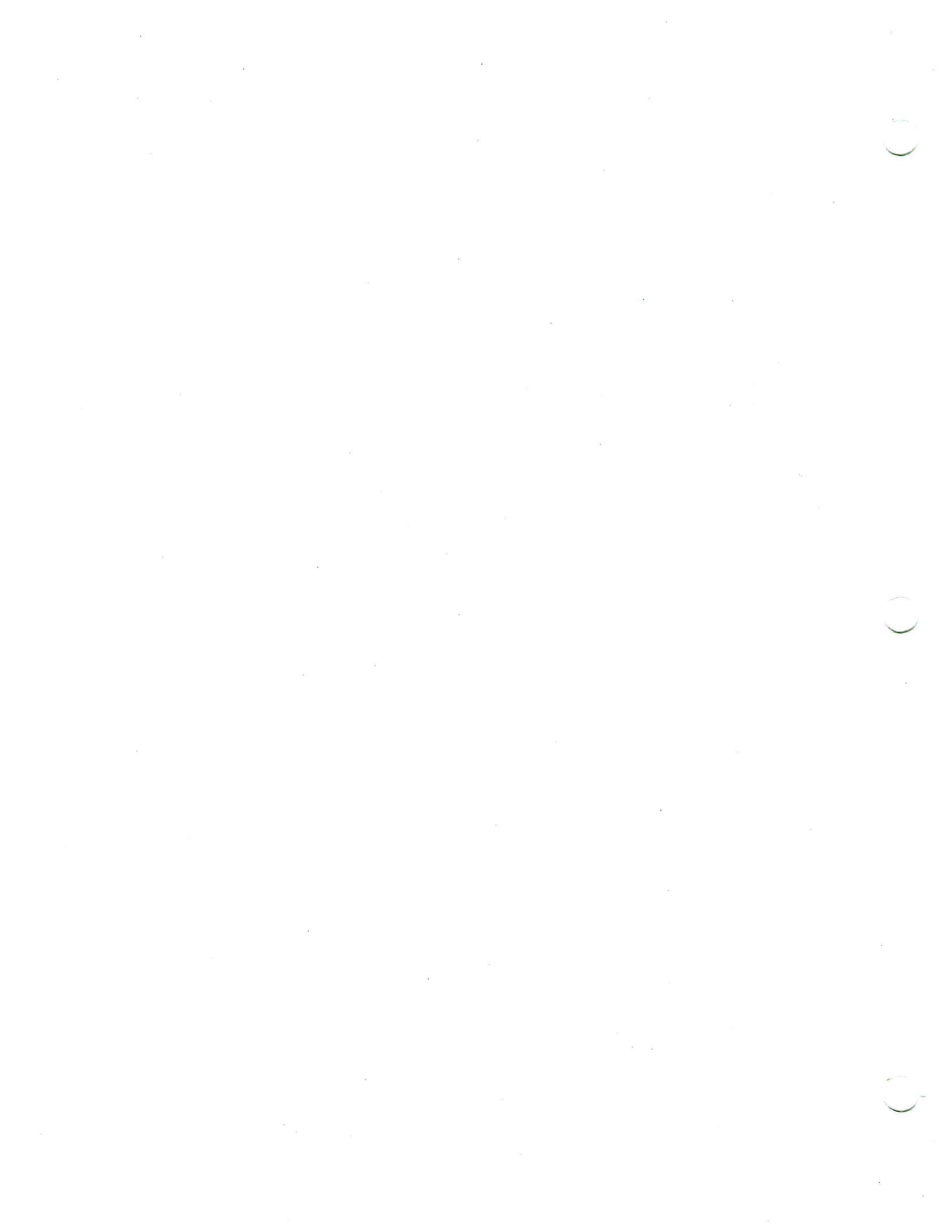
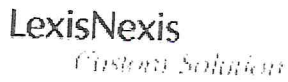


REQUEST FOR AG-3 AGRICULTURAL AND RESIDENTIAL CONDITIONAL USE  
GREEN MEADOWS MUNICIPAL SOLID WASTE DISPOSAL & RECYCLING FACILITY  
Amended Application for July 9, 2019 Submittal

APPENDIX III

Georgia Comprehensive Solid Waste Management Act of 1990, as Amended  
(Copy current through 2018 Extra Session of the General Assembly)





Georgia General Assembly

More ▾

Document: O.C.G.A. § 12-8-20



< Previous

Next >

## O.C.G.A. § 12-8-20

### 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**

### § 12-8-20. Short title

---

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

### History

---

Code 1981, § 12-8-20, 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 © 2013  
LexisNexis. All  
rights reserved.



## Document: O.C.G.A. § 12-8-21

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-21****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**

**§ 12-8-21. Declaration of policy; legislative intent**

- (a) It is declared to be the policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for solid waste management and to prevent and abate litter, so as to assure that solid waste does not adversely affect the health, safety, and well-being of the public and that solid waste facilities, whether publicly or privately owned, do not degrade the quality of the environment by reason of their location, design, method of operation, or other means and which, to the extent feasible and practical, makes maximum utilization of the resources contained in solid waste.
- (b) It is further declared to be the policy of the State of Georgia to educate and encourage generators and handlers of solid waste to reduce and minimize to the greatest extent possible the amount of solid waste which requires collection, treatment, or disposal through source reduction, reuse, composting, recycling, and other methods and to promote markets for and engage in the purchase of goods made from recovered materials and goods which are recyclable.
- (c) It is the intent of the General Assembly that every effort be undertaken to reduce on a state-wide per capita basis the amount of municipal solid waste being received at disposal facilities.
- (d) It is further the intent of the General Assembly that the director of the Environmental Protection Division of the Department of Natural Resources shall be the official charged with primary responsibility for the solid waste management program. The director, in exercising any authority granted in this part, shall conform to and implement the policies outlined in this

part and shall at all times coordinate his activities with those of other state agencies and local political jurisdictions so as to achieve a unified and effective solid waste management program in the state.

**(e)** It is further intended by the General Assembly that the director of the Environmental Protection Division of the Department of Natural Resources shall, in exercising any authority granted in this part, recognize that the states which share common borders with Georgia also share the vital natural resources of clean air, clean surface waters, and clean ground waters which flow across those common borders and that, therefore, those bordering states have a mutual interest with Georgia to manage solid waste in a manner that does not threaten to contaminate the shared natural resources. The director shall also recognize, however, that such mutual interest may not exist between Georgia and states which do not share common borders and natural resources with it. Therefore, the director is instructed to be particularly mindful of the need to monitor, inspect, and regulate closely that solid waste generated from sources located in states not sharing common borders and natural resources with Georgia.

**(f)** It is further the intent of the General Assembly that every effort be undertaken to ensure the proper management of scrap tires from the point of generation to the ultimate point of reuse, recycling, or disposal and that every effort be made to ensure that, where possible, they be reused or recycled rather than being disposed.

**(g)** It is further the intent of the General Assembly to provide a frame of reference for this state and all counties, municipal corporations, and solid waste management authorities in this state relating to the handling of yard trimmings. It is also the intent of the General Assembly to encourage beneficial reuse of yard trimmings and other vegetative matter by composting and other methods of recycling and return of such vegetative matter to the soil and by reuse of yard trimmings to promote bioenergy and renewable energy goals. The General Assembly, therefore, adopts and recommends the following hierarchy for handling yard trimmings:

- (1)** Naturalized, low-maintenance landscaping requiring little or no cutting;
- (2)** Grass cycling by mowing it high and letting it lie;
- (3)** Return to the soil or other beneficial reuse on the site where the material was grown, including but not limited to:
  - (A)** Stacking branches into brush piles for use as wildlife habitats and for gradual decomposition into the soil;
  - (B)** Composting on the site where the material was grown, followed by incorporation of the finished compost into the soil at that site; or
  - (C)** Chipping woody material on the site where such material was generated; and
- (4)** Collecting yard trimmings and transporting them to another site to be:
  - (A)** Processed for mulch or feedstock for composting;
  - (B)** Processed for use as a bioenergy feedstock; or
  - (C)** Disposed in a lined landfill having a permitted gas collection system in operation by which landfill gas is directed to equipment or facilities for beneficial reuse such as electrical power generation, industrial end use, or other beneficial use promoting renewable energy goals.

## History

---

Code 1981, § 12-8-21, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3259, § 1; Ga. L.

