

House Bill 792 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 10th, Rhodes of the 120th, Efstration of the 104th, and Nix of the 69th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
2 management, so as to change the surcharge imposed by host local governments regarding
3 solid waste disposal facilities operated by private enterprises; to exempt from such change
4 such facilities permitted for the disposal of construction or demolition waste, inert waste, and
5 coal ash; to change the uses of such surcharge funds; to provide effective dates for such
6 surcharges; to provide for the use of funds collected from such surcharges; to provide for
7 contractual negotiation of such surcharges; to extend the sunset date for certain solid waste
8 surcharges and hazardous waste fees; to provide for related matters; to provide for an
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste
13 management, is amended by revising subsections (d) and (g) of Code Section 12-8-39,
14 relating to cost reimbursement fees and surcharges, as follows:

15 "(d)(1)(A) Effective January 1, 1992 Until June 30, 2019, when a municipal solid waste
16 disposal facility is operated by private enterprise, the host local government is authorized
17 and required to impose a surcharge of \$1.00 per ton or volume equivalent, in addition to
18 any other negotiated charges or fees which shall be imposed by and paid to the host local
19 government for the facility, ~~and shall be used to offset the impact of the facility, public~~
20 ~~education efforts for solid waste management, the cost of solid waste management, and the~~
21 ~~administration of the local or regional solid waste management plan; provided, however,~~
22 ~~that such~~ Except as otherwise provided in subparagraphs (B) and (C) of this paragraph,
23 effective July 1, 2019, when a municipal solid waste disposal facility is owned by private
24 enterprise, the host local government is authorized and required to impose a surcharge of
25 \$2.50 per ton or volume equivalent, in addition to any other negotiated charges or fees
26 which shall be imposed by and paid to the host local government for the facility.

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

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

40 (2)(A) At least 50 percent of the surcharges collected pursuant to this subsection shall
 41 be expended for the following purposes:

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

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

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

66 "(g) Unless the requirement for the surcharge required by subsection (e) of this Code
67 section is reimposed by the General Assembly, no such surcharge shall be collected after
68 July 1, ~~2018~~ 2019."

69 **SECTION 2.**

70 Said chapter is further amended by revising subsection (h) of Code Section 12-8-95.1,
71 relating to hazardous waste management fees and hazardous substance reporting fees, as
72 follows:

73 "(h) Unless fee requirements established in this Code section are reimposed by the General
74 Assembly, no such fees shall be levied after July 1, ~~2018~~ 2019."

75 **SECTION 3.**

76 This Act shall become effective on June 30, 2018.

77 **SECTION 4.**

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