

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

The following changes have been made throughout Chapter 391-3-11 for purposes of streamlining and clarification:

References to specific Federal Registers have been deleted as these references are not needed. Instead, text has been added to clarify what parts of the federal hazardous waste regulations have not been adopted by reference. References to Federal Registers which contain hazardous waste regulations that have been adopted by reference were deleted because a blanket statement in Rule 391-3-11-.01(2) addresses the adoption of these regulations by reference.

Rule 391-3-11-.01 “General Provisions,” is being amended.

Purpose: The purpose of this amendment is to clarify those federal regulations that have not been adopted by reference, and to provide a crosswalk to internal references of the federal regulations within the rules adopted by reference. These revisions will make it easier to understand which rules have and have not been adopted by reference. Additionally, the text is being revised to adopt federal hazardous waste regulations in effect through June 30, 2014.

Main feature: Subparagraph (2) is being amended to adopt federal hazardous waste regulations in effect through June 30, 2014.

Subparagraph (2)(b) is being amended to provide within the rules a crosswalk to internal references to the federal hazardous waste regulations that have been adopted by reference. Additionally, the crosswalk for only 40 CFR Parts 124 and 270 was deleted and replaced with an overarching crosswalk.

Rule 391-3-11-.02, “Definitions”, is being amended.

Purpose: The purpose of this amendment is to incorporate by reference three amendments to the definition of terms in the Federal Hazardous Waste Regulations published in the Federal Register on July 31, 2013, February 7, 2014, and June 26, 2014.

Main feature: Subparagraph (1) is amended as follows:

- To add definitions of the terms, *No free liquids*, *Solvent-contaminated wipe*, *Wipe*, *CRT exporter*, *Electronic manifest*, *Electronic Manifest System*, and *User of the Electronic Manifest System* to the regulations, and
- To revise the definition of *Manifest* to include electronic manifests.

Rule 391-3-11-.05 “Financial Responsibility,” is being amended.

Purpose: The purpose of this amendment is to incorporate by reference an amendment to the financial assurance requirements in the Federal Hazardous Waste Regulations published in the Federal Register on April 4, 2006.

Main feature: Subparagraph (1) and (2) is amended to allow for a qualified Professional Engineer to certify the closure and/or post-closure of hazardous waste management and disposal units.

Rule 391-3-11-.07, “Identification and Listing of Hazardous Waste”, is being amended.

Purpose: The purpose of this amendment is to incorporate by reference four amendments to the Federal Hazardous Waste Regulations published in the Federal Register on April 4, 2006, April 13, 2012, July 31, 2013 and June 26, 2014, which (1) reduce the reporting and paperwork burden imposed on hazardous waste facilities; (2) correct a typographical error, (3) provide a consistent regulatory framework for the management of solvent-contaminated wipes that is appropriate to the level of risk posed by the wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses, and (4) allow for EPA to better track exports of Cathode Ray Tubes (CRTs) for reuse and recycling in order to ensure the safe management of these materials.

Main feature: Subparagraph (1) is amended as follows:

- To reduce the reporting and paperwork burden for facilities which claim an exclusion for wood preserving wastewaters and spent wood preserving solutions as solid waste, and for samples undergoing treatability studies,
- To correct a typographical error in the description of the waste code K107,
- To conditionally exclude from the definition of solid waste solvent-contaminated wipes that are cleaned and reused,
- To conditionally exclude from the definition of hazardous waste solvent-contaminated wipes that are disposed,
- To require an annual report from CRT exporters of used CRTs exported for recycling,
- To revise the notification that is submitted when CRTs are exported for reuse or recycling, and
- To require that normal business records maintained by CRT exporters be translated into English upon request.

Subparagraph (2) is being amended to reduce the criteria for determining if a variance from classification as a solid waste should be granted.

Rule 391-3-11-.08 “Standards Applicable to Generators of Hazardous Waste,” is being amended.

Purpose: The purpose of this amendment is to incorporate by reference an amendment to the Federal Hazardous Waste Regulations published in the Federal Register on February 7, 2014, which (1) authorizes the use of electronic manifests as a

means to track off-site shipments of hazardous waste from the generator to a designated facility, as an alternative to using paper manifest forms.

Main feature: Subparagraph (1) is being amended to allow generators to use EPA's Electronic Manifest System as an alternative to using paper manifest forms, and to clarify those electronic signature methods that EPA recommends for executing electronic manifests.

Rule 391-3-11-.09 "Standards Applicable to Transporters of Hazardous Waste," is being amended.

Purpose: The purpose of this amendment is to incorporate by reference an amendment to the Federal Hazardous Waste Regulations published in the Federal Register on February 7, 2014, which authorizes the use of electronic manifests as a means to track off-site shipments of hazardous waste from the generator to a designated facility, as an alternative to using paper manifest forms.

Main feature: Subparagraph (1) is being amended to allow transporters to use EPA's Electronic Manifest System as an alternative to using paper manifest forms, and to clarify those electronic signature methods that EPA recommends for executing electronic manifests.

