

[about](#)
LexisNexis®

[Privacy](#)
Policy

[Terms &](#)
[Conditions](#)

[Sign](#)
[Out](#)

© Copyright © 2019
LexisNexis. All
rights reserved.



Document: O.C.G.A. § 12-8-30.3



< Previous

Next >

O.C.G.A. § 12-8-30.3

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.3. Judgment in accordance with director's order

The director may file in the superior court of the county wherein the person under order resides or, if such person is a corporation, in the county wherein the corporation maintains its principal place of business or, in any case, in the county wherein the violation occurred or in which jurisdiction is appropriate a certified copy of an unappealed final order of the director or of a final order of the director affirmed upon appeal or modified on any review or appeal from which no further review is taken or allowed, whereupon such court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though such judgment had been rendered in an action duly heard and determined by such court.

History

Code 1981, § 12-8-30.3, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved



LexisNexis
Custom Solution

Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-30.4



< Previous

Next >

O.C.G.A. § 12-8-30.4

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated **TITLE 12. CONSERVATION AND NATURAL RESOURCES** **CHAPTER 8. WASTE MANAGEMENT** **ARTICLE 2. SOLID WASTE MANAGEMENT** **PART 1. GENERAL PROVISIONS**

§ 12-8-30.4. Injunctive relief

Whenever in the judgment of the director any person has engaged in or is about to engage in any act or practice which constitutes or will constitute any violation of this part, the director may apply to the superior court of the county where such person resides, or, if such person is a nonresident of the state, to the superior court of the county where such person is engaged in or is about to engage in such act or practice, for an order restraining and enjoining such act or practice. Upon a showing by the director that such person has engaged in or is about to engage in any such act or practice, a temporary or permanent injunction, restraining order, or other order shall be granted without the necessity of showing lack of an adequate remedy at law.

History

Code 1981, § 12-8-30.4, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

[About LexisNexis](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019
LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-30.5



< Previous

Next >

O.C.G.A. § 12-8-30.5

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.5. Attorney General's duties

It shall be the duty of the Attorney General or his representative to represent the director in all actions in connection with this part.

History

Code 1981, § 12-8-30.5, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2018
LexisNexis All
rights reserved.



Document: O.C.G.A. § 12-8-30.6



< Previous

Next >

O.C.G.A. § 12-8-30.6**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.6. Civil penalties for violations; procedures

(a) Any person, provided that person is a public authority or a city or county government located within the boundaries of Georgia, violating any provision of this part or rules or regulations adopted pursuant to this part or intentionally or negligently failing or refusing to comply with any final or emergency order of the director issued as provided in this part shall be liable for a civil penalty not to exceed \$1,000.00 for such violation and for an additional civil penalty not to exceed \$500.00 for each day during which such violation continues. Any person other than a public authority or a city or county government located within the boundaries of Georgia violating any provision of this part or intentionally or negligently failing or refusing to comply with any final or emergency order of the director issued as provided in this part shall be liable for a civil penalty not to exceed \$25,000.00 per day for each day during which such violation continues.

(b) Whenever the director has reason to believe that any person has violated any provision of this part or any rule or regulation effective under this part or has failed or refused to comply with any final order or emergency order of the director, he may upon written request cause a hearing to be conducted before an administrative law judge appointed by the board. Upon finding that said person has violated any provision of this part or any rule or regulation effective under this part or has failed or refused to comply with any final order or emergency order of the director, the administrative law judge shall issue his decision imposing civil penalties as provided in this Code section. Such hearing and any administrative or judicial review thereof shall be conducted in accordance with subsection (c) of Code Section 12-2-2.

(c) In rendering a decision under this Code section imposing civil penalties, the administrative law judge shall consider all factors which are relevant, including, but not

limited to, the following:

- (1) The amount of civil penalty necessary to ensure immediate and continued compliance and the extent to which the violator may have profited by failing or delaying to comply;
 - (2) The character and degree of impact of the violation or failure to comply on the natural resources of the state, especially any rare or unique natural phenomena;
 - (3) The conduct of the person incurring the civil penalty in promptly taking all feasible steps or procedures necessary or appropriate to comply or to correct the violation or failure to comply;
 - (4) Any prior violations or failures to comply by such person with regard to statutes, rules, regulations, or orders administered, adopted, or issued by the director;
 - (5) The character and degree of injury to or interference with public health or safety which is caused or threatened to be caused by such violation or failure to comply;
 - (6) The character and degree of injury to or interference with reasonable use of property which is caused or threatened to be caused by such violation or failure; and
 - (7) The character and degree of intent with which the conduct of the person incurring the civil penalty was carried out.
- (d) All civil penalties recovered by the director as provided in this Code section shall be paid into the solid waste trust fund established pursuant to the provisions of Code Section 12-8-27.1.

History

Code 1981, § 12-8-30.6, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About LexisNexis](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign On](#)

Copyright © 2019 LexisNexis. All rights reserved.





Georgia General Assembly

More

Document: O.C.G.A. § 12-8-30.7



[< Previous](#)

[Next >](#)

O.C.G.A. § 12-8-30.7

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.7. Unlawful acts

It shall be unlawful for any person to engage in solid waste handling except in such a manner as to conform to and comply with this part and all applicable rules, regulations, and orders established under this part.

History

Code 1981, § 12-8-30.7, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 10.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2009
LexisNexis. All
rights reserved



Document: O.C.G.A. § 12-8-30.8



< Previous

Next >

O.C.G.A. § 12-8-30.8**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.8. Penalties for violations

(a) Any person who:

- (1) Knowingly transports or causes to be transported any solid waste as defined in this part to a facility which does not have a permit, which does not have a variance pursuant to this part, or which is not subject to an order of the director which specifically authorized continued operation of such facility;
- (2) Knowingly treats, processes, stores, or disposes of any solid waste as defined in this part:
 - (A) Without a permit or an order of the director allowing such treatment, processing, storage, or disposal of solid waste;
 - (B) In knowing violation of any material condition or requirement of such permit or order; or
 - (C) In knowing violation of any material condition or requirement of any applicable regulations or standards adopted by the board in accordance with Code Section 12-8-23;
- (3) Knowingly omits material, information, or makes any false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this part or regulations promulgated pursuant to this part;
- (4) Knowingly processes, stores, treats, transports, disposes of, or otherwise handles any solid waste as defined in this part, and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with this part; or
- (5) Knowingly transports without a manifest or causes to be transported without a manifest, any solid waste required by this part to be accompanied by a manifest

shall, upon conviction, be subject to a fine of not more than \$50,000.00 for each day of violation or imprisonment for not less than one nor more than two years or, in the case of a violation of paragraph (1) or (2) of this subsection, three years, or both. If conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment under the respective paragraphs shall be doubled with respect to both fine and imprisonment.

(b) An organization may be convicted for the criminal acts set forth in subsection (a) of this Code section if an agent of the organization performs the conduct which is an element of the criminal act set forth in subsection (a) of this Code section and the agent's action is authorized, requested, commanded, or recklessly tolerated by the board of directors of the organization or by a managerial official who is acting within the scope of such official's employment on behalf of the organization.

(c) Any sheriff, deputy sheriff, or other peace officer or local code enforcement officer shall have the authority to enforce the provisions of subsection (c) of Code Section 12-8-40.1.

History

Code 1981, § 12-8-30.8, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 11; Ga. L. 1994, p. 1101, § 2; Ga. L. 2013, p. 274, § 4/HB 226.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019
LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-30.9



< Previous

Next >

O.C.G.A. § 12-8-30.9

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.9. Powers of local governmental bodies and state not limited by this part

No provision of this part and no rule, regulation, or ruling of the board or the director shall be construed to be a limitation:

- (1) On the power of a municipality, county, authority, or special district to adopt and enforce additional regulations, not in conflict with this part, imposing further conditions, restrictions, or limitations with respect to the handling or disposal of municipal solid waste;
- (2) On the power of a municipality, county, authority, or special district to declare, prohibit, and abate nuisances;
- (3) On the power of the Attorney General, at the request of the director or upon his own volition, to bring an action in the name of the State of Georgia; or
- (4) On the power of any state agency in the enforcement or administration of any provision of law it is specifically permitted or required to enforce or administer.

History

Code 1981, § 12-8-30.9, enacted by Ga. L. 1990, p. 412, § 1.

< Previous

Next >



About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2011
LexisNexis All
rights reserved



Document: O.C.G.A. § 12-8-30.10



< Previous

Next >

O.C.G.A. § 12-8-30.10

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-30.10. Exemption for private individuals

This part shall not apply to any individual disposing of solid waste originating from his own residence onto land or facilities owned by him when disposal of such waste does not thereby adversely affect the public health.