1993, p. 399, §§ 1, 2; Ga. L. 2005, p. 1247, §§ 1, 2/SB 122; Ga. L. 2011, p. 283, § 1/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

Q

Document: O.C.G.A. § 12-8-22

Georgia General Assembly

More ▾

&lt; Previous

Next &gt;

**O.C.G.A. § 12-8-22****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**

**§ 12-8-22. Definitions**

As used in this article, the term:

- (1) "Affected county" means, in addition to the county in which a facility is or is proposed to be located, each county contiguous to the host county and each county and municipality within a county that has a written agreement with the facility to dispose of solid waste.
- (1.1) "Biomedical waste" means pathological waste, biological waste cultures and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials which have not been decontaminated, as further defined in Rule 391-3-4-.15 of the board as such rule existed on January 1, 2006, and other such waste materials.
- (2) "Board" means the Board of Natural Resources of the State of Georgia.
- (3) "Certificate" means a document issued by a college or university of the University System of Georgia or other organization approved by the director stating that the operator has met the requirements of the board for the specified operator classification of the certification program.
- (4) "Closure" means a procedure approved by the division which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for postclosure.
- (4.1) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.
- (5) "Composting" means the controlled biological decomposition of organic matter into a stable, odor-free humus.
- (5.1) "Construction or demolition waste" means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes but is not limited to waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, and





Document: O.C.G.A. § 12-8-22

units for disposal in landfills permitted by rule and regulation are also included in this definition if disposed in a construction or demolition waste landfill.

- (6) "Contaminant" means any physical, chemical, biological, or radiological substance or matter.
- (7) "Director" means the director of the Environmental Protection Division of the Department of Natural Resources.
- (8) "Disposal facility" means any facility or location where the final deposition of solid waste occurs and includes but is not limited to landfilling and solid waste thermal treatment technology facilities.
- (9) "Division" means the Environmental Protection Division of the Department of Natural Resources.
- (9.1) "Feedstock" means raw material that is used in a machine or industrial process.
- (10) "Financial responsibility mechanism" means a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of solid waste handling facilities. Available financial responsibility mechanisms include but are not limited to insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as defined in 40 C.F.R. Part 264 Subpart H -- Financial Requirements.
- (10.1) "Gasification to fuels and chemicals" means a process through which recovered materials or other nonrecycled feedstock is heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and such mixture is converted into fuel, including ethanol and transportation fuel, chemicals, or other chemical feedstocks.
- (10.2) "Gasification to fuels and chemicals facility" means a facility that collects, separates, stores, or converts nonrecycled feedstock into fuels, chemicals, or other valuable final or intermediate products using a gasification to fuels and chemicals process. Such term shall not include a waste handling facility or solid waste thermal treatment facility.
- (11) "Generator" means any person in Georgia or in any other state who creates solid waste.
- (12) "Hazardous constituent" means any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 2004, codified as Appendix VIII to 40 C.F.R. Part 261 -- Identification and Listing of Hazardous Waste.
- (12.1) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of this chapter, the "Georgia Hazardous Waste Management Act." Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.
- (13) "Label" means a code label described in paragraphs (3) and (4) of subsection (b) of Code Section 12-8-34.
- (14) "Landfill" means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.



Document: O.C.G.A. § 12-8-22

(15.1) ~~Later has the meaning provided by Code Section 16-7-42.~~

**(16)** "Manifest" means a form or document used for identifying the quantity and composition and the origin, routing, and destination of special solid waste during its transportation from the point of generation, through any intermediate points, to the point of disposal, treatment, or storage.

**(17)** "Materials recovery facility" means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

**(17.1)** "Multijurisdictional solid waste management plan" means a comprehensive solid waste plan adopted pursuant to Code Section 12-8-31.1 covering two or more jurisdictions.

**(18)** "Municipal solid waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction or demolition waste, and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

**(19)** "Municipal solid waste disposal facility" means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and municipal solid waste thermal treatment technology facilities.

**(20)** "Municipal solid waste landfill" means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

**(20.1)** "Nonrecycled feedstock" means one or more of the following materials, derived from nonrecycled materials, that has been processed so that it may be used as a feedstock in a gasification to fuels and chemicals facility, but excluding coal refuse and scrap tires:

**(A)** Post-use plastics; or

**(B)** Materials for which the Environmental Protection Agency has made a nonwaste determination under 40 C.F.R. Section 241.3(c) or that are otherwise determined not to constitute waste.

**(21)** "Operator" means the person stationed on the site who is in responsible charge of and has direct supervision of daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.

**(22)** "Person" means the State of Georgia or any other state or any agency or institution thereof and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste management activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

**(22.1)** "Post-use plastics" means recovered plastics, derived from any source, that are not being used for their originally intended purpose and that might otherwise become waste if not processed at a pyrolysis or gasification to fuels and chemicals facility or recycled, and the term includes plastics that may contain incidental contaminants or impurities such as paper labels or metal rings.



Document: O.C.G.A. § 12-8-22

human health and the environment.

**(24)** "Private industry solid waste disposal facility" means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

**(24.1)** "Pyrolysis" means a process through which post-use plastics are heated, in an oxygen-free environment, until melted and thermally decomposed, then cooled, condensed, and converted into oil, diesel, gasoline, home heating oil, or other liquid fuel; gasoline or diesel blendstock; chemicals or chemical feedstock; waxes or lubricants; or other similar raw materials or intermediate or final products.

**(24.2)** "Pyrolysis facility" means a facility that collects, separates, stores, or converts post-use plastics into fuels or other valuable final or intermediate products using a pyrolysis process. Pyrolysis facilities shall not be considered solid waste handling facilities or solid waste thermal treatment facilities.

**(25)** "Recovered materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

**(26)** "Recovered materials processing facility" means a facility engaged solely in the storage, processing, recycling, and resale or reuse of recovered materials. Such facility shall not be considered a solid waste handling facility; provided, however, that any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

**(27)** "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials, intermediates, or products which can be used as a substitute for products not derived by such processes.

**(27.1)** "Regional landfill or regional solid waste disposal facility" means a facility owned by a county, municipality, authority, or special district empowered to engage in solid waste management activities, or any combination thereof, which serves two or more or any combination of counties, municipalities, or special solid waste districts.

**(27.2)** "Regional solid waste management plan" means a comprehensive solid waste plan adopted pursuant to Code Section 12-8-31.1 covering two or more counties and may include one or more municipal corporations within those counties.

**(28)** "Retreadable casing" means a scrap tire suitable for retreading.

**(29)** "Rigid plastic bottle" means any rigid plastic container with a neck that is smaller than the container body with a capacity of 16 ounces or more and less than five gallons.

**(30)** "Rigid plastic container" means any formed or molded part comprised predominantly of plastic resin, having a relatively inflexible finite shape or form, and intended primarily as a single-service container with a capacity of eight ounces or more and less than five gallons.

**(31)** "Scrap tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

**(32)** Reserved.

**(33)** "Solid waste" means any garbage or refuse; sludge from a waste-water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; post-use plastics and nonrecycled feedstock that are



Document: O.C.G.A. § 12-8-22

flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

**(34)** "Solid waste handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities, but does not include recovered materials processing or pyrolysis or gasification to fuels and chemicals processes, or the holding of post-use plastics or nonrecycled feedstock at a pyrolysis facility or gasification to fuels and chemicals facility prior to processing at the facility where those materials are being held to ensure production is not interrupted.

**(35)** "Solid waste handling facility" means any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste, but does not include recovered materials processing facilities or pyrolysis or gasification to fuels and chemicals facilities.

**(36)** "Solid waste thermal treatment technology" means any solid waste handling facility the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

**(37)** "Special solid waste" means any solid waste not otherwise regulated under Part 1 of Article 3 of this chapter, known as the "Georgia Hazardous Waste Management Act," and regulations promulgated under such part originating or produced from or by a source or generator not subject to regulation under Code Section 12-8-24.

**(38)** "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

**(38.1)** "Tire carrier" means any person engaged in collecting or transporting tires, other than new tires.

**(39)** "Tire retailer" means any person, other than a used motor vehicle parts dealer licensed in accordance with Chapter 47 of Title 43, engaged in the business of selling new replacement tires or used tires.

**(40)** "Tire retreader" means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.

**(40.1)** "Used tire" means a tire which has a minimum of 2/32 inch of road tread and which is still suitable for its original purpose but is no longer new. A tire retailer shall inventory and market used tires in substantially the same fashion as a new tire and be able to provide satisfactory evidence to the division that a market for the tire exists and the tire is in fact being marketed as a used tire. A used tire shall not be considered solid waste.

