

HB311 ENROLLED



1 QHII54-2
2 By Representative Baker
3 RFD: County and Municipal Government
4 First Read: 13-Apr-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to solid waste, to amend Section 22-27-48,
5 Code of Alabama 1975, as last amended by Act 2022-338, 2022
6 Regular Session, to further provide for the circumstances
7 under which the approval of a local government is needed by a
8 solid waste management facility.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 22-27-48, Code of Alabama 1975, as
11 last amended by Act 2022-338, 2022 Regular session, is amended
12 to read as follows:

13 "§22-27-48

14 (a) In addition to any regulatory bodies, the governing
15 body of a county or municipality has a responsibility for and
16 the authority to assure the proper management of solid wastes
17 generated within its jurisdiction in accord with its solid
18 waste management plan. A governing body may assign territories
19 and approve or disapprove disposal sites in its jurisdiction
20 in accord with the plan approved for its jurisdiction.

21 Approval or disapproval of services or activities described in
22 the local plan shall be in addition to any other approvals
23 required from other regulatory authorities and shall be made
24 prior to any other approvals necessary for the provision of
25 those services, the development of a proposed facility, or the
26 modification of permits for existing facilities.

27 (b) The department may not consider a permit
28 application for a new facility unless the solid waste



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29 management site has received approval pursuant to Section
30 22-27-48.1 by the affected local governing body. The
31 department may not consider an application for a modified
32 permit for a facility unless the solid waste management site
33 has received approval pursuant to this section by the affected
34 local governing body.

35 (c) In determining whether to approve a new solid waste
36 management site or a modified existing solid waste management
37 site, the governing body shall consider each of the following
38 criteria:

39 (1) The consistency of the proposal with the
40 jurisdiction's solid waste management need as identified in
41 its plan.

42 (2) The relationship of the proposal to local planned
43 or existing development or the absence thereof, to major
44 transportation arteries, and to existing state primary and
45 secondary roads.

46 (3) The location of a proposed facility in relationship
47 to existing industries in the state that generate large
48 volumes of solid waste, or the relationship to the areas
49 projected for development of industries that will generate
50 solid waste.

51 (4) Costs and availability of public services,
52 facilities, and improvements required to support a proposed
53 facility and protect public health, safety, and the
54 environment.

55 (5) The impact of a proposed facility on public safety
56 and provisions made to minimize the impact on public health



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57 and safety.

58 (6) The social and economic impacts of a proposed
59 facility on the affected community, including changes in
60 property values, and social or community perception.

61 (d) The application of the plan for local approval
62 shall be accompanied by an application fee payable to the
63 local governing body in an amount equal to 20 percent of the
64 permit fee required by the department, but local approval
65 shall not apply to simple renewals of a permit that is to be
66 otherwise unchanged. ~~Further, there shall be no requirement
67 for local~~

68 (e) Local review and approval of ~~permit modifications~~
69 the application of the plan for a modified existing solid
70 waste management facility shall be required only for the
71 following limited purposes: ~~of changing liner and leachate
72 collection design, changes in waste streams from within the
73 facility's designated service area, changes in sequence of
74 fill, changes to incorporate new technology, and changes
75 intended to bring a facility into compliance with statutes and
76 regulations~~

77 (1) Increasing the service area.

78 (2) Converting an industrial landfill or a construction
79 and demolition landfill into a municipal solid waste landfill,
80 or converting a construction and demolition landfill into an
81 industrial landfill.

82 (3)a. Except as provided in paragraph b., adding
83 acreage to the area of the solid waste management facility's
84 boundary in an amount equal to or less than 50 percent of the



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85 facility's existing boundary as specified in a resolution
86 adopted by the local governing body, which shall also be
87 subject to the public awareness requirements provided in
88 Section 22-27-48.1(f) (1) and (2).

89 b. Adding acreage to the area of the solid waste
90 management facility's boundary in an amount greater than 50
91 percent of the facility's existing boundary as specified in a
92 resolution adopted by the local governing body shall instead
93 be subject to the requirements for the approval of an affected
94 local government provided in Section 22-27-48.1.

95 (4) Changing the mode of transportation of solid waste
96 to the solid waste management facility.

97 (5) Increasing the average daily volume.

98 (f) A renewed application for local approval submitted
99 within 18 months of an application being denied or rejected by
100 the local governing body shall be accompanied by an
101 application fee payable to the local governing body in an
102 amount equal to 50 percent of the permit fee required by the
103 department.

104 ~~(e)~~ (g) Any decision by the local governing body of a
105 proposed modification of an existing solid waste management
106 site or the proposal to contract for any services described in
107 the solid waste management plan shall be made in a public
108 meeting only after public notice of such application or
109 proposal and an opportunity for public comment is provided.

110 ~~(f)~~ (h) In providing public notice of any proposed
111 modification, the local government, at a minimum, shall hold
112 at least one public hearing thereon, notice of the time and



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113 place of which shall be given by one publication in a
114 newspaper of general circulation in the municipality and in
115 the official gazette, if any, of the jurisdiction.
116 Furthermore, the notice shall be given at least 30 days, but
117 not more than 45 days, prior to the proposed date of the
118 hearing. Each notice published in compliance with this section
119 shall contain at a minimum a description of the proposed
120 action to be considered and its relevance to and consistency
121 with the local solid waste management plan, and shall identify
122 a contact person from whom interested persons can obtain
123 additional information and can review copies of both the local
124 plan and the proposal to be considered. All pertinent
125 documents shall be available for inspection during normal
126 business hours at a location readily accessible to the public.
127 Within 90 days of receiving a proposal, the local governing
128 body shall either approve or deny the modification, setting
129 forth the reasons therefor. The failure of the local governing
130 body to act on the proposal within 90 days of receiving the
131 modification shall constitute approval by the local governing
132 body.

133 ~~(g)~~ (i) Any decision by the local governing body to
134 approve or disapprove the siting of a new solid waste
135 management facility shall be made in accordance with Section
136 27-22-48.1.

137 ~~(h)~~ (j) This section shall not apply to industrial
138 facilities receiving wastes generated on site only or by the
139 permittee.

140 ~~(i)~~ (k) This section as amended by Act 2017-366 shall



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141 not apply to an application received by a local governing body
142 prior to May 25, 2017, for a modification of an existing
143 permitted solid waste management facility, or for a proposed
144 new solid waste management facility."

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



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Speaker of the House of Representatives

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 25-Apr-23, as amended.

John Treadwell
Clerk

Senate

11-May-23

Passed