is
65 granted all the rights provided for interested persons and governmental subdivisions in
66 paragraph (2) of subsection (a) of this Code section. All notices originating from the
67 Environmental Protection Division of the Department of Natural Resources shall be
68 assigned to the chairperson of the Senate Rules Committee, the Senate Agriculture and
69 Consumer Affairs Committee, the Senate Natural Resources and the Environment
70 Committee, the House Committee on Rules, the House Committee on Agriculture and
71 Consumer Affairs, and the House Committee on Natural Resources and Environment."

72

SECTION 4.

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