**(41)** "Waste to energy facility" means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.

**(42)** "Yard trimmings" means leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

## History

Document: O.C.G.A. § 12-8-22

Code 1961, § 12-8-22, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 2254, § 2; Ga. L. 1992, p. 3259, § 2; Ga. L. 1992, p. 3276, § 1; Ga. L. 1993, p. 91, § 12; Ga. L. 1993, p. 399, §§ 3, 4; Ga. L. 2005, p. 1247, §§ 3-6/SB 122; Ga. L. 2006, p. 275, § 3-1/HB 1320; Ga. L. 2012, p. 775, § 12/HB 942; Ga. L. 2013, p. 274, § 1/HB 226; Ga. L. 2018, p. 760, § 1/HB 785.

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. § 12-8-23



&lt; Previous

Next &gt;

**O.C.G.A. § 12-8-23****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**

**§ 12-8-23. Powers and duties of board**

In the performance of its duties the board shall have and may exercise the power to:

- (1) Adopt, promulgate, modify, amend, and repeal rules and regulations to implement and enforce the provisions of this part as the board may deem necessary to provide for the control and management of solid waste to protect the environment and the health of humans. Such rules and regulations may be applicable to the state as a whole or may vary from area to area or may vary by waste characteristics, as may be appropriate to facilitate the accomplishment of the provisions, purposes, and policies of this part. The rules and regulations may include, but shall not be limited to, the following:
- (A) Rules and regulations governing and controlling solid waste handling, including measures to ensure that solid waste management practices are regulated, governed, and controlled in the public interest;
  - (B) Rules and regulations prescribing the procedure to be followed in applying for permits and requiring the submission of such plans, specifications, verifications, and other pertinent information deemed relevant in connection with the issuance of such permits;
  - (C) Rules and regulations concerning the establishment of permits by rule;
  - (D) Rules and regulations establishing the use of a manifest during the generation and handling of special solid waste;
  - (E) Rules and regulations governing and controlling the handling of special solid waste and biomedical waste;
  - (F) Rules and regulations establishing criteria and a system of priorities for the distribution of any state funds as may be made available through a grant-in-aid program to assist financially local governmental agencies or authorities in the planning, implementing,

maintaining, or operating of solid waste handling systems which are consistent with local and regional solid waste management plans;

**(G)** Rules and regulations establishing procedures and requirements for the postclosure care of all solid waste disposal facilities, including but not limited to corrective action of releases, ground-water monitoring, and maintenance of final cover;

**(H)** Rules and regulations establishing the criteria for approval, time periods for coverage, and other terms and conditions for the demonstration of financial responsibility required by this part and for the implementation of financial responsibility instruments;

**(I)** Rules and regulations establishing qualifications for municipal solid waste disposal facility operators and certification of such operators through colleges or universities of the University System of Georgia or other organizations as may be determined acceptable by the board;

**(J)** Rules and regulations regulating the generation, collection, processing, and disposal of scrap tires and the collection, inventory, and marketing of used tires and governing the investigation and cleanup of sites where scrap tires have been disposed regardless of the date when such disposal occurred; and

**(K)** Rules and regulations further defining what shall or shall not constitute "recovered materials"; and

**(2)** Take all necessary steps to ensure the effective enforcement of this part.

## History

---

Code 1981, § 12-8-23, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3259, § 3; Ga. L. 1992, p. 3276, § 2; Ga. L. 2013, p. 274, § 2/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. § 12-8-23.1



< Previous

Next >

**O.C.G.A. § 12-8-23.1**

**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**

**§ 12-8-23.1. Powers and duties of director**

- (a) The director shall have and may exercise the following powers and duties:
- (1) To exercise general supervision over the administration and enforcement of this part and all rules and regulations, orders, or permits promulgated or issued under this part;
  - (2) To encourage, participate in, or conduct studies, reviews, investigations, research, and demonstrations relating to solid waste management practices as he deems advisable and necessary;
  - (3) (A) To issue all permits contemplated by this part, stipulating in each permit the conditions or limitations under which such permit is to be issued, and to deny, revoke, transfer, modify, suspend, or amend such permits.
  - (B) To refuse to grant such permit if the director finds by clear and convincing evidence that the applicant for a permit or, in the case of a corporation, partnership, or association, an officer, director, manager, or shareholder of 5 percent or more of stock or financial interest in said corporation, partnership, or association:
    - (i) Has intentionally misrepresented or concealed any material fact in the application submitted to the director;
    - (ii) Has obtained or attempted to obtain the permit by misrepresentation or concealment;
    - (iii) Has been convicted by final judgment, and all appeals have been exhausted, in the State of Georgia or any federal court of any felony involving moral turpitude within the three years immediately preceding the application for a permit;
    - (iv) Has been convicted of any violations of any environmental laws punishable as a felony in any state or federal court within the five years preceding the application for a permit;



- (v) Has knowingly, willfully, and consistently violated the prohibitions specified in Code Section 12-8-30.7; or
- (vi) Has been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia within the five years preceding the application for a permit;
- (4) To make investigations, analyses, and inspections to determine and ensure compliance with this part, the rules and regulations promulgated under this part, and any permits or orders which the director may issue;
- (5) To enter into such contracts as may be required or necessary to effectuate this part or the rules and regulations promulgated under this part;
- (6) To prepare, develop, amend, modify, submit, and implement any comprehensive plan or program sufficient to comply with this part or any applicable federal act, or both, for the control, regulation, and monitoring of solid waste management practices in this state and to enforce such plan or program;
- (7) To advise, consult, cooperate, and contract on solid waste management matters with other agencies of this state, political subdivisions of this state, and other designated organizations, authorities, or entities and, with the approval of the Governor, to negotiate and enter into agreements with the governments of other states and the United States and their several agencies, subdivisions, or designated organizations or entities;
- (8) To issue, amend, modify, or revoke orders as may be necessary to ensure and enforce compliance with this part and all rules or regulations promulgated under this part;
- (9) To institute, in the name of the division, proceedings of mandamus, injunction, or other proper administrative, civil, or criminal proceedings to enforce this part, the rules and regulations promulgated under this part, or any orders or permits issued under this part;
- (10) To accept, receive, administer, and disburse grants from public or private sources for the purpose of the proper administration of this part or for the purpose of carrying out any of the duties, powers, or responsibilities under this part;
- (11) To grant variances in accordance with this part and the rules and regulations promulgated under this part, provided that such variances are not inconsistent with any applicable federal act and rules or regulations promulgated under such federal act;
- (12) To require any person who is engaged in solid waste handling subject to the permit by rule provisions of this part to notify the division in writing, within a reasonable number of days which the director shall specify, of the location and general description of such activity, identify the solid waste handled, and give any other information which may be deemed relevant, under such conditions as the director may prescribe;
- (13) To render technical assistance to state, regional, and local governments and others in the planning and operation of solid waste handling;
- (14) To develop criteria and a system of priorities for the distribution of any state funds as may be available through a state grant-in-aid program to assist financially local governments and authorities in the planning, implementing, maintaining, or operating 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;
- (15) To approve or disapprove projects for which loans or grants are made under any state or federal act to any municipality, county, authority, or agency of the state for the purpose of solid waste handling; provided, however, the financial review and approval or disapproval for a loan will be made by the Georgia Environmental Finance Authority;
- (16) To develop environmental standards for solid waste management planning to assist local governments, authorities, and corporations in the preparation of local and regional plans prepared in accordance with the requirements of this part;

(17) To advise and consult, cooperate, and contract with other agencies of this state, authorities, political subdivisions of this state, and other designated agencies, entities, persons, and corporations and with the governments of other states and the United States and their several agencies, subdivisions, or designated organizations and entities on matters concerning educating the public on all aspects of proper solid waste management;

(18) To collect and disburse all fees and funds authorized or imposed by this article;

(19) To collect fees related to the sale of new replacement tires and with such fees administer such programs as may be necessary to ensure that scrap tires are regulated from the point of generation to the point of ultimate disposal to protect public health and the environment; and

(20) To exercise all incidental powers necessary to carry out the purposes of this part.

(b) The powers and duties described in subsection (a) of this Code section may be exercised and performed by the director through such duly authorized agents and employees as he deems necessary and proper.

## History

---

Code 1981, § 12-8-23.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1990, p. 1222, § 1; Ga. L. 1992, p. 2234, § 3; Ga. L. 1992, p. 3259, § 4; Ga. L. 1992, p. 3276, § 3; 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 >](#)

[About](#)  
[Legislation](#)

[Privacy](#)  
[Policy](#)

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

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

Copyright © 2019  
LexisNexis All  
rights reserved



[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-24****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**

**§ 12-8-24. Permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facility; inspection of solid waste generators**

**(a)** No person shall engage in solid waste or special solid waste handling in Georgia or construct or operate a solid waste handling facility in Georgia, except those individuals exempted from this part under Code Section 12-8-30.10, without first obtaining a permit from the director authorizing such activity.

