



**House Military and Veterans Affairs Reported
Substitute for HB180**

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

A BILL
TO BE ENTITLED
AN ACT

Relating to solid waste collection fees; to amend Section 22-27-3, Code of Alabama 1975, to add households whose sole source of income is veterans' benefits to those exempted from paying such fees; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-27-3, Code of Alabama 1975, is amended to read as follows:

(a) Generally. (1) The county commission or municipal governing body may, ~~and is hereby authorized to,~~ make available to the general public collection and disposal facilities for solid wastes in a manner acceptable to the department. The county commission or municipal governing body may provide ~~such~~ the collection or disposal services by contract with private or other controlling agencies and may include house-to-house service or the placement of regularly serviced and controlled bulk refuse receptacles within reasonable ~~(generally less than eight miles)~~ distance from the farthest affected household and the wastes managed in a manner



**House Military and Veterans Affairs Reported
Substitute for HB180**

29 acceptable to the department. For purposes of this section,
30 "reasonable distance" means generally less than eight miles.

31 (2) Any county commission or municipal governing body
32 providing services to the public under this article ~~shall have~~
33 ~~the power and authority~~ may by resolution or ordinance ~~to~~
34 adopt rules ~~and regulations~~ providing for mandatory public
35 participation in and subscription to such system of services.
36 ~~Such~~ The governing body may, ~~in its discretion,~~ submit the
37 question of requiring ~~such mandatory~~ public participation to a
38 vote of the qualified electors of the county or municipality
39 ~~as the case may be~~. If ~~such~~ the governing body submits the
40 question to the voters, then the governing body shall also
41 provide for holding and canvassing the returns of the election
42 and for ~~the~~ giving notice thereof for two consecutive weeks in
43 a paper of general circulation in the county. Every person,
44 household, business, industry, or property generating solid
45 wastes, garbage, or ash as defined in this section shall
46 participate in and subscribe to ~~such~~ the system of service
47 unless granted a certificate of exception as provided in
48 subsection (g). Provided, ~~however,~~ any ~~individual~~ person,
49 household, business, industry, or property generating solid
50 wastes that ~~were~~ was sharing service for a period of at least
51 ~~6~~ six months may continue to share service without filing for
52 a certificate of exception. In the event ~~such~~ a person,
53 household, business, industry, or property owner who has not
54 been granted a certificate of exception refuses to participate
55 in and subscribe to ~~such~~ the system of service, the county
56 commission or municipal governing body ~~may~~ , in addition to any



**House Military and Veterans Affairs Reported
Substitute for HB180**

57 other remedy provided in this article, may bring an
58 appropriate civil action in circuit court to compel ~~such~~
59 participation and subscription. Except as provided in
60 subsection (g), any person, ~~firm, or corporation~~ violating
61 ~~such rules and regulations~~ adopted pursuant to this section
62 shall be in violation of this article and shall be punished as
63 provided in Section 22-27-7.

64 (3) a. Any household whose sole source of income is
65 Social Security benefits or veterans' benefits shall be
66 granted an exemption from the payment of any fees required
67 under this article, provided the household seeking to claim
68 the exemption shall present proof of income to the county
69 health officer commission or municipal governing body no later
70 than the first billing date of any year in which the exemption
71 is desired. ~~The county health officer or his designee shall~~
72 ~~forward the exemption request and proof of income to the solid~~
73 ~~waste officer or municipal governing body upon receipt.~~ The
74 exemption shall apply only so long as the household's sole
75 source of income is Social Security benefits or veterans'
76 benefits and shall be requested each year in which the
77 exemption is desired. Additionally, the Legislature ~~may~~, by
78 local law, may authorize the county commission to grant
79 additional exemptions to households whose total income does
80 not exceed 75 percent of the federal poverty level. Any person
81 who knowingly provides false or misleading information in
82 order to obtain an exemption shall be subject to the
83 provisions of Section 22-27-7. Any county commission or
84 municipal governing body that grants an exemption shall remit



**House Military and Veterans Affairs Reported
Substitute for HB180**

85 the amount of any fees required under this article for which
86 the exemption was granted to the entity that provided services
87 to the exempted household.

88 b. For purposes of this section, the term "veterans'
89 benefits" means an benefit, program, service, commodity,
90 function, status, or entitlement that pertains to veterans,
91 their dependents, their survivors, or any other individual
92 eligible for such benefits under the laws and rules
93 administered by the United Sates Department of Veterans
94 Affairs and the Alabama Department of Veterans Affairs.

95 (4) No county commission shall provide solid waste
96 collection and disposal services within the corporate limits
97 of a municipality without the express consent of the municipal
98 governing body of such municipality nor shall any municipality
99 provide solid waste collection and disposal services outside
100 its corporate limits without the express consent of the county
101 commission of the county in which it is situated.

102 (5) Any county providing door-to-door solid waste
103 collection shall not reduce ~~such~~ the service unless ~~and until~~
104 a letter has been sent to each resident ~~or property or,~~
105 business owner, or property owner receiving ~~door to door~~
106 door-to-door service stating that ~~such~~ the service will be
107 reduced or changed and allowing at least 60 days for any
108 resident, business owner, or property owner to call for a
109 public hearing and for the county or municipality to hold ~~such~~
110 a public hearing upon request.

111 (6) Any provision of this article to the contrary
112 notwithstanding, no person, household, business, industry, or



**House Military and Veterans Affairs Reported
Substitute for HB180**

113 property owner shall be required to pay any solid waste
114 collection exemption or disposal fee chargeable under this
115 article unless solid waste collection and disposal services
116 for which ~~such~~ the charge was made were actually made
117 available to ~~such~~ the person, household, business, industry,
118 or property owner.

