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GEORIGIA EPD/LAND PROTECTION BRANCH
CSX TRANSPORTATION INC., WAYCROSS
PUBLIC NOTICE PACKAGE

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Public Notice

Notice of Intent to

Renew Permit

PUBLIC NOTICE
Notice of Intent to Renew Permit

The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources, in accordance with the Georgia Hazardous Waste Management Act, O.C.G.A. §§12-8-60 *et seq.*, as amended, announces its' intent to renew hazardous waste facility permit number HW-049(D), issued to CSX Transportation (CSX), for post-closure care of, and corrective action for, two closed hazardous waste management units. These units are owned by and located at CSX Transportation Inc., 1100 W. Hamilton Ave., Waycross, GA 31503-8197, identified by EPA ID number GAD991275900.

EPD issued Hazardous Waste Facility Permit Number HW-049(D) to CSX for post-closure care of, two hazardous waste management units, the Alum Sludge Basin and the Old Drum Storage Area, corrective action for groundwater contamination, and corrective action for solid waste management units identified on site. The draft permit, which is the subject of this notice, proposes to renew the facility permit to ensure that CSX continues to comply with the currently applicable requirements in 40 CFR Parts 124, 260 through 266 and 270. **THIS PERMIT RENEWAL DOES NOT AUTHORIZE ANY ADDITIONAL DISPOSAL OF HAZARDOUS WASTE AT THE FACILITY.**

The State of Georgia received final authorization for the 1984 Hazardous and Solid Waste Amendments (HSWA) to the federal Resource Conservation and Recovery Act (RCRA), as amended, on September 18, 1986. Therefore, the permit, as amended will constitute a full RCRA permit as required by the Georgia Hazardous Waste Management Act and RCRA.

The draft permit amendment has been prepared in accordance with the Georgia Rules for Hazardous Waste Management, Chapter 391-3-11. Before making its final decision to modify the permit, Section 391-3-11.11(4)(a) of the Rules requires EPD to provide an opportunity for public comment. Accordingly, a public comment period has been arranged from May 12, 2021, to June 29, 2021. During the public comment period, a copy of the draft permit and application will be available at the following locations during regular business hours:

Georgia Environmental Protection Division
Land Protection Branch
2 Martin Luther King Jr. Dr., Suite 1054 East
Atlanta, Georgia 30334-9000

In-person review by appointment only. Please contact EPD offices at 404-657-8600 Monday – Friday 8:00 a.m. to 4:30 p.m. to schedule an appointment. The Public Participation Package and draft permit can also be viewed online at <https://epd.georgia.gov/public-announcements>

Waycross-Ware County Public Library
401 Lee Avenue
Waycross, GA 31501-3000
(912) 287-4978
Monday, Thursday 10:00 a.m. to 8:00 p.m.
Tuesday, Wednesday, and Friday 10:00 a.m. to 6:00 p.m.
Saturday 10:00 a.m. to 2:00 p.m.
Sunday CLOSED

The Environmental Protection Division invites comments to be submitted in writing during the comment period. Comments should be sent to EPD at the address below. All comments received by June 29, 2021, will be considered in making the final decision to renew CSX's permit.

All written comments should be addressed to:

Mr. Jim McNamara
Georgia Environmental Protection Division
Land Protection Branch
2 Martin Luther King Jr. Dr., Suite 1054 East
Atlanta, Georgia 30334-9000

For additional information regarding the draft permit or public participation, please contact Cherona Levy at (470) 938-3368.

Fact Sheet

FACT SHEET
CSX Transportation, Rice Railyard
Waycross, GA

A draft permit has been prepared for the above-referenced hazardous waste facility. This fact sheet has been prepared in accordance with Section 391-3-11-.11(5)(h) of Georgia's Rules for Hazardous Waste Management in order to briefly advise the public of the principal facts and the significant factual, legal, methodological and policy questions considered in preparing the draft permit.

I. PERMIT PROCESS

The purpose of the permitting process is to afford the Environmental Protection Division (EPD), interested citizens and other governmental agencies the opportunity to evaluate the ability of CSX Transportation (the Permittee) to comply with the applicable hazardous waste management requirements promulgated under the Georgia Hazardous Waste Management Act. The permit conditions are set forth in one concise document which describes all the applicable requirements with which the Permittee must comply for the permit's duration.

II. PERMIT STRUCTURE

The permit is divided into four parts. A cover sheet first sets forth the basic legal authority for issuing the permit. Section I then specifies the standard conditions, which are applicable to all hazardous waste management facilities. Section II specifies the conditions for post-closure care. Section III specifies the conditions for corrective action for the remediation of any contamination resulting from the operation of the regulated units. Section IV specifies a program for assessing and remediating all releases of hazardous wastes or constituents to the environment, which may have occurred but are not related to the regulated units already addressed.

III. FACILITY DESCRIPTION

The permit is currently issued to CSX Transportation (CSX), an operational classification rail yard located in the southwestern portion of the City of Waycross and extending approximately 5 miles along US Highway 41. The CSX Waycross facility has an 8,500-car capacity and is composed of a 12-track receiving yard, a 64-track classification yard, a 14-track departure yard, and a 10-track local yard. Between 1,700 and 2,900 cars are classified daily as 50 trains roll through the yard.

The CSX Waycross facility also performs maintenance and repairs of locomotives and cars. The facility adds fuel, oil, water and sand to over 70 locomotives daily; performs quarterly and "running" repairs to over 900 locomotives; repairs and replaces wheels, brakes and other equipment on up to 100 railcars per day; and has a paint building where locomotives and rail cars can be painted inside paint booths large enough to simultaneously accommodate multiple cars/locomotives.

Past operations at the plant resulted in two hazardous waste management units (HWMUs): the Alum Sludge Basin (ASB) and the Old Drum Storage Area (ODSA). CSX closed these units with wastes in place in 1986 and is currently conducting post-closure care and corrective action for them under Hazardous Waste Facility Permit HW-049(D).

Renewal of this permit is necessary to ensure that CSX continues to comply with the currently applicable requirements in 40 CFR Parts 124, 260 through 266 and 270. This permit addresses post closure care for the HWMUs, corrective action for groundwater contamination, and corrective action

for solid waste management units identified on site. THIS PERMIT DOES NOT AUTHORIZE ANY ADDITIONAL DISPOSAL OF HAZARDOUS WASTE AT THE FACILITY.

IV. PERMIT CONDITION

The following is a list of the major permit conditions and the authority for each condition. Regulatory citations are for the 40 CFR section as referenced in Chapter 391-3-11 of the Georgia Rules for Hazardous Waste Management.

Section I - General Permit Conditions

<u>Subject</u>	<u>Regulation</u>	<u>Permit Condition</u>
Scope and Effect of Permit	§270.4 §270.41 §270.42 §270.43	I.A
Management Requirements	§270.30	I.B
Monitoring and Reporting	§270.30(j) §270.31 §270.11	I.C
Responsibilities	§270.30 §270.40	I.D
Definitions		I.E
General Facility Standards	§ Part 264 subparts B, C, D, E, G, H	I.F
Special Conditions	§264.73(b)(9) §268	I.G

Section II - Post Closure Care

<u>Subject</u>	<u>Regulation</u>	<u>Permit Condition</u>
Unit Identification		II.A
Waste Identification		II.B
Monitoring and Inspection	§264.15 §264.310	II.C
Post-Closure	§264.310	II.D

Section III – Groundwater Monitoring and Corrective Action

<u>Subject</u>	<u>Regulation</u>	<u>Permit Condition</u>
Well Location and Construction	§264.95 §264.97 §264.100	III.A
Groundwater Protection	§264.92 §264.93 §264.94	III.B
Compliance Period	§264.96	III.C
Corrective Action Program	§264.100	III.D
Corrective Action Effectiveness Monitoring Program	§264.97 §264.100 §264.101	III.E
Determination of Background Concentrations	§264.97(g)	III.F
Sampling and Analysis Procedures	§264.97	III.G
Reporting, Record Keeping and Response	§264.73(b)(6) §264.100(g)	III.H
Permit Modification	§270.41 §270.42	III.I
Duty of Permittee	§264.92	III.J

Section IV - Corrective Action for Solid Waste Management Units and Areas of Concern

<u>Subject</u>	<u>Regulation</u>	<u>Permit Condition</u>
Corrective Action Applicability	§264.101	IV.A
Notification Requirements for Discovered Releases at SWMUs and AOCs	§264.101	IV.B, IV.C
Verification Investigation	§264.101	IV.D
Interim Measures	§264.101	IV.E
RCRA Facility Investigation	§264.101	IV.F
Corrective Action	§264.101	IV.G

<u>Subject</u>	<u>Regulation</u>	<u>Permit Condition</u>
Schedule of Compliance	§264.101	IV.H
Permit Modification	§270.42	IV.I

V. PROCEDURES FOR REACHING A FINAL DECISION

The renewal of CSX's Hazardous Waste Facility Permit will be administered by EPD. The Division has rules, which require a permit to be issued for all facilities that treat, store, or dispose of hazardous waste.

