



SB 157 – ELIMINATES SOLID WASTE PLAN REVIEW & REPORTING

S.B. 157 eliminates solid waste management planning review and approval by Regional Commissions and the Department of Community Affairs (DCA). **However, counties are still required to prepare and adopt a solid waste management plan that at a minimum:** 1) demonstrates adequate solid waste collection capability and disposal capacity for 10 years, 2) identifies the type and size of solid waste handling facilities within their county, and 3) identifies sites which are not suitable for solid waste handling facilities based upon environmental and land use factors. While Counties are no longer required to follow the minimum planning guidelines established by DCA they are encouraged to prepare plans that meet the specific needs in their community, including support for the recovery of recycled materials needed by the robust recycling industry in Georgia. **S.B. 157 requires that any updates or amendments to the plans be adopted by either a county resolution or ordinance after a two-week public notice has been given.** Counties are strongly encouraged to verify that their existing plans have been adopted following this same process or to update and adopt their solid waste management plan adhering to this new adoption procedure. A model resolution is attached and is available on www.accg.org

If a county wants to change how solid waste is collected or managed, including the addition or expansion of a solid waste handling facility, they should amend their Plan as part of this process. In addition, counties should periodically examine their land-use patterns and amend their Solid Waste Management Plan land limitation element to be consistent with those changes. **Outside of zoning and land-use, the Solid Waste Management Plan is the only planning document that has specific legal authorization to govern the siting and operation of a solid waste handling facility within a community.** The state may not issue any permits, grants, or loans for any municipal solid waste disposal facility or any solid waste handling equipment or recycling equipment that is not consistent with a local solid waste management plan. Counties wishing to manage solid waste facilities that are not permitted by the Environmental Protection Division may want to use their plan and local licensing or ordinances to enforce these provisions of their solid waste management plans.

While it is a good idea to frequently measure, monitor and report how solid waste is being managed in the county, **counties are no longer required to complete the Department of Community Affairs' annual Solid Waste Management and Full Cost Report.** Given that the reporting is optional, it is uncertain if DCA will continue to conduct this annual survey. Counties that do report to DCA will have their information included in the Department's Annual Solid Waste Management Report.

All landfill owner and operators, including county facilities, will be required to annually report to the Georgia DCA the volume of waste disposed and the remaining capacity in their landfill, any recycling or composting activities conducted, and any other factors DCA deems appropriate. **In addition to the quarterly reporting to EPD, counties operating municipal solid waste landfills will need to monitor this reporting requirement and report annually to DCA.**

¹ Notice must be published at least two weeks prior to adopting the update or amendment to the plan.

MODEL RESOLUTION

ADOPTION OF A SOLID WASTE MANAGEMENT PLAN

WHEREAS, the Georgia Comprehensive Solid Waste Management Act of 1990 as amended requires all local governments to prepare a solid waste management plan and adopt the plan, plan updates, and amendments by ordinance or resolution; and

WHEREAS, Chapter 8 of Title 12 of the Official Code of Georgia Annotated, as amended by Act No. 76, Georgia Laws 2011 was passed and signed into law during the 2011 session of the Georgia General Assembly authorizing counties and cities to establish their own procedures and standards for drafting and updating their solid waste management plans; and

WHEREAS, O.C.G.A. 12-8-31.1 no longer requires that counties and cities follow the minimum planning standards or planning guidance established by the Georgia Department of Community Affairs; and

WHEREAS, _____ County has prepared a comprehensive Solid Waste Management Plan (SWMP) dated _____ that, among other provisions:

- i. Demonstrates solid waste collection capabilities and disposal capacity;
- ii. Identifies the type and size of solid waste handling facilities within the county; and
- iii. Identifies the sites which are not suitable for solid waste handling facilities based upon environmental and land use factors; and

WHEREAS, _____ County relies upon landfill disposal for solid waste generated within the planning area that is not reduced or recycled; and

WHEREAS, the Georgia Department of Community Affairs (DCA) is required to prepare an Annual Solid Waste Report (O.C.G.A. 12-8-31(d)) that identifies the remaining permitted landfill disposal capacity in the state; and

WHEREAS, a public notice to amend and adopt the _____ County Solid Waste Management Plan was published in _____ (*insert county legal or the county's Internet web site*).¹

NOW, THEREFORE BE IT RESOLVED that the _____ County SWMP is amended to include the following statement:

“ _____ County will continue to demonstrate disposal capacity through the landfills referenced in the SWMP or any of the landfills located outside of _____ County with permitted capacity referenced in the DCA's most recent Annual Solid Waste Report. If the permitted landfill disposal

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capacity referenced in the most recent DCA Report falls below 12 years, the county will initiate a solid waste management planning process to update the disposal section in the _____ County Solid Waste Management Plan.”

BE IT FURTHER RESOLVED that the _____ County Board of Commissioners hereby approves and adopts the _____ County Comprehensive Solid Waste Management Plan as amended.

IN WITNESS WHEREOF, this resolution has been duly adopted by the governing authority of _____ County, Georgia on the _____ of _____, 20__.

Chairperson

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of an original resolution duly adopted by the Board of Commissioners of _____ County on the _____ day of _____, 20__.

In witness whereof, I hereunto set my hand and affix the seal of the County, this _____ day of _____, 20__.

County Clerk

[Affix Seal]

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