

**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.

**Rule 391-3-11-.01. General Provisions**

- (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 as amended through ~~December 9, 2019~~ October 1, 2021, unless otherwise stated. Provided, however, nothing in 40 C.F.R. Parts 124, 260-266, 268, 270, 273 and 279, as pertains to any exclusion for carbon dioxide streams in geologic sequestration activities, or standardized permits (including all references to 40 C.F.R. Part 267, Part 270 Subpart J, Part 124 Subpart G), the May 2018 Response to Vacatur of Certain Provisions of the Definition of Solid Waste, or enforceable documents as defined in 270.1(c)(7), is adopted or included by reference herein.
  - (a) The text of the federal regulations incorporated by reference includes references to "RCRA", the "Resource Conservation and Recovery Act", "Subtitle C of RCRA", "the Act", and other general references that refer to the federal hazardous waste program as a whole. Unless otherwise noted, these references shall be construed to refer to the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq. and the Georgia hazardous waste management program. References to "RCRA permits" or "RCRA Part B permits" shall refer to permits issued by the Environmental Protection Agency, the State of Georgia, or another authorized state. References to specific sections of RCRA shall refer to both the federal provisions of RCRA to be implemented by the Environmental Protection Agency, as well as analogous provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 et seq., to be implemented by the Georgia Environmental Protection Division. References to other federal statutes and regulations contained in the text of the federal regulations incorporated by reference that are not specifically adopted by reference, including, but not limited to, references to the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act, shall be used to assist in interpreting the federal regulations, and the authority and power of the analogous or related portions of the Georgia statutes and regulations shall also be considered to apply.

- (b) When used in any provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279, references to RCRA "Subtitle D" and 40 C.F.R. Part 258, including 258.40, shall also be construed to refer to the provisions contained in Sections 391-3-4-.01, 391-3-4-.05, 391-3-4-.07, and 391-3-4-.11 through 391-3-4-.14 of the Georgia Rules for Solid Waste Management, as amended.
- (c) When used in any such provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279: Environmental Protection Agency or EPA, except in reference to EPA ID numbers, EPA hazardous waste numbers, EPA publications or forms, regulations on international shipments, the electronic manifest system or its associated fee system, or manifest registry functions, pre-transport markings of hazardous waste, or EPA in "EPA or an authorized state" shall mean the Georgia Environmental Protection Division; and Administrator or Regional Administrator, except in reference to regulations on international shipments, shall mean Director of the Environmental Protection Division.
- (d) 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. 260.2(d)	391-3-11-.03(4)
40 C.F.R. 260.3	391-3-11-.01(2)(e)
40 C.F.R. 260.4	391-3-11-.10(3)
40 C.F.R. 260.10-11	391-3-11-.02
40 C.F.R. 260.42	391-3-11-.04
40 C.F.R. Part 264 Subpart H	391-3-11-.05(1)
40 C.F.R. Part 265 Subpart H	391-3-11-.05(2)
40 C.F.R. Part 261 Subpart H	391-3-11-.05(5)
40 C.F.R. Part 260 Subpart C	391-3-11-.07(2)
40 C.F.R. Part 261 Subparts A-E, I-J, M, AA-CC	391-3-11-.07(1)
40 C.F.R. Part 262	391-3-11-.08(1)
40 C.F.R. Part 263	391-3-11-.09
40 C.F.R. Part 264 Subparts A-G, I-O, S, W, X, and AA- <del>EEFF</del>	391-3-11-.10(2)
40 C.F.R. Part 265 Subparts A-G, I-R, W, and AA- <del>EEFF</del>	391-3-11-.10(1)
40 C.F.R. Part 266	391-3-11-.19
40 C.F.R. Part 124	391-3-11-.11

40 C.F.R. Part 270	391-3-11-.11
40 C.F.R. Part 268	391-3-11-.16
40 C.F.R. Part 279	391-3-11-.17(1)
40 C.F.R. Part 273	391-3-11-.18

References to EPA forms or reports, except in reference to regulations on international shipments, manifests, or the electronic manifest system, shall mean EPD forms and reports as may be provided by the Director.

- (e) 40 C.F.R. 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.

Authority: O.C.G.A § 12-8-60, et seq.