

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

The Rules of the Department of Natural Resources, Chapter 391-3-4, Rules for Solid Waste Management, are hereby amended and revised for specific Rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-4-.01 Definitions

- (1) "Active Life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.
- (2) "Active Portion" means that part of a solid waste handling facility or landfill unit that has received or is receiving wastes and that has not been closed.
- (3) "Aquifer" means a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of ground water to wells or springs.
- (4) "Affected County" means, in addition to the county in which a facility is or is proposed to be located, each county contiguous to the host county and each county and municipality within a county that has a written agreement with the facility to dispose of solid waste.
- (5) "Asbestos-Containing Waste" means any solid waste containing more than 1 percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite, and actinolite, using the method specified in ~~Appendix A, Subpart F, 40 CFR Part 763, Section 1~~ 40 CFR, Part 763, Subpart E, Appendix E, Section 1.
- (6) "Baling" means a volume reduction technique whereby solid waste is compressed into bales.
- (7) "Biomedical Waste" means any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other waste from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, as further defined in Rule 391-3-4-.15.
- (8) "Boiler" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.
- (9) "Bulking Agent" means the non-reactive, solid material that is used to reduce the moisture content of waste via a physical process such that the waste no longer meets the definition of Liquid Waste as defined in these rules.

(10) "CCR Landfill" means an area of land or an excavation that receives CCR and which is not a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface coal mine, or a cave. For purposes of this Chapter, a CCR landfill also includes sand and gravel pits and quarries that receive CCR, CCR piles, and any practice that does not meet the definition of a beneficial use of CCR. This definition includes both active and inactive landfills.

(11) "CCR Surface Impoundment" means a natural topographic depression, man-made excavation, or diked area owned or operated by an electric utility or independent power producer, which is designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR. This definition includes both active and inactive surface impoundments, new and lateral expansions of surface impoundments, dewatered surface impoundments, and NPDES-CCR surface impoundments.

(12) "CCR Unit" means any CCR landfill, CCR surface impoundment, or the lateral expansion of such landfill or impoundment, or a combination of more than one of these units, based on the context of the paragraph(s) in which it is used. This term includes both new and existing units, unless otherwise specified.

(13) "Certificate" means a document issued by a college or university of the University System of Georgia or other organization approved by the Director, stating that the operator has met the requirements of the Board for the specified operator classification of the certification program.

(14) "Closure" means a procedure approved by the Division which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for post-closure.

(15) "Coal Combustion Residuals (CCR)" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.

(16) "Collector" means the person or persons as defined herein who, under agreements, verbal or written, with or without compensation does the work of collecting and/or transporting solid wastes, from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings, provided however, that this definition shall not include an individual collecting and/or transporting waste from his own single family dwelling unit.

(17) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

(18) "Composting" means the controlled biological decomposition of organic matter into a stable, odor free humus.

(19) "Construction/Demolition Waste" means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

(20) "Construction/Demolition Waste Landfill" means a landfill unit that accepts construction/demolition waste. A Construction/Demolition Waste unit also may receive inert waste and yard trimmings and may be publicly or privately owned.

(21) "Contaminant which is likely to pose a danger to human health" means any constituent in Appendix I, II, III, or IV or other site specific constituents as specified by the Division in the Groundwater Monitoring or Corrective Action Plan that is found at levels statistically confirmed above a groundwater protection standard.

(22) "Detected" means statistically significant evidence of contamination has been determined to exist by using methods specified in Rule 391-3-4-.14.

(23) "Dimension Stone Fines" means small stone particles usually resulting from sawing, grinding, or polishing dimension stone with abrasive grit and water or other mechanical method. The process producing the dimension stone fines must be water based and not include the use of oils or chemicals.

(24) "Dimension Stone Spalls" means Dimension Stone portions including slabs, blocks, and pieces removed from monolithic commercial dimension stone products during processing by cutting, breaking, or chipping. May also include dimension stone rejected during processing due to cracking, staining, or other defects. The process producing the dimension stone spalls must be water based and must not include the use of oils or chemicals.

~~(23)~~(25) "Director" means the Director of Environmental Protection Division of the Department of Natural Resources.

~~(24)~~(26) "Disposal Facility" means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

~~(25)~~(27) "Division" means the Environmental Protection Division of the Department of Natural Resources.

~~(26)~~(28) "Generator" means any person in Georgia or in any other state who creates solid waste.

~~(27)~~(29) "Garbage" means food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

~~(28)~~(30) "Groundwater" means water below the land surface in a zone of saturation.

~~(29)~~(31) "Hazardous Waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.

~~(30)~~(32) "High Moisture Content Waste" means sludge, non-hazardous solidified liquids and bulking agents and/or solidification/stabilization agents with moisture content greater than 40%. The moisture content of non-hazardous household waste is excluded from this definition.

~~(31)~~(33) "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

~~(32)~~(34) "Host Local Government" means the host county or other local governmental jurisdiction within whose boundaries a municipal solid waste disposal facility is located.

~~(33)~~(35) "Industrial Furnace" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.

~~(34)~~(36) "Industrial Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the Board of Natural Resources, Chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; inorganic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil or gas waste.

~~(35)~~(37) "Inert Waste Landfill" means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

~~(36)~~(38) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

~~(37)~~(39) "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes.

~~(38)~~(40) "Landfill Unit" means an area of land of which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile. Permanent disposal requires the placement of daily, intermediate, and/or final earth, synthetic, or a combination of earth and synthetic cover over the solid waste.

