

House Bill 1338

By: Representatives Smith of the 18<sup>th</sup>, Jenkins of the 132<sup>nd</sup>, Greene of the 151<sup>st</sup>, Evans of the 57<sup>th</sup>, and Carter of the 92<sup>nd</sup>

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 solid waste management generally, so as to revise limitations on  
3 permitting of landfills near historic sites; to revise limitations on permitting of landfills near  
4 significant ground-water recharge areas; to require demonstration of need for new landfills  
5 to the director of the Environmental Protection Division of the Department of Natural  
6 Resources; to provide for buffer areas around landfills; to provide for definitions; to provide  
7 for related 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 solid waste management generally, is amended by revising Code  
12 Section 12-8-25.1, relating to sites within 5,708 yards of national historic site, to read as  
13 follows:

14 "12-8-25.1.

15 (a) As used in this Code section, the term 'historic site' means any site deemed historic by  
16 the federal government of the United States as of January 1, 2021, or this state, or any  
17 county, municipality, or consolidated government of this state.

18 (b) In order to preserve historic sites and their natural and built environments, no permit  
19 shall be issued for a solid waste disposal facility within 5,708 yards of the geographic  
20 center of any of the three sites currently designated in Georgia as a National Historic Site  
21 historic site; provided, however, that the director may permit a solid waste disposal facility  
22 at such a site if the applicant provides evidence that no alternative sites or methods are  
23 available in that jurisdiction for the handling of its solid waste. This Code section shall  
24 apply to all permit applications made on or after July 1, 1988, and to all permits issued  
25 prior to July 1, 1988, which permits are the subject of an appeal or judicial review and such  
26 appeal or judicial review is in process."

27 **SECTION 2.**

28 Said part is further amended by revising Code Section 12-8-25.2, relating to sites within two  
29 miles of significant ground-water recharge area, to read as follows:

30 "12-8-25.2.

31 No permit shall be issued for a municipal solid waste landfill if any part of the site is within  
32 two miles of an area that has been designated by the director as a significant ground-water  
33 recharge area ~~unless such municipal solid waste landfill will have a liner and leachate~~  
34 ~~collection system and meets any other requirements as may be established by rules and~~  
35 ~~regulations of the board or pursuant to other geological considerations as may be~~  
36 ~~determined appropriate by the director."~~

37 **SECTION 3.**

38 Said part is further amended by adding new Code sections to read as follows:

39 "12-8-42.

40 Every application for a permit for a new landfill shall demonstrate to the director that a  
41 need exists for the landfill in that jurisdiction, in that insufficient capacity currently exists  
42 within the region to accommodate the volume of commercial, residential, and local  
43 governmental waste.

44 12-8-43.

45 (a) As used in this Code section, the term 'buffer area' means an area of natural habitat in  
46 which no residential or commercial structure exists.

47 (b) No new private or public landfill shall exceed more than 100 acres in size.

48 (c) Every new private and public landfill shall include a buffer area of not less than two  
49 square miles in every direction."

50

#### **SECTION 4.**

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