History

Code 1981, § 12-8-30.10, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2013
LexisNexis. All
rights reserved



Document: O.C.G.A. § 12-8-31



< Previous

Next >

O.C.G.A. § 12-8-31**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-31. State solid waste management plan; reporting

- (a) By January 1, 1991, the division, jointly with the Department of Community Affairs and in cooperation with the Georgia Environmental Finance Authority and local government officials, shall develop a state solid waste management plan.
- (b) The state solid waste management plan shall be submitted to the Governor's Development Council and shall serve as the guide for the development of local plans and regional plans for solid waste management.
- (c) The state solid waste management plan shall include but not be limited to:
- (1) A general analysis of solid waste management practices currently in use, management alternatives and technologies available, and their application;
 - (2) Procedures and strategies for meeting state goals and objectives for waste reduction;
 - (3) Minimum standards and procedures to be met by local and regional solid waste management plans, including the assurance of adequate solid waste handling capability and capacity for the subsequent ten-year period which shall specifically include adequate collection capability;
 - (4) A procedure for informing the public annually of the locally incurred costs of solid waste management;
 - (5) Procedures for ensuring cooperative efforts on solid waste management planning by the state, regional commissions, local governments, groups of local governments, and private companies, including a description of the means by which the state will encourage local governments to pursue regional approaches;
 - (6) A description of public and private alternatives for the provision of solid waste management services;

- (7) A description of the respective roles of agencies in the implementation of a state-wide public information education program on solid waste management which emphasizes grass roots participation of all age levels;
- (8) Methods of assuring public participation in the planning and decision-making processes; and
- (9) Methods for assuring implementation of the state solid waste management plan.
- (d) In monitoring and reporting on the implementation success of the state solid waste management plan required under this Code section, the Department of Community Affairs, with the cooperation of the division and the Georgia Environmental Finance Authority, shall report annually to the Governor and the General Assembly on the status of solid waste management in Georgia. The Department of Community Affairs shall not be required to distribute copies of the annual report to the members of the General Assembly but shall notify the members of the availability of the annual report in the manner which it deems to be most effective and efficient. The annual report shall include but not be limited to:
- (1) The status of local and regional solid waste planning in Georgia;
 - (2) The number and types of solid waste handling facilities in Georgia;
 - (3) The remaining permitted capacity of each permitted solid waste handling facility;
 - (4) The number and types of solid waste grants made to local governments;
 - (5) The number and types of solid waste loans made to local governments;
 - (6) A compilation and analysis of solid waste management data provided by cities and counties in their annual reports;
 - (7) A statement of progress achieved in meeting the goal established in subsection (c) of Code Section 12-8-21;
 - (8) A statement of progress achieved in solid waste management education;
 - (9) Any revisions in the state solid waste management plan which are deemed necessary; and
 - (10) Recommendations for improving the management of solid waste in this state.
- (e) By December 31, 2006, and annually thereafter, the Department of Community Affairs, as part of the annual solid waste report required in subsection (d) of this Code section and in cooperation with state agencies and other entities involved in litter prevention or abatement, shall report to the Governor and the General Assembly the status of litter prevention and abatement in this state. The litter report shall include but not be limited to:
- (1) An itemization of expenditures made from the Solid Waste Trust Fund for the prevention and abatement of litter;
 - (2) A compilation and analysis of litter prevention, collection, and enforcement efforts;
 - (3) An assessment of littering in this state;
 - (4) A statement of progress in achieving a litter prevention ethic; and
 - (5) Recommendations for improving litter abatement and prevention efforts.

History

Code 1981, § 12-8-31, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 2005, p. 1036, § 10/SB 49; Ga. L. 2006, p. 275, § 3-2/HB 1320; Ga. L. 2008, p. 181, § 19/HB 1216; Ga. L. 2010, p. 949, § 1/HB 244.

OFFICIAL CODE OF GEORGIA ANNOTATED

Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

Ad out
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved



Document: O.C.G.A. § 12-8-31.1

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-31.1****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-31.1. Local, multijurisdictional, or regional solid waste plans; reporting by cities and counties; annual reporting requirements for landfill owners and operators**(a)**

- (1)** Each city and county in Georgia shall develop or be included in a comprehensive solid waste management plan. Said plan may be developed independently as a local plan or jointly with other jurisdictions as a multijurisdictional or regional solid waste plan.
- (2)** (A) The Department of Community Affairs under the provisions of Chapter 13 of Title 50 shall promulgate solid waste planning guidance that a city or county may use to update or amend such city's or county's solid waste plan.
- (B)** Any city or county that proposes to update or amend its solid waste management plan shall publish notice of such proposed action in the county legal organ or the city's or county's Internet website, as applicable, at least two weeks prior to adopting such update or amendment to its plan in accordance with subsection (c) of this Code section.
- (b)** The local, multijurisdictional, or regional solid waste plan and plan updates shall, at a minimum, provide for the assurance of adequate solid waste handling capability and capacity within the planning area for at least ten years from the date of completion of the plan which shall specifically include an adequate collection and disposal capability; shall enumerate the solid waste handling facilities as to size and type; and shall identify those sites which are not suitable for solid waste handling facilities based on environmental and land use factors.
- (c)** To be included as part of a local, multijurisdictional, or regional solid waste plan, each city and county included as part of the plan shall adopt the plan and any plan updates by local ordinance or resolution.

(d) Each city and county may report annually to the Department of Community Affairs on the status of solid waste management in the jurisdiction. Such reports may be individual or collective in nature or, in lieu of local reports, a regional report may be filed by any of the several regional commissions for political jurisdictions within their region. The annual report may include but not be limited to:

- (1) The amount of solid waste collected, processed, and disposed of in the area;
- (2) The progress on the reduction in solid waste, as evidenced by the solid waste received at disposal facilities in the planning area since the previous reporting period and total cumulative progress made toward meeting the waste reduction goals of the state;
- (3) The remaining permitted capacity of disposal facilities;
- (4) Recycling and composting activities in existence;
- (5) Public information and education activities during the reporting period; and
- (6) Any other pertinent information as may be required.

(e) After July 1, 1992, no permit, grant, or loan shall be issued for any municipal solid waste disposal facility or any solid waste handling equipment or recycling equipment used in conjunction therewith in a county or region which is not consistent with a local, multijurisdictional, or regional solid waste management plan. Each application for a permit, grant, or loan issued after July 1, 1992, shall include the following:

- (1) Certification that the facility for which a permit is sought complies with local land use and zoning requirements, if any;
- (2) Verification that the facility for which a permit is sought meets the ten-year capacity needs identified in the local, multijurisdictional, or regional solid waste management plan; and
- (3) Demonstration that the host jurisdiction and all jurisdictions generating solid waste destined for the applicant's facility are part of an approved solid waste management plan or updated plan developed consistent with standards promulgated pursuant to this part, and are actively involved in, and have a strategy for, meeting the state-wide goal for reduction of solid waste disposal.

(f) This Code section shall not apply to:

- (1) Any solid waste disposal facility which is operated exclusively by a private solid waste generator on property owned by the private solid waste generator for the purpose of accepting solid waste exclusively from the private solid waste generator so long as the operation of the solid waste disposal facility does not adversely affect the public health or the environment. After commencement of operation by a private solid waste generator of a solid waste disposal facility which is permitted but not included in a local or regional solid waste management plan, an amendment into a local or regional solid waste management plan shall be required for any solid waste which is to be no longer disposed of by the private solid waste generator in its own solid waste disposal facility prior to any substantial reduction in the amount of solid waste accepted by the solid waste disposal facility or its closure; or
- (2) Any privately owned solid waste handling facility seeking a permit or major modification of an existing permit where the host local governing authority has failed to make a good faith effort, as determined by the Department of Community Affairs, to develop and adopt a local solid waste management plan or to be included in a multijurisdictional or regional solid waste management plan; provided, however, that the permit applicant continues to be obligated to demonstrate that all generating jurisdictions from which waste will be received are part of an approved solid waste management plan developed in accordance with planning guidance promulgated pursuant to this part and have a strategy to meet and are actively engaged in meeting the state-wide goal of reducing waste.

(g) Effective July 1, 1991, it shall be the responsibility of the owner or operator of each municipal solid waste disposal facility to keep an accurate written record of all amounts of solid waste measured in tons received at the facility. Measurement in tons of solid waste received shall be accomplished by one or more of the following methods:

- (1) The provision of stationary or portable scales at the disposal facility for weighing incoming waste;
- (2) Implementation of contractual or other arrangements for the use of scales at a location other than the disposal facility for weighing all waste destined for disposal at the facility; or
- (3) Implementation of contractual or other arrangements for the use of scales at a location other than the disposal facility to weigh representative samples of the solid waste received at the disposal facility on a basis which is sufficiently frequent to estimate accurately the amount of solid waste received at the disposal facility.

(h) The provisions of subsection (d) of this Code section notwithstanding, each public or private owner or operator of a municipal solid waste landfill shall report annually to the Department of Community Affairs on the status of solid waste management for each municipal solid waste landfill it owns or operates in this state. The annual report for each such landfill shall include but not be limited to:

- (1) The amount of solid waste collected, processed, and disposed of at such landfill;
- (2) The remaining permitted capacity of the landfill;
- (3) Recycling and composting activities in existence at such landfill; and
- (4) Any other pertinent information as may be required by the Department of Community Affairs.

History

Code 1981, § 12-8-31.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 12; Ga. L. 1993, p. 399, § 8; Ga. L. 2008, p. 181, §§ 13, 19/HB 1216; Ga. L. 2011, p. 312, § 1/SB 157.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

Bill Number: HB 1000
Author: Representative [Name]
Effective Date: 07/01/2019
Status: [Status]

2

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-32****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-32. Permits for regional solid waste disposal facilities

(a) Prior to submission of an application to the division for a permit for a regional solid waste disposal facility, conflicts as defined in Articles 1 and 2 of Chapter 8 of Title 50 shall follow the mediation procedures developed by the Department of Community Affairs pursuant to Articles 1 and 2 of Chapter 8 of Title 50. Upon the submission of any application to the division for any municipal solid waste disposal facility for which a permit other than a permit by rule is required by the division, the permit applicant shall within 15 days of the date of submission of the application publicize the submission by public notice and in writing as follows:

- (1) If the application is for a facility serving no more than one county, the public notice shall be published in a newspaper of general circulation serving the host county, and each local government in the county and the regional commission shall further be notified in writing of the permit application;
 - (2) If the application is for a facility serving more than one county, the public notice shall be published in a newspaper of general circulation serving each affected county, and each local government within said counties and the regional commission shall be further notified in writing of the permit application; and
 - (3) The public notice shall be prominently displayed in the courthouse of each notified county.
- (b) The division shall review the application and supporting data, make a determination as to the suitability or unsuitability of the proposed site for the intended purpose, and notify the applicant and the host local government if different from the applicant in writing of its determination.

(c) Upon receipt from the division of notice that the proposed site is suitable for the intended purpose, the applicant shall within 15 days of receipt of such notification publicize the fact by public notice as outlined in paragraphs (1), (2), and (3) of subsection (a) of this Code section. Further, within 45 days of receipt of such notification from the division, the host local government for the proposed site shall as outlined in paragraphs (1), (2), and (3) of subsection (a) of this Code section advertise and hold a public meeting to inform affected residents and landowners in the area of the proposed site and of the opportunity to engage in a facility issues negotiation process.

