

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO
GEORGIA'S RULES FOR HAZARDOUS WASTE MANAGEMENT
CHAPTER 391-3-11**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (EPD) of the Georgia Department of Natural Resources proposes amendments to the Georgia Rules for Hazardous Waste Management, Chapter 391-3-11. The Rule amendments are proposed for adoption pursuant to authority contained in the Georgia Hazardous Waste Management Act (O.C.G.A. § 12-8-60, *et seq.*). The Director of EPD certifies that the amendments of Rules 391-3-11-.01, 391-3-11-.03, 391-3-11-.05, 391-3-11-.10, 391-3-11-.11 and 391-3-11-.19 are necessary to exercise certain powers delegated by the federal government to the state for implementing specific sections of 40 CFR Parts 124, 260 – 266, 268, 270, 273 and 279.

EPD proposes to amend Rules 391-3-11-.01, 391-3-11-.03, 391-3-11-.05, 391-3-11-.10, 391-3-11-.11 and 391-3-11-.19 to include regulations published by the EPA through February 22, 2019. The proposed amendments include clarification regarding the adoption of this rule: adoption of the following federal rules by reference:

Disposal of Coal Combustion Residue from Electric Utilities (April 17, 2015; 80 FR 21032-21501) When co-disposed with CCR [e.g., fly ash, bottom ash, slag, and flue gas emission control waste], certain wastes that are generated primarily from processes that support the combustion of coal or other fossil fuels are excluded from the definition of hazardous waste.

The proposed amendments further include adoption of the following federal rules by reference:

Confidentiality Determinations for Hazardous Waste Export and Import Documents (December 26, 2017; 83 FR 60894-60901) Applies a confidentiality determination such that no person can assert confidential business information (CBI) claims for documents related to the export, import, and transit of hazardous waste and export of excluded cathode ray tubes (CRTs).

Electronic-Manifest Fee Rule (January 3, 2018; 83 FR 420-462) Establishes a fee structure applicable to paper and electronic hazardous waste manifests submitted to the e-Manifest System and includes some non-fee related changes to the system.

Safe Management of Recalled Airbags (November 30, 2018; 83 FR 61552-61563) An interim final rule which facilitates expedited removal of defective Takata airbag inflators

from vehicles by dealerships, salvage yards and other locations by exempting the collection of airbag waste from hazardous waste requirements so long as certain conditions are met.

Final Pharmaceutical Rule (February 22, 2019; 84 FR 5816-5950) Delists certain U.S. Food and Drug Administration (FDA) approved over-the-counter (OTC) nicotine replacement therapies (NRTs) from regulation as hazardous waste; prohibits the disposal of hazardous waste pharmaceuticals down the drain and eliminates the dual regulation of RCRA hazardous waste pharmaceuticals that are also Drug Enforcement Administration (DEA) controlled substances; provides a regulatory framework for the management of hazardous waste pharmaceuticals by healthcare facilities (for both humans and animals) and reverse distributors; and maintains the household hazardous waste exemption for pharmaceuticals collected during pharmaceutical takeback programs and events, while ensuring their proper disposal.

Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process (October 22, 1998; 63 FR 56710-56735) Allows the replacement of all or part of the post closure requirements with alternative requirements set out in a permit where certain conditions are met.

This notice, together with an exact copy of the proposed Rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <https://epd.georgia.gov/chapter-391-3-11-rules-hazardous-waste-management> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Land Protection Branch, Hazardous Waste Management Program, 2 Martin Luther King, Jr. Drive SE, Suite 1052, Atlanta, Georgia 30334. Copies may also be requested by contacting the Land Protection Branch, Hazardous Waste Management Program at 404-656-7802 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed amendments to the Rules, a public hearing will be held at the following location:

September 24, 2019 (1:00 p.m. – 3:00 p.m.); Environmental Protection Division; Tradeport Training Room; 4244 International Parkway, Suite 116, Atlanta, Georgia 30354.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. In order to be included in EPD's summary to the Board of Natural Resources, written comments should be received by close of business (4:30 p.m.) on September 30, 2019. Written comments may be emailed to

EPDComments@dnr.state.ga.us or sent via regular mail addressed to Branch Chief, Land Protection Branch, 2 Martin Luther King, Jr. Drive SE, Suite 1052, Atlanta, Georgia 30334.

If you choose to email your comments, please be sure to include the words “Hazardous Waste Rule amendments” somewhere in the subject line to help ensure that your comments will be forwarded to the correct staff.

The Rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 10:00 a.m. on December 4, 2019 at Lake Blackshear Resort, 2450-H Hwy 280 West, Cordele, Georgia 31015. The meeting is open to the public.

For further information, please contact Nichole Rodgers of the Land Protection Branch, Hazardous Waste Management Program at (404) 657-8829.