

Senate Bill 123

By: Senators Ligon, Jr. of the 3rd, Watson of the 1st, Kirk of the 13th, Orrock of the 36th,
Jones of the 25th and others

AS PASSED

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 regarding solid waste management, so as to allow
3 the expansion of certain municipal solid waste landfills to areas within two miles of military
4 air space used as bombing ranges; to remove provisions relating to coal combustion residual
5 surcharges and their disbursement for certain expenditures; to increase certain solid waste
6 disposal surcharges; to amend the sunset date; to require the director of the Department of
7 Natural Resources to submit an annual report to the House Committee on Natural Resources
8 and Environment and the Senate Natural Resources and the Environment Committee; to
9 increase certain tire disposal fees; to provide for related matters; to provide for an effective
10 date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**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 regarding solid waste management, is amended by revising
15 subsection (d) of Code Section 12-8-25.3, relating to further restrictions on sites within
16 significant ground-water recharge area or near military air space used as bombing range, as
17 follows:

18 "(d)(1) Notwithstanding any other provision of law or any administrative regulation or
19 action to the contrary, no permit shall be issued for a municipal solid waste landfill within
20 two miles of a federally restricted military air space which is used for a bombing range.
21 The provisions of this subsection shall apply to all permit applications pending on or after
22 July 1, 1997, and to all permits denied prior to such date which are the subject of an
23 appeal or judicial review pending on such date.

24 (2) This subsection shall not prohibit or prevent any municipal solid waste landfill that
25 was permitted and operational on July 1, 1997, from expanding its operation into an area
26 outlined in paragraph (1) of this subsection."

27 **SECTION 2.**

28 Said part is further amended by revising subsection (d), paragraph (1) of subsection (e), and
 29 subsection (g) of Code Section 12-8-39, relating to waste management cost reimbursement
 30 and surcharges, as follows:

31 "(d)(1)(A) Until June 30, 2019, when a municipal solid waste disposal facility is
 32 operated by private enterprise, the host local government is authorized and required to
 33 impose a surcharge of \$1.00 per ton or volume equivalent, in addition to any other
 34 negotiated charges or fees which shall be imposed by and paid to the host local
 35 government for the facility. Except as otherwise provided in ~~subparagraphs~~
 36 subparagraph (B) and (C) of this paragraph, effective July 1, 2019, when a municipal
 37 solid waste disposal facility is owned by private enterprise, the host local government
 38 is authorized and required to impose a surcharge of \$2.50 per ton or volume equivalent,
 39 in addition to any other negotiated charges or fees which shall be imposed by and paid
 40 to the host local government for the facility.

41 ~~(B) When a municipal solid waste disposal facility is operated by private enterprise,~~
 42 ~~the host local government is authorized and required to impose a surcharge of \$1.00 per~~
 43 ~~ton or volume equivalent until June 30, 2025, and a surcharge of \$2.00 per ton or~~
 44 ~~volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue gas~~
 45 ~~desulfurization materials generated from burning coal for the purpose of generating~~
 46 ~~electricity by electric utilities and independent power producers, in addition to any other~~
 47 ~~negotiated charges or fees which shall be imposed by and paid to the host local~~
 48 ~~government for the facility.~~

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

54 (C) Any contract in existence on September 1, 2020, shall be exempt from the
 55 provisions of this subsection until such time as the contract is renewed, replaced,
 56 extended, amended, or otherwise changed.

57 (2)(A) At least ~~50 percent~~ 20 percent of the surcharges collected pursuant to this
 58 subsection shall be expended for the following purposes:

- 59 (i) To offset the impact of the facility;
- 60 (ii) Public education efforts for solid waste management, hazardous waste
 61 management, and litter control;
- 62 (iii) The cost of solid waste management;
- 63 (iv) Administration of the local or regional solid waste management plan;

64 (v) Repair of damage to roads and highways associated with the facility;

65 (vi) Enhancement of litter control programs;

66 (vii) Ground-water and air monitoring and protection associated with the location of
67 the facility;

68 (viii) Remediation and monitoring of closed or abandoned facilities within the
69 jurisdiction of the host local government;

70 (ix) Infrastructure improvements associated with the facility;

71 (x) Allocation of such funds in any fiscal year to a reserve fund designated for use
72 for the above purposes in future fiscal years; and

73 (xi) For the acquisition of property and interests in property adjacent to or in
74 reasonable proximity to the facility upon a determination by the host local
75 government that such acquisition will serve beautification, environmental, buffering,
76 or recreational purposes such as will ameliorate the impact of the facility.