The State of Georgia received final authorization for the 1984 amendments to the Resource Conservation and Recovery Act (RCRA), as amended, on September 18, 1986. Therefore, upon issuance, this permit will constitute a full RCRA permit as required by the Georgia Hazardous Waste Management Act and RCRA.

Georgia's Rules for Hazardous Waste Management Section 391-3-11-.11(4)(a) (40 CFR 124.10) require that the public be given a forty-five (45) day comment period for each draft permit prepared. A posting will be made in the legal section of a major newspaper of general circulation; if posted on a weekend, the comment period will begin on the next business day. Any person interested in commenting on the application or draft permit must do so within the forty-five (45) day comment period (May 12, 2021, to June 29, 2021). A copy of the draft permit will be available at the Waycross-Ware County Public Library and the Georgia EPD Land Protection Branch – Hazardous Waste Corrective Action Program and online at <https://epd.georgia.gov/public-announcements>. All comments should be submitted in writing to EPD at 2 Martin Luther King Jr. Dr., S.E., Suite 1054 East Tower, Atlanta, Georgia 30334-9000, Attention: Jim McNamara, Land Protection Branch.

When the Director of EPD makes his final permit decision, notice will be given to the applicant and each person who has submitted written comments or requested notice of the final permit decision. The permit is final 30 days after issuance.

Contact person for the CSX Draft Hazardous Waste Permit is:

Jim McNamara
Land Protection Branch
2 Martin Luther King Jr. Dr., SE
Suite 1054 East Tower
Atlanta, Georgia 30334-9000
(404) 657-8600

Draft Permit

PERMIT NO. HW-049(D)

ISSUANCE DATE:



ENVIRONMENTAL PROTECTION DIVISION

HAZARDOUS WASTE FACILITY PERMIT

In accordance with the provisions of the Georgia Hazardous Waste Management Act and the Rules, Chapter 391-3-11, (as amended through March 26, 2021), adopted pursuant to that Act,

CSX Transportation, Inc.

I.D. No. GAD991275900

is issued a Permit for the following:

Post-closure care and corrective action for two closed hazardous waste management units/solid waste management units.

at the following location:

**1100 Hamilton Avenue
Waycross, Ware County, GA 31503**

This Permit is conditioned upon compliance with all provisions of the Georgia Hazardous Waste Management Act, the Rules, Chapter 391-3-11 (as amended through March 26, 2021), adopted pursuant to that Act, and any other condition of this Permit.

This Permit is subject to revocation, suspension, modification or amendment by the Director for cause including evidence of noncompliance with any of the above; or for any misrepresentation made in the application(s) dated **December 2020 Revision 1**, supporting data entered therein or attached thereto, or any subsequent submittals or supporting data; or for failure to disclose fully all relevant facts; or when the facility poses a threat to the environment or the health of humans.

This Permit is further subject to and conditioned upon the terms, conditions, limitations, standards, or schedules contained in or specified on the attached **20** pages, which pages are a part of this Permit. This Permit expires ten years from the Issuance Date above.



DRAFT

Richard E. Dunn, Director
Environmental Protection Division

I. GENERAL PERMIT CONDITIONS

I.A. Scope and Effect of Permit

- I.A.1. The Permittee is allowed to treat, store, and dispose of hazardous waste only in accordance with the conditions of this permit. Any hazardous waste treatment, storage or disposal not authorized in this permit is prohibited. The Permittee must comply with the Georgia Hazardous Waste Management Act and the Rules for Hazardous Waste Management, Chapter 391-3-11, which Rules include certain portions of the Federal Hazardous Waste Regulations (found at 40 CFR 260-268, 270, 273, 279 and 124). Where a citation to the Federal Regulations is made in this permit, it refers to the specific regulations adopted by EPD.
- I.A.2. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- I.A.3. Compliance with this permit does not constitute a defense to any action brought by the Director under Section 18, Emergency Powers, of the Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-75, as amended.
- I.A.4. Nothing in this permit shall be construed to preclude the institution of any legal action under § 3008 of the Federal Resource Conservation and Recovery Act (RCRA) or under the Georgia Hazardous Waste Management Act, O.C.G.A. §§ 12-8-81 - 12-8-82, as amended.
- I.A.5. This permit may be modified, revoked and reissued, or terminated for cause as specified in Rule 391-3-11-.11(7) and 40 CFR 270.41, 270.42, 270.43, 270.50(d) and 270.51(a). The filing of a request for a permit modification, revocation and reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability of any permit condition.
- I.A.6. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

I.B. Management Requirements

- I.B.1. The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility or of any planned changes in the process generating the hazardous waste, which changes might affect the performance of the permitted facility with respect to any regulated activities.
- I.B.2. The Permittee shall maintain at the facility, the following documents and amendments, revisions and modifications to these documents:
- a. Complete copy of this permit and permit application;
 - b. Post-closure care plans;
 - c. Operating record as required by 40 CFR 264.73;
 - d. Inspection logs;
 - e. Corrective action plan(s);
 - f. Groundwater sampling and analysis plan;
 - g. Cost estimate for facility closure, corrective action and post-closure care; and
 - h. Financial assurance instrument for closure, corrective action and post-closure care
- I.B.3. All amendments, revisions and modifications to any plan or cost estimate required by this permit shall be submitted to the Director for approval and permit modification as necessary.

- I.B.4. When the Permittee becomes aware that the Permittee failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Director, the Permittee shall promptly submit such corrected facts or information.
- I.B.5. The Permittee shall at all times properly operate and maintain all facilities which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.
- I.B.6. The Permittee may not commence treatment, storage or disposal of hazardous waste at any new or modified portion of the facility or corrective action for contaminated groundwater or soil until the Permittee has submitted to the Director by certified mail, or hand delivery, a letter signed by the Permittee and an independent registered professional engineer or, when appropriate, registered professional geologist, stating that the facility has been constructed or modified in compliance with the permit where appropriate; and the Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or the Director has either waived the inspection or has not within fifteen (15) days notified the Permittee of his or her intent to inspect.

I.C. Monitoring and Reporting

- I.C.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from Appendix I of 40 CFR Part 261. Laboratory methods must be those specified in the most recent editions of Test Methods for Evaluating Solid Waste: Physical/Chemical Methods, SW 846; or Standard Methods for the Examination of Water and Wastewater; (or an equivalent method as specified in the Waste Analysis Plan). Sampling and analyses of soil, sediment, surface water, and groundwater samples shall be conducted in accordance with methods and procedures acceptable to the Director.
- I.C.2. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports and records required by this permit, the certification required by Condition I.G.1. and 40 CFR 264.73(b)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report, record, or application, or until corrective action is completed, whichever date is later. These periods are automatically extended during the course of any unresolved enforcement action regarding this facility and also may be extended at any time at the Director's discretion.
- I.C.3. The Permittee shall maintain records for all groundwater monitoring wells noted in the permit and associated groundwater surface elevations, including groundwater flow rate and direction, throughout the post-closure period.
- I.C.4. Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; the method of sample preservation; and quality assurance methods; and
 - f. The results of such analyses and measurements in tabular and/or graphic format.

- I.C.5. The Permittee shall report to the Director or his representative orally within one (1) hour from the time the Permittee becomes aware of any circumstances resulting from the operation of the hazardous waste management facility (including periods of noncompliance) which may endanger human health or the environment, including but not limited to:
- a. Release of any hazardous waste(s), hazardous waste constituent(s), or hazardous constituent(s) that may cause an endangerment to public drinking water supplies; and
 - b. Release or discharge of hazardous waste(s), hazardous waste constituent(s), or hazardous constituent(s) or a fire or explosion, which could threaten human health or the environment outside the facility.