Rule 391-3-11-.10 "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities", is being amended.

Purpose: The purpose of this amendment is to incorporate by reference three amendments to the federal hazardous waste regulations published in the Federal Register on April 4, 2006, April 13, 2013, and February 7, 2014, which reduces the reporting and paperwork burden imposed on hazardous waste facilities, (2) provide a clarification on notification and certification requirements for recycling facilities, and (3) authorizes the use of electronic manifests as a means to track off-site shipments of hazardous waste from the generator to a designated facility, as an alternative to using paper manifest forms.

Main feature: Subparagraphs (1) and (2) are amended as follows:

- To allow permitted and interim status hazardous waste facilities to follow OSHA for emergency response training requirements,
- To allow permitted and interim status hazardous waste facilities to develop an Integrated Contingency Plan which address releases to water, air, and land,
- To reduce record retention times for permitted and interim status hazardous waste facilities,
- To reduce monitoring and reporting requirements for permitted and interim status hazardous disposal facilities,
- To allow certification of the closure and post-closure of hazardous waste management and disposal units by qualified professional engineers, instead of independent registered professional engineers,
- To remove obsolete language regarding what tanks require secondary containment,

- To allow qualified professional engineers to certify assessments of hazardous waste storage and treatment tanks, staging piles, drip pads, and containment buildings,
- To reduce self-inspection frequencies for tank systems from daily to weekly at permitted treatment, storage and disposal facilities, and large quantity hazardous waste generators,
- To eliminate the requirement for interim status surface Impoundments, waste piles, and landfills to submit a response action plan,
- To remove obsolete language in the requirements for waste piles, surface impoundments, containment buildings, and landfills,
- To eliminate notification requirements for complying with alternative standards in addressing leaks from valves containing hazardous waste, and
- To require weekly inspections of hazardous waste tanks operated by small quantity generators.
- To allow permitted hazardous waste facilities to use EPA's Electronic Manifest System as an alternative to using paper manifest forms, and
- To clarify those electronic signature methods that EPA recommends for executing electronic manifests.

Subparagraph (3) is amended to add a conforming change to alert certain recycling facilities of certification and notification requirements under the Land Disposal Restriction regulations, and reduce record retention periods for hazardous waste burners.

Rule 391-3-11-.11 “Hazardous Waste Facility Permits,” is being amended and revised.

Purpose: The purpose of this amendment is to incorporate by reference an amendment to the hazardous waste facility permitting requirements in the Federal Hazardous Waste Regulations published in the Federal Register on April 4, 2006, to correct typographical error, and to remove obsolete rules and references to rules not adopted by reference.

Main feature: Subparagraph (1)(a) is amended to remove a reference to the April 4, 2006 Federal Register, which was in error.

Subparagraph (3)(b), (7)(c), and (12) is amended to remove text pertaining to RCRA standardized permits that was not adopted by reference, but whose exception is already covered in a blanket statement in Section 391-3-11-.01(2).

Subparagraph (3)(h) is amended to allow for technical data, such as design drawings and specifications, and engineering studies to be certified by a qualified Professional Engineer, instead of an independent registered Professional Engineer.

Subparagraph (5)(i) is deleted as it is obsolete. The deadlines to issue initial permits to hazardous waste facilities in existence on November 8, 1984 have passed, and the requirements of this rule have been accomplished.

Subparagraph (7)(d) is amended to incorporate additional permit modifications pertaining to the RCRA Burden Reduction Initiative regulations in the April 4, 2006 Federal Register.

Rule 391-3-11-.15 “Availability of Information”, is being amended.

Purpose: The purpose of this amendment is to remove an incorrect address reference.

Main feature: Subparagraph (1)(a) is being amended to remove an incorrect address reference as the EPD offices have moved. An address is not needed in the rules.

Rule 391-3-11-.16 “Land Disposal Restrictions,” is being amended.

Purpose: The purpose of this amendment is to incorporate by reference an amendment to the hazardous waste facility permitting requirements in the Federal Hazardous Waste Regulations published in the Federal Register on April 4, 2006.

Main feature: This section is amended to clarify regulatory language on generator waste determinations in the land disposal restriction requirements, and to reduce land disposal restriction requirements for notifications of recyclable materials used in a manner constituting disposal.

Statement of Rationale
Rules for Hazardous Waste Management

The basis for this rule is to meet the requirements necessary to retain Resource Conservation and Recovery Act (RCRA) authorization, allowing Georgia to maintain primacy to regulate hazardous waste facilities in lieu of the US Environmental Protection Agency (US EPA). Georgia's hazardous waste program must be at least as stringent as the Federal requirements to maintain RCRA authorization. The purpose of adopting US EPA regulations by reference is to reduce the number of regulations that Georgia's regulated community has to comply with.

This revision is in no way more restrictive than the federal requirements. It does not incur any additional costs to the Environmental Protection Division or the regulated industry beyond what is required by federal regulations. No costs will be imposed on local governments or the general public.