

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO HAZARDOUS WASTE MANAGEMENT, CHAPTER 391-3-11

The Rules of the Department of Natural Resources, Chapter 391-3-11, Hazardous Waste Management are hereby amended and revised, as hereinafter explicitly set forth in the attached amendments and revisions for specific rules, or such subdivisions thereof as may be indicated.

391-3-11-.01 General Provisions. Amended.

(1) Purpose – The purpose of these rules is to establish policies, procedures, requirements, and standards to implement the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq. These rules are promulgated for the purpose of protecting and enhancing the quality of Georgia's environment and protecting the public health, safety and wellbeing of its citizens.

(2) Any reference in these rules to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 124, 260-266, 268, 270, 273 and 279 shall constitute the full adoption by reference of the Part, Subpart, and Paragraph of the Federal Regulations so referenced including any notes and appendices as may be associated in effect June 30, 2014, unless otherwise stated. Provided, however, nothing in 40 C.F.R. Parts 124, 260-266, 268, 270, 273 and 279, as pertains to Performance Track facilities or requirements, standardized permits (including all references to 40 C.F.R. Part 267, Part 270 Subpart J, and Part 124 Subpart G), permits for Underground Injection Control Program (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, National Pollution Discharge Elimination System (NPDES) under the Clean Water Act or Prevention of Significant Deterioration Program (PSD) and the National Emission Standards for Hazardous Air Pollutants (NESHAPs) under the Clean Air Act is adopted or included by reference herein.

(a) When used in any such provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273 and 279: United States, except in reference to regulations on international shipments, shall mean the State of Georgia; Environmental Protection Agency, except in reference to regulations on international shipments, shall mean Environmental Protection Division; and Regional Administrator, except in reference to regulations on international shipments, shall mean Director of the Environmental Protection Division. Unless specifically indicated otherwise, any reference to implementation by, submissions to, or inspections, investigations or enforcement to or by the Environmental Protection Agency in such regulations as may be adopted by reference by these rules shall be construed to mean the Georgia Environmental Protection Division, unless such interpretation would be inconsistent with the intent of the Georgia Hazardous Waste Management Act.

(b) Any reference to 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279 in any provisions adopted by reference shall be construed to refer to the provisions contained in the following sections of these rules:

Federal Regulation Reference	Georgia Rules Reference
40 C.F.R. Part 260.3	391-3-11-.01(2)(c)
40 C.F.R. 260.10-11	391-3-11-.02

<u>40 C.F.R. Part 264 Subpart H</u>	<u>391-3-11-.05(1)</u>
<u>40 C.F.R. Part 265 Subpart H</u>	<u>391-3-11-.05(2)</u>
<u>40 C.F.R. Part 260 Subpart C</u>	<u>391-3-11-.07(2)</u>
<u>40 C.F.R. Part 261</u>	<u>391-3-11-.07(1)</u>
<u>40 C.F.R. Part 262</u>	<u>391-3-11-.08(1)</u>
<u>40 C.F.R. Part 263</u>	<u>391-3-11-.09</u>
<u>40 C.F.R. Part 264 Subparts A-G, I-O, S, W, X, and AA-EE</u>	<u>391-3-11-.10(2)</u>
<u>40 C.F.R. Part 265 Subparts A-G, I-R, W, and AA-EE</u>	<u>391-3-11-.10(1)</u>
<u>40 C.F.R. Part 266</u>	<u>391-3-11-.10(3)</u>
<u>40 C.F.R. Part 124</u>	<u>391-3-11-.11</u>
<u>40 C.F.R. Part 270</u>	<u>391-3-11-.11</u>
<u>40 C.F.R. Part 268</u>	<u>391-3-11-.16</u>
<u>40 C.F.R. Part 279</u>	<u>391-3-11-.17(1)</u>
<u>40 C.F.R. Part 273</u>	<u>391-3-11-.18</u>

Any reference to 40 C.F.R. Parts 124 or 270 in any provisions adopted by reference in Fed. Reg. 40 C.F.R. Parts 260-266, 268, 273, and 279 shall be construed to refer to the permitting provisions contained in 391-3-11-.11 of these rules, and references to EPA forms or reports, except in reference to regulations on international shipments, shall mean EPD forms and reports as may be provided by the Director.