The description of the occurrence shall include:

- i Name, address and telephone number of the owner or operator;
 - ii Name, address and telephone number of facility;
 - iii Date, time and type of incident;
 - iv Name and quantity of materials involved;
 - v The extent of injuries, if any;
 - vi An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and
 - vii Estimated quantity and disposition of recovered material that resulted from the incident.
- I.C.6. Within fifteen (15) days of becoming aware of any reportable incident as in Condition I.C.5. above which may endanger human health or the environment, the Permittee shall submit a written report of the incident covering the following:
- a. Description of occurrence as in Condition I.C.5. above;
 - b. Cause of occurrence;
 - c. Period of occurrence, including exact dates and times;
 - d. Time occurrence expected to continue (if not already corrected); and
 - e. Steps taken or planned to reduce, eliminate, and prevent recurrence.
- I.C.7. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.
- I.C.8. The Permittee shall report instances of non-compliance, other than those described in Conditions I.C.5. and I.C.7., semi-annually on July 15 (covering January 1 - June 30) and January 15 (covering July 1 - December 31). The report shall cover the information requested in Condition I.C.5. for each incident.
- I.C.9. All reports or other information requested by the Director shall be signed and certified according to the requirements in 40 CFR 270.11.
- I.C.10. All geologic and engineering reports required by this permit shall be signed and sealed by the appropriate Georgia registered professional as defined by State law. Additionally, the following certification statement shall accompany reports containing ground water data or interpretation:

I certify that I am a qualified ground-water scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and have sufficient training and experience in ground-water hydrology and related fields, as demonstrated by state registration and completion of accredited university courses, that enable me to make sound professional judgments regarding ground-water monitoring and contaminant fate and transport. I further certify that this report was prepared by myself or by a subordinate working under my direction.

- I.C.11. The Permittee shall immediately notify the Division through the Department of Natural Resources Emergency Operations Center of any spill or release of oil or a hazardous substance as soon as the Permittee knows of the spill or release, as required by O.C.G.A. § 12-14-3.

I.D. Responsibilities

- I.D.1. Right of Entry. The Permittee shall allow the Director of EPD, the Regional Administrator of EPA, and/or their authorized representatives, agents, or employees, upon the presentation of credentials and other documents as may be required by law to:
- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Georgia Hazardous Waste Management Act, any substances or parameters at any location.
- I.D.2. Transfer of Permits. This permit is not transferable to any person(s) except after notice to the Director. This permit may be transferred to a new owner or operator only if it is modified or revoked and reissued pursuant to 40 CFR 270.40(b) or 270.41(b)(2). Before transferring ownership or operation of the facility during its operating life or during its post-closure period, the Permittee shall notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270.
- I.D.3. Duty to Comply. The Permittee shall comply with all conditions of this permit, except to the extent and for the duration such non-compliance is authorized by an emergency permit. Any non-compliance with this permit constitutes a violation of the Georgia Hazardous Waste Management Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.
- I.D.4. Duty to Reapply. If the Permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must submit a complete application for a new permit at least 180 days before this permit expires. Pursuant to 40 CFR 270.51, this permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely and complete application for a new permit and, through no fault of the Permittee, the Director has not issued a new permit on or before the expiration date of this permit.
- I.D.5. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- I.D.6. Duty to Mitigate. The Permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment or human health resulting from non-compliance with this permit.
- I.D.7. Duty to Provide Information. The Permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with the permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

I.D.8. Anticipated Non-Compliance. The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in non-compliance with permit requirements.

I.D.9. Reporting Planned Changes. The Permittee shall give notice to the Director of any planned physical alterations or additions which impact any SWMUs, AOCs or the areas contaminated by them, including voluntary corrective measures.

I.E. Definitions

For purposes of this permit, terms used herein shall have the same meaning as those in 40 CFR Parts 124, 260 through 268, 270 and 279, unless this permit specifically provides otherwise. Where terms are not defined in the regulations or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

1. *Area of Concern (AOC)* for the purposes of this permit includes any area having a probable release of a hazardous waste(s) or hazardous waste constituent(s) or hazardous constituent(s) which is not from a solid waste management unit and is determined by the Director to pose a current or potential threat to human health or the environment. Such areas of concern may require investigations and remedial action as required under the Georgia Hazardous Waste Management Act, §12-8-60, *et seq.* and 40 CFR 270.32(b)(2) in order to ensure adequate protection of human health and the environment.
2. *Contamination* for the purposes of this permit refers to the presence of any hazardous waste(s) or hazardous waste constituent(s) or hazardous constituent(s) in a concentration which exceeds the naturally occurring concentration of that waste or constituent(s) in the immediate vicinity of the facility (in areas not affected by the facility).
3. *Corrective Action* for prior or continuing releases from solid waste management units, as well as for other releases as described in Condition I.E.13., shall, for the purposes of this permit, be as specified in 40 CFR 264.101, and may include "corrective action" as provided for in 40 CFR 264.100 and other remedial actions for any environmental media as deemed appropriate by the Director to protect human health or the environment. The terms "releases" and "other releases", when used in reference to corrective action requirements of this permit, shall not include releases that the Permittee can demonstrate have been fully remediated within 30 days of discovery.
4. *Corrective Action Management Unit (CAMU)* for the purposes of this permit, includes any area within a facility that is designated by the Director under 40 CFR 264 Subpart S, for the purpose of implementing corrective action under 40 CFR 264.101. A CAMU shall only be used for the management of remediation waste pursuant to implementing such corrective action requirements at the facility.
5. *Director* shall mean the director of the EPD or his/her delegated representative.
6. *EPA* shall mean the United States Environmental Protection Agency and any successor departments or agencies of the United States.
7. *EPD* shall mean the Georgia Environmental Protection Division of the Department of Natural Resources and any successor departments or agencies of the State of Georgia.
8. *Extent of Contamination* for the purposes of this permit is defined as the horizontal and vertical area in which the concentrations of hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s) in the environmental media being investigated are above estimated quantitation limits, as defined in the most recent version of SW-846, naturally occurring concentrations representative of the facility or other appropriate delineation approved by the Director.

9. *Hazardous constituents* for the purpose of this permit are those substances collectively listed in 40 CFR Part 261 Appendix VIII, and Part 264, Appendix IX, as revised or superseded.
10. *Interim Measures* for purposes of this permit are actions necessary to contain, remove or treat contamination resulting from a release from a SWMU or AOC to prevent further contaminant migration that poses an imminent danger to health or the environment or to mitigate a condition that will likely deteriorate if not acted upon immediately, and are actions which may be consistent with the likely long-term remedy and undertaken while long-term corrective action remedies are evaluated and, if necessary, implemented.
11. *Land disposal facility* for the purposes of this permit is a facility, and all contiguous property under the control of the owner or operator, that uses a surface impoundment, landfill, land treatment unit, waste pile, or miscellaneous unit to manage or dispose of hazardous waste pursuant to §12-8-66 of the Georgia Hazardous Waste Management Act, as amended, and § 3004 of RCRA, as amended.
12. *Qualified Groundwater Scientist* for the purposes of this permit means a scientist or engineer 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, as demonstrated by state registration, professional certifications, or completion of accredited university courses, that enable that individual to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport.
13. *Release* for the purposes of this permit includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s).
14. *Remediation Waste* for the purposes of this permit includes all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediment) and debris, which contain listed hazardous waste(s) or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under 40 CFR 264.101 and RCRA § 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA §§ 3004(v) or 3008(h) for releases beyond the facility boundary.
15. *Solid Waste Management Unit* (or SWMU) for the purposes of this permit includes, but is not limited to, any landfill, surface impoundment, waste pile, land treatment unit, incinerator, injection well, tank (including storage, treatment, and accumulation tanks), container storage unit, wastewater treatment unit, including all conveyances and appurtenances used in waste management or storm water handling, elementary neutralization unit, transfer station, or recycling unit from which hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s) might migrate, irrespective of whether the units were intended for the management of solid and/or hazardous waste(s).
16. *Temporary Unit(s)* for the purposes of this permit includes any temporary tanks and/or container storage areas used solely for treatment of hazardous remediation waste during remediation activities required under 40 CFR 264.101. Designated by the Director, such units must conform to specific standards, and may only be in operation for a period of time as specified in this permit.