**(b)**

**(1)** No permit for a biomedical waste thermal treatment technology facility shall be issued by the director unless the applicant for such facility demonstrates to the director that a need exists for the facility for waste generated in Georgia by showing that there is not presently in existence within the state sufficient disposal facilities for biomedical waste being generated or expected to be generated within the state. For purposes of this part, "biomedical waste thermal treatment technology facility" means any facility that exists for the purpose of reducing the amount of biomedical waste disposed of through a process of combustion, with or without the process of converting such waste to energy.

**(2)** Paragraph (1) of this subsection shall not apply to any biomedical waste thermal treatment technology facility which is operated exclusively by a private biomedical waste generator on property owned by the private biomedical waste generator for the purpose of accepting biomedical waste exclusively from the private biomedical waste generator so long as the operation of the biomedical waste thermal treatment technology facility does not adversely affect the public health or the environment. After commencement of operation by a private biomedical waste generator of a biomedical waste thermal treatment technology

facility which is permitted by but not included in a local or regional solid waste management plan, amendment of the local or regional solid waste management plan shall be required for any biomedical waste which is no longer to be disposed of by the private biomedical waste generator in its own biomedical waste thermal treatment technology facility prior to any substantial reduction in the amount of biomedical waste produced by the private biomedical waste generator and accepted by its own biomedical waste thermal treatment technology facility or the closure of such facility.

**(c)** On or after March 30, 1990, any permit for the transportation of municipal solid waste from a jurisdiction generating solid waste to a municipal solid waste disposal facility located in another county shall be conditioned upon the jurisdiction generating solid waste developing and being actively involved in, by July 1, 1992, a strategy for meeting the state-wide goal of waste reduction by July 1, 1996.

**(d)** If the director determines that such activity will result in any violation of this part or any rule or regulation promulgated pursuant to this part, he shall deny the permit; otherwise, he shall issue the permit, specifying on the permit the conditions under which such activity shall be conducted; provided, however, that a public hearing shall be held by the governing authority of the county or municipality in which the municipal solid waste or special solid waste handling shall occur not less than two weeks prior to the issuance of any permit under this Code section and notice of such hearing shall be posted at the proposed site and advertised in a newspaper of general circulation serving the county or counties in which the proposed activity will be conducted at least 30 days prior to such hearing.

**(e)** (1) (A) Reserved.

**(B)** The director may suspend, modify, or revoke any permit issued pursuant to this Code section if the holder of the permit is found to be in violation of any of the permit conditions or any order of the director or fails to perform solid waste handling in accordance with this part or rules promulgated under this part.

**(C)**

**(i)** The director may modify any permit issued pursuant to this Code section in accordance with rules promulgated by the board. All modifications of existing permits shall be classified by the board as either major or minor modifications.

**(ii)** All modifications of existing permits to allow vertical or horizontal expansion of existing disposal facilities, except a facility operated by a utility regulated by the Public Service Commission, shall be classified as major permit modifications and shall not be granted by the director sooner than three years from the date any such facility commenced operation; provided, however, that a permit may be modified by the director to allow a vertical or horizontal expansion one time within three years from the date the facility commenced operation so long as the capacity of the facility is not increased more than 10 percent.

**(iii)** All modifications of permits for existing municipal solid waste disposal facilities for the addition at such facility of a recovered materials processing facility shall be classified as minor permit modifications, provided the location of such facility complies with the same buffer requirements applicable to the disposal facility. Such materials shall be reported at the disposal facility separately from waste materials destined for disposal. Operators of such disposal facilities may report to the Department of Community Affairs on an annual basis the total amounts of such materials diverted from landfill disposal.

**(iv)** The disposal facility permit holder shall provide written notification to the chief elected official of the jurisdiction in which the facility is located at least 30 days prior to starting any recovered materials processing facility. This notification shall include an indication of whether or not the ten-year demonstrated capacity of the landfill will be reduced. The permit holder shall comply with all applicable local zoning ordinances. If necessary to satisfy local solid

waste planning and reporting requirements, disposal facility operators may be required by the county, municipality, or solid waste management authority for the jurisdiction in which the disposal facility is located to report the total amounts of such materials diverted from landfill disposal.

**(2)** Prior to the granting of any major modification of an existing solid waste handling permit by the director, a public hearing shall be held by the governing authority of the county or municipality in which the municipal solid waste facility or special solid waste handling facility requesting the modification is located not less than two weeks prior to the issuance of any permit under this Code section and notice of such hearing shall be posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which such facility is located at least 30 days prior to such hearing.

**(3)** Except as otherwise provided in this part, major modifications shall meet the siting and design standards applicable to new permit applications in effect on the date the modification is approved by the director; provided, however, that a facility may be granted a variance by the director from those standards when vertically expanded unless such variance is inconsistent with federal laws and regulations; provided, further, that the director shall not grant a variance from the provisions of subparagraph (B), (C), (D), or (E) of paragraph (4) of this subsection.

**(4)** No vertical expansions shall be approved under this subsection unless:

**(A)** The owner or operator demonstrates compliance with all standards not varied by the director;

**(B)** The owner or operator has installed a surface and ground-water monitoring system approved by the division under currently promulgated rules and has submitted the initial sampling results to the division;

**(C)** The owner or operator has implemented or installed a methane gas monitoring program or system approved by the division under currently promulgated rules and has submitted the initial sampling results to the division;

**(D)** The owner or operator has a closure and postclosure care plan approved by the division under currently promulgated rules;

**(E)** Where noncompliance with the standards for surface water, ground water, or methane gas has been determined, the owner or operator has a schedule and corrective action plan approved by the division for returning the site to compliance within six months of the director's approval of the corrective action plan. If the owner or operator cannot demonstrate that the site can be returned to compliance within said six-month period, the director shall not issue a permit to expand the site vertically but shall order the facility to prepare a final closure plan, including the cessation of waste receipt within six months of the final effective date of the order; and

**(F)** Where noncompliance with the standards for surface water, ground water, or methane gas may be determined and the permit has not been transferred to another person, the owner or operator has a remedial modification plan providing for the evacuation of all previously disposed waste from a permitted, unlined expansion site and redispersion of such waste into a conforming facility with a composite liner and leachate collection system. If noncompliance is determined, the director shall order the owner or operator to prepare a corrective action plan, which must be approved by the division, and such corrective action must be completed within the compliance time frame determined by the division. If the owner or operator cannot demonstrate that the site can be returned to compliance within such division compliance time frame, the director shall order the facility to prepare a final closure plan, including the cessation of waste receipt within 12 months of the final effective date of the order.

(5) Modifications for vertical expansions issued under this Code section may be restricted in duration, but in no case shall be effective for municipal solid waste landfills not having liners and leachate collection systems, other than those landfills restricted to construction or demolition waste.

(6) The owner or operator of any site not having a liner and leachate collection system which is vertically expanded and which subsequently fails to demonstrate compliance with all applicable surface water, ground-water, or methane gas standards shall demonstrate to the satisfaction of the director, through a corrective action plan, that the site has been or can be returned to compliance within six months of the director's approval of the corrective action plan. If the owner or operator fails to demonstrate to the satisfaction of the director that compliance has been attained or can be attained, the director shall notify the owner or operator, ordering cessation of the acceptance of waste for disposal, remediation of noncompliance, and implementation of the final closure plan, to include a final date for closure.

(f) In the event of the modification, suspension, amendment, or revocation of a permit, the director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(g) Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit, the director shall require written verification to be furnished by the applicant that the proposed facility complies with local zoning or land use ordinances, if any; and after July 1, 1992, that the proposed facility is consistent with the local, multijurisdictional, or regional solid waste management plan developed in accordance with standards promulgated pursuant to this part subject to the provisions of Code Section 12-8-31.1 and that the host jurisdiction and all jurisdictions generating solid waste destined for the applicants' facility can demonstrate that they are part of an approved solid waste plan developed in accordance with standards promulgated pursuant to this part and are actively involved in and have a strategy for meeting the state-wide goal of waste reduction by July 1, 1996. Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit that will handle solid waste from jurisdictions outside Georgia, the out-of-state solid waste generating jurisdictions shall provide documentation that they have a strategy for and are actively involved in meeting planning requirements and a waste reduction goal that are substantially equivalent to the planning requirements and waste reduction goal contained in this part.

(h) No permit for a disposal facility shall be issued to any regional solid waste management authority created under Part 2 of this article, the "Regional Solid Waste Management Authorities Act," until local and regional solid waste management plans consistent with this part have been developed for all jurisdictions participating in such authority and such plans are found to be consistent with the state solid waste management plan pursuant to subsection (d) of Code Section 12-8-31.1.

