

# HB311 INTRODUCED



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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SYNOPSIS:

Under existing law, a solid waste management facility must receive the approval of a local government it serves to obtain a permit to construct a new facility or to modify its existing permit, except for certain listed modifications for which approval is not required.

This bill would specify the circumstances under which the approval of a local government is needed by a solid waste management facility.

A BILL  
TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



## HB311 INTRODUCED

29           "§22-27-48

30           (a) In addition to any regulatory bodies, the governing  
31 body of a county or municipality has a responsibility for and  
32 the authority to assure the proper management of solid wastes  
33 generated within its jurisdiction in accord with its solid  
34 waste management plan. A governing body may assign territories  
35 and approve or disapprove disposal sites in its jurisdiction  
36 in accord with the plan approved for its jurisdiction.  
37 Approval or disapproval of services or activities described in  
38 the local plan shall be in addition to any other approvals  
39 required from other regulatory authorities and shall be made  
40 prior to any other approvals necessary for the provision of  
41 those services, the development of a proposed facility, or the  
42 modification of permits for existing facilities.

43           (b) The department may not consider a permit  
44 application for a new facility unless the solid waste  
45 management site has received approval pursuant to Section  
46 22-27-48.1 by the affected local governing body. The  
47 department may not consider an application for a modified  
48 permit for a facility unless the solid waste management site  
49 has received approval pursuant to this section by the affected  
50 local governing body.

51           (c) In determining whether to approve a new solid waste  
52 management site or a modified existing solid waste management  
53 site, the governing body shall consider each of the following  
54 criteria:

55           (1) The consistency of the proposal with the  
56 jurisdiction's solid waste management need as identified in



## HB311 INTRODUCED

57 its plan.

58 (2) The relationship of the proposal to local planned  
59 or existing development or the absence thereof, to major  
60 transportation arteries, and to existing state primary and  
61 secondary roads.

62 (3) The location of a proposed facility in relationship  
63 to existing industries in the state that generate large  
64 volumes of solid waste, or the relationship to the areas  
65 projected for development of industries that will generate  
66 solid waste.

67 (4) Costs and availability of public services,  
68 facilities, and improvements required to support a proposed  
69 facility and protect public health, safety, and the  
70 environment.

71 (5) The impact of a proposed facility on public safety  
72 and provisions made to minimize the impact on public health  
73 and safety.

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

77 (d) The application of the plan for local approval  
78 shall be accompanied by an application fee payable to the  
79 local governing body in an amount equal to 20 percent of the  
80 permit fee required by the department, but local approval  
81 shall not apply to simple renewals of a permit that is to be  
82 otherwise unchanged. ~~Further, there shall be no requirement~~  
83 ~~for local~~

84 (e) Local review and approval of ~~permit modifications~~



## HB311 INTRODUCED

85 the application of the plan for a modified existing solid  
86 waste management facility shall be required only for the  
87 following limited purposes: ~~of changing liner and leachate~~  
88 ~~collection design, changes in waste streams from within the~~  
89 ~~facility's designated service area, changes in sequence of~~  
90 ~~fill, changes to incorporate new technology, and changes~~  
91 ~~intended to bring a facility into compliance with statutes and~~  
92 ~~regulations~~

93 (1) Increasing the service area.

94 (2) Converting an industrial landfill or a construction  
95 and demolition landfill into a municipal solid waste landfill,  
96 or converting a construction and demolition landfill into an  
97 industrial landfill.

98 (3) Adding acreage to the area of the solid waste  
99 management facility.

100 (4) Changing the mode of transportation of solid waste  
101 to the solid waste management facility.

102 (5) Increasing the average daily volume.

103 (f) A renewed application for local approval submitted  
104 within 18 months of an application being denied or rejected by  
105 the local governing body shall be accompanied by an  
106 application fee payable to the local governing body in an  
107 amount equal to 50 percent of the permit fee required by the  
108 department.

109 ~~(e)~~ (g) Any decision by the local governing body of a  
110 proposed modification of an existing solid waste management  
111 site or the proposal to contract for any services described in  
112 the solid waste management plan shall be made in a public



## HB311 INTRODUCED

113 meeting only after public notice of such application or  
114 proposal and an opportunity for public comment is provided.

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

138 ~~(g)~~ (i) Any decision by the local governing body to  
139 approve or disapprove the siting of a new solid waste  
140 management facility shall be made in accordance with Section



## HB311 INTRODUCED

141 27-22-48.1.

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

145 ~~(i)~~ (k) This section as amended by Act 2017-366 shall  
146 not apply to an application received by a local governing body  
147 prior to May 25, 2017, for a modification of an existing  
148 permitted solid waste management facility, or for a proposed  
149 new solid waste management facility."

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