(c) 40 C.F.R. Part 260.3 is hereby incorporated by reference.

(3) As of July 10, 1992, any facility which failed to qualify for federal interim status for any waste code promulgated pursuant to the Hazardous and Solid Waste Amendments (HSWA) or who lost interim status for failing to certify under HSWA for any newly promulgated waste code, is also denied interim status under State law.

391-3-11-.02 Definitions. Amended

(1) ~~40 C.F.R. 260.10-260.11 are hereby incorporated by reference, except "or 267.101" is deleted from 260.10(2) and "270.310(d)(3)" is deleted from 260.11(c)(1) and "267.109(a)," is deleted from 260.11(c)(3) and 267.202(b)" is deleted from 260.11(d)(1) and except for text added or deleted by 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative); and 73 Fed. Reg. 64757 (October 30, 2008, Revisions to the Definition of Solid Waste), as amended by 75 Fed. Reg. 13001 (March 18, 2010), are hereby incorporated by reference for the following: (1) the definitions of "Hazardous secondary material," "Hazardous secondary material generated and reclaimed under the control of the generator," "Hazardous secondary material generator," "Intermediate facility," and "Land-based unit;" (2) the text "or for managing hazardous secondary materials prior to reclamation" is deleted from the definition of "Facility;" and (3) the text "or hazardous secondary materials" is deleted from the definition of "Transfer facility."~~

(2) Differences between State and Federal Definitions: When the same word is defined both in the Georgia Hazardous Waste Management Act and in 40 C.F.R. 260.10, 268.2, and 270.2, 273 and 279 as adopted by reference above, and the definitions are not identical, the definitions as given in the Georgia Hazardous Waste Management Act shall be applied unless such application would render these rules inconsistent with Federal Hazardous Waste rules and regulations.

391-3-11-05 Financial Responsibility. Amended.

(1) 40 C.F.R. Part 264 Subpart H, except for 264.140(d) and ~~except for text added or deleted by 71 Fed.Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative)~~, is hereby incorporated by reference.

(2) 40 C.F.R. Part 265 Subpart H, except for 265.140(d) and ~~except for text added or deleted by 71 Fed.Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative)~~, is hereby incorporated by reference.

(3) The Director shall require proof of adequate financial responsibility to insure any corrective action required as a condition of a permit issued pursuant to these rules.

(4) Methods other than those provided for in subsection (1) above may be used to insure financial responsibility if the owner or operator can show that an equivalent degree of protection can be provided concerning human health and the environment.

391-3-11-07 Identification and Listing of Hazardous Waste.

(1) 40 C.F.R. Part 261, is hereby incorporated by reference, except for the following: (1) any text and references pertaining to "hazardous secondary material(s)" (2) the text "or that is not excluded by a non-waste determination under §§260.30 and 260.34" is deleted from §261.2(a)(1); (3) §261.2(c)(3) reads as follows: "*Reclaimed*. Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed (except as provided under §261.4(a)(17)). Materials noted with a "-" in column 3 of Table 1 are not solid wastes when reclaimed." (4) §§261.4(a)(23)-(25) and 40 CFR Part 261 Subpart H ~~delete "267" from 261.7(a)(1) and except for text added or deleted by 73 Fed. Reg. 77997 (Dec. 19, 2008, Expansion of RCRA Comparable Fuel Exclusion) and 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative) and 73 Fed. Reg. 64757 (October 30, 2008, Revisions to the Definition of Solid Waste), as amended by 73 Fed. Reg. 31768 (June 4, 2008), 73 Fed. Reg. 72954 (Dec. 1, 2008), 74 Fed. Reg. 30230 (June 25, 2009), 75 Fed. Reg. 13001 (March 18, 2010), 75 Fed. Reg. 31716 (June 4, 2010), and 75 Fed. Reg. 78926 (December 17, 2010), is hereby incorporated by reference.~~

(2) 40 C.F.R. Part 260, Subpart C, is hereby incorporated by reference, except for the following: (1) all text and references pertaining to "non-waste determinations" in §260.30 and §260.33; (2) the text "and §260.34" is removed from the introductory paragraph of §260.30; (3) the text "and" is added to the end of §260.30(b); and (4) §260.30(d) and (e), §260.33(c), §260.34, §260.42, and §260.43 ~~text added or deleted by 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative) and 73 Fed. Reg. 64757 (October 30, 2008, Revisions to the Definition of Solid Waste), as amended by 74 Fed. Reg. 30230 (June 25, 2009), and 75 Fed. Reg. 13001 (March 18, 2010), is hereby incorporated by reference.~~

(3) The Director shall provide public notice of any petition to delist a waste and shall provide an opportunity for public comment thereon. Such public notice shall be paid for by the person requesting the delisting.