~~(39)~~(41) "Leachate Collection System" means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

~~(40)~~(42) "Liner" means a continuous layer of natural or man-made materials beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste constituents, or leachate.

~~(41)~~(43) "Liquid Waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for the Evaluation of Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

~~(42)~~(44) "Materials Recovery Facility" means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

~~(43)~~(45) "Monofill" means a method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.

~~(44)~~(46) "Mulch" means a product produced by grinding, shredding or chipping of yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, that has not undergone controlled aerobic decomposition to produce a stabilized organic product.

~~(45)~~(47) "Mulching" means the grinding, shredding or chipping of yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof, that has not undergone controlled aerobic decomposition to produce a stabilized organic product.

~~(46)~~(48) "Municipal Solid Waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings, construction or demolition waste, and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

~~(47)~~(49) "Municipal Solid Waste Landfill (MSWLF) Unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned.

~~(48)~~(50) "Municipal Solid Waste Disposal Facility" means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities.

~~(49)~~(51) "Municipal Solid Waste Disposal Facility Operator" means the operator certified in accordance with Rule 391-3-4-.18 and stationed on the site who is in responsible charge of and has direct supervision of the daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.

~~(50)~~(52) "Municipal Solid Waste Landfill" means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.

~~(51)~~(53) "Open Burning" means the combustion of solid waste without:

(a) Control of combustion air to maintain adequate temperature for efficient combustion;

(b) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(c) Control of the emission of the combustion products.

~~(52)~~(54) "Open Dump" means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.

~~(53)~~(55) "Operating Records" means written records including, but not limited to, permit applications, monitoring reports, inspection reports, and other demonstrations of compliance with this Chapter, which records are kept on file at the facility or at an alternative location as approved by the Division.

~~(54)~~(56) "Operator" means the person(s) responsible for the overall operation of a facility or part of a facility.

~~(55)~~(57) "Owner" means the person(s) who owns a facility or part of a facility.

~~(56)~~(58) "Person" means the State of Georgia or any other state or any agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

~~(57)~~(59) "Post-closure" means a procedure approved by the Division to provide for long- term financial assurance, monitoring and maintenance of a solid waste disposal facility to protect human health and the environment.

~~(58)~~(60) "Private Industry Solid Waste Disposal Facility" means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

~~(59)~~(61) "Processing Operation" means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).

~~(60)~~(62) "Putrescible Wastes" means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

~~(61)~~(63) "Qualified Groundwater Scientist" means a professional engineer or geologist registered to practice in Georgia who has received a baccalaureate or post-graduate degree in the natural sciences or engineering and has sufficient training and experience in groundwater hydrology and related fields that enable that individual to make sound professional judgments regarding groundwater monitoring, contaminant fate and transport, and corrective action.

(64) "Radioactive Waste" means waste which has been defined as radioactive waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-9.

~~(64)~~(65) "Recovered Materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

~~(65)~~(66) "Recovered Materials Processing Facility" means a facility engaged solely in the storage, processing, recycling, and resale or reuse of recovered materials. Such facility shall not be considered a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

~~(66)~~(67) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials, intermediates, or products which can be used as a substitute for products not derived by such processes.

~~(67)~~(68) "Regional Landfill or Regional Solid Waste Disposal Facility" means a facility owned by a county, municipality, or special district empowered to engage in solid waste management activities, or any combination thereof, which serves two or more any combination of counties, municipalities, or special solid waste districts.

~~(68)~~(69) "Release" means the discharge, deposit, injection, dumping, spilling, emitting, releasing, leaking, or placing of any substance into or on any land or water of the state.

~~(69)~~(70) "Relevant Point of Compliance" is a vertical surface located at the hydraulically downgradient limit of the waste management unit boundary that extends down into the uppermost aquifer underlying the facility. This point will be specified by the Director and shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the landfill unit. The downgradient monitoring system must be installed at this point, and monitoring conducted to ensure that the concentration values listed in Table 1 of Rule 391-3-4-.07 will not be exceeded in the uppermost aquifer.

~~(62)~~(71) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

~~(63)~~(72) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

~~(70)~~(73) "Saturated Zone" means that part of the earth's crust in which all voids are filled with water.

~~(71)~~(74) "Scavenge" means the unpermitted removal of solids waste from a solid waste handling facility.

~~(72)~~(75) "Shredding" means the process by which solid waste is cut or torn into smaller pieces for final disposal or further processing.

~~(73)~~(76) "Significant Groundwater Recharge Areas" means any area as designated on Hydrologic Atlas 18 Most Significant Ground-Water Recharge Areas of Georgia, 1989, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources, unless an applicant for a solid waste handling permit or other interested party can demonstrate to the satisfaction of the Director that an area designated on Hydrologic Atlas 18 is or is not, in fact, a significant groundwater recharge area.

~~(74)~~(77) "Site" means the entire property a permitted solid waste handling facility is located within and includes all activities within that property.

~~(75)~~(78) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

~~(76)~~(79) "Solid Waste" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; post-use plastics and nonrecycled feedstock that are subsequently processed using a pyrolysis or gasification to fuels and chemicals process; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

~~(77)~~(80) "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities but does not include recovered materials processing or pyrolysis or gasification to fuels and chemicals processes, or the holding of post-use plastics or nonrecycled feedstock at a pyrolysis facility or gasification to fuels and chemicals facility prior to processing at the facility where those materials are being held to ensure production is not interrupted.