I.F. Conditions Related to Compliance with General Facility Standards
(40 CFR Part 264 Subparts B, C, D, E, G, H)

- I.F.1. The Permittee must follow the procedures and plans described in detail in the permit application dated December 2020 Revision 1, as amended, which are hereby incorporated by reference and include at least the following:
 - a. Closure and Post-Closure Plans, Appendix C of the permit application

- I.F.2. The following activities must be carried out as prescribed in 40 CFR Part 264 Subparts B, C, D and E, and in accordance with the appropriate sections of the permit application:
- a. Security - 40 CFR 264.14(b) and (c);
 - b. Inspections and Repairs - 40 CFR 264.15;
 - c. Personnel training - 40 CFR 264.16;
 - d. Operating record - 40 CFR 264.73;
 - e. Disposition of records - 40 CFR 264.74; and
 - f. Reports - 40 CFR 264.73, 264.74, 264.75 and 264.77.
- I.F.3. The following activities must be carried out as prescribed in 40 CFR Part 264 Subpart G and H, in accordance with the appropriate sections of the permit application, and Rule 391-3-11-.10:
- a. Post-closure care and use of property - 40 CFR 264.117;
 - b. Post-closure care plan, amendment of plan - 40 CFR 264.118;
 - c. Post-closure notices - 40 CFR 264.119;
 - d. Certification of completion of post-closure care - 40 CFR 264.120; and
 - e. Financial Assurance for Post-Closure. Continuous compliance with 40 CFR 264.145 and 264.147 must be maintained by the Permittee for the amount of the cost estimate for post-closure as required by 40 CFR 264.144 until released by the Director as provided in 40 CFR 264.145(i).
- I.F.4. Permittee must comply with 40 CFR 264.148 whenever necessary.

I.G. Special Conditions Applicable to Entire Facility

I.G.1. Annual Certification of Program to Reduce the Volume and Toxicity of Hazardous Wastes

The Permittee shall be required to certify no less often than annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous wastes that he generates to the degree determined by the Permittee to be economically practicable, and the proposed method of treatment, storage or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment in accordance with 40 CFR 264.73(b)(9).

II. POST-CLOSURE CARE FOR LANDFILLS

II.A. Unit Identification

The Permittee shall provide post-closure care for two (2) landfills closed with wastes in-place (maximum of 12,777 cubic yards) at the sites identified as the Old Drum Storage Area (ODSA) and the Alum Storage Basin (ASB), as shown on Figure 1-3 of the permit application.

II.A.1. The Permittee must maintain permanent and readily identifiable benchmarks showing the boundaries of the regulated units as established by in the closure certification for each unit. Such benchmarks must be initially placed by a registered surveyor.

II.B. Waste Identification:

The Permittee has disposed of hazardous wastes F001 and U051 in the units as described in the Part A permit application dated April 25, 1997. The units are closed with wastes, waste residues, contaminated soil and contaminated groundwater remaining in-place.

II.C. Monitoring and Inspection:

II.C.1. The Permittee shall follow the inspection schedule as described in Sections 1.7.2, 3.3, and 4.5 of the permit application and as required by 40 CFR 264.15(a).

II.C.2. The Permittee shall inspect the landfills monthly and within 72-hours after significant storm events to detect any evidence of deterioration or improper operation as described in Section 3.3.3 of the permit application and as required by 40 CFR 264.15 and 40 CFR 264.310.

II.D. Post-closure Care:

II.D.1. The Permittee shall perform post-closure care for the landfills in accordance with the post-closure plans of the permit application as required by 40 CFR 264.117 through 264.120 and 264.310

II.D.2. The facility's post-closure care period will continue until an adequate site specific demonstration can be made that the contamination no longer poses a threat to human health and the environment, pursuant to 40 CFR 264.117(a)(2)(ii).

III. **GROUNDWATER MONITORING AND CORRECTIVE ACTION**

III.A. Well Location and Construction

The Permittee shall install and/or maintain a groundwater monitoring system to comply with the requirements of 40 CFR 264.95, 264.97 and 264.100 as specified below:

III.A.1. The Permittee shall maintain the following groundwater monitoring wells, as well as groundwater withdrawal wells referenced in Condition III.D. and as shown on Figure 1-3 of the permit application:

a. Old Drum Storage Area (ODSA)

MW-11	MW-12	MW-13	MW-32	MW-34
MW-35	MW-36	MW-47	MW-71	MW-72
MW-73	MW-74	MW-75	MW-76	MW-77
MW-3	MW-133			

b. Alum Sludge Basin (ASB)

MW-9 (2-12)	MW-9 (17-27)	MW-14	MW-15	MW-16
MW-17	MW-28	MW-29 (2-12)	MW-29 (18-28)	MW-30
MW-46	MW-48	MW-79	MW-80	MW-81 (2-12)
MW-81 (13-23)	MW-82	MW-83	MW-85	MW-86
MW-87 (2-12)	MW-87 (13-23)	MW-26	MW-113	

III.A.2. The following groundwater monitoring wells shall define the point of compliance for the closed units:

a. Old Drum Storage Area (ODSA)

MW-11	MW-12	MW-13
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b. Alum Sludge Basin (ASB)

MW-14	MW-15	MW-16
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III.A.3. The Permittee shall maintain specific background for the HWMU/SWMU at the location specified on Figure 1-3 of and Table 3-4 of the permit application.

a. MW-32 will be designated as ODSA background well and sampled once every two years.

b. MW-113 will be designated as ASB background well and sampled once every two years.

III.A.4. The Permittee shall install and maintain additional groundwater monitoring wells as necessary, or as specified by the Director, to assess changes in the rate and extent of any plume of contamination, to assess the effectiveness of corrective action, or as otherwise deemed necessary to maintain compliance

with 40 CFR 264.95, 40 CFR 264.97 and 40 CFR 264.100. A plan specifying the design, location and installation of any additional monitoring wells shall be submitted ninety (90) days prior to installation which, at a minimum, shall include:

- a. Well construction techniques including casing depth, screen length and placement, and proposed total depth of well(s);
- b. Well development method(s);
- c. A description of well construction materials;
- d. A schedule of implementation for construction; and
- e. Provisions for determining the hydraulic conductivity, lithologic character and grain size distribution for the applicable aquifer unit(s) at the location of the new well(s).

III.B. Groundwater Protection Standard

III.B.1. The groundwater protection standard as required under 40 CFR 264.92 shall consist of Table I for the Old Drum Storage Area and Table II for the Alum Sludge Basin, which list the hazardous constituent(s) and their respective concentration limits as required under 40 CFR 264.93 and 264.94, respectively.

III.B.2. The groundwater protection standard applies to all hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s) releases as deemed appropriate by the Director to protect human health and the environment.

III.C. Compliance Period

III.C.1. The compliance period shall be defined as continuing until the groundwater protection standard has not been exceeded for a period of three (3) consecutive years and corrective action as required under 40 CFR 264.100 has been terminated, as specified in Condition III.I.2. and as required by 40 CFR 264.96(c). The compliance period shall begin with the effective date of the permit.

III.D. Corrective Action Program

The Permittee shall continue implementation of the corrective action program, as required under 40 CFR 264.100, and as described in Sections 3.1.3 and 3.2.3 of the permit application, for the Old Drum Storage Area (ODSA) and Alum Sludge Basin (ASB), respectively, for those hazardous constituent(s) that exceed the groundwater protection standard in Table I and II pursuant to the following:

III.D.1. The Permittee shall operate the ASB recovery well, HWW-2, within the pumping range specified in Section 3.2.3 of the permit application; changes to the pumping rate range, screened interval, location and design of this well will require a permit modification pursuant to Condition III.I.

III.D.2. The Permittee shall operate the ODSA recovery well, HWW-4, within the pumping range specified in the Section 3.1.3 of the permit application; changes to the pumping rate range, screened interval, location and design of this well will require a permit modification pursuant to Condition III.I.