391-3-11-08 Standards Applicable to Generators of Hazardous Waste. Amended.

(1) 40 C.F.R. Part 262, except for 262.34(j), 262.34(k) and 262.34(l), ~~as amended by 73 Fed. Reg. 72954 (Dec. 1, 2008), 74 Fed. Reg. 22742 (May 14, 2009), 74 Fed. Reg. 30230 (June 25, 2009), 75 Fed. Reg. 1253 (January 8, 2010), 75 Fed. Reg. 13001 (March 18, 2010), 75 Fed.~~

~~Reg. 79308 (December 20, 2010) and 76 Fed. Reg. 36366 (June 22, 2011)~~, is hereby incorporated by reference.

(2) Hazardous Waste Manifests shall be on forms as designated by the Director and shall be completed as required by the instructions supplied.

(3) Weekly inspections of 90/180day hazardous waste accumulation areas shall be documented and maintained onsite for three years.

391-3-11-09 Standards Applicable to Transporters of Hazardous Waste. Amended.

40 C.F.R. Part 263, as amended by ~~75 Fed. Reg. 1253 (January 8, 2010)~~, and ~~75 Fed. Reg. 13001 (March 18, 2010)~~, is hereby incorporated by reference.

391-3-11-10 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

(1) 40 C.F.R. Part 265, Subpart A – Subpart ~~F~~ except for ~~265.90(f)~~, Subpart ~~G~~ except for ~~265.110(c)~~, ~~265.110(d)~~, ~~265.112(b)(8)~~, ~~265.112(c)(1)(iv)~~, ~~265.118(c)(4)~~, ~~265.118(c)(5)~~, ~~265.118(d)(1)(iii)~~ and ~~265.121~~, Subpart I - Subpart R, Subpart W, Subpart AA, Subpart BB, Subpart CC, Subpart DD and Subpart EE, and except for text added or deleted by ~~71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative)~~, as amended by ~~75 Fed. Reg. 1253 (January 8, 2010)~~ and ~~75 Fed. Reg. 13001 (March 18, 2010)~~, are hereby incorporated by reference, except for the following: §§265.90(f), 265.110(c), 265.110(d), 265.112(b)(8), 265.112(c)(1)(iv), 265.118(c)(4), 265.118(c)(5), 265.118(d)(1)(iii), and 265.121.

(2) 40 C.F.R. Part 264, Subpart A – Subpart ~~F~~ except for ~~264.90(e)~~ and ~~264.90(f)~~, Subpart ~~G~~ except for ~~264.110(c)~~, ~~264.112(b)(8)~~, ~~264.112(c)(2)(iv)~~, ~~264.118(b)(4)~~, ~~264.118(d)(2)(iv)~~, Subpart I – Subpart O, Subpart S, Subpart W, Subpart X, Subpart AA, Subpart BB, Subpart CC, Subpart DD, and Subpart EE, and except for text added or deleted by ~~71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative)~~, as amended by ~~73 Fed. Reg. 18983 (April 8, 2008)~~, ~~75 Fed. Reg. 1253 (January 8, 2010)~~, and ~~75 Fed. Reg. 13001 (March 18, 2010)~~, are hereby incorporated by reference, except for the following: §§264.90(e), 264.90(f), 264.110(c), 264.112(b)(8), 264.112(c)(2)(iv), 264.118(b)(4), 264.118(d)(2)(iv).

(3) 40 C.F.R. Part 266, ~~except for text added or deleted by 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative)~~, as amended by ~~73 Fed. Reg. 18983 (April 8, 2008)~~, ~~74 Fed. Reg. 30230 (June 25, 2009)~~, ~~75 Fed. Reg. 1253 (January 8, 2010)~~, ~~75 Fed. Reg. 13001 (March 18, 2010)~~, and ~~75 Fed. Reg. 31716 (June 4, 2010)~~, is hereby incorporated by reference.