(d) Following notification of the applicant of the proposed site's suitability, the division may continue to review the applicant's permit application but the director shall not take any action with respect to permit issuance or denial until such time as the local notification and negotiation processes described in this Code section have been exhausted.

(e) The division shall not be a party to the negotiation process described in this Code section, nor shall technical environmental issues which are required by law and rules to be addressed in the permitting process be considered negotiable items by parties to the negotiation process.

(f) Within 30 days following a public meeting held in accordance with subsection (c) of this Code section, a facility issues negotiation process shall be initiated by the host local government upon receipt of a written petition by at least 25 affected persons, at least 20 of whom shall be registered voters of or landowners in the host jurisdiction. Multiple petitions may be consolidated into a single negotiating process. For the purposes of this subsection, the term "affected person" means a registered voter of the host local government or of a county contiguous to such host local government or a landowner within the jurisdiction of the host local government.

(g) Within 15 days following receipt of such written petition, the host local government shall validate the petition to ensure that the petitioners meet the requirements of this Code section.

(h) Within 15 days following the validation of the written petition to negotiate, the host local government shall notify the petitioners by publication as provided in paragraphs (1), (2), and (3) of subsection (a) of this Code section; shall notify the permit applicant if different from the host local government, the division, and the regional commission that the negotiation process is being initiated; and shall set a date for a meeting with the citizens facility issues committee, the host local government, and the permit applicant not later than 30 days following validation of such written petition to negotiate.

(i) The petitioning persons shall select up to ten members, at least eight of whom shall be registered voters or landowners in the host local government, to serve on a citizens facility issues committee to represent them in the negotiation process. The membership of the citizens facility issues committee shall be chosen within 15 days following the validation of such written petition pursuant to this Code section.

(j) The negotiation process shall be overseen by a facilitator named by the host local government, after consultation with the citizens facility issues committee, from a list provided by the Department of Community Affairs. The function of the facilitator shall be to assist the petitioners, the host local government, and the permit applicant, if different from the host local government, through the negotiation process. The cost, if any, of the facilitator shall be borne by the permit applicant.

(k) Beginning with the date of the first negotiation meeting called in accordance with subsection (h) of this Code section, there shall be no fewer than three negotiation meetings within the following 45 day period unless waived by consent of the parties. Such negotiation meetings shall be presided over by the facilitator named in subsection (j) of this Code section

and shall be for the purpose of assisting the petitioners, the host local government, and the permit applicant, if different from the host local government, to engage in nonbinding negotiation.

(l) Minutes of each meeting and a record of the negotiation process shall be kept by the host local government.

(m) All issues except those which apply to environmental permit conditions are negotiable. Environmental permit conditions are not negotiable. Issues which may be negotiated include but are not limited to:

(1) Operational issues, such as hours of operation;

(2) Recycling efforts that may be implemented;

(3) Protection of property values;

(4) Traffic routing and road maintenance; and

(5) Establishment of local advisory committees.

(n) At the end of the 45 day period following the first negotiation meeting, the facilitator shall publish a notice of the results, if any, of the negotiation process in the same manner as provided in paragraphs (1), (2), and (3) of subsection (a) of this Code section and shall include the date, time, and place of a public meeting to be held within ten days after publication at which the input of persons not represented by the citizens facility issues committee may be received.

(o) The negotiated concessions reached by the negotiating parties shall be reduced to writing and executed by the chairman of the citizens facility issues committee and the chief elected official of the host local government and shall be adopted by resolution of the host local government.

(p) If the negotiating parties fail to reach consensus on any issue or issues, the permit applicant may nonetheless proceed to seek a permit from the division. The facilitator shall notify the division in writing that the negotiating parties have failed to reach consensus.

(q) If the negotiating parties reach consensus on negotiated issues, the permit applicant may proceed to seek a permit from the division. The facilitator shall notify the division in writing that the negotiating parties have reached consensus.

(r) Negotiated concessions shall not be construed as environmental permit conditions.

(s) Upon receipt of a written notification from the facilitator that the parties to negotiation have reached consensus or have failed to reach consensus on negotiated issues, and upon written notification from the permit applicant that he wishes to pursue permitting of the solid waste disposal facility for which an application has been filed, the director shall proceed to process the permit in accordance with Code Section 12-8-24.

History

Code 1981, § 12-8-32, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 2008, p. 181, § 13/HB 1216.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

Account
Registration

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
Lexipol, Inc. All
rights reserved.



Document: O.C.G.A. § 12-8-33



< Previous

Next >

O.C.G.A. § 12-8-33

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-33. Recycling Market Development Council

(a) Effective July 1, 1990, there is created a 15 member Recycling Market Development Council to be appointed as follows:

- (1)** Seven members appointed by the Governor representing the paper, glass, aluminum, plastic, and ferrous and nonferrous metals industries and trade associations which are active in recycling;
- (2)** One member who is an elected or appointed municipal official to be appointed by the Governor;
- (3)** One member who is an elected or appointed member of a county governing authority to be appointed by the Governor;
- (4)** One member appointed by the Speaker of the House of Representatives;
- (5)** One member appointed by the President of the Senate; and
- (6)** One representative each from the Department of Administrative Services; the Department of Economic Development; the Department of Community Affairs; and the Department of Natural Resources.

(b) The council shall meet as necessary and shall determine what actions, if any, are needed to facilitate the development and expansion of markets for recovered materials in Georgia and shall prepare an annual report with recommendations to the Governor and General Assembly. The council shall not be required to distribute copies of the annual report to the members of the General Assembly but shall notify the members of the availability of the annual report in the manner which it deems to be most effective and efficient.

(c) The council shall function for a period of five years from its establishment, at which time it shall either be reauthorized or shall stand abolished.

History

Code 1981, § 12-8-33, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 13; Ga. L. 2004, p. 690, § 11; Ga. L. 2004, p. 1036, § 11.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About
LexisNexis®](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright © 2019
LexisNexis All
rights reserved



Document: O.C.G.A. § 12-8-33.1



< Previous

Next >

O.C.G.A. § 12-8-33.1

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated **TITLE 12. CONSERVATION AND NATURAL RESOURCES** **CHAPTER 8. WASTE MANAGEMENT** **ARTICLE 2. SOLID WASTE MANAGEMENT** **PART 1. GENERAL PROVISIONS**

§ 12-8-33.1. Improper disposal of computer equipment; Computer Equipment Disposal and Recycling Council created; compensation; powers and duties

Repealed by Ga. L. 2007, p. 47, § 12/SB 103, effective May 11, 2007.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

[About
LexisNexis®](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright © 2019
LexisNexis. All
rights reserved.

R

Document: O.C.G.A. § 12-8-34

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-34****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-34. Labeling rigid plastic containers or bottles

- (a) On and after January 1, 1991, it shall be unlawful to manufacture for use in Georgia or offer for sale in Georgia any rigid plastic container or rigid plastic bottle which is not labeled in accordance with subsection (b) of this Code section.
- (b) On and after January 1, 1991, any rigid plastic container or rigid plastic bottle manufactured for use in Georgia or offered for sale in Georgia shall be labeled with a code molded into the plastic product which indicates the resin used to produce the bottle or container. Such coding shall conform with the following:
- (1) Rigid plastic containers or rigid plastic bottles with basecups or other components of the secondary material may, if the materials are compatible in recycling systems, carry the code of the basic material (even when the basic code is applied to the basecup of the secondary material); otherwise "7-other" is appropriate.
- (2) The label code shall consist of a number placed inside a triangle and letters placed below the triangle as required by paragraph (3) of this subsection. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number;
- (3) The numbers and letters used on labels described in this Code section and their interpretations shall be as follows:

"1-PETE" (polyethylene terephthalate)

"2-HDPE" (high-density polyethylene)

- "3-V" (vinyl)
- "4-LDPE" (low-density polyethylene)
- "5-PP" (polypropylene)
- "6-PS" (polystyrene)
- "7-OTHER" (all other resins and layered multimaterial)

History

Code 1981, § 12-8-34, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 2001, p. 4, § 12.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019
LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-35

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-35****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-35. Review of purchases and purchasing specifications, practices, and procedures by commissioner of administrative services

(a) The commissioner of administrative services shall:

- (1)** By July 1, 1990, commence a review of all goods and products purchased to determine what percentage of state purchases contain recycled materials, which review shall be completed by December 31, 1991, and, upon completion of his review, file a report of his findings with the General Assembly and the Governor; and
- (2)** By July 1, 1990, commence a review of the purchasing specifications, practices, and procedures of the State of Georgia, paying particular attention to any procedures and specifications which concern or impact the purchase of recovered materials or goods or products made from recovered or recyclable materials, which review shall be completed by December 31, 1991, and, upon completion of his review, file a report to the Governor and the General Assembly with recommendations for procedures and specifications for state purchasing which promote the increased purchase of goods or products made from recovered materials and goods or products which are recyclable; provided, however, that the commissioner of administrative services shall not propose any procedure or specification which would be economically infeasible or which would cause the state to sacrifice quality or performance standards or would unduly restrict free and open competition among vendors.

(b) In conducting any review required under this Code section, the commissioner of administrative services shall consider those specifications adopted or recommended by the United States government pursuant to 40 C.F.R. Parts 248, 249, 250, 252, and 253.

History

Code 1981, § 12-8-35, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About](#)
LexisNexis®

[Privacy](#)
Policy

[Terms &](#)
[Conditions](#)

[Sign](#)
[Out](#)

Copyright © 2019
LexisNexis All
rights reserved.