III.D.3. The Permittee shall conduct a corrective action program to remove or treat in place any hazardous constituent(s) in the groundwater protection standard (Condition III.B.) that exceed concentration limits in Table I or II in groundwater between the point of compliance and the downgradient facility property boundary as required under 40 CFR 264.100(e)(1), and beyond the facility boundary as required under 40 CFR 264.100(e)(2), unless the Permittee can demonstrate to the satisfaction of the Director that:

- a. Despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such action; or

b. Such action is not necessary to protect human health or the environment.

III.D.4. The Permittee shall treat, store, and dispose of all contaminated groundwater in accordance with all applicable federal, state and local laws.

III.D.5. The Permittee shall ensure that the corrective action program will function as designed and planned in Sections 3.1.3 and 3.2.3 of the permit application and in accordance with any subsequent revisions, modifications or changes to that plan. Any measures taken to satisfy this Condition shall be reported in the semi-annual report required by Condition III.H.2.

III.D.6. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility's property boundary, where off-site access is denied, as required under 40 CFR 264.100(e)(2).

III.D.7. The Permittee shall include a demonstration of financial responsibility for the corrective action program conforming to Condition I.F.3.

III.D.8. If the groundwater protection standards are met during the compliance period, the Permittee must continue corrective action to the extent necessary to ensure that the groundwater protection standard is not exceeded. Corrective action must continue until the groundwater protection standard has not been exceeded for three (3) consecutive years as required under 40 CFR 264.100(f).

III.E. Corrective Action Effectiveness Monitoring Program

The Permittee shall establish and implement a groundwater monitoring program to demonstrate the effectiveness of the corrective action program required under 40 CFR 264.100 (and 40 CFR 264.101 as related to other releases of hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s) from a solid waste management unit). Groundwater monitoring shall be conducted in conformance with the requirements of 40 CFR 264.100(d) and as specified below:

III.E.1. The Permittee shall collect, preserve and analyze all groundwater samples as required by Condition I.C.1.

III.E.2. Beginning September 2021, or no later than six (6) months from the effective date of this permit, the Permittee shall collect samples biennially from MW-32 for OSDA and MW-113 for ASB, the background monitoring well for the facility pursuant to Condition III.A.3. These samples shall be analyzed for all constituent(s) in Tables I and II respectively.

III.E.3. Beginning September 2021, or no later than six (6) months from the effective date of this permit, the sampling frequency specified in Table 1 of the permit and continuing through the compliance period specified by Condition III.C., the Permittee shall collect samples from the following Old Drum Storage Area (ODSA) monitoring wells as follows:

Annual Groundwater Quality Monitor Wells:

MW-12	MW-13	MW-34	MW-35
MW-36	MW-72	MW-73	MW-74
MW-76	MW-133		

Biennial Groundwater Quality Monitor Well: MW-32

Semi-Annual Groundwater Elevation Monitoring Wells:

MW-11	MW-12	MW-13	MW-32
MW-34	MW-35	MW-36	MW-47
MW-71	MW-72	MW-73	MW-74

MW-75 MW-76 MW-77 MW-133

for the purpose of demonstrating the effectiveness of the corrective action program required by Condition III.D.

a. Monitoring wells MW-12 and MW-34 shall be analyzed for the following constituent(s)

Acenaphthene	Acenaphthylene
Fluoranthene	Fluorene
2-methylnaphthalene	Naphthalene
Phenanthrene	Pyrene
	Dibenzofuran

III.E.4. Beginning approximately six (6) months after collecting the samples specified by Condition III.E.3., and continuing the sampling frequency specified in Table II of the permit through the compliance period specified by Condition III.C., the Permittee shall collect samples from the following Alum Sludge Basin (ASB) monitoring wells:

Annual Groundwater Quality Monitor Wells:

MW-14	MW-15	MW-16	MW-17
MW-28	MW-79	MW-29 (18-28)	MW-46
MW-48			

Biennial Groundwater Quality Monitoring Well: MW-113

Semi-Annual Groundwater Elevation Monitoring Wells:

MW-14	MW-15	MW-16	MW-17
MW-26	MW-28	MW-29 (18-28)	MW-30
	MW-46	MW-48	MW-79

for the purpose of demonstrating the effectiveness of the corrective action program required by Condition III.D. These monitoring wells shall be analyzed for all parameters listed in Table II.

III.E.5. Pursuant to 40 CFR 264.97(f), the groundwater monitoring program must include a determination of the groundwater surface elevation in each well each time groundwater is sampled. Total depth of each well must be measured annually. Permittee shall also make an annual determination of groundwater flow rate and direction in all aquifers.

III.E.6. Compliance with the groundwater protection standard, as defined under Condition III.B., will be based upon groundwater monitoring data obtained under Condition III.E. that all constituent(s) listed in Tables I and II no longer exceed the groundwater protection standard at the point of compliance and throughout the contaminant plume. Comparisons for the purpose of determining compliance shall be made utilizing the statistical procedure described in 40 CFR 264.97(h) and (i) and Section 7.9 of the permit application.

III.E.7. Pursuant to 40 CFR 264.100(d) the Permittee shall analyze samples from at least one of each of the compliance point wells identified in Conditions III.A.2.a., and at least one of the compliance point wells identified in Conditions III.A.2.b., plus any additional wells specified by the Director, for all constituent(s) in Appendix IX of 40 CFR Part 264 at least annually to determine whether additional hazardous constituent(s) are present in the uppermost aquifer and, if so, at what concentrations. The Appendix IX sampling will be rotated annually among the compliance point wells for each unit so that each well is sampled at least every three years. The Appendix IX results must be submitted within 120 days of the sampling. If the Permittee finds Appendix IX constituent(s) in the groundwater that are not

identified in Table I and/or II, then the Permittee may resample within one (1) month of receiving the results of the initial analysis, repeating the analysis. If the second analysis confirms the presence of new hazardous constituent(s), then the Permittee must report those additional concentrations to the Director within seven (7) days of receiving the results of the second analysis, and request that these additional hazardous constituent(s) be added to Table I and/or II. If the Permittee chooses not to resample, then the Permittee must report those additional concentrations to the Director within seven (7) days after receiving the results of the initial analysis and request that these hazardous constituent(s) be added to Table I and/or II.

III.E.8. Beginning no later than six (6) months from the effective date of this permit and continuing semi-annually through the compliance period specified in Condition III.C., the Permittee shall collect surface water samples from the following locations in the Waycross Canal as depicted on Figure 1-3 of the permit application.

a. For the Old Drum Storage Area (ODSA): W-28

The surface water samples shall be analyzed for the following constituent(s):

Trichloroethylene	trans-1,2-Dichloroethylene
cis-1,2-Dichloroethylene	Vinyl Chloride
Methylene Chloride	Acenaphthene
Tetrachloroethylene	Fluoranthene
Fluorene	Acenaphthylene
2-Methylnaphthalene	Pyrene
Naphthalene	Dibenzofuran
1,1-Dichloroethylene	Phenanthrene

b. For the Alum Sludge Basin (ASB): CW-1 and CW-2

The surface water samples shall be analyzed for the following constituent(s):

Trichloroethylene	1,1-Dichloroethylene
cis-1,2-Dichloroethylene	trans-1,2-Dichloroethylene
Methylene Chloride	Vinyl Chloride
Chlorobenzene	Tetrachloroethylene
1,1-Dichloroethane	1,2-Dichlorobenzene

III.F. Determination of Background Concentrations

III.F.1. For those constituent(s) specified in Tables I and II for which background concentrations are applicable, the Permittee shall establish background concentrations in accordance with 40 CFR 264.97(g) and the procedure established in Sections 3.1.4.1 and 3.2.4.1 of the permit application for the Old Drum Storage Area and Alum Sludge Basin.

III.F.2. Upon establishment, the background concentrations shall automatically be incorporated into Tables I and II.

III.G. Sampling and Analysis Procedures

The Permittee shall use the following techniques and procedures when obtaining and analyzing samples from the groundwater monitoring wells and surface water to provide a reliable indication of the quality of the groundwater as required under 40 CFR 264.97(d) and (e):

III.G.1. Groundwater and surface water sampling must be performed in accordance with the EPA's Region IV Laboratory Services and Applied Science Division (LSASD) Procedures found in its Field Branches Quality System and Technical Procedures. This includes sampling of groundwater and management of

samples prior to analysis, pump operation, groundwater level and well depth measurement, and field measurement procedures.