~~(78)~~(81) "Solid Waste Handling Facility" means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste but does not include recovered materials processing facilities or pyrolysis or gasification to fuels and chemicals facilities.

~~(79)~~(82) "Solid Waste Handling Permit" means written authorization granted to a person by the Director to engage in solid waste handling.

~~(80)~~(83) "Solid Waste Management Act" or the "Act", wherever referred to in these Rules, means the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20, *et seq.*

~~(81)~~(84) "Solid Waste Thermal Treatment Technology" means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

~~(82)~~(85) "Solidification" means the process of:

(a) mixing non-hazardous liquid wastes with bulking agents in order to produce a bulked waste with a low moisture content, or

(b) adding a solidification/stabilization (S/S) agent to bind the liquid waste into a solid form.

~~(83)~~(86) "Solidification/stabilization (S/S) agents" means binders and/or supplemental additives that chemically react with the liquid waste, resulting in a solid material with structural integrity where the liquid waste is bound and cannot be separated from the solid material.

~~(84)~~(87) "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

~~(85)~~(88) "Transfer Station" means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

~~(86)~~(89) "Uppermost Aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the solid waste handling facility's property boundary.

~~(87)~~(90) "Vertical Expansion" means the expansion of landfill beyond the approved maximum final elevations and within the approved waste management boundaries of the existing permit.

~~(88)~~(91) "Waste Management Unit Boundary" means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

~~(89)~~(92) "Waste-to Energy Facility" means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.

~~(90)~~(93) "Yard Trimmings" means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvacultural operations.

Authority: O.C.G.A. §. 12-8-20 *et seq.*, as amended.

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

(1) Any city, county, group of counties, or authority beginning a process to select a site for a municipal solid waste disposal facility shall first call a public meeting as described herein.

(a) Notice such meeting shall be published at least once per week for two weeks immediately preceding the public meeting in a newspaper of general circulation serving such municipality or county.

(b) Where such proposed facility will serve a regional solid waste management authority established pursuant to O.C.G.A. 12-8-53, the notice procedure outlined in subparagraph (a) above shall be followed in each jurisdiction participating in such authority.

(c) The purpose of the public meeting shall be to discuss the waste management needs of the local government or region and to describe the siting process to be followed.

(2) The governing authority of any county or municipality taking action resulting in a municipal solid waste disposal facility siting decision shall notify the public as follows:

(a) Cause to be published in a newspaper of general circulation serving such city or county at least once per week for two weeks immediately preceding the date of such meeting, notice of the meeting at which the siting decision is to be made.

(b) Such notices shall state the time, place, and purpose of the meeting.

(c) The meeting shall be conducted by the governing authority taking the action.

(3) Upon submission of an application to the Division for any municipal solid waste disposal facility for which a permit (other than a permit-by-Rule) is required, the applicant, within fifteen (15) days of the submission of said application, shall take the following actions:

(a) Publish public notice of the application in a newspaper of general circulation serving the host county if the proposed facility or expanded facility is to serve no more than one county;

(b) Publish public notice of the application in a newspaper of general circulation serving each affected if the proposed facility or expanded facility is to serve more than one county;

(c) Provide written notice of the permit application to the governing body of each affected county in subparagraph (a) or (b) above; to the governing body of each local government within subparagraph (a) or (b) above; and to the regional development center;

(d) Request that the public notice outlined herein to be displayed prominently in the courthouse of each county notified in (c) above.

(e) Upon notification by the Division that a proposed facility is suitable for the intended purpose, the host local government shall initiate a local notification and negotiation process as required in O.C.G.A. 12-8-

32.

(4) The governing authority of the county or municipality will hold a public hearing not less than two weeks prior to the issuance of any permit, except for a private industry disposal facility, and notice of such hearing shall be posted at the proposed site in a location closest to the primary existing entrance or primary proposed entrance where it can be viewed unaided from a public right-of-way and advertised in a newspaper of general circulation serving the county or counties in which the proposed activity will be conducted, at least thirty (30) days prior to such hearing. A typed copy of the hearing transcript shall be submitted to the Division.

(5) Whenever the Director issues, denies, revokes, suspends, or transfers, a permit or approves a major modification of a permit for a facility, he shall notify the chief elected official of the host local government in which the facility is located or is proposed to be located.

Authority: O.C.G.A. §. 12-8-20 *et seq.*, as amended.

Rule 391-3-4-.04 General. Amended

(1) No person shall engage in solid waste handling in a manner which will be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; impair the quality of the environment; or likely create other hazards to the public health, safety, or well-being as may be determined by the Director.

(2) Provisions of these Rules apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

(3) Exemptions: provisions of these Rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These Rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. Provided that if such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the run-off from a "ten year storm" such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these Rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

(4) Prohibited Acts:

(a) Burning: no solid waste may be burned at a solid waste handling facility, except by thermal treatment technology facility approved by the Division.

(b) Scavenging: no person owning or operating a solid waste handling facility shall cause, suffer, allow or permit scavenging at such site.

(c) Open Dump: no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property.

(d) Asphalt Shingles: no roofing shingles which contain asphalt may be disposed of except in construction and demolition or municipal solid waste landfills.

(5) The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution, or similar facility to a solid waste handling facility operating in compliance with these Rules unless arrangements have been made for such service with a collector operating in compliance with these Rules.

(6) Prohibited Wastes Disposal:

(a) If, because of unusual physical or chemical properties, or geological or hydrogeological conditions, or for other reasons, the Division finds that solid waste should not be accepted at a solid waste handling facility, the Division may require that such waste be prohibited, and that a proposal for disposal of such waste, with supporting data as may be deemed necessary, be submitted by the generator of such waste for consideration of approval by the Division. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved.