Q

Document: O.C.G.A. § 12-8-36



< Previous

Next >

O.C.G.A. § 12-8-36**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-36. State agency recycling and collection programs

- (a)** The Georgia Building Authority is authorized to establish and coordinate a state-wide recycling program for state agencies and to establish, engage in, contract for, or otherwise allow or arrange for a collection program for recovered materials generated as a result of agency operations, including, but not limited to, aluminum and steel cans, plastic and glass bottles, and all grades of paper, including corrugated cardboard, and for the mulching or composting of yard trimmings. The Georgia Building Authority is authorized to establish procedures for the collection and storage of such materials from any property or building utilized by the state or any agency thereof and to enter into contractual or other arrangements for the transportation, disposition, or sale of such materials. Proceeds generated from such sale shall be used by the Georgia Building Authority for the purpose of offsetting the costs and expenses of administering and implementing the recycling program.
- (b)** Nothing in this part shall prohibit any state agency from engaging in, contracting for, or otherwise allowing or arranging for its own recycling program for recovered materials generated as a result of its own agency operations.

History

Code 1981, § 12-8-36, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 14; Ga. L. 2009, p. 786, § 2/ HB 310.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis All
rights reserved



Document: O.C.G.A. § 12-8-37



< Previous

Next >

O.C.G.A. § 12-8-37

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-37. Financial aid from federal government or other sources

The director shall be the state representative to receive and administer financial aid from the federal government or other public or nonprofit sources for purposes of solid waste management.

History

Code 1981, § 12-8-37, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019 LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-37.1



< Previous

Next >

O.C.G.A. § 12-8-37.1**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-37.1. State grants authorized

- (a) The state is authorized to make grants, as funds are available, to any county, municipality, or any combination of the same, or to any public authority, agency, commission, or institution, to assist such governmental or public body in the construction of solid waste handling systems which are consistent with local and regional solid waste management plans prepared in accordance with the requirements of this part.
- (b) The director shall administer all funds granted by the state pursuant to this Code section.
- (c) The corpus of the solid waste trust fund established in Code Section 12-8-27.1 may be used to make grants and loans to cities and counties, any combination of cities and counties, authorities, state agencies, or the Georgia Recycling Market Development Council for the cleanup of solid waste disposal facilities, including those used for the disposal of scrap tires; for the development and implementation of solid waste enforcement programs for the prevention and abatement of illegal dumping of solid waste, including without limitation the prevention and abatement of litter; for the funding of grants or loans, in accordance with procedures developed by the division; for the implementation of innovative technologies for the recycling and reuse of solid waste, including without limitation scrap tires; and for educational and other efforts to promote waste reduction, recycling, and recycling market development.

History

Code 1981, § 12-8-37.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3259, § 6; Ga. L. 2005, p. 1247, § 8/SB 122.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.

Document: O.C.G.A. § 12-8-38

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-38****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-38. Funds generated by division; use for operation and maintenance; deposit of unexpended funds

Notwithstanding any other provision of law, the department is authorized to retain all miscellaneous funds generated by the division for use in the operation and maintenance of that area. Any such funds not expended for this purpose in the fiscal year in which they are generated shall be deposited in the state treasury, provided that nothing in this Code section shall be construed so as to allow the department to retain any funds required by the Constitution of Georgia to be paid into the state treasury; provided, further, that the department shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act," except Code Section 45-12-92, prior to expending any such miscellaneous funds.

History

Code 1981, § 12-8-38, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.[◀ Previous](#)[Next ▶](#)

About
Legislative

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.

Q

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-39****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-39. Cost reimbursement fees; surcharges.

- (a) Effective January 1, 1992, each city or county which operates a municipal solid waste disposal facility is authorized and required to impose a cost reimbursement fee upon each ton of municipal solid waste or the volume equivalent of a ton, as determined by rules of the division, for each ton of municipal solid waste received at a municipal solid waste disposal facility regardless of its source. The fee imposed may be equal to, or a portion of, the true cost of providing solid waste management services on a per ton or volume equivalent as determined pursuant to the forms, rules, and procedures developed by the Department of Community Affairs.
- (b) A minimum of \$1.00 per ton or volume equivalent of the cost reimbursement fee specified in this Code section which is received by the city or county, if implemented after March 30, 1990, shall be paid into a local restricted account and shall be used for solid waste management purposes only.
- (c) Effective January 1, 1992, when a municipal solid waste disposal facility is operated as a joint venture by more than one city or county or combination thereof, by a special solid waste district, or by an authority, the cost reimbursement fee specified in this Code section shall be imposed by the joint operators, district, or authority and the cost reimbursement fee received shall be administered as outlined in subsection (b) of this Code section and shall be remitted into a restricted account established by the participating local governments.
- (d) (1) (A) Until June 30, 2019, when a municipal solid waste disposal facility is operated by private enterprise, the host local government is authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent, in addition to any other negotiated charges or fees which shall be imposed by and paid to the host local government for the facility.

Except as otherwise provided in subparagraphs (B) and (C) of this paragraph, effective July 1, 2019, when a municipal solid waste disposal facility is owned by private enterprise, the host local government is authorized and required to impose a surcharge of \$2.50 per ton or volume equivalent, in addition to any other negotiated charges or fees which shall be imposed by and paid to the host local government for the facility.

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

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

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

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

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

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

(e)

(1) Owners or operators of any solid waste disposal facility other than an inert waste landfill as defined in regulations promulgated by the board or a private industry solid waste disposal facility shall assess and collect on behalf of the division from each disposer of waste a surcharge of 75 cent(s) per ton of solid waste disposed. Two percent of said surcharges

collected may be retained by the owner or operator of any solid waste disposal facility collecting said surcharge to pay for costs associated with collecting said surcharge. Surcharges assessed and collected on behalf of the division shall be paid to the division not later than the first day of July of each year for the preceding calendar year. Any facility permitted exclusively for the disposal of construction or demolition waste that conducts recycling activities for construction or demolition materials shall receive a credit towards such surcharges of 75 cent(s) per ton of material recycled at the facility.

(2) The surcharge amount provided for in this subsection shall be subject to revision pursuant to Code Section 45-12-92.2.

(f) All surcharges required by subsection (e) of this Code section shall be paid to the division for transfer into the state treasury to the credit of the general fund. The division shall collect such fees until the unencumbered principal balance of the hazardous waste trust fund equals or exceeds \$25 million, at which time the division shall not collect any further such surcharges until the unencumbered balance in such fund equals or is less than \$12.5 million, at which time the division shall resume collection of such surcharges at the beginning of the next calendar year following the year in which such event occurs. The director shall provide written notice to all permitted solid waste disposal facilities at the time he receives notice that the unencumbered balance of such trust fund equals or exceeds \$25 million or equals or is less than \$12.5 million.

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

(h) The division shall advertise to the public the surcharges imposed pursuant to subsection (e) of this Code section in accordance with rules promulgated by the board.

History

Code 1981, § 12-8-39, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 2234, § 4; Ga. L. 1992, p. 3276, §§ 15, 16; Ga. L. 2002, p. 927, § 1; Ga. L. 2011, p. 283, § 2/HB 274; Ga. L. 2012, p. 775, § 12/HB 942; Ga. L. 2013, p. 856, § 1/HB 276; Ga. L. 2018, p. 228, § 1/HB 792.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

Bill Number: HB 1000
Effective Date: 07/01/2019
Status: Approved
Author: Rep. [Name]
Sponsor: Rep. [Name]

2

LexisNexis
Custom Solutions

Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-39.1



< Previous

Next >

O.C.G.A. § 12-8-39.1

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-39.1. Program for reduction of municipal solid waste on per capita basis

Effective July 1, 1992, each city or county as a part of its solid waste management plan shall have in effect a program to reduce on a per capita basis the amount of municipal solid waste, as evidenced by the solid waste received at disposal facilities, which are not exempt from subsection (c) of Code Section 12-8-21, within its jurisdiction consistent with the goal established in subsection (c) of Code Section 12-8-21.

History

Code 1981, § 12-8-39.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1993, p. 399, § 9.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

[About](#)
LexisNexis

[Privacy](#)
Policy

[Terms &](#)
[Conditions](#)

[Sign](#)
[Out](#)

Copyright © 2019
LexisNexis. All
rights reserved.

Q

Document: O.C.G.A. § 12-8-39.2



< Previous

Next >

O.C.G.A. § 12-8-39.2

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-39.2. Reports of costs of solid waste management services

Reserved. Repealed by Ga. L. 2011, p. 312, § 2/SB 157, effective July 1, 2011.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019
LexisNexis. All rights reserved.



LexisNexis
Custom Solution

Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-39.3



< Previous

Next >

O.C.G.A. § 12-8-39.3

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-39.3. Authorization to enforce collection of taxes, fees, or assessments

(a) Any city, county, or authority which operates a solid waste handling facility or provides solid waste collection services or both and which levies and collects taxes, fees, or assessments to accomplish the purposes of this part shall be further authorized to enforce by ordinance or resolution the collection of taxes, fees, or assessments due a city, county, or authority in the same manner as authorized by law for the enforcement of the collection and payment of state taxes, fees, or assessments. Any such ordinance or resolution enacted by a county governing authority may provide that the tax commissioner or tax collector of such county shall be the officer charged with the enforcement of its provisions.

(b) The provisions of this Code section shall apply to any taxes, fees, or assessments due a county, city, or authority under any ordinance or resolution in effect on July 1, 1992, or adopted thereafter.

History

Code 1981, § 12-8-39.3, enacted by Ga. L. 1992, p. 3276, § 17; Ga. L. 1993, p. 399, § 10; Ga. L. 1997, p. 1081, § 3.

OFFICIAL CODE OF GEORGIA ANNOTATED

Copyright 2019 by The State of Georgia All rights reserved.

[← Previous](#)

[Next >](#)



[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019 LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-40



< Previous

Next >

O.C.G.A. § 12-8-40

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-40. Exemption for livestock-feeding facility

This article shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock-feeding facility waste from facilities with a maximum total capacity of 1,000 cattle or 5,000 swine, provided that if such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the runoff from a "ten-year storm," such individual shall be further exempt regardless of total per head capacity. Nothing in this part shall limit the right of any person to use poultry or other animal manure for fertilizer.