391-3-11-11 Hazardous Waste Facility Permits. Amended.

(1) Permits Required: No person shall and it shall be unlawful and a violation of the Georgia Hazardous Waste Management Act to construct, install, operate or substantially alter a hazardous waste facility without first obtaining and possessing a hazardous waste facility permit from the Director.

(a) Scope of the RCRA Permit Requirement: 40 C.F.R. 270.1(c), except for 270.1(c)(7), ~~and text added or deleted by 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative)~~, is hereby incorporated by reference.

(b) 40 C.F.R. 124.1(a) is hereby incorporated by reference.

(2) Interim Status: Any person who owns or operates a facility required to have a permit under subsection (1) above, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory changes pursuant to the Georgia Hazardous Waste Management Act that render the facility subject to the requirement to have a permit pursuant to subsection (1) above, shall be accorded interim status, which means that such person shall be treated as having been issued a permit until such time as final administrative disposition of the person's application has been made, if and to the extent the person:

(a) Has notified the Director of the existence of such facility as required pursuant to Rule 391-3-11-.04;

(b) Has filed an application for a permit as required pursuant to these rules;

(c) Furnishes to the Director information reasonably required or requested for processing such application;

(d) Does not treat, store, or dispose of hazardous waste not specified in the permit application, nor employ processes not specified in the permit application, nor exceed the design capacity specified in the permit application; and

(e) Complies with all standards applicable to interim status facilities set forth in these rules.

(3) Application for Permit: An application for a Hazardous Waste Facility Permit shall be submitted in such manner and on such forms as the Director may prescribe.

(a) Application shall be complete and accurate and accompanied by required plans, data, specifications, engineering reports, design and other information as the Director deems necessary to make a determination of compliance with the Act, applicable standards and requirements and these rules. An application for a permit shall include a demonstration of financial responsibility including but not limited to guarantees, liability insurance, the posting of bonds, or any combination of guarantees, liability insurance, or bonds, in accordance with O.C.G.A. 12-8-68 et seq. and 391-3-11-.05 of these rules. Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect upon the environment and the health of humans.

(b) Specific Procedures Applicable to RCRA Permits: 40 C.F.R. 124.31 - 124.33 are hereby incorporated by reference, except the following sentences are deleted in section (a) of 124.31, 124.32 and 124.33 "For the purposes of this section only 'hazardous waste management units over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 C.F.R. Part 271. ~~The requirements of this section shall also apply to hazardous waste management facilities for which facility owners or operators are seeking coverage under a RCRA standardized permit (see part 270, subpart J), including renewal of a standardized permit for such units, where the renewal is proposing a significant change in facility operations, as defined at § 124.11(e).~~ The requirements of this section do not apply to permit modifications

under 270.42 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility." ~~and the following sentences are deleted under section (b) of 124.31, 124.32, and 124.33 "or to the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR part 270 subpart J)" and the following sentences are deleted under section (c) of 124.31, 124.32, and 124.33 "in accordance with 40 CFR 270.14(b), or with the written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR part 270 subpart J)."~~

(c) Permit Application and Updating Permit Applications for Existing and New Hazardous Waste Management Facilities: 40 C.F.R. 124.3, 40 C.F.R. 270.10 and 40 C.F.R. 270.235 are hereby incorporated by reference.

(d) Signatories to Permit Applications and Reports: 40 C.F.R. 270.11 is hereby incorporated by reference.

(e) Confidentiality of Information: 40 C.F.R. 270.12(b) is hereby incorporated by reference.

(f) Interim Status: 40 C.F.R. 270.70 - 270.73 are hereby incorporated by reference.

(g) Contents of Part A: 40 C.F.R. 270.13 is hereby incorporated by reference.

(h) Contents of Part B: 40 C.F.R. 270.14 - 270.27, ~~except for text added or deleted by 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative),~~ are hereby incorporated by reference.