119 (b) Solid waste officer. As used in this article, solid
120 waste officer ~~shall mean~~ means any county official or county
121 employee or any official or employee of a solid waste disposal
122 authority authorized under Section 11-89A-1 et seq. designated
123 by the county commission to exercise the authority and perform
124 the duties delegated by this article to ~~such~~ the official, and
125 ~~such~~ the officer shall have the same powers of enforcement
126 against persons violating this article as do license
127 inspectors with regard to persons violating revenue laws as
128 provided under Section 40-12-10 (i), (j), (k), and (n).

129 (c) As used in this article, the terms ~~"solid wastes",~~
130 ~~"garbage",~~ "solid wastes," "garbage," and "ash" do not include
131 any drilling discharges from oil or natural gas operations.

132 (d) Garbage disposal. Garbage and rubbish containing
133 garbage shall be disposed of by sanitary landfill, approved
134 incineration, composting, or by other means now available or
135 which may later become available as approved by the
136 department. The method chosen and used shall also meet the
137 requirements of the health department for sanitation and the
138 protection of public health.

139 (e) Burning. No garbage or rubbish containing garbage
140 or other putrescible materials or hazardous wastes shall be



**House Military and Veterans Affairs Reported
Substitute for HB180**

141 burned except in approved incinerators meeting the necessary
142 temperature requirements and air pollution controls as now
143 established or as may later be established. The open burning
144 of rubbish shall be permitted only under sharply controlled
145 circumstances where sanitary landfill or landfill is not
146 feasible and not in proximity to sanitary landfill or landfill
147 operations where spread of fire to these operations may be a
148 hazard in the opinion of the department.

149 (f) Haulage. Trucks or other vehicles engaged in the
150 business of hauling garbage and rubbish shall be so covered,
151 secured, or sealed that there will be no loss during haulage
152 to cause littering of streets and highways, or cause a
153 nuisance or hazard to the public health.

154 (g) Exception. (1) a. A person, household, business,
155 industry, or any property owner may store, haul, and dispose
156 of his or her own solid wastes on his or her land or
157 otherwise, provided such storage, haulage, or disposal is
158 accomplished pursuant to a certificate of exception as
159 provided in this subsection. In order to obtain a certificate
160 of exception, an application, an application fee, and plan
161 must be filed with the county health officer or his or her
162 designee in the case of household solid waste or with the
163 department in the case of solid waste from a business or
164 industry, setting out the proposed method of storing, hauling,
165 and disposing of solid waste so as to comply with rules and
166 regulations adopted by the state or county boards of health or
167 the department as appropriate, and not create a public
168 nuisance or hazard to the public health.



**House Military and Veterans Affairs Reported
Substitute for HB180**

169 **b.** The certification of exception application fee shall
170 be established by the State ~~Board~~ Committee of Public Health
171 or the department, as the case may be, except that with regard
172 to an individual household ~~such~~ the fee shall be ten dollars
173 (\$10). The proceeds from ~~such application~~ the fees are ~~hereby~~
174 appropriated to the State ~~Board~~ Committee of Public Health or
175 the department, as the case may be, to be used for the
176 administration of this article.

177 **c.** The county health officer or his or her designee or
178 the department as appropriate shall investigate ~~such~~ the
179 application and plan and issue a certificate of exception
180 within the time set by the State ~~Board~~ Committee of Public
181 Health or the department, as the case may be ~~(, not to exceed~~
182 sixty 60 days in the case of an individual household ~~), if~~ ~~such~~
183 the proposal will, in ~~such~~ the officer's ~~or,~~ designee's, or
184 the department's judgment, comply with ~~such~~ the rules ~~and~~
185 regulations and adequately prevent a public nuisance or hazard
186 to public health. A certificate of exception granted under
187 authority of this ~~section~~ subsection shall be valid for the
188 period established by the department, except that in the case
189 of an individual household ~~such~~ the period shall not exceed
190 one year. The county health officer, or his or her designee,
191 or the department shall notify the county commission or
192 municipal governing body in writing of the intention to grant
193 a certificate of exception and no ~~such~~ certificate of
194 exception shall be granted for an individual household without
195 prior written approval of the county commission or municipal
196 governing body as the case may be.



**House Military and Veterans Affairs Reported
Substitute for HB180**

197 (2) Notwithstanding any other provision of this chapter
198 to the contrary, no exception, exception fee, or any other
199 review, approval, or payment shall be required of any
200 generator for the collection, handling, or disposal of its own
201 solid waste using facilities or equipment owned by the
202 generator, its corporate parent, affiliate, or subsidiary and
203 duly permitted for such use by the ~~Alabama Department of~~
204 ~~Environmental Management~~ department or its successor in
205 function.

206 (h) Coal combustion by-products. Upon the adoption and
207 implementation of a federal regulatory program to govern the
208 disposal of coal combustion by-products pursuant in whole or
209 in part to Subtitle D of the Solid Waste Disposal Act, 42
210 U.S.C. § 6941 et seq., the department is authorized to ~~develop~~
211 ~~and~~ adopt rules as necessary to implement a state regulatory
212 program consistent with the federal requirements. Until ~~such~~
213 the federal program requirements take effect, the disposal of
214 coal combustion by-products shall be subject to the applicable
215 requirements of this article; provided, however, that a
216 facility permitted by the department pursuant to Chapter 22 of
217 this title as of May 25, 2011, and thereafter may continue to
218 operate without additional authorization by the department
219 until federal requirements under the Solid Waste Disposal Act
220 take effect. To the extent permissible under the federal
221 program, the department shall allow beneficial uses of coal
222 combustion by-products as an alternative to disposal as part
223 of any adopted state program."

224 Section 2. This act shall become effective on October



**House Military and Veterans Affairs Reported
Substitute for HB180**

225 1, 2025.