(i) No permit shall be issued for a new solid waste thermal treatment technology facility unless the applicant meets or exceeds standards adopted by the board which shall be consistent with and at least as stringent as the Federal New Source Performance Standards for new municipal waste combustors outlined in regulations pursuant to the federal Clean Air Act, 42 U.S.C. Section 1857, et seq., as amended, and 42 U.S.C. Section 7401, et seq., as amended.

(j) The director or his designee is authorized to inspect any generator in Georgia to determine whether that generator's solid waste is acceptable for the intended handling facility. The division may require any generator in Georgia to cease offering solid waste for

handling if such solid waste is not acceptable under standards promulgated by the board, and the division may prohibit the handling of such solid waste until waste management procedures acceptable to the division are developed. Such prohibition shall continue in effect until the waste management procedure for handling is approved in writing by the division. Any generator or handler in Georgia which does not comply with a prohibition made under this subsection shall be in violation of this part.

**(k)** Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements.

## History

---

Code 1981, § 12-8-24, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1991, p. 462, § 1; Ga. L. 1992, p. 3276, §§ 4, 5; Ga. L. 1993, p. 399, §§ 5, 6; Ga. L. 1994, p. 1922, § 1; Ga. L. 1995, p. 10, § 12; Ga. L. 1997, p. 1081, § 1; Ga. L. 2000, p. 1641, § 1; Ga. L. 2005, p. 1247, § 7/SB 122; Ga. L. 2010, p. 235, § 1/HB 1059; Ga. L. 2013, p. 171, § 1/HB 320.

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. § 12-8-24



< Previous

Next >

**O.C.G.A. § 12-8-24**

**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

**§ 12-8-24. Permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facility; inspection of solid waste generators**

**(a)** No person shall engage in solid waste or special solid waste handling in Georgia or construct or operate a solid waste handling facility in Georgia, except those individuals exempted from this part under Code Section 12-8-30.10, without first obtaining a permit from the director authorizing such activity.

**(b)**

**(1)** No permit for a biomedical waste thermal treatment technology facility shall be issued by the director unless the applicant for such facility demonstrates to the director that a need exists for the facility for waste generated in Georgia by showing that there is not presently in existence within the state sufficient disposal facilities for biomedical waste being generated or expected to be generated within the state. For purposes of this part, "biomedical waste thermal treatment technology facility" means any facility that exists for the purpose of reducing the amount of biomedical waste disposed of through a process of combustion, with or without the process of converting such waste to energy.

**(2)** Paragraph (1) of this subsection shall not apply to any biomedical waste thermal treatment technology facility which is operated exclusively by a private biomedical waste generator on property owned by the private biomedical waste generator for the purpose of accepting biomedical waste exclusively from the private biomedical waste generator so long as the operation of the biomedical waste thermal treatment technology facility does not adversely affect the public health or the environment. After commencement of operation by a private biomedical waste generator of a biomedical waste thermal treatment technology



facility which is permitted by but not included in a local or regional solid waste management plan, amendment of the local or regional solid waste management plan shall be required for any biomedical waste which is no longer to be disposed of by the private biomedical waste generator in its own biomedical waste thermal treatment technology facility prior to any substantial reduction in the amount of biomedical waste produced by the private biomedical waste generator and accepted by its own biomedical waste thermal treatment technology facility or the closure of such facility.

**(c)** On or after March 30, 1990, any permit for the transportation of municipal solid waste from a jurisdiction generating solid waste to a municipal solid waste disposal facility located in another county shall be conditioned upon the jurisdiction generating solid waste developing and being actively involved in, by July 1, 1992, a strategy for meeting the state-wide goal of waste reduction by July 1, 1996.

**(d)** If the director determines that such activity will result in any violation of this part or any rule or regulation promulgated pursuant to this part, he shall deny the permit; otherwise, he shall issue the permit, specifying on the permit the conditions under which such activity shall be conducted; provided, however, that a public hearing shall be held by the governing authority of the county or municipality in which the municipal solid waste or special solid waste handling shall occur not less than two weeks prior to the issuance of any permit under this Code section and notice of such hearing shall be posted at the proposed site and advertised in a newspaper of general circulation serving the county or counties in which the proposed activity will be conducted at least 30 days prior to such hearing.

**(e)** (1) (A) Reserved.

**(B)** The director may suspend, modify, or revoke any permit issued pursuant to this Code section if the holder of the permit is found to be in violation of any of the permit conditions or any order of the director or fails to perform solid waste handling in accordance with this part or rules promulgated under this part.

**(C)**

**(i)** The director may modify any permit issued pursuant to this Code section in accordance with rules promulgated by the board. All modifications of existing permits shall be classified by the board as either major or minor modifications.

**(ii)** All modifications of existing permits to allow vertical or horizontal expansion of existing disposal facilities, except a facility operated by a utility regulated by the Public Service Commission, shall be classified as major permit modifications and shall not be granted by the director sooner than three years from the date any such facility commenced operation; provided, however, that a permit may be modified by the director to allow a vertical or horizontal expansion one time within three years from the date the facility commenced operation so long as the capacity of the facility is not increased more than 10 percent.

**(iii)** All modifications of permits for existing municipal solid waste disposal facilities for the addition at such facility of a recovered materials processing facility shall be classified as minor permit modifications, provided the location of such facility complies with the same buffer requirements applicable to the disposal facility. Such materials shall be reported at the disposal facility separately from waste materials destined for disposal. Operators of such disposal facilities may report to the Department of Community Affairs on an annual basis the total amounts of such materials diverted from landfill disposal.

**(iv)** The disposal facility permit holder shall provide written notification to the chief elected official of the jurisdiction in which the facility is located at least 30 days prior to starting any recovered materials processing facility. This notification shall include an indication of whether or not the ten-year demonstrated capacity of the landfill will be reduced. The permit holder shall comply with all applicable local zoning ordinances. If necessary to satisfy local solid

waste planning and reporting requirements, disposal facility operators may be required by the county, municipality, or solid waste management authority for the jurisdiction in which the disposal facility is located to report the total amounts of such materials diverted from landfill disposal.

**(2)** Prior to the granting of any major modification of an existing solid waste handling permit by the director, a public hearing shall be held by the governing authority of the county or municipality in which the municipal solid waste facility or special solid waste handling facility requesting the modification is located not less than two weeks prior to the issuance of any permit under this Code section and notice of such hearing shall be posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which such facility is located at least 30 days prior to such hearing.

**(3)** Except as otherwise provided in this part, major modifications shall meet the siting and design standards applicable to new permit applications in effect on the date the modification is approved by the director; provided, however, that a facility may be granted a variance by the director from those standards when vertically expanded unless such variance is inconsistent with federal laws and regulations; provided, further, that the director shall not grant a variance from the provisions of subparagraph (B), (C), (D), or (E) of paragraph (4) of this subsection.

**(4)** No vertical expansions shall be approved under this subsection unless:

**(A)** The owner or operator demonstrates compliance with all standards not varied by the director;

**(B)** The owner or operator has installed a surface and ground-water monitoring system approved by the division under currently promulgated rules and has submitted the initial sampling results to the division;

**(C)** The owner or operator has implemented or installed a methane gas monitoring program or system approved by the division under currently promulgated rules and has submitted the initial sampling results to the division;

**(D)** The owner or operator has a closure and postclosure care plan approved by the division under currently promulgated rules;

**(E)** Where noncompliance with the standards for surface water, ground water, or methane gas has been determined, the owner or operator has a schedule and corrective action plan approved by the division for returning the site to compliance within six months of the director's approval of the corrective action plan. If the owner or operator cannot demonstrate that the site can be returned to compliance within said six-month period, the director shall not issue a permit to expand the site vertically but shall order the facility to prepare a final closure plan, including the cessation of waste receipt within six months of the final effective date of the order; and

**(F)** Where noncompliance with the standards for surface water, ground water, or methane gas may be determined and the permit has not been transferred to another person, the owner or operator has a remedial modification plan providing for the evacuation of all previously disposed waste from a permitted, unlined expansion site and redispersion of such waste into a conforming facility with a composite liner and leachate collection system. If noncompliance is determined, the director shall order the owner or operator to prepare a corrective action plan, which must be approved by the division, and such corrective action must be completed within the compliance time frame determined by the division. If the owner or operator cannot demonstrate that the site can be returned to compliance within such division compliance time frame, the director shall order the facility to prepare a final closure plan, including the cessation of waste receipt within 12 months of the final effective date of the order.

