

House Bill 885 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 33rd, Knight of the 130th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, "The
2 Georgia Air Quality Act," so as to revise certain provisions relating to limitations on the
3 effect of said Act on powers of the Board of Natural Resources, Department of Natural
4 Resources, Environmental Protection Division of said department, and director of said
5 division; to authorize certain agricultural burning; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, "The Georgia
10 Air Quality Act," is amended by revising Code Section 12-9-21, relating to limitations on the
11 effect of said Act on powers of the Board of Natural Resources, Department of Natural
12 Resources, Environmental Protection Division of said department, and director of said
13 division, as follows:

14 "12-9-21.

15 Nothing contained in this article shall be deemed to grant to the Board of Natural
16 Resources, department, division, or director any jurisdiction or authority to make any rule,
17 regulation, recommendation, or determination or to enter any order:

18 (1) With respect to air conditions existing solely within the property boundaries of
19 commercial and industrial plants, works, or operations; if such locations are not subject
20 to regulation under the federal act;

21 (2) Affecting the relations between employers and employees with respect to or arising
22 out of any air conditions if such relations are not subject to regulation under the federal
23 act; except that a source which uses a supplemental or intermittent control system for
24 purposes of complying with an order issued by the director under Code Section 12-9-13;
25 or the administrator under 42 U.S.C. Section 7413(d) may not temporarily reduce the pay
26 of any employee by reason of the use of supplemental or intermittent or other dispersion

27 dependent control systems for control of emissions of air pollutants; ~~or~~
28 (3) Limiting or restricting the owners of any forest land from burning over their own
29 land, provided that such burning is consistent with the requirements of the federal act; or
30 (4) Limiting or restricting burning over any agricultural tract, lot, or parcel greater than
31 five acres for purposes of any existing, expanded, or new agricultural operations as such
32 term is defined by Code Section 1-3-3, provided that such burning is consistent with the
33 requirements of the federal act and is limited to vegetative material."

34 **SECTION 2.**

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