III.G.2. Samples shall be analyzed in accordance with Condition I.C.1. and Section 7 of the permit application.

III.G.3. Samples shall be tracked and controlled using the chain of custody procedures specified in Section 7.6 of the permit application.

III.H. Reporting, Recordkeeping and Response

III.H.1. The Permittee shall enter all monitoring, testing and analytical data obtained pursuant to Conditions III.E. and III.G. in the operating record, as required by 40 CFR 264.73(b)(6).

III.H.2. The Permittee shall submit a report to the Director on the effectiveness of the corrective action program semi-annually, including all monitoring, testing and analytical data obtained under Conditions III. and IV.

III.I. Permit Modification

III.I.1. If at any time the Permittee determines that the corrective action program no longer satisfies the requirements of 40 CFR 264.100 or Condition III.D. for releases of a hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s) originating from the regulated unit(s), he must within ninety (90) days, submit an application for a permit modification to make any appropriate changes in the program.

III.I.2. If the Permittee meets or exceeds the requirements of 40 CFR 264.100 and meets the groundwater protection standard at the point of compliance and throughout the contaminant plume for three (3) consecutive years, the Permittee may submit an application for a permit modification pursuant to 40 CFR 270.41 and 270.42 to terminate corrective action and establish an alternate groundwater monitoring program.

III.J. Duty of Permittee

III.J.1. The Permittee shall assure that groundwater monitoring and corrective action measures necessary to achieve compliance with 40 CFR 264.100 and the groundwater protection standard are taken during the compliance period.

IV. SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN

IV.A. Applicability

IV.A.1. The requirements of this Section apply to the determination of the need for and subsequent implementation of corrective action for releases from all solid waste management units (SWMUs) and areas of concern (AOCs) contained within the facility property boundary as required by 40 CFR 264.101(a) and, as required by 40 CFR 264.101(c) and §12-8-66 of the Georgia Hazardous Waste Management Act, those extending beyond the facility property boundary. The requirements of this Section apply specifically to the following SWMUs and AOCs:

- a. The SWMUs and AOCs identified in Appendix A.1 which require further investigation;
- b. The SWMUs and AOCs identified in Appendix A.2 which require no further investigation at this time;

- c. The SWMUs identified in Appendix A.3 which are regulated units as defined by 40 CFR 264.90(a)(2);
- d. The SWMUs and AOCs identified in Appendix A.4 which require a verification investigation;
- e. The SWMUs and AOCs identified in Appendix A.5 which require corrective action; and
- f. Any additional SWMUs or AOCs discovered after the date of issuance of this permit due to groundwater monitoring, on-going field investigations, environmental audits, and other means.

IV.B. Notification and Assessment Requirements For Newly Identified SWMUs and AOCs

- IV.B.1. Within fifteen (15) days of the Permittee's discovery of any SWMU's or AOC's under Condition IV.A.1.f., the Permittee shall notify the Director in writing of such discovery.
- IV.B.2. The Director shall notify the Permittee in writing of the discovery of any SWMUs or AOCs under Condition IV.A.1.f.
- IV.B.3. Within sixty (60) days of the Permittee's discovery pursuant to Condition IV.B.1. or within sixty (60) days of receipt of the Director's notification under Condition IV.B.2., the Permittee shall submit to the Director the following information for each SWMU or AOC:
 - a. Location on a topographic map of appropriate scale as required under 40 CFR 270.14(b)(19);
 - b. Designation of type and function of the unit;
 - c. General dimensions, capacities and structural description (supply any available plans/drawings);
 - d. Dates that the unit was operated;
 - e. Specification of all wastes that have been managed at/in the SWMU or AOC to the extent available; and
 - f. All available information pertaining to any release of hazardous waste(s), hazardous waste constituent(s) or hazardous constituent(s) to include groundwater data, soil analyses, air, and/or surface water data.
- IV.B.4. The Director shall review the information submitted pursuant to Condition IV.B.3. and notify the Permittee in writing as to the need for further investigation, interim measures and/or corrective action as required by Condition IV.D., IV.E, IV.F., or IV.G.

IV.C. Notification Requirements for Newly Discovered Releases at Previously Identified SWMUs and AOCs

- IV.C.1. Within thirty (30) days of the Permittee's discovery of a previously unidentified release(s) from any SWMU or AOC identified under Condition IV.A.1., the Permittee shall notify the Director in writing of such discovery.
- IV.C.2. The Director shall notify the Permittee in writing of the discovery of any previously unidentified release(s) from any SWMU or AOC previously discovered under Condition IV.A.1.
- IV.C.3. Within ninety (90) days of the date of the Permittee's discovery under Condition IV.C.1., or within ninety (90) days of the date of the Director's notification under Condition IV.C.2., the Permittee shall submit to the Director an RFI Workplan pursuant to Condition IV.F.

IV.D. Verification Investigation (VI)

- IV.D.1. The Director may require the Permittee to submit a VI Workplan for any SWMU or AOC discovered under Condition IV.A.1.f. in a schedule to be determined by the Director. The VI Workplan shall describe all actions necessary to verify the presence or absence of a release for any SWMU or AOC. The VI Workplan shall include a schedule of implementation which includes intermediate milestones beginning with the Permittee's receipt of the Director's written approval of the VI Workplan continuing through submission of the VI Report required by Condition IV.D.3.
- IV.D.2. Upon receipt of the Director's written approval of the VI Workplan, the Permittee shall implement the Workplan in accordance with the schedule of implementation contained therein.
- IV.D.3. The Permittee shall submit a VI Report in accordance with the schedule of implementation contained within the approved VI Workplan. The VI Report shall describe all actions taken to verify the presence or absence of releases including all data collected during the VI. The Director shall review the VI Report and notify the Permittee in writing of the need for further investigation, interim measures and/or corrective action pursuant to Condition IV.E., IV.F. and/or IV.G.

IV.E. Interim Measures

- IV.E.1. The Permittee may conduct interim measures to contain, remove or treat contamination resulting from releases from any SWMU or AOC as necessary to protect human health and the environment. Such interim measures may be conducted concurrently with any investigations required by this permit.
- IV.E.2. Within thirty (30) days of the Permittee's determination that interim measures are necessary, or within thirty (30) days of receipt of the Director's written notice that interim measures are necessary, the Permittee shall submit to the Director an Interim Measures (IM) Workplan. The IM Workplan shall describe all measures necessary to contain, remove or treat contamination resulting from releases from any SWMU or AOC. The IM Workplan shall include a schedule of implementation which includes intermediate milestones beginning with the Permittee's receipt of the Director's written approval of the IM Workplan and continuing through submission of the IM Report required by Condition IV.E.5.
- IV.E.3. Upon receipt of the Director's written approval of the IM Workplan, the Permittee shall implement the Workplan in accordance with the schedule of implementation contained therein.
- IV.E.4. The Permittee shall provide written notice to the Director as soon as possible of any planned changes, reductions or additions to the interim measures described in the IM Workplan.
- IV.E.5. The Permittee shall submit an IM Report in accordance with the schedule of implementation contained in the approved IM Workplan. The IM Report shall describe all interim measures taken to contain, remove or treat contamination resulting from releases from any SWMU or AOC. The IM Report shall also provide a summary of all data or other information obtained during implementation of the IM Workplan and a summary of the effectiveness of the interim measures in achieving the objective of Condition IV.G.

IV.F. RCRA Facility Investigation (RFI)

- IV.F.1. Within ninety (90) days of the date of receipt of the Director's written notice pursuant to Condition IV.B.4., IV.C.2. and/or IV.D.3., or within ninety (90) days of the date of the Permittee's discovery under Condition IV.C.1., the Permittee shall submit to the Director a RCRA Facility Investigation (RFI) Workplan.
- IV.F.2. The RFI Workplan shall provide a description of the specific actions necessary to determine the nature and extent of releases from any SWMU and AOC identified by Condition IV.A., IV.B., IV.C. and

IV.D., including potential migration pathways for those releases (e.g. air, land, surface water, and groundwater), actual or potential receptors and applicable background concentrations. The Permittee must provide sufficient justification that migration through a potential pathway is not likely if a potential migration pathway associated with a release is not included in the Workplan. Such deletions are subject to the approval of the Director.

