

**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**

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

Purpose: **The purpose of this amendment is as follows:**

- To adopt Federal Hazardous Waste Regulations published on July 7, 2020, which allow the use of more modern test methods and equipment for ignitable waste determinations.
- To adopt Federal Hazardous Waste Regulations published on October 1, 2021, which update twelve import-export recovery and disposal codes and descriptions to reflect changes to Canadian regulations.
- To update the table comparing Federal Regulation References to the corresponding Georgia Rule References.

Main features: **Subparagraph (2) is being amended as follows:**

- The date through which the federal hazardous waste rules are incorporated by reference is being changed from December 9, 2019 to October 1, 2021.
- The updates to the flash point test methods to include current ASTM International (ASTM) standards used for determining if a liquid waste is an ignitable hazardous waste is incorporated by reference.
- The finalization of existing guidance for the definition of “aqueous” as “50% water by weight” is incorporated by reference.
- The addition of cross references to U.S. DOT regulations and removal of obsolete information in the ignitability regulation is incorporated by reference.
- The finalization of alternatives to the use of mercury thermometers in the air sampling and stack emissions methods 0010, 0011, 0020, 0023A, and 0051 in SW-846 is incorporated by reference.
- The conforming changes to regulations related to twelve hazardous waste import-export recovery and disposal operations used in hazardous waste export and import notices submitted to EPA by U.S. exporters and importers, and in movement documents that accompany export and import shipments is incorporated by reference.
- To add 40 CFR Part 265 Subpart FF to the Federal Regulation/Georgia Rules cross-reference table adjacent to 391-3-11-.10(1).
- To add 40 CFR Part 264 Subpart FF to the Federal Regulation/Georgia Rules cross-reference table adjacent to 391-3-11-.10(2).

**Statement of Rationale
Rules for Hazardous Waste Management**

The basis for the proposed amendments to Chapter 391-3-11 is to maintain consistency with the Federal Resource Conservation and Recovery Act (RCRA) and to streamline regulations with which Georgia's regulated community must comply.

These revisions (1) provide flexibility and cost savings to the regulated community by allowing the use of more modern laboratory test methods and equipment; (2) update hazardous waste codes and descriptions to avoid conflicting information in import-export documentation; (3) incorporate federally-implemented requirements by reference to maintain RCRA authorization; and (4) update the Federal Regulation/Georgia Rules cross-reference table.

Although this proposed revision only makes a change to the language of Rule 391-3-11-.01(2), because that provision specifically states that its adoption by reference to the federal rule is incorporated throughout Chapter 391-3-11, this revision ensures that all relevant portions of Georgia's rules will be consistent with the federal regulatory updates.

The proposed amendment related to import-export codes will not result in any additional regulatory burden or cost to the regulated community as the codes were automatically updated by EPA in the Waste Import Export Tracking System (WIETS).