(4) Upon the first receipt of an application for a Hazardous Waste Facility Permit, the Director, within fifteen (15) days, shall provide to the government of the county in which the facility is located or proposed to be located, to each city government located wholly or partially within that county, and to the government of each county and city having territorial boundaries within two miles of the hazardous waste facility or proposed hazardous waste facility a written notice indicating that an application has been received and describing the hazardous waste activities the applicant proposes to conduct. Within a 30 day period after first receipt of such application, the Director shall also publish in at least one local newspaper of general circulation in the county a public notice that an application for a hazardous waste facility permit has been received. A public hearing shall be held if such is requested in writing within thirty (30) days after publication of notification and is requested by twenty-five (25) or more persons who claim to be affected by the pending permit application, by a governmental subdivision, or by an association having no fewer than twenty-five (25) members. If requested, the public hearing shall be conducted at the county seat of the county in which the hazardous waste facility is proposed to be located. At least forty-five (45) days prior to the date of the public hearing, the Director shall provide written notice to the various local governmental subdivisions and other interested parties in the locality in which the proposed facility may be located that a public hearing has been requested, which written notice shall also include the date, time, location and purpose of the public hearing. The date, time, location and purpose of such public hearing shall be advertised in the legal organ of the county in which the facility is proposed at least forty-five (45) days in advance of the date set for the hearing. Such public hearings shall be held for the purpose of receiving comments and suggestions concerning the location and requirements for the operation of a hazardous waste facility. The Director shall consider fully all written and oral submissions regarding the proposed facility and the pending application.

(a) Public Notice of Permit Actions and Public Comment Period: 40 C.F.R. 124.10 is hereby incorporated by reference.

(b) Public Comments and Request for Public Hearings: 40 C.F.R. 124.11 is hereby incorporated by reference.

(c) Public Hearings: 40 C.F.R. 124.12(a) is hereby incorporated by reference.

(d) Obligation to Raise Issues During Public Comment: 40 C.F.R. 124.13 is hereby incorporated by reference.

(e) Reopening of the Public Comment Period: 40 C.F.R. 124.14 is hereby incorporated by reference.

(f) Issuance and Effective Date of Permit: 40 C.F.R. 124.15 is hereby incorporated by reference.

(g) Response to Comments: 40 C.F.R. 124.17(a) and 124.17(c) are hereby incorporated by reference.

(h) The owner or operator of any hazardous waste treatment, storage or disposal facility shall pay any costs or expenses associated with public notices or notifications required by these rules including, but not limited to, public notices or notifications relating to permitting and closure activities.

(5) Issuance of Permit: A permit shall be issued to an applicant on evidence satisfactory to the Director of compliance with the provisions of the Act, any applicable standards or requirements and these rules.

(a) Any permit shall contain such terms and conditions, including conditions requiring corrective action beyond the facility boundary, as are deemed necessary by the Director to protect the environment and the health of humans, and the Director may require such testing and construction supervision as he deems necessary to protect the environment and the health of humans. Any permit issued subsequent to November 8, 1984, shall contain conditions requiring corrective action for any releases into the environment of hazardous waste or hazardous constituents at the facility seeking a permit, regardless of the time at which waste was placed at such facility.

(b) Conditions Applicable to all Permits: 40 C.F.R. 270.30 is hereby incorporated by reference.

(c) Establishing Permit Conditions: 40 C.F.R. 270.32 is hereby incorporated by reference.

(d) Schedules of Compliance: 40 C.F.R. 270.33 is hereby incorporated by reference.

(e) Requirements for Recording and Reporting of Monitoring Results: 40 C.F.R. 270.31 is hereby incorporated by reference.

(f) Effect of a Permit: 40 C.F.R. 270.4, ~~as amended by 75 Fed. Reg 13001 (March 18, 2010)~~, is hereby incorporated by reference.

(g) Draft Permits: 40 C.F.R. 124.6(a), 124.6(d) and 124.6(e) are hereby incorporated by reference.

(h) Fact Sheet: 40 C.F.R. 124.7 and 124.8 are hereby incorporated by reference.

~~(i) ——— Deadline for Issuance: In the case of all hazardous waste facilities in existence on November 8, 1984, the Director must make a decision to issue or deny a permit by the following dates:~~

- ~~1. By November 8, 1988, for all land disposal facilities;~~
- ~~2. By November 8, 1989, for all incinerators;~~
- ~~3. By November 8, 1992, for all other hazardous waste facilities.~~

(6) Denial of Permit: In the event of denial of a permit application, the Director shall send written notice of such action to the applicant and shall set forth in such notice the reason for the action. The denial of any permit by the Director shall become final unless a petition for hearing in accordance with O.C.G.A. 12-8-73 is filed.

