



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Land Protection Branch

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MEMORANDUM

TO: Richard E. Dunn, Director
Environmental Protection Division

FROM: Charles J. Mueller, Chief
Land Protection Branch

SUBJECT: Responses to Comments Received During the Public Comment Period Regarding
Proposed Revisions to the Rules for Hazardous Waste Management, Chapter 391-3-11

On September 3, 2019, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Hazardous Waste Management, Chapter 391-3-11.

The proposed changes include the following rules:

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 being amended to include regulations published by EPA through February 22, 2019; these updates are proposed by incorporating the following federal regulations:

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.

The adoption of the following rule from previous rulemaking is being clarified:

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.

A public hearing was held at 1:00 pm on September 24, 2019 in the Tradeport Training Room, located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. No comments were received during the hearing. One comment letter was received from Costco expressing their support for the adoption of the new pharmaceutical rule in its entirety to maintain consistency with EPA and other states; they believe the rule to be a streamlined approach to the management of pharmaceutical waste and a means to reduce the amount of such waste entering our waterways. EPD concurs with this comment.