History

Code 1981, § 12-8-40, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

[About
LexisNexis](#)

[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

Copyright © 2019
LexisNexis. All
rights reserved



Document: O.C.G.A. § 12-8-40.1

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-40.1****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-40.1. Tire disposal restrictions; fees

(a) Effective July 1, 1990, each city, county, or solid waste management authority shall have the right to impose certain restrictions on scrap tires originating in or which may ultimately be disposed of in its area of jurisdiction. These restrictions may include but are not limited to:

(1) A ban on the disposal of scrap tires at solid waste disposal facilities within its control; and

(2) A requirement that scrap tires be recycled, shredded, chopped, or otherwise processed in an environmentally sound manner prior to disposal at solid waste disposal facilities owned or operated by the city, county, or authority.

(b) After December 31, 1994, no person may dispose of scrap tires in a solid waste landfill unless the scrap tires are shredded, chopped, or chipped in accordance with standards established by the board and:

(1) The director finds that the reuse or recycling of scrap tires is not economically feasible;

(2) The scrap tires are received from a municipal solid waste collector holding a valid solid waste collection permit under authority of this part and who transports fewer than ten scrap tires at any one time; or

(3) The scrap tires are received from a person transporting fewer than five scrap tires in combination with the person's own solid waste for disposal.

(c) (1) No person shall collect or transport any tires, other than new tires, unless the person:

(A) Obtains a tire carrier permit issued by the division; and

(B) Displays on each vehicle used to collect or transport tires a decal issued by the division; provided, however, that this subparagraph shall not apply to a common carrier that collects

tires exclusively from outside this state and transports them directly to a scrap tire processor or end user within this state.

(2) As a condition of holding a permit to collect or transport tires, each permitted person shall:

(A) Report to the division in such manner and with such frequency as the division shall require the number of tires transported and the manner of disposition;

(B) Maintain financial assurance in accordance with subsection (l) of this Code section;

(C) Submit such other data as is determined by the board to be reasonably necessary to protect public health and the environment; and

(D) Pay to the division a nominal fee for each decal issued.

(c.1) No person shall process scrap tires unless the person has a scrap tire processing permit issued by the division. For purposes of this subsection, the term "process scrap tires" means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires for beneficial use.

(d) Subsection (c) of this Code section shall not apply to:

(1) A municipal solid waste collector holding a valid solid waste collection permit under authority of this part whose primary business is the collection of municipal solid waste;

(2) A private individual transporting no more than ten of the individual's own tires or a private individual transporting more than ten tires if such individual can provide proof of purchase with receipt for such tires;

(3) A company transporting the company's own tires to a scrap tire processor or end user or for proper disposal;

(4) A tire retailer transporting its own used tires if such dealer can provide proof of purchase with receipt for all used tires being transported and a document verifying the origin, route, and destination of such used tires;

(5) Any person transporting tires collected as part of an organized site cleanup activity; and

(6) The United States, the State of Georgia, any county, municipality, or public authority.

(e) After July 1, 1992, any person who generates scrap tires shall:

(1) Notify the division of such activities, requesting the issuance of an identification number, which number shall be used on scrap tire shipment manifests;

(2) Have the scrap tires collected and transported by persons in compliance with subsection (c) of this Code section;

(3) Maintain receipts indicating the disposition of the scrap tires;

(4) Maintain receipts indicating the permit number and name of the tire carrier to whom the tires were given;

(5) Maintain receipts indicating the disposal site or processing facility where the scrap tires were taken including the date of such disposal and the number of scrap tires; and

(6) Provide such other information as the board shall require and for such period of time as the board deems appropriate.

(f) No person may store more than 25 scrap tires anywhere in this state. Any person storing in excess of 25 scrap tires shall be deemed to be in violation of this part.

(g) Subsection (f) of this Code section shall not apply to any of the following:

(1) A solid waste disposal site permitted by the division if the permit authorizes the storage of scrap tires prior to their disposal;

(2) A tire retailer or a publicly owned vehicle maintenance facility with not more than 1,500 scrap tires in storage;

(3) A tire retreader with not more than 3,000 scrap tires in storage so long as the scrap tires are of the type the retreader is actively retreading;

(4) A licensed used motor vehicle parts dealer, a registered secondary metals recycler, or a privately owned vehicle maintenance facility that operates solely for the purpose of servicing a commercial vehicle fleet with not more than 500 scrap tires in storage; and

(5) A scrap tire processor approved by the division so long as the number of scrap tires in storage do not exceed the quantity approved by the division

if all of the scrap tires are secured in a locked enclosure or are otherwise adequately secured in a manner suitable to prevent unauthorized access; provided, however, that the division may grant a waiver of the enclosure requirement if the person requesting the waiver can definitively show a significant and unique economic hardship which impairs such person's ability to continue operating his or her business.

(g.1) Subsection (f) of this Code section shall not apply to a farm with not more than 100 scrap tires in storage or in use for agricultural purposes. In addition, the division may grant waivers to allow the storage or use of more than 100 scrap tires for agricultural purposes if such storage or use does not pose a threat to human health or the environment.

(h)

(1) Beginning July 1, 1992, a fee is imposed upon the retail sale of all new replacement tires in this state of \$1.00 per tire sold. The fee shall be collected by retail dealers at the time the retail dealer sells a new replacement tire to the ultimate consumer; provided, however, that a Georgia tire distributor who sells tires to retail dealers must collect such fees from any retail dealer who does not have a valid scrap tire generator identification number issued by the division. The fee and any required reports shall be remitted not less than quarterly on such forms as may be prescribed by the division. The division is authorized to contract with the Department of Revenue to, and the Department of Revenue is authorized to, collect such fees on behalf of the division. All fees received shall be deposited into the state treasury to the account of the general fund in accordance with the provisions of Code Section 45-12-92. All moneys deposited into the solid waste trust fund shall be deemed expended and contractually obligated and shall not lapse to the general fund.

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

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

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

(3) The tire fees authorized in this subsection shall cease to be collected on June 30, 2019. The director shall make an annual report to the House Committee on Natural Resources and Environment and the Senate Natural Resources and the Environment Committee regarding the status of the activities funded by the solid waste trust fund.

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

(i)

(1) The division may abate any threat or potential threat to public health or the environment created or which could be created by scrap tires or other scrap tire materials by removing or processing the scrap tires or other scrap tire materials. Before taking any action to abate the threat or potential threat, the division shall give any person having the care, custody, or control of the scrap tires or materials or owning the property upon which the scrap tires or materials are located notice of the division's intentions and order the responsible party to

abate the threat or potential threat in a manner approved by the division. Such order shall be issued in accordance with Code Section 12-8-30.

(2) If the responsible party is unable or unwilling to comply with such order or if no person who has contributed or is contributing to the scrap tires or scrap tire materials which are to be abated can be found, the director may undertake cleanup of the site utilizing funds from the solid waste trust fund.

(3) The division or its contractors may enter upon the property of any person at such time and in such manner as deemed necessary to effectuate the necessary corrective action to protect human health and the environment.

(4) Neither the State of Georgia nor the solid waste trust fund established in Code Section 12-8-27.1 shall be liable for any loss of business, damages, or taking of property associated with the corrective action.

(5) The division may bring an action or proceeding against the property owner or the person having possession, care, custody, or control of the scrap tires or other scrap tire materials to enforce the corrective action order issued under Code Section 12-8-30 and recover any reasonable and necessary expenses incurred by the division for corrective action, including administrative and legal expenses. The division's certification of expenses shall be prima-facie evidence that the expenses are reasonable and necessary. Notwithstanding any other provision of this subsection, any generator of scrap tires who is identified as being a contributor to the materials which are the object of the abatement and who can document that he or she has fully complied with this part and all rules promulgated pursuant to this part in disposing of such scrap tires shall not be liable for any of the cost of recovery actions of the abatement.

(6) Nothing in this part shall affect the right of any municipality or county to abate or clean up scrap tires or scrap tire materials which are a threat or potential threat to human health or the environment. The division may reimburse such local governments for such actions in accordance with procedures approved by the board.

(j) Except for the purposes of scrap tire corrective actions, the provisions of this Code section do not apply to:

(1) Tires with a rim size less than 12 inches;

(2) Tires from:

(A) Any device moved exclusively by human power; or

(B) Any device used exclusively for agricultural purposes, except a farm truck; or

(3) A retreadable casing while under the control of a tire retreader or while being delivered to a retreader.

(k) The director shall be authorized to order the cessation of operation of any tire carrier or scrap tire processor who is found not to be operating in compliance with this part or rules adopted pursuant to this part and the seizure of all property used in such unlawful operations; provided, however, that the tire carrier or scrap tire processor shall be afforded a hearing within 48 hours before an administrative law judge of the Department of Natural Resources upon such order of the director.

(l)

(1) A surety bond shall be provided to the director by a tire carrier or scrap tire processor prior to issuance of a permit to ensure compliance with the provisions of this part.

(2) The bond required in this subsection shall be:

(A) Conditioned upon compliance with this part, any rules adopted pursuant to this part, and the carrier's or processor's permit; and

(B) In such amount as determined by the director necessary to ensure compliance, but in any event not less than \$10,000.00 nor greater than \$20,000.00.

- (3) Such bond shall be payable to the director and issued by an insurance company authorized to issue such bonds in this state.
- (4) Upon a determination by the director that a tire carrier or scrap tire processor has failed to meet the provisions of this part, rules promulgated pursuant to this part, or its permit, the director may, after written notice of such failure:
- (A) Forfeit or draw that amount of such bond that the director determines necessary to correct the violation;
- (B) Expend such amount for such purposes; and
- (C) Require the replacement of that amount of such bond forfeited or drawn upon.
- (5) Any moneys received by the director in accordance with paragraph (4) of this subsection shall be deposited into the solid waste trust fund established in Code Section 12-8-27.1.

