

House Bill 23

By: Representatives Hill of the 21st, Scheid of the 22nd, and Byrd of the 20th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding solid waste management, so as to repeal
3 certain provisions authorizing a tire disposal fee; to change certain provisions regarding
4 powers and duties of the director of the Environmental Protection Division of the Department
5 of Natural Resources; to change certain cross-references; to provide an effective date; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

9 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated,
10 relating to general provisions regarding solid waste management, is amended by striking
11 paragraph (19) of subsection (a) of Code Section 12-8-23.1, relating to powers and duties of
12 the director of the Environmental Protection Division of the Department of Natural
13 Resources and inserting in its place a new paragraph (19) to read as follows:

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

18 style="text-align:center">**SECTION 2.**

19 Said part is further amended by striking subsection (a) of Code Section 12-8-27.1, relating
20 to the solid waste trust fund, and inserting in its place a new subsection (a) to read as follows:

21 "(a) There shall be established the solid waste trust fund. The director shall serve as trustee
22 of the solid waste trust fund. The moneys deposited in such fund pursuant to this Code
23 section, Code Section 12-8-27, and Code Section 12-8-30.6, ~~and Code Section 12-8-40.1~~
24 may be expended by the director, with the approval of the board, for the following
25 purposes:

1 (1) To take whatever emergency action is necessary or appropriate to assure that the
2 public health or safety is not threatened whenever there is a release or substantial threat
3 of a release of contaminants from a disposal facility;

4 (2) To take preventive or corrective actions where the release of contaminants presents
5 an actual or potential threat to human health or the environment and where the owner or
6 operator has not been identified or is unable or unwilling to perform corrective action,
7 including but not limited to closure and postclosure care of a disposal facility and
8 provisions for providing alternative water supplies;

9 (3) To take such actions as may be necessary to monitor and provide postclosure care of
10 any disposal facility, including preventive and corrective actions, without regard to the
11 identity or solvency of the owner thereof, commencing five years after the date of
12 completing closure; and

13 (4) To take such actions as may be necessary to implement the provisions of a scrap tire
14 management program in this state, particularly as may be related to the cleanup of scrap
15 tire disposal piles and facilities, regulation of scrap tire carriers and other handlers, and
16 disbursement of grants and loans to cities, counties, and other persons as may be
17 necessary to implement fully the provisions of this part."

18 SECTION 3.

19 Said part is further amended by striking subsection (h) of Code Section 12-8-40.1, relating
20 to tire disposal restrictions, and inserting in its place a new subsection (h) to read as follows:

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

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

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

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

5 ~~(3) The tire fees authorized in this subsection shall cease to be collected on June 30,~~
6 ~~2005. The director shall make an annual report to the House Committee on Natural~~
7 ~~Resources and the Environment and the Senate Natural Resources Committee regarding~~
8 ~~the status of the scrap tire program.~~

9 Reserved."

10 **SECTION 4.**

11 This Act shall become effective on July 1, 2005.

12 **SECTION 5.**

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