(b) The following solid wastes are specifically prohibited from disposal at solid waste disposal facilities in Georgia:

1. lead acid batteries;

2. liquid waste in landfills, except as allowed in (9) below;

3. regulated quantities of hazardous waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-11;

4. radioactive waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-9, Radioactive Waste Material Disposal; and

5. polychlorinated biphenyls (PCB) waste as defined in 40 CFR , Part 761.

(c) Any generator who disposes of a prohibited waste or person who accepts for disposal a prohibited waste shall be deemed to be in violation of these Rules.

(7) Recovered Materials:

(a) Recovered materials and recovered materials processing facilities are excluded from regulation as solid wastes and solid waste handling facilities. To be considered exempt from regulation, the material must have a known use, reuse, or recycling potential; must be feasibly used, reused, or recycled; and must have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing. Stockpiles of unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood, or any combination thereof and mulch are considered recovered materials if the requirements for facilities with mulching operations as set forth in 391-3-4-

.04(7)(g) are met.

(b) Materials accumulated speculatively are solid waste and must comply with all applicable provisions of these regulations.

(c) A recovered material is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material, that the material can be feasibly sold, used, reused, or recycled and that during a rolling 12 month period seventy-five percent (75%), by weight or volume, of the recovered material stored at a facility is recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.

(d) Proof of recycling, sale, use, or reuse shall be provided in the form of bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility or for proper use or reuse from the accumulation point. In addition, proof must be provided that there is a known market or disposition for the recovered material. Persons claiming that they are owners or operators of recovered materials processing facilities must show that they have the necessary equipment to do so.

(e) A recovered material is "sold" if the generator of the recovered material or the person who recovered the material from the solid waste stream received consideration or compensation for the material because of its inherent value.

(f) A recovered material is "used, reused or recycled" if it is either:

1. Employed as an ingredient (including use as an intermediate) in a process to make a product (for example, utilizing old newspaper to make new paper products) or

2. Employed in the same or different fashion as its original intended purpose without physically changing its composition (for example, use of old automobiles for spare parts or donation of clothing or furniture to charitable organizations) or

3. Employed in a particular function or application as an effective substitute for a commercial product (for example, utilizing shredded tires in asphalt or utilizing refuse - derived fuel as a substitute for fuel oil, natural gas, coal, or wood in a boiler or industrial furnace) as long as such substitution does not pose a threat to human health or the environment and so long as the facility is not a solid waste thermal treatment facility.

4. A material is not "used, reused or recycled" when it is applied to or placed on or in the land in a manner that constitutes disposal which, in the opinion of the Director, may pose a threat to human health and the environment (for example, utilizing soil containing levels of hazardous constituents, as listed in Chapter 391-3-11, 40 CFR Part 261, Appendix VIII for fill material when those levels are greater than the background levels in the area to be filled, land applying sludge in excess of generally accepted agricultural practices or use of inherently waste-like materials as fill material).

(g) Mulching is considered a recovered material operation at facilities demonstrating compliance with the following criteria:

1. A stockpile must have no greater than the following maximum dimensions:

(I) Area: 25,000 square feet

(II) Height: 25 feet

2. Unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood or any combination thereof, must be processed no later than 90 days after receipt, unless otherwise stated in the Solid Waste Handling Permit.

3. Mulch is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse, or recycling potential for the material; that the material can be feasibly sold, used, reused, or recycled; and that during a rolling 12 month period seventy-five percent (75%) by weight or volume of the products stored at a facility are recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.

4. The facility shall have on site a fire plan detailing steps to prevent, contain and extinguish a fire. The fire plan shall include documentation that the local fire authority or a Georgia State Certified Fire Inspector conducted a fire safety survey.

5. Activities involving open flames and other flammable materials (oil, gas, fuel) shall not be allowed within 25 feet of a stockpile, with the exception of maintenance activities involving torches and welding equipment, as long as a fireproof barrier is used.

6. The facility must provide a buffer between unprocessed yard trimmings, land-clearing debris, untreated and unpainted wood, mulch, and any combination thereof and the property line. The buffer shall be set by the local fire authority or a Georgia State Certified Fire Inspector and documented in the fire plan. If the local fire authority or a Georgia State Certified Fire Inspector does not establish a buffer, the minimum buffer shall be 50 feet. The buffer may include the fire lane.

7. The facility shall utilize best management practices from the most recent edition of the Georgia Stormwater Management Manual to minimize the exposure of material storage areas to rain, snow, snowmelt, and runoff.

8. The facility shall have erosion and sediment control measures adequate to prevent the escape of sediment from the facility property into Waters of the State. Construction and operating areas must utilize best management practices from the most recent edition of the Manual for Erosion and Sedimentation Control in Georgia.

9. Existing facilities producing mulch that have stockpiles of unprocessed yard trimmings, land clearing debris, untreated and unpainted wood, mulch, or any combination thereof on the effective date of this rule shall comply with the above sections (g) 1.- 8. within 6 months of the effective date of the rule.

(h) Dimension Stone Fines and Spalls Used as Recovered Material must comply with the following:

1. Section 391-3-4-.04(7)(a) through (f), and Section 391-3-4-.04(7)(h), of the Georgia Rules for Solid Waste Management.

