

1 HB406
2 128762-3
3 By Representatives Baker, Davis, Gaston, Faust, Williams (P),
4 Brown, Ball, McMillan, Beech, Wallace, Oden, Wren, Fincher,
5 Shiver and Lee
6 RFD: Commerce and Small Business
7 First Read: 31-MAR-11

1 Management (ADEM) nor any state or local agency may grant any
2 new permits to a new public solid waste landfill facility
3 which is intended to receive waste not generated by the
4 permittee.

5 (b) (1) The 24-month moratorium period is necessary
6 in order to allow ADEM and the Alabama Department of Public
7 Health to review their duties and responsibilities pursuant to
8 the Solid Wastes and Recyclable Materials Management Act. As
9 appropriate, following this review, ADEM, with input from the
10 Alabama Department of Public Health, shall make
11 recommendations for necessary legislation or undertake
12 rulemaking to implement enhancement identified during the
13 review period.

14 (2) For the purpose of evaluating solid waste
15 landfill management issues facing the state and to allow for
16 the update of the state's comprehensive solid waste management
17 plan to identify and provide for the state's solid waste
18 management needs, there is imposed a moratorium on the
19 issuance by ADEM of any new permits for new public solid waste
20 landfills which are intended to receive wastes not generated
21 by the permittee as further qualified in Section 2. The
22 moratorium shall not apply to industrial landfills receiving
23 waste generated in-state only by the permittee.

24 Section 2. The moratorium restriction provided in
25 Section 1 applies only to any proposed public solid waste
26 landfill facility that has not received its final approval

1 within the ADEM solid waste landfill permitting process and
2 shall include proposed facilities which will meet, upon
3 completion, any of the following criteria regarding capacity,
4 site acreage, or location:

5 (1) A proposed capacity in excess of 1,500 tons per
6 day.

7 (2) A proposed capacity of 2,000 cubic yards per day
8 or more.

9 (3) A site consisting of 500 acres or more.

10 (4) When combined with existing or proposed public
11 solid waste landfill facilities located within the same county
12 or counties or within 20 miles thereof, a capacity or site
13 which exceeds the minimum amounts set forth in subdivision
14 (1), (2), or (3).

15 (5) A proposed capacity by a new public solid waste
16 landfill which will be more than that reasonably anticipated
17 in the foreseeable future as identified in the local solid
18 waste management plan for the communities located within the
19 county in which the facility is to be located or within 20
20 miles of the facility.

21 Section 3. The Director of ADEM may waive the
22 limitation imposed by this moratorium for a particular
23 facility upon a finding based upon a joint recommendation by
24 the State Health Officer and the respective host government.
25 The request for waiver shall be initiated by resolution of the
26 governing body of the jurisdiction which recognizes a

1 potential crisis in solid waste management by public solid
2 waste landfills in the jurisdiction. The resolution shall be
3 adopted at a public meeting of the governing body following
4 publication of at least one notice in a newspaper of general
5 circulation in the area at least 10 days prior to the meeting.
6 The resolution shall request the State Health Officer and the
7 respective host government to determine if the situation poses
8 a threat to human health or the environment within the
9 jurisdiction based upon substantive criteria to be established
10 jointly by ADEM, the State Health Officer, and the respective
11 host government. In the event the State Health Officer and the
12 host government so certify, the moratorium may be waived and
13 the ADEM Director may issue a permit for the limited purpose
14 of serving the service area or jurisdiction identified.

15 Section 4. The provisions of this act are severable.
16 If any part of this act is declared invalid or
17 unconstitutional, that declaration shall not affect the part
18 which remains.

19 Section 5. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce and
Small Business..... 31-MAR-11

Read for the second time and placed
on the calendar with 1 substitute
and..... 06-APR-11

Read for the third time and passed
as amended..... 21-APR-11

Yeas 88, Nays 0, Abstains 0

Greg Pappas
Clerk