

February 18, 2005

EXCLUSIVE BY E-MAIL
GW&PCA's Legislative Update

Overview: Today marks the 21st day of the 2005 session of the Georgia General Assembly; there are 19 days remaining. For complete descriptions of bills we are tracking and links to actual copies of the bills, simply go to our web site at www.gwpca.org and click on "Legislative Updates". The bills and regulatory issues we are tracking are identified individually, so you can quickly find information on those issues of interest to you. The updates reported in this "Exclusive" will be posted on our web site by Monday afternoon, February 21.

New Bills and Hot Issues

HB 550: Permit Fees: House Bill 550 would create a permit application and annual discharge fee system for NPDES and LAS permits. This issue is very popular with the environmentalists, who often refer to it as a "pollution fee" or a "pollution tax". The theory behind permit fees is that they would generate additional funds to support EPD's permitting, regulation, and enforcement in the arena in which the fees were generated, thereby resulting in improved environmental protection programs, faster permit processing, etc. In practice, though, there are several major problems with such fees. First and foremost, without a Constitutional amendment directing the fees collected back to a specific programmatic area (which is extremely unlikely), the fees go into the State Treasury where they are subject to the appropriation process. There is absolutely no guarantee that such fees will be appropriated to the EPD program from whence they came, or to EPD at all. Recent history tells us that, when State budget times are tight, funds collected for such purposes become prime targets for other purposes (note: last year, the Hazardous Waste Trust Fund and the Solid Waste Trust Fund were decimated in order to balance the budget, and less than half of the land disturbing permit fees collected by the State have subsequently been appropriated to EPD for its erosion/sediment control program as promised when the legislation establishing that permit fee system was passed just two years ago). In addition, there is no guarantee that, even if fees collected were returned to EPD, there would not be an accompanying reduction in general appropriations, resulting in no net increase in funding to EPD, but rather simply a shift in the source of funding from general appropriations to fees.

Status: Assigned to House Natural Resources Committee 2/17.

GW&PCA Position: GW&PCA supports a strong EPD, with strong permitting, regulation, and enforcement programs. These should be fully supported through direct appropriations in the State budget. Unless Constitutional and/or legislative guarantees can be provided that any fees collected would result in direct increases in funding in the program area where such fees are generated, with no reduction in funding for such program area from other sources, GW&PCA opposes any permit fee system proposal.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb550.htm

HB 352: Hauling of Septic Tank Waste (further clarification): House Bill 352 would require any wastes removed from septic tanks to be hauled only to approved facilities, and tracked by manifest. Waste haulers would be required to be licensed by EPD or a local governing authority. A similar bill dealing with hauling of wastes from commercial grease traps, oil-water separators, grit traps, etc. was passed last year. HB 352 would also outlaw the land disposal of septage from multiple sources, and require that such septage go to publically owned sewage treatments plants. HB 352 would not affect the practice of land disposal of septage from a single pumping and hauling company, as long as the disposal is properly permitted by DHR and has expressed written approval from the county in which the site is located.

Status: Assigned to House Natural Resources Committee 2/9.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb352.htm

HB 510: Service to Satellite Areas: House Bill 510 would prohibit a city or county from requiring a water or sewer connection to any existing community with a private well and/or septic system unless the well or septic system is demonstrably shown to be unfit for consumption (water) or not complying with laws, regulations, and performance standards (septic systems). HB 510 would also prohibit cities and counties from charging an availability fee for future possible connections. Finally, it also would allow community wells or septic systems which are not in functioning properly a period of 30 days to bring the system into compliance before local government could require a connection.

Status: Assigned to House Government Affairs Committee 2/17.

GW&PCA Position: This bill is very similar to a bill which we opposed in the 2004 session, but slightly more onerous thanks to the addition of the 30-day grace period for fixing problems. Our Legislative Committee believes that this bill would allow private systems to undermine the public utility's ability to serve outlying areas by picking off developments which might be profitable for the private operation, which could lead to gaps in service area, and be an impediment to areawide planning. The Committee's recommendation to oppose HB 510 is under consideration by the Executive Committee.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb352.htm

SB 190: No Stay for Permit Appeals: Under current Georgia law, any appeal of a permit issuance results in an automatic stay of the permit. Senate Bill 190 would provide that an appeal of a permit issuance, amendment, or variance by the EPD Director would not stay the action of the Director.

Status: Assigned to Senate Natural Resources Committee 2/15.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb190.htm

SB 191: Contract Assistance for Expedited EPD Review: Senate Bill 191 would authorize EPD to enter into contracts with qualified professionals to review permit applications on an expedited basis and provide recommendations to EPD, at the request of an applicant; the applicant would be required to reimburse EPD for the expenses involved.

Status: Assigned to Senate Natural Resources Committee 2/15.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb191.htm

HB 444: EIT/PE Pre-requisite Requirements: House Bill 444 would eliminate the options for meeting the requirements to become registered as an Engineer-in-Training or a Professional Engineer without obtaining an engineering or engineering technology degree. The bill would provide a sufficient transition time to allow people currently working toward certification to become registered under current rules.

Status: Passed out of House Regulated Industries Committee 2/16.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb444.htm

“Dig Law”: See www.gwpca.org for background.

Status: The Senate Study Committee’s advisory committee continues to try to develop language which will satisfy all of its representative group, including Public Service Commission staff, utility representatives, local government representatives, and others; GW&PCA is well-represented on the advisory committee. They will meet next Monday, 2/21, perhaps for the last time, to try to finalize a draft bill for presentation to the Senate. Senator Seabaugh has indicated that he would like to introduce a bill next Thursday, 2/24.

GW&PCA Position: GW&PCA will oppose any effort to remove the exemption from civil penalties for local government.

Other Bills We Are Tracking

HB 53 and HB 55: Interbasin/Intrabasin Transfer Restrictions:

Status: Assigned to House Natural Resources Committee 1/12.

GW&PCA Position: It has been GW&PCA’s consistent position that decisions on specific issues such as interbasin/intrabasin transfer restrictions as proposed in HB 53 and HB 55 should come out of the comprehensive statewide water management planning process rather than driving the process. GW&PCA opposes HB 53 and HB 55.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb53.htm

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb55.htm

HB 98: Land Conservation Trust Fund/Revolving Loan Fund

Status: Passed House 1/31. Passed Senate 2/14 with minor amendments, to which the House agreed 2/16. Awaiting Governor’s signature.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hb98.htm

HR 87 and SB 86: Restrictions on Condemnation

Status: HR 87 was assigned to the House Judicial Committee 1/28; SB 86 passed out of Senate Judicial Committee 2/7.

GW&PCA Position: HR 87 would have severe adverse impacts on many of our water and sewer authorities by eliminating their right to exercise their power of eminent domain. GW&PCA opposes HR 87.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/hr87.htm

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb86.htm

SB 163: Disposal of Septic Tank Wastes

Status: Assigned to Senate Natural Resources 2/10, and that committee considered the bill 2/16 and referred it to a subcommittee. It appears unlikely that the bill will move out of subcommittee.

Link: http://www.legis.state.ga.us/legis/2005_06/sum/sb163.htm