2. Stone fines and spalls storage areas shall have erosion and sediment control measures adequate to prevent the escape of sediment from the facility property into Waters of the State and must utilize best management practices from the most recent edition of the Manual for Erosion and Sedimentation Control in Georgia.

3. Best management practices from the most recent edition of the Georgia Stormwater Management Manual must be applied to minimize and mitigate the exposure of Stone Fines and Spalls storage areas to rain, snow, snowmelt, and runoff.

4. Record-keeping: For dimension stone fines and spalls generated at a facility and used as recovered materials, the following must be documented and kept in the facility files for a period of no less than three (3) years:

a. Location and storage capacity of the recovered materials at the facility. and

b. Disposition of the recovered material including volume, date of sale or transfer, and final destination of the material.

5. All other federal, state, or local regulations based upon the end use, such as the Georgia Department of Agriculture regulations for consideration as a soil amendment for farming or agriculture or Georgia Department of Transportation and/or local highway/public works requirements for use as a road base course or top course.

6. Dimension stone fines and/or spalls used as a recovered material to reclaim a quarry or as backfill must comply with this section of the Rules and the most recent edition of the Guidance for Use of Clean Earthen and Rock Materials, Recovered Clean Concrete, and/or Cured Asphalt as Structural Fill Material.

(8) Asbestos Containing Waste.

(a) Collection.

1. Vehicles used for the transportation of containerized asbestos waste shall have an enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.

2. Vehicles used to reduce waste volume by compaction shall not be used.

3. Vacuum trucks used to transport waste slurry must be constructed and operated to ensure that liquids do not leak from the truck.

(b) Disposal.

1. Asbestos containing waste is to be disposed of only in a permitted landfill or other facility authorized by the Division for acceptance of asbestos containing waste.

2. Asbestos containing waste shall be sealed in leak-proof containers labeled with "Caution - Contains Asbestos Fibers - Avoid Opening or Breaking Container - Breathing Asbestos is Hazardous to Your Health.

3. Asbestos containing waste shall be disposed of in such a manner as not to destroy the integrity of the asbestos containing materials containers prior to the placement of cover material. This waste shall be completely covered immediately after deposition with a minimum of six (6) inches of non-asbestos material.

(9) Liquid Waste Restrictions at Landfills.

(a) Bulk or noncontainerized liquid waste may not be placed in landfill units unless:

1. The waste is household waste other than septic waste; or

2. The waste is leachate or gas condensate derived from the landfill unit, whether it is a new or existing landfill or lateral expansion, is designed with a composite liner and leachate collection system as described in paragraph (1)(d) of Rule 391-3-4-.07. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record.

(b) Containers holding liquid waste may not be placed in a landfill unit unless:

1. The container is a small container similar in size to that normally found in household waste;

2. The container is designed to hold liquids for use other than storage; or

3. The waste is household waste.

(c) For purposes of this section:

1. "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

2. "Gas condensate" means the liquid generated as a result of gas recovery process(es) at the landfill unit.

(10) Variances, waivers, and alternative compliance schedules which may be granted under these Rules, Chapter 391-3- 4, may not allow for the waiver or modification of a requirement found in 40 CFR, Part 258, as amended, 56 Fed. Reg. 51016-51039 (October 9, 1991), 80 Fed. Reg. 21468 (April 17, 2015); as amended at 80 Fed. Reg. 37991 (July 2, 2015) and 81 Fed. Reg. 51807 (August 5, 2016), except as provided in 391-3-4.10(11).

(11) Compliance with the Rules for Solid Waste Management, Chapter 391-3- 4, does not relieve any person from complying with all other applicable local, state, or federal rules or statutes.

Authority O.C.G.A. § 12-8-20 *et seq.*, as amended.

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

(1) Permit-by-Rule. Notwithstanding any other provision of these Rules, collection operations, transfer station operations, inert waste landfill operations, waste processing and thermal treatment operations, wastewater treatment and pretreatment plant sludge disposal operations, and yard trimmings waste landfill operations shall be deemed to have a solid waste handling permit if the conditions in paragraph (2) are met and the conditions in paragraph (3), for that particular category of operation are met.

(2) Notification. Within 30 days of commencing solid waste handling activities which are covered under a permit-by-Rule, notification must be made to the Director of such activity. Notification shall be made on such forms as are provided by the Director. Persons failing to notify the Director of such activities shall be deemed to be operating without a permit.

(3) Categories of Operations:

(a) Collection Operations:

1. Vehicle construction: vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or mixtures containing such wastes, shall be covered, substantially leakproof, durable, and of easily cleanable construction.

2. Vehicle maintenance: solid waste collection and transportation vehicles shall be cleaned frequently and shall be maintained in good repair.

3. Littering and spillage: vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent blowing of material from the vehicle.

4. No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 *et seq.*

5. Local ordinances: it is the responsibility of the collector to comply with all local rules, regulations, and ordinances pertaining to operation of solid waste collection systems.

6. All wastewater from cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.

7. All collected solid waste must be deposited only in a permitted solid waste handling facility authorized to receive the applicable waste types.

(b) Transfer Station operations:

1. Solid Waste shall be confined to the interior of transfer station buildings, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.

2. Sewage solids shall be excluded from transfer stations.
3. Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.
4. Rodents, insects and other such pests shall be controlled.
5. Any contaminated runoff from washwater shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.
6. Hazardous Waste: no person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste.
7. Liquid wastes restricted from landfill disposal by Rule 391-3-4-.04(9) shall be excluded from transfer stations. Transfer stations in existence on August 1, 2004 and in compliance with all other regulations applicable to permit by rule transfer stations may continue to handle such liquid wastes until a solid waste processing facility permit is issued or August 1, 2006, whichever occurs first.

