

Georgia Department of Natural Resources

Environmental Protection Division • Land Protection Branch

Solid Waste Management Program

4244 International Parkway • Suite 104 • Atlanta • Georgia 30354

(404) 362-2692; Fax (404) 362-2693

Judson H. Turner, Director

July 16, 2013

MEMORANDUM

TO: Solid Waste Inert Landfill Owner/Operators

FROM: Jeff Cown, Chief 
Land Protection Branch

SUBJECT: Amended Regulation of Inert Landfills Under
Official Code of Georgia Annotated Section 12-8-24(k)

On February 25, 2013 changes to *Georgia's Rules for Solid Waste Management* (Rules), Chapter 391-3-4-.06 were promulgated requiring all existing inert landfills that had not obtained a solid waste handling permit by **December 1, 2014** to cease receipt of waste and complete closure by **June 1, 2015**, with possible extensions by the Director for facilities that have submitted applications and final decisions on permit issuance or denial have not yet been made.

Subsequently, Georgia House Bill 320 became effective on July 1, 2013 and added a new subsection to the Official Code of Georgia Annotated (O.C.G.A.) section 12-8-24 that reads as follows:

"(k) Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements."

In short, if an inert landfill compliance certification is submitted to the Solid Waste Management Program and deemed in accordance with the requirements of O.C.G.A. §12-8-24-(k), then that inert landfill will be exempt from the above referenced deadlines in Rule 391-3-4-.06. It is important to note a drawing showing the limits of an inert landfill had to be submitted as part of a complete *Form for the Notification of Permit by Rule Operations* (PBR Notification Form) on January 1, 2012. Therefore, inert landfills that are exempted from the referenced deadlines in Rule 391-3-4-.06 may continue to operate under permit by rule requirements only within the boundaries provided with the PBR Notification Form. A solid waste handling permit must be obtained prior to construction or operation of an inert landfill outside those boundaries.

The Solid Waste Management Program has prepared the enclosed *Inert Landfill Certification Form* and accompanying guidance to assist you and your professional engineering consultant if you choose to submit an inert landfill compliance certification. Inert landfill compliance certifications must be submitted to the Solid Waste Management Program for review at the address in the letterhead of this memo on or before **December 31, 2013**. Based on the Program's review, you will be informed in writing whether the certification meets the requirements of O.C.G.A. §12-8-24-(k).

If you have any questions regarding this memo or need further assistance, please contact the Solid Waste Management Program at (404) 362-2692.

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Certification of Inert Landfill Compliance **Rules for Solid Waste Management in Georgia** **(As existed on January 1, 2012)**

County: _____

Inert Landfill PBR Number: _____

Inert Landfill Owner: _____

Inert Landfill Name: _____

Inert Landfill Address: Street: _____

City, State, Zip: _____

Inert Landfill Latitude: _____ Longitude: _____

Certifying GA Professional Engineer (P.E.): _____

Date: _____

I _____ (*Certifying P.E.*) certify that the inert landfill

listed above is/was in compliance with the following sections of the *Rules for Solid Waste*

Management in Georgia (Rules), as the Rules existed on January 1, 2012. This

Certification of Compliance was prepared under my direct supervision after a site visit to

the facility by myself or my authorized representative. The required documentation

supporting this certification is attached.

- **391-3-4-.06-(2)** Notification was submitted within 30 days of commencing solid waste handling activities.

[Copy of notification documents and/or EPD acknowledgment letter]

- **391-3-4-.06-(3)-(c)-1.** Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, have been accepted for disposal.

[Field evaluation (including site photographs taken during evaluation) and affidavit from Owner/Operator familiar with operational history. Field evaluation should be more extensive if Owner/Operator is not familiar with operational history]

- **391-3-4-.06-(3)-(c)-2.** No portion of waste disposal area is within 100 feet of any property line or enclosed structure.

[Survey plan of inert waste final boundary showing relation to nearest property boundary and enclosed structure, signed & sealed by GA-registered surveyor or certified as accurate by P.E. Indicate on plan areas of the inert landfill that are at final grade and have been covered with at least two feet of clean soil. Preferably, also include a Google earth or other aerial photograph indicating the inert landfill location]

- **391-3-4-.06-(3)-(c)-3.** Materials placed in the inert waste have been spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth has been placed over all exposed inert waste material at least monthly.

[Field evaluation (including site photographs taken during evaluation) and affidavit from Owner/Operator familiar with operational history. Field evaluation should be more extensive if Owner/Operator is not familiar with operational history]

- **391-3-4-.06-(3)-(c)-4.** The inert waste landfill site is graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

[Discussion by P.E. included in certification documentation]

- **391-3-4-.06-(3)-(c)-5.** Access to the inert waste landfill is limited to authorized entrances which are closed when the site is not in operation.

[Discussion by P.E. of means to restrict access included in certification documentation]

- **391-3-4-.06-(3)-(c)-6.** Suitable means are provided to prevent and control fires.

[Discussion by P.E. of means to prevent and control fires included in certification documentation]

- **391-3-4-.06-(3)-(c)-10.** All wastes received at the landfill have been measured and reported as required by Rule 391-3-4-.17.

[Copies of tonnage reports submitted to EPD or letter from EPD stating facility is compliant with this requirement]

- **391-3-4-.06-(3)-(c)-11.** The inert landfill was in full compliance with all other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits prior to commencement of landfilling operations.

[Copies of documentation demonstrating compliance with:

- 1. All local zoning and land use ordinances, including erosion and sedimentation control.**
- 2. Georgia's Rules for Erosion and Sedimentation Control, Chapter 391-3-7; Georgia Erosion and Sedimentation Act (O.C.G.A. 12-7-1)**
- 3. The National Pollutant Discharge System (NPDES) program - Federal Water Pollution Control Act (Clean Water Act) – Section 402**
- 4. Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Developments of Regional Impact]**

The P.E. must also determine if any other pertinent ordinances or permits were required, and provide documentation demonstrating compliance with any such ordinances or permits.]

Professional Engineer Seal & Signature
