Legislative Issues Update and Forum

June 30, 2011

Recent Legislative changes to the Solid Waste Management Act have significantly changed planning requirements for local government solid waste management. The changes brought by Senate Bill 157 remove DCA and the Regional Commissions from the process of reviewing and approving solid waste management plans. Plans are still required, but they can be locally developed and implemented with no third-party review. The new legislation, which takes effect July 1, 2011, mandates that local government plans and updates, whether local, multi-jurisdictional or regional, must at a minimum:

* provide for 10 years of collection capability and disposal capacity from the date of completion of the plan,
* enumerate the solid waste handling facilities as to size and type, and
* identify those sites which are not suitable for solid waste handling facilities based on environmental and land use factors.

Any city or county that proposes to update or amend its solid waste management plan must publish notice in the county legal organ of the city’s or county’s Internet Web site, as applicable, at least two weeks prior to adopting such update or amendment.

The solid waste survey that DCA administers is now optional, though DCA strongly encourages local governments to continue participating in this survey. DCA staff is simplifying the survey, in hopes that governments will continue to provide this data which is very valuable in maintaining Georgia’s strong recycled materials economy.

In light of the legislative changes outlined above, DCA will remove the online listings of local governments deemed ineligible for solid waste-related grants, loans and permits. Because the legislation stipulates a 10 year timeframe for planning collection capability and disposal capacity, DCA intends, as a courtesy, to track this timeframe and notify local governments of these approaching expiration dates.

The legislation further directs DCA to develop solid waste planning guidance that local governments may use to update or amend their solid waste management plans. This guidance is currently being developed, and will be formally announced later this summer. DCA is investigating development of an incentive program to encourage local governments to go beyond the minimum requirements of the new law. We are also developing workshops that will be offered on an ongoing basis, to assist local governments in keeping up with the latest techniques and best practices for solid waste management and recycling in their community.

Finally, the legislation requires owners of municipal solid waste landfills, (including Construction and Demolition landfills, a subset of MSW landfills) to report to DCA annually. DCA is developing a timeframe for this reporting and the exact information sought. Because some of the information is already collected by the Department of Natural Resources, Environmental Protection Division, DCA may get this information from DNR to avoid double-reporting by the local governments.

**OVERVIEW**

DCA will promote sound, proactive solid waste management planning, and the implementation of those plans, through workshop instruction, an incentive program and a host of online tools. Intended audience will be local and Regional Commission planners, local government elected officials, KAB affiliates and solid waste management/public works staff.

**PLANNING**

* Promotion of sound solid waste planning through CPI workshops, web materials and an incentive program.
  + With stakeholder input, develop new Recommended Planning Guidance that local governments can use to create local, multi-jurisdictional or regional solid waste management plans that are more comprehensive and afford better protections for the planning area than the minimal requirements of SB 157 provide. This will provide regional solid waste plans that local governments can adopt, or use selected elements/language from to modify their own existing solid waste plans. These plans can be developed as amendments to existing plans, as a component of an existing Comprehensive Plan, or developed as a stand-alone plan. In this way, local governments may choose between the minimal planning required by SB 157, more intensive plans that DCA promotes, or anywhere in between. This new guidance will draw heavily from the existing solid waste Minimum Planning Standards, but the development and adoption process will be greatly streamlined. The new guidance will be simplified, but will address the waste stream analysis and disaster/contingency strategies, and the five core areas of
    - Waste reduction
    - Collection
    - Disposal
    - Land limitation/plan consistency
    - Education/enforcement

To clarify, a local government will have the option of

* Simply complying with SB 157; that is, ensuring they have a plan (existing, or newly developed) that:
  1. establishes 10 years capacity and collection capability assurance,
  2. enumerates solid waste handling facilities as to size and type, and
  3. identifies areas not suitable for solid waste handling facilities based on environmental and land use factors.
* Creating or updating an existing solid waste management plan that meets the old minimum planning standards, either as a stand-alone plan or as an extension of its Comprehensive Plan, or
* Adopting a solid waste management plan that meets the new Recommended Planning Guidelines, which will incorporate best management practices identified by DCA
  + Staff will develop a sample resolution/ordinance to meet the new pared-down requirements of SB 157. DCA and RCs will make this available.
    - There are a handful of local governments that don’t have plans that meet even the new standard. SB 157 presents a new opportunity to reach out to them and urge adoption of a solid waste plan, however minimal.
  + Planning due dates will effectively become capacity assurance expiration dates. Using ineligibles database as a starting point, advise local governments of upcoming expiration of their 10-year capacity assurance/collection capability.\*\* The vast majority of solid waste plans provide for only 10 years disposal capacity assurance. While the new law will allow local governments to provide capacity much greater than that, this won’t happen immediately.
    - * Existing hard copy plans will be scanned and posted to DCA’s site

**IMPLEMENTATION/TECHNICAL ASSISTANCE-** Provides guidance and resources for managing solid waste at the local level, including support to communities and organizations in setting up, expanding, or adjusting their local or regional recycling programs.

* + Conduct CPI workshops to explain new law and promote solid waste planning
  + Create suite of online tools (templates, BMPs, Georgia Examples, RFPs, etc.) to assist with implementation of solid waste plans, by the various elements. Develop and post guidance from the implementation portions of the solid waste plan-writing workshops. (some of this already exists)
  + Publish Solid Waste Annual Report, in revised format
  + DCA Resource Teams are available to assist communities update their plan to meet the new recommended guidance
  + Post tools, studies online
  + Recycling Market Development
  + Partnering with other agencies and organizations to promote the economic case for recycling, via planning.
  + Local governments can voluntarily input data into the new ReTrac reporting platform\*\*\* (unveiling in August). Other private and non-profit organizations (Coca-Cola and Keep America Beautiful) are requiring its grantees and affiliates to utilize the new ReTrac reporting platform. GRC will be actively promoting Re-Trac community profile creation and updating as well as reporting as it will now flow through and interface with EcoVille providing quick access to citizens on recycling opportunities and events in local communities.

**INCENTIVE PROGRAM –** A strong economic development case can be made for financial assistance for local governments that want to improve their recycling infrastructure. Some form of financial incentive should be included, and not simply a recognition program. By adopting a DCA-recommended solid waste plan, reporting into the Re-Trac system and updating their Community Profile on Re-Trac (EcoVille), local governments will receive a range of benefits. This program will be similar to WaterFirst, but not as intensive.

**TIMEFRAME**

June 30, 2011: RCs notified of changes, new program outline posted and communicated to local governments

July 31, 2011: Incentive program finalized. With stakeholder input, finalize new recommended guidance for solid waste management planning.

August 15: Announce regional CPI courses. (will be able to announce finalized program, with instruction schedule, at GRC August 22-23.)