

**SYNOPSIS OF  
PROPOSED AMENDMENT TO THE RULES OF THE  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION  
RELATING TO HAZARDOUS WASTE MANAGEMENT, CHAPTER 391-3-11**

**Rule 391-3-11-.01 “General Provisions,”** is being amended.

**Purpose:**

The purpose of this amendment is as follows:

- To adopt Federal Hazardous Waste Regulations published on December 9, 2019, which allow hazardous waste aerosol cans to be managed as universal wastes.

**Main features:**

Subparagraph (2) is being amended as follows:

- The date through which the federal hazardous waste rules are incorporated by reference is being changed from February 22, 2019 to December 9, 2019.
- The new definition of “Aerosol can” and the addition of aerosol cans to the definition of universal waste is incorporated by reference.
- The exemption of aerosol cans from the definition of hazardous waste is incorporated by reference.
- The exemption of universal waste handlers and universal waste transporters handling aerosol cans from the requirements of 40 C.F.R. Part 265 is incorporated by reference.
- The exemption of universal waste handlers and universal waste transporters handling aerosol cans from the requirements of 40 C.F.R. Part 264 is incorporated by reference.
- The exemption of universal waste handlers and universal waste transporters managing aerosol cans from the requirement to obtain a RCRA permit is incorporated by reference.
- The exemption of universal waste handlers and universal waste transporters from testing, tracking, and recordkeeping requirements for aerosol cans and from the prohibitions on storage of restricted wastes for aerosol cans is incorporated by reference.
- The regulations governing the management of aerosol cans under the universal waste rule for small and large quantity handlers of universal waste is incorporated by reference.

**Statement of Rationale  
Rules for Hazardous Waste Management**

The basis for the proposed amendment to Chapter 391-3-11 is to maintain consistency with the Federal Resource Conservation and Recovery Act (RCRA) and to streamline regulations with which Georgia's regulated community must comply.

This revision (1) provides a clear, protective system for managing discarded aerosol cans; (2) alleviates the regulatory burden on thousands of retail stores and others that discard hazardous waste aerosol cans by reducing the number of items that must be treated as a hazardous waste, in keeping with federal requirements; (3) promotes the collection and recycling of these cans; and (4) encourages the development of municipal and commercial programs to reduce the quantity of the wastes going to municipal solid waste landfills. Although this proposed revision only makes a change to the language of Rule 391-3-11-.01(2), because that provision specifically states that its adoption by reference to the federal rule is incorporated throughout Chapter 391-3-11 this revision ensures that all relevant portions of Georgia's rules will be consistent with the federal regulatory updates. The proposed amendment incorporates flexibility, less regulatory burden, and deregulation, which provide substantial cost savings to both the regulatory community and the Environmental Protection Division. There should be no additional cost to the regulated community to comply with the new amendment.