(c) Inert Waste Landfill Operations: Inert Waste Landfills in existence on the effective date of this Rule and in compliance with all other regulations applicable to permit by rule for inert waste landfill operations may continue to operate under the conditions below until a solid waste handling permit is issued or December 1, 2014, whichever occurs first. Provided a complete permit application is submitted by June 1, 2014, the Director may extend the deadline for permitting until a final decision on permit issuance or denial is made. If the requirements for a permit cannot be met by December 1, 2014, or other deadline established by the Director, the operator must cease receipt of waste on that date and complete closure by June 1, 2015, or six months from the Director's denial of the requested permit application. Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements. Except as provided in sub-paragraph (f), no person may begin operating a new inert waste landfill after the effective date of this rule without first obtaining a site specific solid waste handling permit for an inert waste landfill.

1. Only waste that will not or is not likely to produce leachate of environmental concern may be disposed of in an inert waste landfill. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill.
2. No portion of waste disposal area shall be located within one hundred (100) linear feet of any property line or enclosed structure.
3. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed inert waste material at least monthly.
4. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

5. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.

6. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory fire fighting material.

7. A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.

8. Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

9. All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.

10. All wastes received at the landfill must be measured and reported as required by Rule 391-3-4-.17.

11. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

(d) On-site Waste Processing and Thermal Treatment Operations:

1. For purposes of this Rule, "On-site Processing or Thermal Treatment Facility" shall mean a facility that processes or thermally treats, no less than 75 percent, by weight, solid waste generated at the permit-by-Rule facility location or facilities owned by the same person who owns the property containing the permit-by-Rule facility. On-site facilities may include fixed or mobile facilities either owned or under contract with the solid waste generator of 75 percent of the solid waste so long as the solid waste generator maintains legal control of the solid waste while at the permit-by-Rule facility.

2. Capacity: the on-site waste processing and thermal treatment technology facility shall be adequate in size and capacity to manage the projected volume of solid waste and residue generated.

3. Residue: on-site thermal treatment technology facilities shall be designed in such a manner to expedite the routine sampling of bottom and fly ash. Temperature and combustion time shall be sufficient to produce a satisfactory residue, essentially free of odors and unstable organic matter, and such residue shall be promptly deposited in a municipal solid waste landfill having a liner and leachate collection system and operated and maintained as provided herein, handled in such other manner as may be

approved by the Division, or if shown by testing to be hazardous, handled in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, *et seq.* Residue from thermal treatment technology facilities that burn only biomedical wastes may be deposited in any permitted municipal solid waste landfill. Residue from the burning of any wastes, other than biomedical wastes, must, if landfilled, be placed in landfills having liners and leachate collection systems unless the Division grants an exemption.

4. Storage: the areas for storing wastes prior to processing must be clearly defined and the maximum capacity specified. No waste may be stored in excess of the designated capacity.

5. Disposal of waste: treated waste from on-site processing facilities and any material not sold or used, reused, or recycled must be disposed in a permitted disposal facility.

6. Air quality: on-site processing and thermal treatment technology facilities shall be designed and operated in such manner as to meet any air quality standards of the Division.

7. Wastewater: on-site processing and thermal treatment technology facilities shall be designed so that any wastewater generated will be discharged to a wastewater treatment system and, before final release, will be treated in a manner approved by the Division.

8. Fire protection: on-site processing and thermal treatment technology facility designs shall provide for fire control equipment placed near the storage and charging area, and elsewhere as needed.

9. Supervision: operation and management of on-site thermal treatment technology facilities shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in thermal treatment technology management by training, education or experience. Operation and management of on-site processing facilities shall be under the supervision and control of a responsible individual properly trained in the operation of such facilities at all times during operation.

10. Prohibited waste: no lead acid batteries, radioactive waste, or regulated quantities of hazardous waste or polychlorinated biphenyls may be accepted. The operator must have a plan for excluding these wastes.

11. Cleanliness and sanitation: on-site processing and thermal treatment technology facilities shall be maintained in a clean and sanitary condition. Solid waste shall be confined to the designated storage area.

12. Record keeping: accurate written, daily records by actual weight or by the methods approved in accordance with O.C.G.A. 12-8-31.1(g) shall be kept of all waste processed or disposed at the on-site processing and thermal treatment technology facility. Such records shall include the source of the waste, by facility name and location. Copies of such records shall be maintained for a period of at least three (3) years and shall be submitted to the Division quarterly on such forms as prescribed by the Division.

13. Local ordinances: it is the responsibility of the operator of on-site processing and thermal treatment technology facilities to comply with all local rules, regulations, and ordinances pertaining to operation of these facilities and all other applicable federal and state laws and rules.

14. All facilities handling biomedical waste must, in addition to this Rule, meet any requirements of Rule

391-3-4-.15.

(e) Wastewater Treatment or Pretreatment Plant Sludge Disposal:

1. All wastewater treatment or pretreatment plant sludges that are not beneficially used, reused, or recycled in accordance with Rule 391-3-4-.04 or that are not disposed of by landfilling in accordance with Rule 391-3-4-.07, must be handled in accordance with an approval or a permit issued by the Division under authority of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, *et seq.* or the Georgia Air Quality Act, O.C.G.A. 12-9-1 *et seq.*

(f) Yard Trimmings Waste Landfill Operations: Landfill Operations with 5 acres or less of waste disposal area and located in counties with a population less than 65,000 people and accepting exclusively yard trimmings as defined by these Rules can be permitted under the following conditions:

1. Only yard trimmings are acceptable for disposal in a yard trimmings waste landfill. Vegetative matter from land clearing operations shall not be disposed in a yard trimmings waste landfill.