(5) Modifications for vertical expansions issued under this Code section may be restricted in duration, but in no case shall be effective for municipal solid waste landfills not having liners and leachate collection systems, other than those landfills restricted to construction or demolition waste.

(6) The owner or operator of any site not having a liner and leachate collection system which is vertically expanded and which subsequently fails to demonstrate compliance with all applicable surface water, ground-water, or methane gas standards shall demonstrate to the satisfaction of the director, through a corrective action plan, that the site has been or can be returned to compliance within six months of the director's approval of the corrective action plan. If the owner or operator fails to demonstrate to the satisfaction of the director that compliance has been attained or can be attained, the director shall notify the owner or operator, ordering cessation of the acceptance of waste for disposal, remediation of noncompliance, and implementation of the final closure plan, to include a final date for closure.

(f) In the event of the modification, suspension, amendment, or revocation of a permit, the director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(g) Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit, the director shall require written verification to be furnished by the applicant that the proposed facility complies with local zoning or land use ordinances, if any; and after July 1, 1992, that the proposed facility is consistent with the local, multijurisdictional, or regional solid waste management plan developed in accordance with standards promulgated pursuant to this part subject to the provisions of Code Section 12-8-31.1 and that the host jurisdiction and all jurisdictions generating solid waste destined for the applicants' facility can demonstrate that they are part of an approved solid waste plan developed in accordance with standards promulgated pursuant to this part and are actively involved in and have a strategy for meeting the state-wide goal of waste reduction by July 1, 1996. Prior to the issuance of any permit for a solid waste handling facility or the granting of any major modification of an existing solid waste handling permit that will handle solid waste from jurisdictions outside Georgia, the out-of-state solid waste generating jurisdictions shall provide documentation that they have a strategy for and are actively involved in meeting planning requirements and a waste reduction goal that are substantially equivalent to the planning requirements and waste reduction goal contained in this part.

(h) No permit for a disposal facility shall be issued to any regional solid waste management authority created under Part 2 of this article, the "Regional Solid Waste Management Authorities Act," until local and regional solid waste management plans consistent with this part have been developed for all jurisdictions participating in such authority and such plans are found to be consistent with the state solid waste management plan pursuant to subsection (d) of Code Section 12-8-31.1.

(i) No permit shall be issued for a new solid waste thermal treatment technology facility unless the applicant meets or exceeds standards adopted by the board which shall be consistent with and at least as stringent as the Federal New Source Performance Standards for new municipal waste combustors outlined in regulations pursuant to the federal Clean Air Act, 42 U.S.C. Section 1857, et seq., as amended, and 42 U.S.C. Section 7401, et seq., as amended.

(j) The director or his designee is authorized to inspect any generator in Georgia to determine whether that generator's solid waste is acceptable for the intended handling facility. The division may require any generator in Georgia to cease offering solid waste for

handling if such solid waste is not acceptable under standards promulgated by the board, and the division may prohibit the handling of such solid waste until waste management procedures acceptable to the division are developed. Such prohibition shall continue in effect until the waste management procedure for handling is approved in writing by the division. Any generator or handler in Georgia which does not comply with a prohibition made under this subsection shall be in violation of this part.

**(k)** Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements.

## History

---

Code 1981, § 12-8-24, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1991, p. 462, § 1; Ga. L. 1992, p. 3276, §§ 4, 5; Ga. L. 1993, p. 399, §§ 5, 6; Ga. L. 1994, p. 1922, § 1; Ga. L. 1995, p. 10, § 12; Ga. L. 1997, p. 1081, § 1; Ga. L. 2000, p. 1641, § 1; Ga. L. 2005, p. 1247, § 7/SB 122; Ga. L. 2010, p. 235, § 1/HB 1059; Ga. L. 2013, p. 171, § 1/HB 320.

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. § 12-8-24.2



< Previous

Next >

## O.C.G.A. § 12-8-24.2

### 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**

### § 12-8-24.2. Public hearing prior to entering contract regarding landfill

---

The governing authority of any county or municipal corporation and the directors or managers of any local authority or special district shall hold a public hearing before entering into a contract for the sale, lease, or management of a landfill or solid waste disposal facility owned by such county, municipal corporation, local authority, or special district. The party responsible for holding such a public hearing shall cause notice of the hearing to be posted at the site of the landfill or facility and to run in a newspaper of general circulation serving the county, municipal corporation, local authority, or special district not less than 30 nor more than 45 days prior to the date of the hearing.

### History

---

Code 1981, § 12-8-24.2, enacted by Ga. L. 1997, p. 1081, § 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 © 2015  
LexisNexis. All  
rights reserved.

8

## Document: O.C.G.A. § 12-8-24.3

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-24.3****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**

**§ 12-8-24.3. Notification of contaminant release from landfill**

The owner or operator of a municipal solid waste landfill shall notify the local governing authorities of any city and county in which such landfill is located of any release from the site of such landfill of a contaminant which is likely to pose a danger to human health. In addition, such owner or operator shall cause notice of such release to be published in the legal organ of the county in which such landfill is located. Compliance with the requirements of this Code section shall occur within 14 days of confirmation of such release by the division.

**History**

Code 1981, § 12-8-24.3, enacted by Ga. L. 2016, p. 213, § 1/HB 1028.

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





[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-25****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**

**§ 12-8-25. Sites in certain counties within one-half mile of adjoining county****(a)**

**(1)** Except as otherwise provided in subsection (b) of this Code section, to encourage cooperation between the various counties, from March 15, 1988, through April 1, 1990, no permit shall be issued for a solid waste disposal facility in any county having a population of more than 350,000 according to the United States decennial census of 1980 or any future such census if any part of the site is within one-half mile of an adjoining county without the applicant's first receiving the express approval of the governing authority of that adjoining county; provided, however, that the director may permit such a facility if the applicant provides evidence that no alternative sites or methods are available in that jurisdiction for the handling of its solid waste. This paragraph shall apply to all permit applications that are pending or made on or after March 15, 1988, and to all permits issued prior to May 1, 1988, which permits are the subject of an appeal or judicial review and such appeal or judicial review is in process.

**(2)** Except as otherwise provided in subsection (b) of this Code section, until after April 1, 1990, no permit shall be issued to a private applicant for a solid waste disposal facility in any county of this state having a population of more than 350,000 according to the United States decennial census of 1980 or any future such census if any part of the site is within two miles of an adjoining county without the applicant's first receiving express approval of the governing authority of the adjoining county. As used in this paragraph, the term "private applicant" means any private person, firm, corporation, or other private entity, and the term does not mean or include the United States government or any agency thereof, the State of

Georgia or any agency, institution, or public authority thereof, or any county or municipality of this state. As used in this paragraph, the term "solid waste disposal facility" shall not mean or include any solid waste disposal facility which incorporates waste to energy processing, recycling, activities associated with the recycling process, or any combination of the foregoing.

**(3)** Except as otherwise provided in subsection (b) of this Code section, to encourage cooperation among the various cities and counties, after April 4, 1997, no permit shall be issued for a municipal solid waste disposal facility in any city or county if any part of the site is within one-half mile of the boundaries of such city or county adjoining any city or county in this state without the applicant's first receiving the express approval of the governing authority of that adjoining city or county; provided, however, that the director may permit such a facility if the applicant provides evidence that no alternative sites or methods are available in that jurisdiction or in any adjoining jurisdiction of the affected city and county for the handling of its solid waste. This paragraph shall apply to all permit applications that are pending on or made after April 4, 1997, and to all permits issued prior to such date, which permits are the subject of an appeal or judicial review and such appeal or judicial review is in process.

**(b)** The consent of an adjoining city or county as provided in subsection (a) of this Code section shall not be required either by new permit or by modification of an existing permit when the expansion of an existing municipal solid waste disposal facility is granted by the director or when the ownership, direct or indirect, of an existing municipal solid waste disposal facility is transferred.

## History

---

Code 1981, § 12-8-25, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1997, p. 447, §§ 1, 2.

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

< Previous

Next >

Bill	Effective Date	Track	Item	Committee
HB 1000	01/01/2020	1	1	AG

2

Document: O.C.G.A. § 12-8-25.1



&lt; Previous

Next &gt;

**O.C.G.A. § 12-8-25.1****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**

**§ 12-8-25.1. Sites within 5,708 yards of national historic site**

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

**History**

Code 1981, § 12-8-25.1, enacted by Ga. L. 1990, p. 412, § 1.

