



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

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



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

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



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

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



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

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

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

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

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



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

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

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

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

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



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

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

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



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

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



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

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

Section 2. This act shall become effective on October



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