History

Code 1981, § 12-8-40.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3259, § 7; Ga. L. 1993, p. 399, §§ 11-14; Ga. L. 1997, p. 1081, § 4; Ga. L. 1999, p. 780, § 1; Ga. L. 2005, p. 1247, §§ 9, 10, 11, 12/SB 122; Ga. L. 2008, p. 287, § 1/SB 399; Ga. L. 2011, p. 283, § 3/HB 274; Ga. L. 2013, p. 274, § 5/HB 226; Ga. L. 2013, p. 856, § 2/HB 276; Ga. L. 2014, p. 230, § 1/HB 908.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About](#)
LexisNexis®

[Privacy](#)
Policy

[Terms &](#)
Conditions

[Sign](#)
Out

Copyright © 2019
LexisNexis All
rights reserved.



Document: O.C.G.A. § 12-8-40.2



< Previous

Next >

O.C.G.A. § 12-8-40.2**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-40.2. Yard trimmings disposal restrictions

(a) Each city, county, or solid waste management authority may impose restrictions on yard trimmings which are generated in or may ultimately be disposed of in its area of jurisdiction; provided, however, that under no circumstances shall yard trimmings be placed in or mixed with municipal solid waste, except at:

- (1) Landfills restricted to construction or demolition waste;
- (2) Inert waste landfills; or
- (3) Lined municipal solid waste landfills having operating landfill gas collection systems directed to beneficial uses of landfill gas that promote renewable energy goals such as electrical power generation, industrial end use, or similar beneficial reuse.

(b) Except as otherwise provided in subsection (a) of this Code section, owners and operators of municipal solid waste landfills shall be prohibited from disposing of yard trimmings in municipal solid waste landfills.

(c) The Board of Natural Resources is authorized to develop guidelines to assist local governing authorities and others in the orderly stockpiling of yard trimmings at suitable sites, the chipping and composting of yard trimmings, and the distribution of the products resulting from such chipping and composting.

History

Code 1981, § 12-8-40.2, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 18; Ga. L. 1993, p. 399, § 15; Ga. L. 2005, p. 1247, § 13/SB 122; Ga. L. 2011, p. 283, § 4/HB 274.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About LexisNexis](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019
LexisNexis All rights reserved



Document: O.C.G.A. § 12-8-40.3



< Previous

Next >

O.C.G.A. § 12-8-40.3

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-40.3. Disposal of shingles containing asphalt

It shall be unlawful to dispose of any roofing shingles which contain asphalt except in construction and demolition or municipal solid waste landfills.

History

Code 1981, § 12-8-40.3, enacted by Ga. L. 1997, p. 928, § 2.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

[About LexisNexis®](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019 LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-41

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-41****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 1. GENERAL PROVISIONS

§ 12-8-41. Department to provide permits

The department shall provide by rule or regulation for the regulation and permitting of any land disposal site that receives septic tank waste from any one or more septic tank pumping and hauling businesses. Any new permit issued for such type of site on or after July 1, 2007, shall be issued by the department under this Code section. Any such type of site that as of June 30, 2007, operated under a valid permit issued on or before such date by the Department of Human Resources (now known as the Department of Public Health for these purposes) under Code Section 31-2A-12 may continue to operate under such Code section until July 1, 2014, but a permit shall be obtained from the department under this Code section prior to such date in order to continue such operation thereafter.

History

Code 1981, § 12-8-41, enacted by Ga. L. 2002, p. 927, § 1A; Ga. L. 2005, p. 1529, § 1/HB 54; Ga. L. 2007, p. 127, § 4/HB 463; Ga. L. 2009, p. 453, § 1-12/HB 228; Ga. L. 2011, p. 705, §§ 3-4, 6-3/HB 214; Ga. L. 2012, p. 843, § 1A/HB 1102.

< Previous

Next >

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis All
Rights Reserved





Georgia General Assembly

More

Document: O.C.G.A. § 12-8-50



< Previous

Next >

O.C.G.A. § 12-8-50

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-50. Short title

This part shall be known and may be cited as the "Regional Solid Waste Management Authorities Act."

History

Code 1981, § 12-8-50, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.

®

Document: O.C.G.A. § 12-8-51

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-51****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-51. Authority for enactment; nonprofit and public purposes of authorities; tax exemption; state policy; unfair competition with private sector prohibited

(a) This part is enacted pursuant to authority granted to the General Assembly by the Constitution of Georgia. Each authority created by this part is created for nonprofit and public purposes; and it is found, determined, and declared that the creation of each such authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of this state and that the authority is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this part. For such reasons, the state covenants from time to time with the holders of the bonds issued under this part that such authority shall be required to pay no taxes or assessments imposed by the state or any of its counties, municipal corporations, political subdivisions, or taxing districts upon any property acquired by the authority or under its jurisdiction, control, possession, or supervision or leased by it to others; or upon its activities in the operation or maintenance of any such property; or upon any income derived by the authority in the form of fees, recording fees, rentals, charges, purchase price, installments, or otherwise; and that the bonds of such authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The tax exemption provided in this Code section shall not include any exemption from sales and use tax on property purchased by the authority or for use by the authority.

(b) It is the express policy of the State of Georgia that any authority created by this part shall be authorized with respect to any solid waste which the generator thereof, county, or municipal corporation makes available to such authority to enter into agreements in

furtherance of a project granting, directing, or providing for an exclusive right or rights in any authority with respect to such solid waste, including, but not limited to, the exclusive right to collect, acquire, receive, transport, store, treat, process, utilize, sell, or dispose of discarded solid waste; provided, however, no authority created by this part and no county or municipal corporation or other governmental body shall have the right to enter into agreements or to enact ordinances or resolutions providing for any rights with respect to recovered materials or substances, materials, or resources contained in solid waste as may be separated for recycling, use, or reuse at any time prior to pickup by or delivery to any authority, county, municipal corporation, or persons under contract with such authority, county, or municipal corporation.

(c) Notwithstanding any other provision of this part, no authority shall compete unfairly with the private sector by purchasing or offering to purchase recovered materials at prices higher than the highest prevailing market prices in the county in which the purchase is made for recovered materials of like grade and quality.

History

Code 1981, § 12-8-51, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[About
LexisNexis®](#)

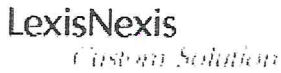
[Privacy
Policy](#)

[Terms &
Conditions](#)

[Sign
Out](#)

© Copyright © 2019
LexisNexis. All
rights reserved





Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-52



< Previous

Next >

O.C.G.A. § 12-8-52

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-52. Definitions

As used in this part, the term:

- (1) "Authority" means each public corporation created pursuant to this part.
- (2) "Collection" means the aggregating of solid waste from its primary source and includes all activities up to such time as the waste is delivered to the place at which it is to be processed.
- (3) "Cost of project" means all costs of site preparation and other start-up costs; all costs of construction; all costs of real and personal property required for the purposes of the project and facilities related thereto, including land and any rights or undivided interest therein, easements, franchises, fees, permits, approvals, licenses, and certificates and the securing of such permits, approvals, licenses, and certificates and all machinery and equipment, including motor vehicles which are used for project functions; financing charges and interest prior to and during construction and during such additional period as the authority may reasonably determine to be necessary for the placing of the project in operation; costs of engineering, architectural, and legal services; cost of plans and specifications and all expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incidental to the financing authorized in this part. The costs of any project may also include funds for the creation of a debt service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the authority for the operation of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any such bonds may be authorized. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the costs of the

project and may be paid or reimbursed as such out of the proceeds of user fees, of revenue bonds or notes issued under this part for such project, or from other revenues obtained by the authority.

(4) "County" means any county of this state or a governmental entity formed by the consolidation of a county and one or more municipal corporations.

(5) "Governing body" means the elected or duly appointed officials constituting the governing body of each municipal corporation and county in the state.

(6) "Municipal corporation" means any city or town in this state.

(7) "Project" means:

(A) The collection, transportation, and management of solid waste and shall also mean any property, real or personal, used as or in connection with a facility for the composting, extraction, collection, storage, treatment, processing, utilization, or final disposal of resources contained in solid waste, including the conversion of solid waste or resources contained therein into compost, oil, charcoal, gas, or any other product or energy source and the collection, storage, treatment, utilization, processing, or final disposal of solid waste in connection with the foregoing; and

(B) Any property, real or personal, used as or in connection with a facility for the composting, extraction, collection, storage, treatment, processing, or utilization of water resources and the conversion of such resources into any compost or useful form of energy.

History

Code 1981, § 12-8-52, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)



LexisNexis
Custom Solution

Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-53



< Previous

Next >

O.C.G.A. § 12-8-53

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-53. Creation of authorities

(a) There is created in and for each county and municipal corporation in this state a public body corporate and politic, to be known as the "solid waste management authority" of such county or municipal corporation. No authority shall transact any business or exercise any powers under this part until the governing body of the county by proper resolution of its board of commissioners, or, if a municipal corporation, by proper ordinance or resolution of its council, declares that there is a need for an authority to function in the county or municipal corporation.

(b) Any two or more counties or municipal corporations or a combination thereof may jointly form an authority, to be known as the "regional solid waste management authority" for such counties and municipal corporations. No authority shall transact any business or exercise any powers under this part until the governing authorities of the units of local government involved declare, by ordinance or resolution, that there is a need for an authority to function and until the governing authorities authorize the chief elected official of the unit of local government to enter into an agreement with the other units of local government for the activation of an authority and such agreement is executed.

History

Code 1981, § 12-8-53, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.





Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-54



< Previous

Next >

O.C.G.A. § 12-8-54

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-54. Board of directors

(a) Control and management of the authority shall be vested in a board of at least five directors who shall be residents of the county or municipal corporation which is a member of the authority. At least three of such directors shall be elected officials of the county or municipal corporation which is a member of the authority. The directors shall serve at the pleasure of the governing authority of the county or municipal corporation. Directors shall be appointed, and may be reappointed, for terms of four years. In the case of a regional solid waste management authority, each unit of local government participating in the authority shall appoint two members, with an additional member to be appointed by the directors themselves; provided, however, that if each participating municipal corporation which is within a participating county shall agree and, if authorized by an agreement among political subdivisions activating the authority, such participating county and participating municipal corporations may join in appointing their members to the authority and may agree to appoint as many as two members per participating municipal corporation within a county and, if the county is participating, two members for the county or as few as one member per county; provided, further, that in any case, an additional member shall be appointed by the directors of the authority themselves. The directors shall elect one of their members as chairman and another as vice-chairman and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a director. The directors shall receive no compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties. The directors may make bylaws and regulations for the governing of the authority and the operation of projects and may delegate to one or more of

the officers, agents, and employees of the authority such powers and duties as may be deemed necessary and proper.

