



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

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May 6, 2021

MEMORANDUM

To: Richard E. Dunn, Director
Environmental Protection Division

From: Chuck Mueller, Chief
Land Protection Branch

Subject: Responses to Comments Received During the Public Comment Period
Regarding Proposed Amendments to the Rules for Solid Waste Management,
Chapter 391-3-4

On March 12, 2021, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Solid Waste Management, Chapter 391-3-4. The proposed changes included the following rules:

Rule 391-3-4-.01, "Definitions"

Rule 391-3-4-.02, "Solid Waste Handling Permits"

Rule 391-3-4-.03, "Public Participation"

Rule 391-3-4-.04, "General"

Rule 391-3-4-.05, "Criteria for Siting"

Rule 391-3-4-.06, "Permit by Rule for Collection, Transportation, Processing, and Disposal"

Rule 391-3-4-.07, "Landfill Design and Operations"

Rule 391-3-4-.09, "Shredding, Baling, Materials Recovery Facilities and Other Processing Operations"

Rule 391-3-4-.12, "Post-Closure Care"

Rule 391-3-4-.16, "Composting, Mulching and Anaerobic Digestion Facilities"

Rule 391-3-4-.19, "Scrap Tire Management"

Responses to Comments Received on the Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4

On March 12, 2021, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Solid Waste Management, Chapter 391-3-4. A public hearing was held at 1:30 pm on March 31, 2021 via the

free online web-conferencing platform Zoom. This meeting was held in accordance with EPD's safety precautions regarding the COVID-19 virus and in keeping with the Governor's Declaration of a Public Health State of Emergency. One comment was received during the public hearing held on March 31, 2021. Written comments were received from or on behalf of regulated entities, environmental consulting firms, private citizens and environmental organizations between February 15, 2021 and April 12, 2021. The public comment period ended April 12, 2021. Below we have responded to 5 comments submitted by 3 commenters who represent local governments, regulated entities, environmental consulting firms, and environmental organizations. The comments are summarized and followed by EPD's responses below. No changes to the proposed rules are recommended.

I. General comments

- 1. Comment (multiple commenters):** General comments in support of changes to Rules 391-3-4 to promote safe and sustainable solid waste management practices. Stakeholders appreciate the opportunity to participate in the process to develop rules that promote safe and sustainable solid waste management practices.

EPD Response: EPD agrees.

II. Comments on High Moisture Content Waste (HMCW) Management Plan requirements

- 2. Comment (multiple commenters):** General comment regarding changes in 391-3-4-.07(6). High Moisture Content Waste handling is one of the most complex issues facing the solid waste industry.

EPD Response: EPD agrees and initiated seeking stakeholder input in rule and guidance document development beginning on May 26, 2020 and continues to engage stakeholders.

- 3. Comment (multiple commenters):** Opposed to rule changes in 391-3-4-.07(6). The five percent exclusion standard does not seem to be based on any specific science.

EPD Response: The proposed rule revisions only require the submittal of a HMCW Management Plan during the regularly schedule 5-year permit review, if the fraction of the total waste stream composed of HMCW exceeds 5%. In 2018, EPD's Solid Waste Management Program requested data concerning the acceptance of HMCW and leachate recirculation. In reviewing the results of this data request, it was determined that facilities accepting less than 5% HMCW had little to no adverse effects from accepting this waste type, and a decision was made that a HMCW acceptance rate of less than 5% would be considered de minimis.

- 4. Comment:** Opposed to rule changes in 391-3-4-.07(6). Commenter asked how "40% liquid by weight" was determined for HMCW.

EPD Response: A substantial portion of Municipal Solid Waste Landfills in Georgia were designed in the 1990's with the assumed moisture content of the waste disposed between 20 and 30% (typical moisture content of household waste. EPD established a moisture content threshold of 40% to conservatively account for a safety factor of two, which matches the initial design of most landfills.

- 5. Comment (multiple commenters):** Opposed to rule changes in 391-3-4-.07(6). Due to anticipated increases to disposal fees, waste pre-treatment technologies, and HMCW Plan development, commenters request a delay in adoption of the proposed Rule.

EPD Response: From 2014 to 2019 there were six instances of landfill instability that could be directly attributed to increased liquid levels within the waste mass. EPD recognizes that each landfill is unique in site geometry, waste placement techniques, past and current waste disposal ratios, and other factors which will affect the structure of each individual plan. This proposed Rule amendment is intended to ensure that the permit holder, in conjunction with their design consultant, develops a site-specific plan for disposal of this waste type that would be protective of human health and the environment.

The proposed HMCW Management Plan requirement is expected to cause affected landfills to incur additional costs for their 5-year permit reviews. These costs may vary from \$2,000 to more than \$80,000 depending on the amount of HMCW received and if operational issues associated with HMCW are occurring. This cost is expected to be a one-time expense and that future updates could cost less than \$2,000. As a result, EPD believes that the cost of developing and implementing a plan to properly handle this waste stream would be much less than the costs of corrective action required in the event of a facility failure.