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

&lt; Previous

Next &gt;

About  
LexisNexis

Privacy  
Policy

Terms &  
Conditions

Sign  
Out

Copyright © 2019  
LexisNexis All  
rights reserved



Document: O.C.G.A. § 12-8-25.2



< Previous

Next >

## O.C.G.A. § 12-8-25.2

### 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

### § 12-8-25.2. Sites within two miles of significant ground-water recharge area

---

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

### History

---

Code 1981, § 12-8-25.2, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1990, p. 1222, § 2; Ga. L. 1992, p. 3276, § 6.

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 © 2015  
LexisNexis. All  
rights reserved



## Document: O.C.G.A. § 12-8-25.3



&lt; Previous

Next &gt;

**O.C.G.A. § 12-8-25.3****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**

**§ 12-8-25.3. Further restrictions on sites within significant ground-water recharge area or near military air space used as bombing range**

**(a)** Notwithstanding the provisions of Code Section 12-8-25.2, no permit shall be issued for a municipal solid waste landfill which accepts solid waste generated from outside the county in which such landfill is located or, in the case of a regional landfill, from outside any of the counties or special districts empowered to engage in solid waste management activities constituting such region if any part of such site is within any area that has been designated by the director as a significant ground-water recharge area.

**(b)** In addition to the provisions of subsection (a) of this Code section, in the case of a regional municipal solid waste landfill where any part of such site is within any area that has been designated by the director as a significant ground-water recharge area, no permit shall be issued for such regional landfill unless the boundaries of the counties or special districts empowered to engage in solid waste management activities are contiguous and such counties or special districts have entered into a joint contract for the collection and disposal of solid waste.

**(c)** No permit or modification of an existing permit shall be issued for land application of untreated municipal sewage sludge located in an area designated by Hydrologic Atlas 18 prepared by the Department of Natural Resources as a significant ground-water recharge area including, but not limited to, those areas designated as probable areas of thick soils.

**(d)** Notwithstanding any other provision of law or any administrative regulation or action to the contrary, no permit shall be issued for a municipal solid waste landfill within two miles of a federally restricted military air space which is used for a bombing range. The provisions of



this subsection shall apply to all permit applications pending on or after July 1, 1997, and to all permits denied prior to such date which are the subject of an appeal or judicial review pending on such date.

## History

---

Code 1981, § 12-8-25.3, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1995, p. 1025, § 1; Ga. L. 1997, p. 928, § 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. § 12-8-25.4

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-25.4****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**

**§ 12-8-25.4. Limits on the number of solid waste facilities within given area**

**(a)** As provided for in Code Section 12-8-21, it is the policy of the State of Georgia to assure that solid waste facilities do not adversely affect the health, safety, and well-being of the public and do not degrade the quality of the environment. The General Assembly finds that an excessive concentration of solid waste facilities in any one community can adversely affect the health, safety, well-being, and environment of that community and impose an onus on the community without any reciprocal benefits to the community. The purpose of this Code section is to provide a limited degree of protection against any given community becoming an involuntary host to an excessive concentration of solid waste facilities.

**(b)** No permit shall be issued under Code Section 12-8-24 for any solid waste handling facility other than a material recovery facility or compost facility or for any solid waste disposal facility other than a private industry solid waste disposal facility if any part of the premises proposed for permitting would lie within any geographic area which can be shown to meet the following criteria:

**(1)** The geographic area is in the shape of a circle with a two-mile radius, the centerpoint of which circle may be any point within the premises proposed for permitting; and

**(2)** The circular geographic area already includes all or a portion of three or more landfills within that portion of its territory which is within this state (including the landfill proposed for permitting in the case of a proposed expansion).

**(c)** For the purposes of the criteria specified in subsection (b) of this Code section, the term "landfill" shall include:

- (1) Any active landfill permitted under authority of the state under this part or any prior general law of the state; and
- (2) Any inactive landfill so permitted under this part or any prior general law, which landfill ceased receiving waste on or after June 29, 1989, and is either in closure or postclosure status, provided that such a landfill which has completed postclosure care status shall no longer be included

but for purposes of subsection (b) of this Code section the count of landfills shall not include any permit by rule inert waste landfill or any private industry solid waste disposal facility; and in counting landfills each existing landfill site shall be counted only once even if such landfill site has previously been expanded under a new or existing permit, provided the facilities under each new or existing permit are the same type landfill, are owned by the same person, and are contiguous or if not contiguous are separated only by the width of a public road.

(d) Subsection (b) of this Code section shall apply with respect to: (1) the permitting of a proposed horizontal expansion requiring a permit or a major modification of an existing permit; and (2) the permitting of a new site requiring a new permit; provided, however, that a permit for a vertical expansion not to exceed 5 million tons capacity may be granted if all permitted landfills wholly or partially in the two-mile radius circular geographic area are in compliance with state and federal laws and regulations and any applicable remedial plans have been implemented.

(e) The board may by rule authorize an exemption from this Code section for one or more areas in the state if the board determines that compliance with this Code section is not reasonably practicable in such area or areas because of a high water table in such area or areas which limits the land area suitable for facility siting.

## History

---

Code 1981, § 12-8-25.4, enacted by Ga. L. 1995, p. 1025, § 2; Ga. L. 1996, p. 6, § 12.

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

< Previous

Next >

Bill Number	Author	Staff	Staff Email	Staff Phone
HB 1001	Rep. [Name]	[Name]	[Email]	[Phone]

2

Document: O.C.G.A. § 12-8-25.5



< Previous

Next >

## O.C.G.A. § 12-8-25.5

### 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

### § 12-8-25.5. Locating disposal facility near private recreational camp

---

No permit shall be issued for any new municipal solid waste disposal facility if any part of the premises proposed for permitting is within one mile of any private recreational camp operated primarily for use by persons under 18 years of age and which camp has been so operated at its location for 25 years or more.

### History

---

Code 1981, § 12-8-25.5, enacted by Ga. L. 2004, p. 55, § 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 © 2018  
LexisNexis All  
rights reserved

Q

## Document: O.C.G.A. § 12-8-26

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-26****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**

**§ 12-8-26. Public meetings on site selection; notice; decision**

- (a)** Any county, municipality, group of counties, or authority beginning a process to select a site for a municipal solid waste disposal facility must first call at least one public meeting to discuss waste management needs of the local government or region and to describe the process of siting facilities to the public. Notice of this meeting shall be published within a newspaper of general circulation serving such county or municipality at least once a week for two weeks immediately preceding the date of such meeting. A regional solid waste management authority created under Part 2 of this article must hold at least one meeting within each jurisdiction participating in such authority, and notice for these meetings must be published within a newspaper of general circulation serving each such jurisdiction at least once a week for two weeks immediately preceding the date of such meeting.
- (b)** The governing authority of any county or municipality taking action resulting in a publicly or privately owned municipal solid waste disposal facility siting decision shall cause to be published within a newspaper of general circulation serving such county or municipality a notice of the meeting at which such siting decision is to be made at least once a week for two weeks immediately preceding the date of such meeting. Such notice shall state the time, place, and purpose of the meeting and the meeting shall be conducted by the governing authority taking the action. A siting decision shall include, but is not limited to, such activities as the final selection of property for landfilling and the execution of contracts or agreements pertaining to the location of municipal solid waste disposal facilities within the jurisdiction, but shall not include zoning decisions.

# History

---

Code 1981, § 12-8-26, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3276, § 7.

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. § 12-8-27



< Previous

Next >

## O.C.G.A. § 12-8-27

### 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**

§ 12-8-27. Standards for handling special solid waste; transportation manifest; fees; inspection; prohibition of waste generated out-of-state; certification

---

Reserved. Repealed by Ga. L. 1993, p. 399, § 7, effective April 5, 1993.

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

< Previous

Next >

Home  
Lexis Nexis®

Privacy  
Policy

Terms &  
Conditions

Sign  
On

Copyright © 2019  
Lexis Nexis. All  
rights reserved.



## Document: O.C.G.A. § 12-8-27.1



&lt; Previous

Next &gt;

**O.C.G.A. § 12-8-27.1****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**

**§ 12-8-27.1. Solid waste trust fund**

**(a)** There shall be established the solid waste trust fund. The director shall serve as trustee of the solid waste trust fund. The moneys deposited in such fund pursuant to this Code section, Code Section 12-8-30.6, and Code Section 12-8-40.1 may be expended by the director, with the approval of the board, for the following purposes:

- (1)** To take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or substantial threat of a release of contaminants from a disposal facility;
- (2)** To take preventive or corrective actions where the release of contaminants presents an actual or potential threat to human health or the environment and where the owner or operator has not been identified or is unable or unwilling to perform corrective action, including but not limited to closure and postclosure care of a disposal facility and provisions for providing alternative water supplies;
- (3)** To take such actions as may be necessary to monitor and provide postclosure care of any disposal facility, including preventive and corrective actions, without regard to the identity or solvency of the owner thereof, commencing five years after the date of completing closure; and
- (4)** To take such actions as may be necessary to implement the provisions of a scrap tire management program in this state, particularly as may be related to the cleanup of scrap tire disposal piles and facilities, regulation of tire carriers and other handlers, and disbursement of grants and loans to cities, counties, and other persons as may be necessary to implement fully the provisions of this part.