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

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

83 (e)(1) ~~Effective until June 30, 2020, owners~~ Owners or operators of any solid waste
84 disposal facility other than an inert waste landfill as defined in regulations promulgated
85 by the board or a private industry solid waste disposal facility shall assess and collect on
86 behalf of the division from each disposer of waste a surcharge of 75¢ per ton of solid
87 waste disposed. ~~Effective from July 1, 2020, until June 30, 2022, owners or operators of~~
88 ~~any solid waste disposal facility other than an inert waste landfill as defined in regulations~~
89 ~~promulgated by the board or a private industry solid waste disposal facility shall assess~~
90 ~~and collect on behalf of the division from each disposer of waste a surcharge of 51¢ per~~
91 ~~ton of solid waste disposed.~~ Two percent of said ~~surcharges~~ surcharge collected may be
92 retained by the owner or operator of any solid waste disposal facility collecting said
93 surcharge to pay for costs associated with collecting said surcharge. Surcharges assessed
94 and collected on behalf of the division shall be paid to the division not later than the first
95 day of July of each year for the preceding calendar year. Any facility permitted
96 exclusively for the disposal of construction or demolition waste that conducts recycling
97 activities for construction or demolition materials shall receive a credit ~~towards the~~
98 ~~surcharges~~ toward the surcharge listed above per ton of material recycled at the facility."

99 "(g) Unless the requirement for the ~~surcharges~~ surcharge required by subsection (e) of this
100 Code section ~~are~~ is reimposed by the General Assembly, no such surcharge shall be

101 collected after ~~July 1, 2022~~ June 30, 2025. The director shall make an annual report to the
 102 House Committee on Natural Resources and Environment and the Senate Natural
 103 Resources and the Environment Committee regarding the status of the activities funded by
 104 the hazardous waste trust fund."

105 **SECTION 3.**

106 Said part is further amended by revising subsection (h) of Code Section 12-8-40.1, relating
 107 to waste management tire disposal restrictions and fees, as follows:

108 "~~(h)(1) Beginning July 1, 1992, and ending June 30, 2020, a~~ A fee is imposed upon the
 109 retail sale of all new replacement tires in this state of \$1.00 per tire sold. ~~Effective from~~
 110 ~~July 1, 2020, until June 30, 2022, a fee is imposed upon the retail sale of all new~~
 111 ~~replacement tires in this state of 38¢ per tire sold.~~ The fees fee shall be collected by retail
 112 dealers at the time the retail dealer sells a new replacement tire to the ultimate consumer;
 113 provided, however, that a Georgia tire distributor who sells tires to retail dealers must
 114 collect such fees from any retail dealer who does not have a valid scrap tire generator
 115 identification number issued by the division. The fees fee and any required reports shall
 116 be remitted not less than quarterly on such forms as may be prescribed by the division.
 117 The division is authorized to contract with the Department of Revenue to, and the
 118 Department of Revenue is authorized to, collect such fees on behalf of the division. All
 119 fees received shall be deposited into the state treasury to the account of the general fund
 120 in accordance with the provisions of Code Section 45-12-92. All moneys deposited into
 121 the solid waste trust fund shall be deemed expended and contractually obligated and shall
 122 not lapse to the general fund.

123 (2) In collecting, reporting, and paying the fees due under this subsection, each
 124 distributor or retailer shall be allowed the following deductions, but only if the amount
 125 due was not delinquent at the time of payment:

126 (A) A deduction of 3 percent of the first \$3,000.00 of the total amount of all fees
 127 reported due on such report; and

128 (B) A deduction of one-half of 1 percent of that portion exceeding \$3,000.00 of the
 129 total amount of all fees reported due on such report.

130 (3) The tire fees authorized in this subsection shall cease to be collected on June 30, ~~2022~~
 131 2025. The director shall make an annual report to the House Committee on Natural
 132 Resources and Environment and the Senate Natural Resources and the Environment
 133 Committee regarding the status of the activities funded by the solid waste trust fund.

134 (4) The fee amount provided for in this subsection shall be subject to revision pursuant
 135 to Code Section 45-12-92.2."

136 **SECTION 4.**

137 This Act shall become effective upon its approval by the Governor or upon its becoming law
138 without such approval.

139 **SECTION 5.**

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