

1 HB304  
2 216892-2  
3 By Representative Baker  
4 RFD: State Government  
5 First Read: 08-FEB-22

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2 ENROLLED, An Act,

3           Relating to solid waste management; to further  
4 provide for approval of solid waste management sites by local  
5 governing bodies; and to make nonsubstantive, technical  
6 revisions to update existing code to conform with current  
7 style.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Section 22-27-48 is amended to read as  
10 follows:

11           "§22-27-48.

12           "(a) In addition to any regulatory bodies, the  
13 governing body of a county or municipality has a  
14 responsibility for and the authority to assure the proper  
15 management of solid wastes generated within its jurisdiction  
16 in accord with its solid waste management plan. A governing  
17 body may assign territories and approve or disapprove disposal  
18 sites in its jurisdiction in accord with the plan approved for  
19 its jurisdiction. ~~Such approval~~ Approval or disapproval of  
20 services or activities described in the local plan shall be in  
21 addition to any other approvals required from other regulatory  
22 authorities and shall be made prior to any other approvals  
23 necessary for the provision of ~~such~~ those services, the  
24 development of a proposed facility, or the modification of  
25 permits for existing facilities.

1           "(b) The department may not consider ~~an~~ a permit  
2 application for a new facility unless the ~~application~~ solid  
3 waste management site has received approval pursuant to  
4 Section 22-27-48.1 by the affected local governing body. The  
5 department may not consider an application for a modified  
6 permit for a facility unless ~~such application~~ the solid waste  
7 management site has received approval pursuant to this section  
8 by the affected local governing body.

9           "(c) In determining whether to ~~recommend approval of~~  
10 ~~the proposed issuance of or modification of~~ approve a new ~~or~~  
11 ~~existing~~ solid waste management site or a modified existing  
12 solid waste management site, the governing body shall consider  
13 each of the following criteria:

14           "(1) The consistency of the proposal with the  
15 jurisdiction's solid waste management need as identified in  
16 its plan.

17           "(2) The relationship of the proposal to local  
18 planned or existing development or the absence thereof, to  
19 major transportation arteries and to existing state primary  
20 and secondary roads.

21           "(3) The location of a proposed facility in  
22 relationship to existing industries in the state that generate  
23 large volumes of solid waste, or the relationship to the areas  
24 projected for development of industries that will generate  
25 solid waste.

1           "(4) Costs and availability of public services,  
2 facilities and improvements required to support a proposed  
3 facility and protect public health, safety, and the  
4 environment.

5           "(5) The impact of a proposed facility on public  
6 safety and provisions made to minimize the impact on public  
7 health and safety.

8           "(6) The social and economic impacts of a proposed  
9 facility on the affected community, including changes in  
10 property values, and social or community perception.

11           "(d) The application of the plan for local approval  
12 shall be accompanied by an application fee payable to the  
13 local governing body in an amount equal to 20 percent of the  
14 ~~application or~~ permit fee required by the department, but  
15 local approval shall not apply to simple renewals of a permit  
16 which is to be otherwise unchanged. Further, there shall be no  
17 requirement for local review and approval of permit  
18 modifications for the limited purposes of changing liner and  
19 leachate collection design, changes in waste streams from  
20 within the facility's designated service area, changes in  
21 sequence of fill, changes to incorporate new technology, and  
22 changes intended to bring a facility into compliance with  
23 statutes and regulations. A renewed application for local  
24 approval submitted within 18 months of an application being  
25 denied or rejected by the local governing body shall be

1 accompanied by an application fee payable to the local  
2 governing body in an amount equal to 50 percent of the  
3 ~~application or~~ permit fee required by the department.

4 "(e) Any decision by the local governing body of a  
5 proposed modification of ~~a permit for~~ an existing solid waste  
6 management site or the proposal to contract for any services  
7 described in the solid waste management plan, shall be made in  
8 a public meeting only after public notice of such application  
9 or proposal and an opportunity for public comment is provided.

10 "(f) In providing public notice of any proposed  
11 modification, the local government shall at a minimum hold at  
12 least one public hearing thereon, notice of the time and place  
13 of which shall be given by one publication in a newspaper of  
14 general circulation in the municipality and in the official  
15 gazette, if any, of the jurisdiction. Furthermore, the notice  
16 shall be given at least 30 days,    but not more than 45 days,     
17 prior to the proposed date of the hearing. Each notice  
18 published in compliance with this section shall contain at a  
19 minimum a description of the proposed action to be considered,  
20 its relevance to and consistency with the local solid waste  
21 management plan, and shall identify a contact person from whom  
22 interested persons can obtain additional information and can  
23 review copies of both the local plan and the proposal to be  
24 considered. All pertinent documents shall be available for  
25 inspection during normal business hours at a location readily

1 accessible to the public. Within 90 days of receiving a  
2 proposal, the local governing body shall either approve or  
3 deny the modification setting forth the reasons therefor. The  
4 failure of the local governing body to act on the proposal  
5 within 90 days of receiving the modification shall constitute  
6 approval by the local governing body.

7 "(g) Any decision by the local governing body to  
8 approve or disapprove the siting of a new solid waste  
9 management facility shall be made in accordance with Section  
10 27-22-48.1.

11 "(h) This section shall not apply to industrial  
12 facilities receiving wastes generated on site only or by the  
13 permittee.

14 "(i) This section as amended by Act 2017-366 shall  
15 not apply to an application received by a local governing body  
16 prior to May 25, 2017, for a modification of an existing  
17 permitted solid waste management facility, or for a proposed  
18 new solid waste management facility."

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 17-MAR-22.

Jeff Woodard  
Clerk

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Senate

06-APR-22

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Passed