(b) If the director determines that a solid waste or special solid waste handling facility has been abandoned, that the owner or operator thereof has become insolvent, or that for any other reason there is a demonstrated unwillingness or inability of the owner or operator to maintain, operate, or close the facility, to carry out postclosure care of the facility, or to carry out corrective action required as a condition of a permit to the satisfaction of the director, the director may implement the applicable financial responsibility mechanisms. The proceeds from any applicable financial responsibility mechanisms shall be deposited in the solid waste trust fund.

(c) The determination of whether there has been an abandonment, default, or other refusal or inability to perform and comply with closure, postclosure, or corrective action requirements shall be made by the director.

(d) Any interest earned upon the corpus of the solid waste trust fund shall not become a part thereof but shall be paid over to the division to be utilized by the division for administration of the state solid waste management program. Any funds not expended for this purpose in the fiscal year in which they are generated shall be deposited into the state treasury. Nothing in this Code section shall be construed so as to allow the division to retain any funds required by the Constitution of Georgia to be paid into the state treasury. The division shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, known as the "Budget Act"; provided, however, that the division shall be exempt from the provisions of Code Section 45-12-92, which requires payment into the state treasury of moneys collected by state agencies.

## History

---

Code 1981, § 12-8-27.1, enacted by Ga. L. 1990, p. 412, § 1; Ga. L. 1992, p. 3259, § 5; Ga. L. 1992, p. 3276, § 9; Ga. L. 2013, p. 171, § 2/HB 320; Ga. L. 2013, p. 274, § 3/HB 226.

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

< Previous

Next >

Copyright © 2019  
LexisNexis  
All Rights Reserved



Document: O.C.G.A. § 12-8-27.2



&lt; Previous

Next &gt;

**O.C.G.A. § 12-8-27.2****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**

**§ 12-8-27.2. Financial responsibility**

(a) No solid waste handling facility shall be operated or maintained by any person unless adequate financial responsibility has been demonstrated to the director to ensure the satisfactory maintenance, closure, and postclosure care of such facility or to carry out any corrective action which may be required as a condition of a permit. The available financial responsibility mechanisms shall be expansive with adequate variety and flexibility to allow the owner or operator to meet its financial obligations. The owner or operator shall be allowed to use combined financial responsibility mechanisms for a single facility and shall be allowed to use combined financial responsibility mechanisms for multiple facilities, utilizing actuarially sound risk-spreading techniques. The director shall require the demonstration of financial responsibility prior to issuing a permit for any solid waste handling facility.

(b) The provisions of this Code section shall not apply to any county, municipality, authority, or special district empowered to engage in solid waste management activities which operates or maintains a solid waste handling facility unless and until such times as federal regulations require counties, municipalities, or special districts to demonstrate financial responsibility for such facilities.

**History**

Code 1981, § 12-8-27.2, 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. § 12-8-28

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-28****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**

**§ 12-8-28. Lead acid vehicle batteries**

(a) After January 1, 1991, no person may place a used lead acid vehicle battery in mixed municipal solid waste or discard or otherwise dispose of a lead acid vehicle battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle batteries.

(b) After January 1, 1991, no battery retailer shall dispose of a used lead acid vehicle battery except by delivery to the agent of a battery wholesaler or a secondary lead smelter, to a battery manufacturer for delivery to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle batteries.

(c) After January 1, 1991, any person selling lead acid vehicle batteries at retail or offering lead acid vehicle batteries for retail sale in this state shall:

- (1) Accept, at the point of transfer, lead acid vehicle batteries from customers for recycling; and
- (2) Post written notice, which must be at least 8 1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:

"IT IS ILLEGAL TO PUT A MOTOR VEHICLE BATTERY IN THE GARBAGE. RECYCLE YOUR USED BATTERIES. STATE LAW REQUIRES US TO ACCEPT MOTOR VEHICLE BATTERIES FOR RECYCLING."

(d) After January 1, 1991, any person selling lead acid vehicle batteries at wholesale or offering lead acid vehicle batteries for sale at wholesale must accept, at the point of transfer, lead acid vehicle batteries from customers.



## History

---

Code 1981, § 12-8-28, 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. § 12-8-29



< Previous

Next >

## O.C.G.A. § 12-8-29

### 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

### § 12-8-29. Investigations by director; actions to enforce article

---

The director shall have the authority to investigate any apparent violation of this part and to take any action authorized under this part as he deems necessary and may institute proceedings of mandamus or other proper legal proceedings to enforce this part.

### History

---

Code 1981, § 12-8-29, 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. § 12-8-29



< Previous

Next >

## O.C.G.A. § 12-8-29

### 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

### § 12-8-29. Investigations by director; actions to enforce article

---

The director shall have the authority to investigate any apparent violation of this part and to take any action authorized under this part as he deems necessary and may institute proceedings of mandamus or other proper legal proceedings to enforce this part.

### History

---

Code 1981, § 12-8-29, 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 © 2017  
LexisNexis. All  
rights reserved



Document: O.C.G.A. § 12-8-29.1



< Previous

Next >

## O.C.G.A. § 12-8-29.1

### 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**

### § 12-8-29.1. Authority to enter property for inspection and investigation

---

The director or his duly authorized representatives shall have the power to enter at reasonable times upon any private or public property for the purpose of inspection and investigation of conditions relating to solid waste handling in this state.

### History

---

Code 1981, § 12-8-29.1, 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 © 2017  
LexisNexis. All  
rights reserved.

Q

Document: O.C.G.A. § 12-8-29.2



< Previous

Next >

**O.C.G.A. § 12-8-29.2**

**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**

**§ 12-8-29.2. Confidentiality of information obtained by director or agents**

**(a)** Any information relating to secret processes, devices, or methods of manufacture or production, or quantities and sources of recovered materials being privately processed, obtained by the director or his agents in the administration of this part shall be kept confidential.

**(b)** In the event the employment of the director or his agents with the department terminates for any reason, the confidentiality requirement outlined in subsection (a) of this Code section shall continue to apply to such persons. Any person who violates this subsection shall be guilty of a misdemeanor. Such criminal penalty shall be in addition to such civil remedies as may be available to any party.

**History**

Code 1981, § 12-8-29.2, 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  
Contact Us

Privacy  
Policy

Terms &  
Conditions

Sign  
Out

Copyright © 2019  
LexisNexis. All  
rights reserved.

R

## Document: O.C.G.A. § 12-8-30

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-30****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. Director's order for corrective action**

Whenever the director has reason to believe that a violation of any provision of this part or any rule or regulation adopted pursuant to this part has occurred, he shall attempt to obtain a remedy with the violator or violators by conference, conciliation, or persuasion. In the case of failure of such conference, conciliation, or persuasion to effect a remedy to such violation, the director may issue an order directed to such violator or violators. The order shall specify the provisions of this part or rule or regulation alleged to have been violated and shall order that necessary corrective action be taken within a reasonable time to be prescribed in such order. Any order issued by the director under this part shall be signed by the director. Any such order shall become final unless the person or persons named therein request in writing a hearing no later than 30 days after such order is served on such person or persons.

**History**

Code 1981, § 12-8-30, 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 ▶](#)

Search  
Legal Research

Privacy  
Policy

Terms &  
Conditions

Help  
Call

© Lexipol, 2019.  
Lexipol, Lexis All  
rights reserved.



## Document: O.C.G.A. § 12-8-30.1

[◀ Previous](#)[Next ▶](#)**O.C.G.A. § 12-8-30.1****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**

**§ 12-8-30.1. Emergency orders**

Whenever the director finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being, the director, with the concurrence of the Governor, may issue an order declaring the existence of such an emergency and requiring that such action be taken to meet the emergency as the director specifies. Such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but shall be afforded a hearing within 48 hours.

**History**

Code 1981, § 12-8-30.1, 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. § 12-8-30.2



< Previous

Next >

## O.C.G.A. § 12-8-30.2

### 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

### § 12-8-30.2. Hearings and review of actions and orders

All hearings on and review of contested matters and orders and all hearings on and review of any other enforcement actions or orders under this part shall be provided and conducted in accordance with subsection (c) of Code Section 12-2-2.

### History

Code 1981, § 12-8-30.2, 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 >