2. No portion of the waste disposal area shall be located within two hundred (200) linear feet of any property line or enclosed structure.

3. Materials placed in yard trimmings waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed yard trimmings waste material at least monthly.

4. The yard trimmings waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

5. Access to yard trimmings waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.

6. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory firefighting material.

7. A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of yard trimmings waste within that lift.

8. Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

9. All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or

operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.

10. All wastes received at the landfill must be measured and reported as required by Rule 391-3-4-.17.

11. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

(g) Dimension Stone Processing Operations Producing Fines and Spalls: Dimension stone processing operations producing fines and spalls, or other similar stone spoils must comply with either section 1. or 2. below:

1. Dimension stone fines and spalls used as recovered material must comply with Section 391-3-4-.04(7)(h) of the Georgia Rules for Solid Waste Management and are not required to submit a Permit by Rule Notification Form.

2. Stone fines and/or spalls that are not used in a manner consistent with 391-3-4-.06 (3)(g)1. are subject to the following requirements:

a. Stone fines and/or spalls may be placed in designated stockpiles or storage areas that only contain clean dimension stone or rock fines and spalls. These stockpile areas may be on-site at a facility or at an off-site facility specifically designated for the final storage of these materials.

b. Stockpile/storage area(s) shall be not located within fifty (50) linear feet of any property line, surface waters, or Waters of the State unless the stockpile/storage area(s):

(i) Consists of a de minimis amount of material stored within a property owned or leased by the generator that is one acre or less and the stockpiled material does not result in sediments leaving the property onto neighboring properties, local sewer systems, or directly to Waters of the State;
or

(ii) Existed prior to the effective date of this rule and meets the following requirements:

(I) Existing stone fines and/or spalls stockpile areas shall be shown on a site map as indicated on the Permit by Rule Notification form; and

(II) After the effective date of this rule, new materials may not be stored on an existing stockpile area unless the new material is placed at least fifty (50) linear feet or more away from the property line, surface waters, or Waters of the State.

c. Erosion and sediment control measures adequate to prevent the escape of sediment from the site into Waters of the State utilizing best management practices from the most recent edition of the Manual for Erosion and Sedimentation Control in Georgia must be implemented.

d. Record-Keeping:

(i) Facilities generating stone fines and spalls must document and keep the following information in the facility files for a period of no less than three (3) years:

(I) Location and storage capacity of the fines and spalls at the facility, and

(II) Final disposition of the fines and spalls including volume, date of transfer, and final destination of the material.

(ii) From the effective date of this Rule, the owner/operator of a dimension stone fines and spalls stockpile/storage site shall keep the following information in the facility files for a period of no less than three (3) years:

(I) the generator or point of origin and date of receipt of the stone fines and spalls;

(II) the volume or weight received; and

(III) the storage location of the materials.

e. All deeds for real property which have been used for stockpiling stone fines and spalls shall include notice of the stockpiling operations, the date the operation commenced and terminated, an accurate legal description of the actual location of the stockpile or storage areas, and a description of the type of materials stockpiled on site. This notice shall be placed in the deed no later than 30 days after the stockpile or storage area has received its last load of stone fines and/or spalls. The owner or operator must submit to the Director a confirmation that the information required in this section has been noticed on the property deed.

f. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of stockpiling / storage operations.

Authority O.C.G.A. § 12-8-20 *et seq.*, as amended.

Rule 391-3-4-.08 Solid Waste Thermal Treatment Operations

(1) Except as otherwise noted in (2) below, any person engaged in thermal treatment technology of solid waste, in addition to the requirements of O.C.G.A. 12-8-24(i) relating to Federal New Source Performance Standards, shall comply with the following requirements:

(a) Design Criteria: a design and operational plan prepared as a part of the permit application must be prepared by a professional engineer registered in Georgia and must include, but is not limited to, the following criteria:

1. Capacity: the thermal treatment technology facility shall be adequate in size and capacity to manage the projected incoming solid waste and residue volumes.

2. Storage Time: the facility shall provide for a minimum storage capacity of not less than three (3) times the daily capacity of the thermal treatment technology equipment. No waste shall be stored in excess of the permitted capacity.

3. Types of Waste: the application must include the sources, types and weight or volumes of solid waste to be processed, including data on the moisture content of the waste, and information concerning special environmental pollution or handling problems that may be created by the solid waste.

4. Residue Analysis: the facility shall be designed in such a manner as to provide for such devices to expedite the routine sampling of bottom and fly ash.

5. Air Quality: the facility shall be designed in such manner as to meet any air quality standards of the Division.

6. Wastewater: the facility shall be designed so that any wastewater generated will be discharged to a wastewater system and, before final release, will be treated in a manner approved by the Division.

7. Fire Protection: facility design shall provide for fire control equipment placed near the storage and charging area, and elsewhere as needed, and additional fire fighting equipment shall be made available for emergencies.

8. Residue Acceptability: the facility shall provide for sufficient temperature and combustion times to produce a residue essentially free of odors and unstable organic matter.

(b) Construction Certification: upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to the receipt of solid waste, the Division must be provided with written certification, by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence disposal of solid waste.