(b) Members of the board of directors of an authority formed pursuant to this Code section may agree that additional political subdivisions may become members of such authority subsequent to its formation upon an affirmative vote of two-thirds of the members of such board of directors under the terms imposed by agreement of two-thirds of the members of such board of directors.

(c) Any political subdivision which has become a member of such authority pursuant to subsection (b) of Code Section 12-8-53 and has determined that it shall not enter into a mutual agreement with the other political subdivisions which are members of such authority for the financial support and administrative function of such authority may be removed from such authority subsequent to its formation upon an affirmative vote of two-thirds of those members of the board of directors of such authority representing political subdivisions which have determined to enter into such an agreement. Upon such removal, the membership of such board of directors shall be reconstituted according to the terms of the agreement creating such authority as though the removed member or members had never executed such agreement. Any political subdivision removed from an authority pursuant to this subsection may be restored to membership in the authority pursuant to the terms of subsection (b) of this Code section.

History

Code 1981, § 12-8-54, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 19; Ga. L. 1994, p. 1101, § 3.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)



Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-55



< Previous

Next >

O.C.G.A. § 12-8-55**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-55. Quorum; majority vote requirement

A majority of the directors shall constitute a quorum for the transaction of business of the authority. However, any action with respect to any project of the authority must be approved by the affirmative vote of not less than a majority of the directors.

History

Code 1981, § 12-8-55, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.



Document: O.C.G.A. § 12-8-56



< Previous

Next >

O.C.G.A. § 12-8-56

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-56. Powers of authority

Each authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including, but without limiting the generality of the foregoing, the power:

- (1) To bring and defend actions;
- (2) To adopt and amend a corporate seal;
- (3) To acquire, construct, improve, or modify, to place into operation, and to operate or cause to be placed into operation and operated, either as owner of all or of any part in common with others, a project or projects within the county in which the authority is activated and, subject to execution of agreements with the appropriate political subdivisions affected, within other counties and to pay all or part of the cost of any such project or projects from the proceeds of revenue bonds of the authority or from any contribution or loans by persons, firms, or corporations or from any other contribution or user fees, all of which the authority is authorized to receive, accept, and use;
- (4) To acquire, in its own name, by purchase on such terms and conditions and in such manner as it may deem proper, by condemnation in accordance with any and all laws applicable to the condemnation of property for public use, or by gift, grant, lease, or otherwise, real property or rights and easements therein and franchises and personal property necessary or convenient for its corporate purposes, which purposes shall include, but shall not be limited to, the constructing or acquiring of a project; the improving, extending, adding to, reconstructing, renovating, or remodeling of any project or part thereof already constructed or acquired; or the demolition to make room for such project or any part thereof and to insure the same against any and all risks as such insurance may, from time to

time, be available. The authority may also use such property and rent or lease the same to or from others or make contracts with respect to the use thereof or sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner which the authority deems to the best advantage of itself and its purposes, provided that the powers to acquire, use, and dispose of property as set forth in this paragraph shall include the power to acquire, use, and dispose of any interest in such property, whether divided or undivided, which acquisition may result in the ownership of such property or any part thereof in common with any other party or parties, public or private. Title to any such property of the authority, however, shall be held by the authority exclusively for the benefit of the public;

(5) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be acquired or constructed, provided that all private persons, firms, and corporations, this state, and all political subdivisions, departments, instrumentalities, or agencies of the state or of local government are authorized to enter into contracts, leases, or agreements with the authority, upon such terms and for such purposes as they deem advisable; and, without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of project activities and facilities or either of them by the authority to such municipal corporations and counties and by such municipal corporations and counties to the authority for a term not exceeding 50 years;

(6) To exercise any one or more of the powers, rights, and privileges conferred by this Code section either alone or jointly or in common with one or more other public or private parties. In any such exercise of such powers, rights, and privileges jointly or in common with others with respect to the construction, operation, and maintenance of project facilities, the authority may own an undivided interest in such facilities with any other party with which it may jointly or in common exercise the rights and privileges conferred by this part and may enter into an agreement or agreements with respect to any such project facility with the other party or parties participating therein; and such agreement may contain such terms, conditions, and provisions, consistent with this part, as the parties thereto shall deem to be in their best interests, including, but not limited to, provisions for the construction, operation, and maintenance of such project facility by any one or more party of the parties to such agreement, which party or parties shall be designated in or pursuant to such agreement as agent or agents on behalf of itself and one or more of the other parties thereto, or by such other means as may be determined by the parties thereto, and including provisions for a method or methods of determining and allocating, among or between the parties, costs of construction, operation, maintenance, renewals, replacements, improvements, and disposal with respect to such facility. In carrying out its functions and activities as such agent with respect to construction, operation, and maintenance of such a facility, such agent shall be governed by the laws and regulations applicable to such agent as a separate legal entity and not by any laws or regulations which may be applicable to any of the other participating parties; provided, however, the agent shall act for the benefit of the public. Notwithstanding anything contained in any other law to the contrary, pursuant to the terms of any such agreement, the authority may delegate its powers and duties with respect to the construction, operation, and maintenance of such facility to the party acting as agent; and all actions taken by such agent in accordance with the provisions of such agreement may be binding upon the authority without further action or approval of the authority;

(7) To accept, receive, and administer gifts, grants, appropriations, and donations of money, materials, and property of any kind, including loans and grants from the United States, this state, a unit of local government, or any agency, department, authority, or instrumentality of any of the foregoing, upon such terms and conditions as the United States, this state, a unit of local government, or such agency, department, authority, or instrumentality shall impose; to administer trusts; and to sell, lease, transfer, convey, appropriate, and pledge any and all of its property and assets;

(8) To do any and all things necessary or proper for the accomplishment of the objectives of this part and to exercise any power usually possessed by private corporations performing similar functions which is not in conflict with the Constitution and laws of this state, including the power to employ professional and administrative staff and personnel and to retain legal, engineering, fiscal, accounting, and other professional services; the power to purchase all kinds of insurance, including, without limitation, insurance against tort liability and against risks of damage to property; the power to borrow money for any of the corporate purposes of the authority; the power to indemnify and hold harmless any parties contracting with the authority or its agents from damage to persons or property; and the power to act as self-insurer with respect to any loss or liability; provided, however, that obligations of the authority other than revenue bonds, for which provision is made in this part, shall be payable from the general funds of the authority and shall not be a charge against any special fund allocated to the payment of revenue bonds;

(9) To borrow money and issue its revenue bonds and bond anticipation notes from time to time and to use the proceeds thereof for the purpose of paying all or part of the cost of any project, including the cost of extending, adding to, or improving such project, or for the purpose of refunding any such bonds of the authority theretofore issued; and otherwise to carry out the purposes of this part and to pay all other costs of the authority incident to, or necessary and appropriate to, such purposes, including the providing of funds to be paid into any fund or funds to secure such bonds and notes, provided that all such bonds and notes shall be issued in accordance with the procedures and subject to the limitations set forth in Code Section 12-8-58; and

(10) To fix rentals and other charges which any user shall pay to the authority for the use of the project or part or combination thereof, and to charge and collect the same, and to lease and make contracts with political subdivisions and agencies with respect to use of any part of the project. Such rentals and other charges shall be so fixed and adjusted with respect to the aggregate thereof from the project or any part thereof so as to provide a fund with other revenues of such project, if any, to pay the cost of maintaining, repairing, and operating the project, including reserves for extraordinary repairs and insurance, unless such cost shall be otherwise provided for, which costs shall be deemed to include the expenses incurred by the authority on account of the project for water, light, sewer, and other services furnished by other facilities at such project.

History

Code 1981, § 12-8-56, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 2001, p. 4, § 12.

< Previous

Next >

[About LexisNexis](#)

[Privacy Policy](#)

[Terms & Conditions](#)

[Sign Out](#)

Copyright © 2019
LexisNexis. All rights reserved.



Document: O.C.G.A. § 12-8-57



< Previous

Next >

O.C.G.A. § 12-8-57

Copy Citation

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-57. Limitation on liability of members, officers, or employees of authority

Except for gross negligence or willful or wanton misconduct, neither the members of the authority nor any officer or employee of the authority, acting on behalf thereof and while acting within the scope of his responsibilities, shall be subject to any liability resulting from:

- (1) The design, construction, ownership, maintenance, operation, or management of a project; or
- (2) The carrying out of any of the discretionary powers or duties expressly provided for in this part.

History

Code 1981, § 12-8-57, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

Home
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.

2

Document: O.C.G.A. § 12-8-58



< Previous

Next >

O.C.G.A. § 12-8-58**Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-58. Bonds or other obligations; limitations and procedures for issuance

(a) Subject to the limitations and procedures provided by this Code section, the obligations of any authority evidenced by bonds, bond anticipation notes, trust indentures, deeds to secure obligations, security agreements, or mortgages executed in connection therewith may contain such provisions not inconsistent with law as shall be determined by the board of directors of the authority. The authority, in such instruments, may provide for the pledging of all or any part of its revenues, income, or charges and for the mortgaging, encumbering, or conveying of all or any part of its real or personal property; may covenant against pledging any or all of its revenues, income, or charges; and may further provide for the disposition of proceeds realized from the sale of any bonds and bond anticipation notes, for the replacement of lost, destroyed, stolen, or mutilated bonds and notes, and for the payment and redemption of such bonds and notes. Similarly, subject to the limitations and procedures of this Code section, undertakings of any authority may prescribe the procedure by which bondholders and noteholders may enforce rights against the authority and provide for rights upon breach of any covenant, condition, or obligation of the authority. Bonds, resolutions, trust indentures, mortgages, or deeds to secure obligations executed by an authority and bond anticipation notes executed by an authority may contain such provisions not otherwise contrary to law as the authority shall deem necessary or desirable.