(a) 40 C.F.R. 124.6(b) is hereby incorporated by reference.

(b) 40 C.F.R. 270.29 is hereby incorporated by reference.

(7) Amendment, Modification, Revocation or Suspension of Permit:

(a) The Director may amend, modify, suspend or revoke any permit issued for cause, including but not limited to the following:

1. Violation of any condition or provision of such permit or failure to comply with any final order of the Director;
2. Failure to comply with the Act or these rules;
3. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
4. When the permitted facility poses a threat to the environment or the health of humans.

(b) In the event of amendment, modification, suspension or revocation of any permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(c) Modification, Revocation, Reissuance, or Termination of Permits: 40 C.F.R. 270.41, 270.43 and 40 C.F.R. 124.5, are hereby incorporated by reference, except the following sentences are text is deleted under section 124.5(c): "...other than under 40 CFR 270.41(b)(3)." and "In the case of revoked and reissued permits under 40 CFR 270.41(b)(3), the Director and the permittee shall comply with the appropriate requirements in 40 CFR part 124, subpart G for RCRA standardized permits.", are hereby incorporated by reference.

(d) Permit Modification at the Request of Permittee: 40 C.F.R. 270.42 and 40 C.F.R. 124.5, ~~except 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative) and 73 Fed. Reg. 64757 (October 30, 2008, Revisions to the Definition of~~

~~Solid Waste~~), are hereby incorporated by reference, except for A.9 and A.10 in Appendix I to §270.42.

(8) Transfer of Permits: Permits are not transferable from one person to another or from one site or facility to another unless such transfer is approved by the Director.

(a) 40 C.F.R. 270.40 is hereby incorporated by reference.

(9) Duration of Permit: A permit shall be effective for a fixed term not to exceed 10 years.

(a) Each permit for a land disposal facility shall be reviewed by the Director five years after the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of these rules.

(10) Special Forms of Permits: 40 C.F.R. 270.60-270.63, 270.65, 270.66, 270.68 and 270.79-270.230, are hereby incorporated by reference.

(11) Noncompliance and Program Reporting by the Director: 40 C.F.R. 270.5 is hereby incorporated by reference.

(12) Definitions Applicable to RCRA Permits: Definitions of words or terms applicable to RCRA permits as defined in 40 C.F.R. 270.2, ~~except the following is deleted from 270.2 “and standardized permit (subpart J of this part),”~~ are hereby incorporated by reference.

(13) References: 40 C.F.R. 270.6 and 270.66 are hereby incorporated by reference.

391-3-11-15 Availability of Information.

(1) The Director shall make disclosure of records to the public within three working days of receipt of a request for disclosure, if and to the extent the requester:

(a) Has filed a request in writing with the Director at ~~1152 Floyd Towers East, 2 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334;~~

(b) Has requested records which are subject to the Georgia Open Records Act, O.C.G.A. 50-18-70, et seq.; and

(c) Has requested records that are not exempt from disclosure pursuant to state law, O.C.G.A. 50-18-70, et seq., and O.C.G.A. 12-8-78(a).

(2) No fee shall be charged for record inspection. Reasonable fees for copying records may be charged in accordance with procedures developed by the Director.

(3) If a request to inspect or copy records is denied, the Director shall furnish to the requester in writing the basis for the denial and a statement of the judicial remedies available to seek to obtain the requested records.

391-3-11-16 Land Disposal Restrictions. Amended.

40 C.F.R. Part 268, ~~except for text added or deleted by 71 Fed. Reg. 16902 (April 4, 2006, Resource Conservation and Recovery Act Burden Reduction Initiative), as amended by 75 Fed.~~

~~Reg. 13001 (March 18, 2010), 75 Fed. Reg. 78926 (December 17, 2010), and 76 Fed. Reg. 34153 (June 13, 2011)~~, is hereby incorporated by reference, except for 40 C.F.R. 268.5, 268.6, 268.42(b), and 268.44(a)-268.44(g), which will be implemented by the U.S. Environmental Protection Agency.