(c) All persons owning or operating thermal treatment technology facilities shall comply with the following performance requirements:

1. Supervision: operation and management of thermal treatment technology facilities shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in thermal treatment technology management by training, education or experience and who, after July 1, 1992, is certified in accordance with O.C.G.A. 12-8-24.1 and these Rules.

2. Residue: temperature and combustion time shall be sufficient to produce a satisfactory residue, essentially free of odors and unstable organic matter, and such residue shall be promptly deposited in a municipal solid waste landfill having a liner and leachate collection system and operated and maintained as provided herein, handled in such other manner as may be approved by the Division, or if shown by testing to be hazardous, handled in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq.

3. Waste Water: waste water shall be discharged into a waste water treatment system and, before final release, shall be treated in a manner approved by the Division.

4. Information Posted: signs shall be posted at the entrance to the plant indicating the days and hours of operation. Access to the plant shall be limited to those times when authorized personnel are on duty.

5. Cleanliness and Sanitation: plants shall be maintained in a clean and sanitary condition. Solid waste shall be confined to the unloading area, which shall be maintained free of dust and nuisances. Accumulations of putrescible materials and rubbish shall be controlled in a manner so as to minimize odors and prevent infestation by insects or rodents, and insect and rodent control measures shall be applied as needed. Sanitary facilities shall be provided for employees and shall be kept clean and good repair.

6. Fire Control: fire control equipment shall be available near the storage area and charging area, and elsewhere as needed, and additional fire fighting equipment shall be made available for emergencies.

7. Sampling requirements: sampling of ash residues must be conducted ~~at~~ at frequencies and in such a manner as prescribed below:

(i) Prior to the initial disposal of ash or residue from a facility.

(ii) At a minimum, monthly for the first six (6) months of operations at the facility, and annually during the remaining life of the facility.

(iii) A sampling and analysis plan shall be submitted to, and approved by, the Director.

(iv) Fly ash and bottom ash shall be sampled and analyzed separately.

8. Prohibited Waste: no lead acid batteries, radioactive waste, or regulated quantities of hazardous waste may be accepted. The operator must have a plan for excluding these wastes.

9. Record Keeping: accurate written, daily records by actual weight or by the methods approved in accordance with O.C.G.A. 12-8-31.1(g) shall be kept of all waste received at the thermal treatment facility. Copies of such records shall be maintained for a period of at least three (3) years and shall be made available to the Division upon request.

10. Additional Stipulations: notwithstanding the above, additional stipulations for owning or operating a thermal treatment facility may be imposed by the Director as deemed necessary to carry out the purposes of O.C.G.A. 12-8-20, et seq.

(2) Any person engaged in the operation of an Air Curtain Destructor (ACD) shall comply with the following requirements: for purposes of these Rules, an "Air Curtain Destructor" means a forced air pit thermal treatment technology for the burning of wood wastes.

(a) Design Criteria: a design and operational plan prepared as a part of the permit application must be

prepared by a professional engineer registered in Georgia and must include, but is not limited to, the following criteria:

1. Location: the ACD must be at least 500 feet from any occupied dwelling. The distance may increased or decreased on a site-specific basis at the discretion of the Division.
2. Storage: areas for storing wastes prior to treatment must be clearly defined and maximum capacity specified.
3. Types of Wastes: only wood wastes consisting of trees, logs, brush, stumps relatively free of soil, and natural wood products free of wood preserving chemicals, paints, and other contaminants may be burned. Fallen leaves, sawdust, other densely packed wood wastes, and paper (any type) may not be burned.
4. Air Quality: the facility shall be designed in such a manner as to meet applicable air quality standards of the Division. No smoke emissions exceeding 20 percent opacity may be produced during operation except for a specified ignition period.
5. Disposal of Ash and Residue: ash and residue shall be removed from the facility, handled as a recovered material or and disposed in a permitted facility.
6. Fire Protection: facility design shall provide for fire control equipment placed near the storage and ACD area. Additional fire fighting equipment shall be made available for emergencies.

(b) Construction Certification: upon receipt of a final and effective solid waste handling permit, construction may commence in accordance with the approved design and operational plan and permit conditions. Prior to the receipt of solid waste, the Division must be provided with written certification, by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division within 15 days of receipt by the Division of the written certification, the facility owner or operator may commence disposal of solid waste.

(c) All persons owning or operating an air curtain destructor shall comply with the following performance requirements:

1. Supervision: operation and management of air curtain destructors shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in air curtain distracter management by training, education or experience and who, after July 1, 1992, is certified in accordance with O.C.G.A. 12-8-24.1 and these Rules.
2. Residue: temperature and combustion time shall be sufficient to produce a satisfactory residue, and such residue shall be promptly deposited in a landfill operated and maintained as provided herein or handled in such other manner as may be allowed by these Rules. Ashes may not be allowed to build up on the combustion pit to higher than one-third the pit depth to the point where combustion is impeded, whichever comes first.
3. Access: facility access shall be restricted to prohibit unauthorized storage or disposal of wastes and to

prevent injury during ACD operation.

4. Inspection and Maintenance: the ACD and all operating appurtenances must be routinely inspected and adequately maintained to ensure proper working order. Storage areas must be inspected and maintained to exclude unauthorized wastes and minimize any fire hazard.

(d) No ACD may burn any household waste or yard trimmings.

Authority: Ga. L. 1972, p. 1002, as amended; O.C.G.A. Secs. 12-8-20, et seq., 12-8-23.