(b) The proceeds derived from the sale of all bonds and bond anticipation notes issued by an authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this part, all or part of the cost of any project, including the cost of extending, financing, adding to, or improving such project, or for the purpose of refunding any bond

anticipation notes issued in accordance with this part or refunding any previously issued bonds of the authority.

(c) All bonds and bond anticipation notes issued by an authority shall be revenue obligations of such authority and may be made payable out of any revenues or other receipts, funds, or moneys of the authority, subject only to any agreements with the holders of other bonds or bond anticipation notes or to particular security agreements pledging any particular revenues, receipts, funds, or moneys.

(d) Issuance by an authority of one or more series of bonds or bond anticipation notes for one or more purposes shall not preclude it from issuing other bonds or notes in connection with the same project or with any other projects, but the proceeding wherein any subsequent bonds or bond anticipation notes shall be issued shall recognize and protect any prior pledge or mortgage made in any prior security agreement or made for any prior issue of bonds or bond anticipation notes, unless in the resolution authorizing such prior issue the right is expressly reserved to the authority to issue subsequent bonds or bond anticipation notes on a parity with such prior issue.

(e) An authority shall have the power and is authorized, whenever revenue bonds of the authority have been validated as provided in this part, to issue, from time to time, its notes in anticipation of the issuance of such bonds as validated and to renew from time to time any such notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the authority may sell such notes at public or private sale. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any such resolution or resolutions; and the authority may include in any notes any terms, covenants, or conditions which it is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of the notes, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued.

(f) The interest rate on or rates to be borne by any bonds, notes, or other obligations issued by the authority shall be fixed by the board of directors of the authority. Any limitations with respect to interest rates found in Article 3 of Chapter 82 of Title 36 or in the usury laws of this state shall not apply to obligations issued under this part.

(g) All revenue bonds issued by an authority under this part will be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as provided in subsection (f) of this Code section and except as specifically set forth below:

(1) Revenue bonds issued by an authority may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide;

(2) Revenue bonds shall bear a certificate of validation. The signature of the clerk of the superior court of the judicial circuit in which the issuing authority is located may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state; and

(3) In lieu of specifying the rate or rates of interest which revenue bonds to be issued by an authority are to bear, the notice to the district attorney or the Attorney General and the notice to the public of the time, place, and date of the validation hearing may state that the

bonds, when issued, will bear interest at a rate not exceeding a maximum per annum rate of interest specified in such notices or, in the event the bonds are to bear different rates of interest for different maturity dates, that none of such rates will exceed the maximum rate specified in the notices; provided, however, that nothing contained in this paragraph shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in so doing the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices.

(h) The term "cost of project" shall have the meaning prescribed in paragraph (3) of Code Section 12-8-52 whenever referred to in bond resolutions of an authority, bonds and bond anticipation notes issued by an authority, or notices and proceedings to validate such bonds.

History

Code 1981, § 12-8-58, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 20.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

[< Previous](#)

[Next >](#)

[Home](#)
LexisNexis®

[Privacy](#)
Policy

[Terms &](#)
[Conditions](#)

[Sign](#)
[Out](#)

Copyright © 2019
LexisNexis. All
rights reserved.



Document: O.C.G.A. § 12-8-59

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-59****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-59. Bonds or other obligations not indebtedness of state or political subdivision

No bonds or other obligations of and no indebtedness incurred by any authority shall constitute an indebtedness or obligation of the State of Georgia or of any county, municipal corporation, or political subdivision thereof, nor shall any act of any authority in any manner constitute or result in the creation of an indebtedness of this state or of any such county, municipal corporation, or political subdivision. However, provisions of this Code section shall not preclude counties, municipal corporations, or other political subdivisions from choosing to guarantee the bonds, indebtedness, or other obligations of a regional solid waste authority as part of its demonstration of adequate financial responsibility pursuant to this part. All such bonds and obligations shall be payable solely from the revenues therein pledged to such payment, including pledged rentals, sales proceeds, insurance proceeds, and condemnation awards; and no holder or holders of any such bonds or obligation shall ever have the right to compel any exercise of the taxing power of this state or of any county, municipal corporation, or political subdivision thereof or to enforce the payment thereof against any property of the state or of any such county, municipal corporation, or political subdivision.

History

Code 1981, § 12-8-59, enacted by Ga. L. 1990, p. 412, § 1.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.



Document: O.C.G.A. § 12-8-59.1

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-59.1****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-59.1. Liberal construction of part; bonds not subject to other state law; other authorities

(a) This part shall be liberally construed to effect the purposes hereof. Sale or issuance of bonds by any authority shall not be subject to regulation under Chapter 5 of Title 10, the "Georgia Uniform Securities Act of 2008," or any other law.

(b) A municipal corporation, a county, or any number of counties and municipal corporations shall have the right to activate any authority under this part, notwithstanding the existence of any other authority having similar powers or purposes within the county or municipal corporation created pursuant to any general law or amendment to the Constitution of this state. However, nothing in this part shall be construed as repealing, amending, superseding, or altering the organization of or abridging the powers of such authorities as are now in existence.

History

Code 1981, § 12-8-59.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 2008, p. 381, § 10/SB 358.

< Previous

Next >

About
LexisNexis®

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2018
LexisNexis. All
rights reserved.

Document: O.C.G.A. § 12-8-59.2

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-59.2****Copy Citation**

Current through the 2018 Extra Session of the General Assembly

Official Code of Georgia Annotated TITLE 12. CONSERVATION AND NATURAL RESOURCES CHAPTER 8. WASTE MANAGEMENT ARTICLE 2. SOLID WASTE MANAGEMENT PART 2. REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES

§ 12-8-59.2. Resolutions or ordinances declaring functioning of previously activated authority unnecessary

- (a) As used in this Code section, the term "project" shall mean any interest of the authority in a project as otherwise defined in this part.
- (b) The governing body of any unit of local government which has authorized the functioning of an authority pursuant to Code Section 12-8-53 may by proper resolution or ordinance declare that there is no need for such authority to function in the county or municipal corporation. Upon such declaration by all units of local government which previously authorized the activation of the authority and upon compliance by such units of local government with the provisions of subsection (c) of this Code section, the authority shall cease to transact any business or exercise any powers inconsistent with the winding up of its affairs.
- (c) No resolutions or ordinances of units of local government declaring the functioning of a previously activated authority to be unnecessary shall be of any force and effect until:
- (1) In the case of an authority having outstanding notes or bonds:
- (A) Said notes or bonds have been paid or retired according to their terms or acquired by such units of local government; or
- (B) Appropriate contractual arrangements have been made by such units of local government to lease or purchase the authority's projects, or to arrange to have the authority's projects leased or purchased by others, consistent with the terms of said notes or bonds on such terms as will together with any existing debt service reserves held by the authority provide for the payment of the principal and interest on said notes or bonds; and

(C) Appropriate arrangements have been made by such units of local government, or in the case of authorities activated pursuant to subsection (b) of Code Section 12-8-53, appropriate contractual and other arrangements have been made by, among, and between all units of local government which previously authorized the activation of the authority:

(i) To hold, operate, or dispose of all assets or projects of the authority in the case of the transfer of such assets and projects by the authority to such units of local government, but nothing in this Code section shall require the continued operation of any project by such units of local government;

(ii) To assume or satisfy, or arrange to have assumed or satisfied, all contracts, leases, agreements, or obligations previously entered into or incurred by the authority with respect to the acquisition or operation of such assets or projects, consistent with the terms thereof, other than notes or bonds, but nothing in this Code section shall require the renewal, continuation beyond its terms, or extension of any such contract, lease, agreement, or obligation; and

(iii) To make provision, by creation of a reserve fund or otherwise, for residual obligations which may from time to time arise during the period of winding up of the affairs of the authority pursuant to subsection (d) of this Code section; or

(2) In the case of an authority having no outstanding notes or bonds, there has been compliance with the terms of subparagraph (C) of paragraph (1) of this subsection.

(d)

(1) Upon compliance by all units of local government which previously authorized the activation of the authority with subsections (b) and (c) of this Code section, the board of directors of the authority shall cause to be transferred to such units of local government, at such a time and on such reasonable terms and conditions as may be agreed to between the authority and such units of local government and subject to the arrangements made under and the provisions of subsection (c) of this Code section, the assets, projects, contracts, leases, agreements, and obligations of the authority. The board of directors of any such authority shall take all steps necessary or convenient to carry out the provisions of this Code section consistent with the benefit of the public.

(2) The board of directors of the authority shall continue in existence for a period of time sufficient for the orderly winding up of the affairs of the authority and, in the case of an authority having outstanding notes or bonds, for a reasonable period of time after such notes or bonds have been paid or retired and may exercise any power usually possessed by private corporations of this state in the process of winding up their affairs not in conflict with the Constitution or laws of this state. In the course of such winding up, the board of directors shall have access to any funds made available pursuant to division (c)(1)(C)(iii) of this Code section but shall exercise control over such funds as fiduciaries, shall disburse such funds only for purposes appropriate to the winding up of the affairs of the authority, and shall account for any remainder of such funds to the units of local government which authorized the activation of the authority.

(3) Upon the completion of the process of winding up of the affairs of the authority, the board of directors shall relinquish control of any remaining funds made available pursuant to division (c)(1)(C)(iii) of this Code section to the units of local government which authorized the activation of the authority and by resolution dissolve itself, whereupon such authority shall become dormant but may be reactivated by compliance with Code Section 12-8-53.

History

Code 1981, § 12-8-59.2, enacted by Ga. L. 1997, p. 447, § 3; Ga. L. 1997, p. 1081, § 5.

OFFICIAL CODE OF GEORGIA ANNOTATED
Copyright 2019 by The State of Georgia All rights reserved.

< Previous

Next >

About
LexisNexis

Privacy
Policy

Terms &
Conditions

Sign
Out

Copyright © 2019
LexisNexis. All
rights reserved.



