

**SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
SOLID WASTE MANAGEMENT,
CHAPTER 391-3-4**

Rule 391-3-4.01 “Definitions” is being amended.

Purpose: The purpose of this amendment is to add new definitions and edit existing definitions to make them consistent with the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-22.

Main Features: Edits to the following definitions to be consistent with Act: “Recovered Materials Processing Facility”, “Recycling”, “Solid Waste”, “Solid Waste Handling”, and “Solid Waste Handling Facility”; adding “Bulking Agent”, “High Moisture Content Waste”, “Mulch”, “Solidification”, and “Solidification/Stabilization (S/S) Agents”; and moving “Mulching” from Rule Section 391-3-4-.16 to Definitions.

Rule 391-3-4.02 “Solid Waste Handling Permits” is being amended.

Purpose: The purpose of this amendment is to correct a reference within the rule.

Main Features: The reference in Sub-section (3)(a)5 was revised to correctly reference Section 3(a) within the Rule.

Rule 391-3-4.03 “Public Participation” is being amended.

Purpose: The purpose of this amendment is to remove the requirement that the legal organ of the host local government be notified whenever a Director issues, denies, revokes, suspends, or transfers, a permit or approves a major modification of a permit for a facility.

Main Features: The requirement for legal organ notification in section 5 is being deleted to make the Rule more consistent with the Act. As a matter of policy the Solid Waste Management Program posts all solid waste permit actions by the Director on its website under the URL <https://epd.georgia.gov/public-announcements-0/land-protection-branch-public-announcements>.

Rule 391-3-4-.04 “General. Amended.”

Purpose: The purpose of this amendment is to define mulch as a recovered material, add the requirements for mulching operations and to amend the time frame for speculative accumulation from annual to a rolling 12-month period.

Main Features: The Rule is being amended to add requirements for mulching operations to address potential environmental issues, specifically fire prevention, stormwater and erosion and sedimentation control. Compliance with the requirements allows the mulching operation to be exempt from having to obtain a solid waste handling permit.

The amended time frame for speculative accumulation provides more flexibility for mulchers to meet the requirements of the rule.

Rule 391-3-4-.05 “Criteria for Siting” is being amended.

Purpose: The purpose of this amendment is to bring the Rule up to date with a recent change to the Georgia Comprehensive Solid Waste Management Act.

Main Feature: The Rule is being amended to allow MSWLF units that were permitted and operational on or before July 1, 1997 to be located within two miles of a federally restricted military air space which is used for a bombing range.

Rule 391-3-4-.06 “Permit by Rule for Collection, Transportation, Processing, and Disposal” is being amended.

Purpose: The purpose of this amendment is to delete outdated reference.

Main Feature: Section 3(a)8 was deleted from the Rule, to remove the reference regarding the waste reduction goal of July 1, 1996

Rule 391-3-4-.07 “Landfill Design and Operations” is being amended.

Purpose: The purpose of this amendment is to correct a cross reference within the Rule and to add requirements for High Moisture Content Waste Management.

Main Features: Section 3(i)2. has been revised to correctly cross reference the section that addresses Erosion and Sedimentation Control. In

addition, Section (6) was added to require facilities that intend to dispose High Moisture Content Waste, at a fraction greater than 5% by weight of the total waste disposed, to have a High Moisture Content Management Plan.

Rule 391-3-4-.09 “Shredding, Baling, Materials Recovery Facilities and Other Processing Operations” is being amended.

Purpose: The purpose of this amendment is to correct typographical errors and clarify language regarding odor control.

Main Features: Subsection 1(c)7 was revised to clarify odor control. Section 2 was revised to correct a typographical error.

Rule 391-3-4-.12 “Post-Closure Criteria” is being amended.

Purpose: The purpose of the amendment is to clarify and correct typographic errors in Rule language originally introduced in 2018.

Main Features: Section (8) is being amended to clarify the timing and environmental requirements of when the post-closure period may be reduced from 30 years to 10 years for certain types of landfill. In addition, typographic errors in the ordering of the Rule have been corrected.

Rule 391-3-4-.16 “Composting, Mulching and Anaerobic Digestion Facilities” is being amended.

Purpose: The purpose of this amendment is to remove references to mulching in this section of the Rule.

Main Features: References to mulching are being removed from this section of the rules. Mulching requirements and references are being added to 391-3-4-.07, Recovered Materials. This amendment separates mulching from composting since the processes are different.

Rule 391-3-4-.19 “Scrap and Used Tire Management” is being amended.

Purpose: The purpose of this amendment is to remove reference to an outdated standard regarding fire protection and to include certified fire inspectors in certain provisions. Amendments also include the correction of two misspellings and for grammatical consistency in the Rule.

Main Features: The Rule is being amended to remove the reference to "The Standard for Storage of Rubber Tires," NFPA 231D, 1998 edition, which was withdrawn by NFPA in 2001. The proposed rule amendment provides that tire storage at scrap tire processors and sorters shall be conducted in accordance with the local fire authority or a Georgia State Certified Fire Inspector.

Statement of Rationale
Proposed Amendments to the Rules for Solid Waste Management

The primary reasons for the proposed amendments to Chapter 391-3-4 of the Solid Waste Rules is to establish requirements that will help reduce fires at recovered material facilities with mulching operations and require the submittal of High Moisture Content Waste (HMCW) management plans to ensure stability at landfills accepting this type of waste. In addition to these proposed changes, the following revisions are proposed:

- Adding new definitions and updating others to be consistent with the Georgia Comprehensive Solid Waste Management Act;
- Removing requirement to notify legal organ of permit action (copies of permit actions are still sent to the local government official and posted on the EPD website);
- Revising siting criteria for landfills that were permitted and in operation prior to July 1, 1997;
- Clarifying when certain facilities can apply for reduction in the post-closure care period;
- Deleting references to mulching in the composting section of the Rules and placing requirements for mulching in the Recovered Materials section;
- Deleting requirements associated with scrap tires stored indoors and clarifying that Georgia State Certified Fire Inspectors can conduct fire surveys and provide specifications related to storage of scrap tires near buildings.

The Division met with stakeholders in June 2020 to receive input on draft amendments to Chapter 391-3-4. Stakeholder input was incorporated into the Rule through changes to the definitions, recovered materials, mulching, and scrap tire provisions. Portions of the proposed rule amendments may initially increase cost to recovered materials facilities and permitted municipal solid waste landfills (MSWLs). The proposed mulching operational requirements may increase cost but will significantly reduce the potential for these recovered material facilities to catch fire or, in the event of a fire, would allow it to be put out much more quickly. Under the proposed rules, MSWLs that accept more than 5% by weight of HMCW would be expected to see an increase in cost to prepare and submit HMCW management plans to EPD for review. However, preparation and implementation of these plans will help to ensure that landfills are stable and help prevent future waste mass movements and landfill slope failures. Three MSWLs have experienced severe waste mass movements in the past 7 years, which have resulted in the facilities spending millions to correct the problem. The other proposed changes in the Rules are not expected to increase costs for facilities. Also, EPD does not anticipate hiring new staff or asking for an increased budget to handle any increased workload.