

1 HB292
2 157134-6
3 By Representatives Baker, Davis, Faust, Jackson, Baughn,
4 Shiver, McMillan, Drake, Harper, Weaver, Collins, Nordgren,
5 Wallace, Jones, Lee, Chesteen and Merrill
6 RFD: County and Municipal Government
7 First Read: 16-JAN-14

1 its jurisdiction. Such approval or disapproval of services or
2 activities described in the local plan shall be in addition to
3 any other approvals required from other regulatory authorities
4 and shall be made prior to any other approvals necessary for
5 the provision of such services, the development of a proposed
6 facility or the modification of permits for existing
7 facilities. The department may not consider an application for
8 a new or modified permit for a facility unless such
9 application has received approval by the affected unit of
10 local government having an approved plan.

11 "In determining whether to recommend approval of the
12 proposed issuance of or modification of a new or existing
13 solid waste management site, the governing body ~~shall~~ should
14 consider ~~each of the following~~ criteria (1) to (6) of this
15 subsection:

16 "To officially begin the application process with
17 the local governing body while simultaneously allowing for
18 public review thereof, the applicant shall submit a written
19 document addressing each of the following six criteria for the
20 governing body to consider:

21 "(1) The consistency of the proposal with the
22 jurisdiction's solid waste management need as identified in
23 its plan;

24 "(2) The relationship of the proposal to local
25 planned or existing development or the absence thereof, to
26 major transportation arteries and to existing state primary
27 and secondary roads;

1 "(3) The location of a proposed facility in
2 relationship to existing industries in the state that generate
3 large volumes of solid waste, or the relationship to the areas
4 projected for development of industries that will generate
5 solid waste;

6 "(4) Costs and availability of public services,
7 facilities and improvements required to support a proposed
8 facility and protect public health, safety and the
9 environment;

10 "(5) The impact of a proposed facility on public
11 safety and provisions made to minimize the impact on public
12 health and safety; and

13 "(6) The social and economic impacts of a proposed
14 facility on the affected community, including changes in
15 property values, and social or community perception.

16 "In making its discretionary decision to grant or
17 deny host government approval of the proposed issuance of a
18 new or modification of an existing solid waste management site
19 permit for a new solid waste management facility, the local
20 governmental body may consider the written document submitted
21 by the applicant addressing each of the six statutory criteria
22 set forth above, as well as any other information or
23 documentation the local governmental body may deem relevant.

24 "The application of the plan for local approval
25 shall be accompanied by an application fee payable to the
26 local governing body in an amount equal to 20 percent of the
27 application or permit fee required by the department, but

1 local approval shall not apply to simple renewals of a permit
2 which is to be otherwise unchanged. Further, there shall be no
3 requirement for local review and approval of permit
4 modifications for the limited purposes of changing liner and
5 leachate collection design, changes in waste streams from
6 within the facility's designated service area, changes in
7 sequence of fill, changes to incorporate new technology and
8 changes intended to bring a facility into compliance with
9 statutes and regulations. A renewed application for local
10 approval submitted within 18 months of an application being
11 denied or rejected by the local governing body shall be
12 accompanied by an application fee payable to the local
13 governing body in an amount equal to 50 percent of the
14 application or permit fee required by the department.

15 "Any determination by the local governing body of
16 the proposed issuance of or modification of a permit for a new
17 or existing solid waste management site or the proposal to
18 contract for any services described in the solid waste
19 management plan, shall be made in a public meeting only after
20 public notice of such application or proposal and an
21 opportunity for public comment is provided.

22 "In providing public notice of any application or
23 proposal regarding any services described in the solid waste
24 management plan, the local government shall at a minimum hold
25 at least one public hearing thereon, notice of the time and
26 place of which shall be given by one publication in a
27 newspaper of general circulation in the municipality and in

1 the official gazette, if any, of the jurisdiction.
2 Furthermore, such notice shall be given at least 30 days but
3 not more than 45 days prior to the proposed date of the
4 hearing. Each notice published in compliance with this section
5 shall contain at a minimum a description of the proposed
6 action to be considered, its relevance to and consistency with
7 the local solid waste management plan and shall identify a
8 contact person from whom interested persons can obtain
9 additional information and can review copies of both the local
10 plan and the application or proposal to be considered. All
11 pertinent documents shall be available for inspection during
12 normal business hours at a location readily accessible to the
13 public. Within 90 days of receiving an application or
14 proposal, the local governing body shall either approve the
15 application or deny the application setting forth the reasons
16 therefor. ~~The~~ Except as provided in subsection (c), the
17 failure of the local governing body to act on the proposal
18 within 90 days of receiving the application shall constitute
19 approval by the local governing body.

20 "(b) Following local review and approval of any
21 proposal regarding services or activities described in the
22 local solid waste management plan, the applicant shall obtain
23 a statement of consistency from the regional planning and
24 development commission. Therein, the commission shall evaluate
25 the proposal using the provisions of the current regional
26 solid waste management needs assessment. In particular, the
27 regional commission shall evaluate the proposal as it relates

1 to available existing capacity within the region and the
2 projected lifetime of such capacity. The evaluation shall also
3 identify any proposed capacity which is in excess of expected
4 regional needs. No statement of consistency shall be required
5 for contracts exclusively for the collection or transportation
6 of solid wastes.

7 "(c) On and after the effective date of the 2014
8 amendatory act adding this new subsection (c), the local
9 governing body, within ~~180~~ 120 days of receiving an
10 application or proposal for a new facility, shall either
11 approve the application or deny the application setting forth
12 the reasons therefor. The failure of the local governing body
13 to approve the application or proposal for a new facility
14 within ~~180~~ 120 days of receiving the application or proposal
15 shall constitute denial by the local governing body.

16 ~~"(c)~~ (d) Plans or local approval required by this
17 section shall not apply to industrial landfills receiving
18 wastes generated on site only or by the permittee."

19 Section 2. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on County and Mu-
nicipal Government..... 16-JAN-14

Read for the second time and placed
on the calendar with 1 substitute
and 3 amendments..... 06-FEB-14

Read for the third time and passed
as amended..... 05-MAR-14

Yeas 88, Nays 9, Abstains 1

Jeff Woodard
Clerk