IV.F.3. The RFI Workplan shall include a schedule of implementation which includes intermediate milestones beginning with the Respondent's receipt of the Director's written approval of the RFI Workplan and continuing through submission of the RFI Report required by Condition IV.F.4. Upon approval by the Director, the Permittee shall implement the RFI Workplan in accordance with the schedule contained in the approved Workplan.

IV.F.4. The Permittee shall submit an RFI Report in accordance with the schedule of implementation contained in the approved RFI Workplan. The Report shall provide a summary of all activities undertaken during the RFI to implement the approved Workplan. The Report shall provide a complete description of the full nature and extent of all releases identified during the RFI including sources, migration pathways, actual or potential receptors and applicable background concentrations. The RFI Report shall address all releases which extend beyond the facility property boundary unless the Permittee demonstrates to the Director's satisfaction that, despite the Permittee's best efforts, the Permittee was unable to obtain permission to undertake actions required by the Workplan, or such action is not necessary to protect public health or the environment.

IV.F.5. The Director shall review the RFI Report required under Condition IV.F.4. and notify the Permittee in writing of the need for further investigation and/or corrective action as required by Condition IV.G. and 40 CFR 264.101(a) and 264.101(c).

IV.F.6. Within ninety (90) days of Permittee's receipt of Director's written notice for further investigation referenced in Condition IV.F.5., the Permittee shall submit an addendum to the RFI Workplan to the Director. The addendum shall provide a description of investigation activities that will be conducted to further define the nature and extent of releases from any SWMU.

IV.G. Corrective Action Program

IV.G.1. Within ninety (90) days of the Permittee's receipt of the Director's written notice for corrective action referenced in Condition IV.F.5., the Permittee shall submit a Corrective Action Plan (CAP) to the Director. The CAP shall provide a description of the corrective measures to be taken with regard to releases from any SWMUs and AOCs identified in Condition IV.F.1. The CAP shall be submitted as a request for permit modification in accordance with 40 CFR 270.41 and 270.42.

IV.G.2. The CAP shall include a schedule of implementation with intermediate milestones beginning with the issuance of the permit modification requested pursuant to Condition IV.G.1. and continuing through the post-closure period.

IV.G.3. The CAP shall include a demonstration of financial responsibility conforming to Condition I.F.3.

IV.G.4. The Permittee shall identify media remediation levels for corrective action based upon the Georgia EPD Guidance For Selecting Media Remediation Levels At RCRA SWMUs.

IV.G.5. The Permittee shall conduct a corrective action program as to remove or treat in place any hazardous waste(s), hazardous waste constituent(s), or hazardous constituent(s) that have been released to groundwater, surface water and/or soils that exceed the remediation levels identified per Condition IV.G.4.

a. Within the facility property boundary; and

- b. Beyond the facility property boundary, unless the Permittee can demonstrate to the satisfaction of the Director that:
 - i despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such action; or
 - ii such action is not necessary for the protection of human health or the environment.

IV.G.6. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility's boundary where off-site access is denied.

IV.G.7. The Permittee shall treat, store, and dispose of all contaminated groundwater, surface water, sediments, and soil materials in accordance with all applicable federal, state and local laws.

IV.H. Schedule of Compliance

IV.H.1. All plans and reports required by this Section are subject to the approval of the Director prior to implementation. The Permittee shall revise all submittals as specified by the Director.

IV.H.2. For any schedule of implementation required by this Section, if the time required to complete any activity is more than one year, the schedule shall specify interim dates for the submission of reports of progress towards satisfaction of the interim requirements.

IV.H.3. Extensions of the due date for the submittal of any plan or report may be granted by the Director based on the Permittee's demonstration that sufficient justification for the extension exists.

IV.H.4. Upon approval by the Director, all plans and reports shall be enforceable as conditions of this permit.

IV.H.5. If at any time the Permittee determines that any plan or report required under this Section no longer satisfies the requirements of this permit or 40 CFR 264.101, the Permittee must submit an amended plan or report to the Director within thirty (30) days of such determination.

IV.H.6. If at any time the Director determines that any plan or report required under this Section no longer satisfies the requirements of this permit or 40 CFR 264.101, the Director will so notify the Permittee in writing and request that an amended plan or report be submitted in accordance with a schedule to be specified.

IV.I. Permit Modification

IV.I.1. If required to develop a corrective action plan under Condition IV.G., the Permittee shall apply for a permit modification pursuant to 40 CFR 270.42 to incorporate the plan into the permit.

IV.I.2. If at any time the Permittee determines that the corrective action plan(s) no longer satisfies the requirements of 40 CFR 264.101 or Condition IV.G. for releases of hazardous constituent(s) originating from a SWMU or AOC, the Permittee must within ninety (90) days, submit an application for a permit modification to make any appropriate changes in the plan(s).

IV.I.3. If the Permittee meets or exceeds the requirements of 40 CFR 264.101 and Condition IV.G.5. for three consecutive years for any SWMU or AOC, the Permittee may submit an application for permit modification pursuant to 40 CFR 270.42 to the Director to discontinue the active portion of the corrective action plan(s) and to establish an alternate groundwater monitoring program for that unit(s).

**TABLE I.
GROUNDWATER PROTECTION STANDARD
OLD DRUM STORAGE AREA**

<u>HAZARDOUS CONSTITUENT(S)</u>	<u>CONCENTRATION LIMIT (mg/l)</u>
Trichloroethylene	Background*
1,1- Dichloroethylene	Background*
cis-1,2-Dichloroethylene	Background*
trans-1,2-Dichloroethylene	Background*
Methylene Chloride	Background*
Vinyl Chloride	Background*
Tetrachloroethylene	Background*
Acenaphthene	Background*
Acenaphthylene	Background*
Fluoranthene	Background*
Fluorene	Background*
2-Methylnaphthalene	Background*
Naphthalene	Background*
Phenanthrene	Background*
Pyrene	Background*
Dibenzofuran	Background*
Zinc	Background*
Lead	Background* or 0.05**

* Determined according to procedures specified in Condition III.F.

** Concentration Limit derived from 40 CFR 264.94 Table 1.

RCRA Unit	Annual Groundwater Quality Monitor Wells	Semi-Annual Groundwater Elevation Monitor Wells	Groundwater Contaminant Constituents (GWCCs)	Additional Groundwater Constituents	Semi-Annual Surface Water Sample Locations	Surface Water Sample Constituents
Hazardous Waste Management Units (HWMU)						
Old Drum Storage Area (ODSA) (Sample/Gauge January-June)	MW-12, MW-13, MW-34, MW-35, MW-36, MW-72, MW-73, MW-74, MW-76, MW-133	MW-11, MW-12, MW-13, MW-32, MW-34, MW-35, MW-36, MW-47, MW-71, MW-72, MW-73, MW-74, MW-75, MW-76, MW-77, MW-133	trichloroethylene, 1,1-dichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, methylene chloride, vinyl chloride, tetrachloroethylene, zinc, lead	Appendix IX parameters (point of compliance wells MW-11, MW-12, & MW-13; one well/year rotation); acenaphthene, acenaphthylene, fluoranthene, fluorene, 2-methylnaphthalene, naphthalene, phenanthrene, pyrene, dibenzofuran (wells MW-12 & MW-34 only; annual)	W-28	trichloroethylene, 1,1-dichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, methylene chloride, vinyl chloride, tetrachloroethylene, acenaphthene, acenaphthylene, fluoranthene, fluorene, 2-methylnaphthalene, naphthalene, phenanthrene, pyrene, dibenzofuran
RCRA Unit	Biennial Groundwater Quality Monitor Wells	Semi-Annual Groundwater Elevation Monitor Wells	Groundwater Contaminant Constituents (GWCCs)	Additional Groundwater Constituents	Semi-Annual Surface Water Sample Locations	Surface Water Sample Constituents
Facility Background (Biennial)						
Old Drum Storage Area (ODSA) (Sample/Gauge January-June)	MW-32	MW-32	GWCCs identified above			

TABLE II.
GROUNDWATER PROTECTION STANDARD
ALUM SLUDGE BASIN

<u>HAZARDOUS CONSTITUENT(S)</u>	<u>CONCENTRATION LIMIT (mg/l)</u>
cis-1,2-Dichloroethylene	Background*
trans-1,2-Dichloroethylene	Background*
1,1-Dichloroethylene	Background*
Methylene chloride	Background*
Trichloroethylene	Background*
Vinyl chloride	Background*
Tetrachloroethylene	Background*
Chlorobenzene	Background*
1,1-Dichloroethane	Background*
1,2-Dichlorobenzene	Background*
Chromium	Background* or 0.05**
Vanadium	Background*

* Determined according to procedures specified in Condition III.F.

