

House Bill 94

By: Representatives Jones of the 167th, Williams of the 145th, Hogan of the 179th, Werkheiser of the 157th, Stephens of the 164th, and others

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 safe disposal of coal ash in municipal solid waste and commercial industrial solid
4 waste landfills; to provide for definitions; to provide requirements for siting new or expanded
5 landfills receiving coal combustion residuals; to provide for such landfills permitted prior to
6 July 1, 2019; to provide for ground-water detection monitoring; to provide for related
7 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 12-8-22, relating to definitions, by revising paragraph (40.1) and adding new
13 paragraphs to read as follows:

14 "(1.05) 'Aquifer' means a geologic formation, group of formations, or portion of a
15 formation capable of yielding significant quantities of ground water to wells or springs."

16 "(4.05) 'Coal combustion residuals' or 'CCR' means fly ash, bottom ash, boiler slag, and
17 flue gas desulfurization materials generated from burning coal for the purpose of
18 generating electricity by electric utilities and independent power producers."

19 "(14.1) 'Landfill unit' means an area of land of which, or an excavation on which, solid
20 waste is placed for permanent disposal and which is not a land application unit, surface
21 impoundment, injection well, or compost pile."

22 "(21.1) 'Permanent disposal' means the placement of daily, intermediate, or final earth,
23 synthetic cover, or a combination of earth and synthetic cover over the solid waste."

24 "(40.1) 'Upper limit of the uppermost aquifer' means the point nearest to the natural
25 ground surface to which the aquifer rises during the wet season.

26 (40.2) 'Uppermost aquifer' means the geologic formation nearest the natural ground
 27 surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected
 28 with such aquifer within solid waste handling the facility's property boundary. Upper
 29 limit is measured at a point nearest to the natural ground surface to which the aquifer rises
 30 during the wet season.

31 ~~(40.1)~~(40.3) 'Used tire' means a tire which has a minimum of 2/32 inch of road tread and
 32 which is still suitable for its original purpose but is no longer new. A tire retailer shall
 33 inventory and market used tires in substantially the same fashion as a new tire and be able
 34 to provide satisfactory evidence to the division that a market for the tire exists and the tire
 35 is in fact being marketed as a used tire. A used tire shall not be considered solid waste."

36 SECTION 2.

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

38 "12-8-24.4.

39 (a)(1) Any owner or operator seeking a minor modification of an existing permit to allow
 40 for the receipt of CCR at a municipal solid waste landfill or a commercial industrial
 41 landfill shall notify the public of the intent to receive CCR. Such notice shall be
 42 published in the legal organ of the county or counties in which the landfill is located
 43 within 14 business days of submitting such minor permit modification application to the
 44 division.

45 (2) Within seven business days of receiving an application seeking a modification of an
 46 existing permit to allow for the receipt of CCR at a municipal solid waste landfill or a
 47 commercial industrial landfill the division shall place such application on the division's
 48 publicly accessible internet site.

49 (b)(1) On and after July 1, 2019, no permit or permit modification to allow for the receipt
 50 of CCR at a municipal solid waste landfill or commercial industrial landfill shall be
 51 approved unless:

52 (A) Either the landfill is constructed with a base that is located no less than 1.52 meters
 53 (five feet) above the upper limit of the uppermost aquifer, or the applicant demonstrates
 54 that there will not be an intermittent, recurring, or sustained hydraulic connection
 55 between any portion of the base of the landfill and the uppermost aquifer due to normal
 56 fluctuations in ground-water elevations; and

57 (B) No part of any landfill unit that may receive CCR is located in the 100 year flood
 58 plain at the time of original permitting of the municipal solid waste landfill or
 59 commercial industrial landfill.

60 (2) Any municipal solid waste landfill or commercial industrial landfill that received
 61 CCR before July 1, 2019, and does not meet the criteria for siting in paragraph (1) of this

62 subsection shall cease receiving CCR on or before December 1, 2019, unless it is in
63 compliance with the ground-water detection monitoring requirements in paragraph (2)
64 of subsection (c) of this Code section.

65 (c)(1) Any municipal solid waste landfill or commercial industrial landfill that receives
66 CCR shall incorporate the constituents listed in Appendix III to 40 C.F.R. Part 257 into
67 its ground-water detection monitoring plan. The monitoring frequency for these
68 constituents shall be at least semiannually during the active life of the facility (including
69 closure) and the postclosure care period.

70 (2) Any municipal solid waste landfill or commercial industrial landfill that does not
71 meet the criteria for siting in paragraph (1) of subsection (b) of this Code section and
72 continues to receive CCR after December 1, 2019, shall incorporate the constituents listed
73 in Appendix IV to 40 C.F.R. Part 257 into its ground-water detection monitoring plan.
74 The monitoring frequency for these constituents shall be at least semiannually during the
75 active life of the facility (including closure) and the postclosure care period."

76 **SECTION 3.**

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