** Concentration Limit derived from 40 CFR 264.94 Table 1.

RCRA Unit	Annual Groundwater Quality Monitor Wells	Semi-Annual Groundwater Elevation Monitor Wells	Groundwater Contaminant Constituents (GWCCs)	Additional Groundwater Constituents	Semi-Annual Surface Water Sample Locations	Surface Water Sample Constituents
Hazardous Waste Management Units (HWMU)						
Alum Sludge Basin (ASB) (Sample/Gauge July-December)	MW-14, MW-15, MW-16, MW-17, MW-28, MW-79, MW-29(18-28), MW-46, MW-48	MW-14, MW-15, MW-16, MW-17, MW-26, MW-28, MW-29(18-28), MW-30, MW-46, MW-48, MW-79,	trichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, 1,1-dichloroethylene, methylene chloride, vinyl chloride, tetrachloroethylene, chlorobenzene, 1,1-dichloroethane, 1,2-dichlorobenzene, chromium, vanadium	Appendix IX parameters (point of compliance wells MW-14, MW-15, & MW-16, one well/year)	CW-1, CW-2	trichloroethylene, 1,1-dichloroethylene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, methylene chloride, vinyl chloride, tetrachloroethylene, chlorobenzene, 1,1-dichloroethane, 1,2-dichlorobenzene
RCRA Unit	Biennial Groundwater Quality Monitor Wells	Semi-Annual Groundwater Elevation Monitor Wells	Groundwater Contaminant Constituents (GWCCs)	Additional Groundwater Constituents	Semi-Annual Surface Water Sample Locations	Surface Water Sample Constituents
Facility Background (Biennial)						
Alum Sludge Basin (ASB), Acid-Lime Sludge Area (ALSA), Old Refuse Area-2/Old Runoff Pond Area (ORA-2/ORPA) (Sample/Gauge July-December)	MW-9(2-12), MW-9(17-27), MW-113	MW-9(2-12), MW-9(17-27), MW-113	GWCCs identified above			

Appendix A

I. Solid Waste Management Units and Areas of Concern, requiring a RFI:

Old Refuse Area Number-2 (ORA-2)
Old Run-off Pond Area (ORPA)
Locomotive Paint and Air Brake Shop (LPABS)
Old Engine House (OEH)
Old Cleaning Vat Sludge Pits (OCVSP)

II. Solid Waste Management Units and Areas of Concern that require no further action at this time:

Alum Sludge Pond
Pollution Pond Number 1
Pollution Pond Number 2
Pollution Pond Number 5
Former Temporary Sludge Stabilization Area
The Caustic Cleaning Vat Sludge Pile
Temporary Sludge Stabilization Area
The Loop Track Area
The Car Cleaning Drainage Ditch
Old Refuse Area No - 1
The Wastewater Treatment Plant Grit Sludge

III. Solid Waste Management Units which are regulated units as defined by 40 CFR 264.90(a)(2)

Old Drum Storage Area
Alum Sludge Basin

IV. Solid Waste Management Units and Areas of Concern requiring a Verification Investigation

Locomotive Breakdown Pad Area *

V. Solid Waste Management Units and Areas of Concern requiring Corrective Action

Acid-Lime Sludge Area
Locomotive Shop Area

* - During the Federal Fiscal Year 2009 Compliance Evaluation Inspection, using maps provided by CSX in its 2008 permit renewal application, EPD determined a portion of the CSX property, bordering the Waycross Recycling Company, and being used to stage/store used locomotive parts and engines, met the permit's definition of Area of Concern and requires a Verification Investigation. This area is hereinafter referred to as the Locomotive Breakdown Pad Area.

Rules 391-3-11

Ga. Comp. R. & Regs. r. 391-3-11-.01 General Provisions

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
Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT

Current through Rules and Regulations filed through March 26, 2021

Rule 391-3-11-.01. General Provisions

- (1) Purpose - The purpose of these rules is to establish policies, procedures, requirements, and standards to implement the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq. These rules are promulgated for the purpose of protecting and enhancing the quality of Georgia's environment and protecting the public health, safety and wellbeing of its citizens.
- (2) Any reference in these rules to standards, procedures, and requirements of Title 40 of the Code of Federal Regulations (40 C.F.R.) Parts 124, 260-266, 268, 270, 273 and 279 shall constitute the full adoption by reference of the Part, Subpart, and Paragraph of the Federal Regulations so referenced including any notes and appendices as may be associated as amended through December 9, 2019, unless otherwise stated. Provided, however, nothing in 40 C.F.R. Parts 124, 260-266, 268, 270, 273 and 279, as pertains to any exclusion for carbon dioxide streams in geologic sequestration activities, or standardized permits (including all references to 40 C.F.R. Part 267, Part 270 Subpart J, Part 124 Subpart G), the May 2018 Response to Vacatur of Certain Provisions of the Definition of Solid Waste, or enforceable documents as defined in 270.1(c)(7), is adopted or included by reference herein.
 - (a) The text of the federal regulations incorporated by reference includes references to "RCRA", the "Resource Conservation and Recovery Act", "Subtitle C of RCRA", "the Act", and other general references that refer to the federal hazardous waste program as a whole. Unless otherwise noted, these references shall be construed to refer to the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq. and the Georgia hazardous waste management program. References to "RCRA permits" or "RCRA Part B permits" shall refer to permits issued by the Environmental Protection Agency, the State of Georgia, or another authorized state. References to specific sections of RCRA shall refer to both the federal provisions of RCRA to be implemented by the Environmental Protection Agency, as well as analogous provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 et seq., to be implemented by the Georgia Environmental Protection Division. References to other federal statutes and regulations contained in the text of the federal regulations incorporated by reference that are not specifically adopted by reference, including, but not limited to, references to the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act, shall be used to assist in interpreting the federal regulations, and the authority and power of the analogous or related portions of the Georgia statutes and regulations shall also be considered to apply.
 - (b) When used in any provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279, references to RCRA "Subtitle D" and 40 C.F.R. Part 258, including 258.40, shall also be construed to refer to the provisions contained in Sections 391-3-4-.01, 391-3-4-.05, 391-3-4-.07, and 391-3-4-.11 through 391-3-4-.14 of the Georgia Rules for Solid Waste Management, as amended.

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- (c) When used in any such provisions as may be adopted from 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279: Environmental Protection Agency or EPA, except in reference to EPA ID numbers, EPA hazardous waste numbers, EPA publications or forms, regulations on international shipments, the electronic manifest system or its associated fee system, or manifest registry functions, pre-transport markings of hazardous waste, or EPA in "EPA or an authorized state" shall mean the Georgia Environmental Protection Division; and Administrator or Regional Administrator, except in reference to regulations on international shipments, shall mean Director of the Environmental Protection Division.
- (d) Any reference to 40 C.F.R. Parts 124, 260-266, 268, 270, 273, and 279 in any provisions adopted by reference shall be construed to refer to the provisions contained in the following sections of these rules:

Federal Regulation Reference	Georgia Rules Reference
<u>40 C.F.R. 260.2(d)</u>	<u>391-3-11-.03(4)</u>
<u>40 C.F.R. 260.3</u>	<u>391-3-11-.01(2)(e)</u>
<u>40 C.F.R. 260.4</u>	<u>391-3-11-.10(3)</u>
<u>40 C.F.R. 260.10-11</u>	<u>391-3-11-.02</u>
<u>40 C.F.R. 260.42</u>	<u>391-3-11-.04</u>
<u>40 C.F.R. Part 264 Subpart H</u>	<u>391-3-11-.05(1)</u>
<u>40 C.F.R. Part 265 Subpart H</u>	<u>391-3-11-.05(2)</u>
<u>40 C.F.R. Part 261 Subpart H</u>	<u>391-3-11-.05(5)</u>
<u>40 C.F.R. Part 260 Subpart C</u>	<u>391-3-11-.07(2)</u>
<u>40 C.F.R. Part 261 Subparts A-E, I-J, M, AA-CC</u>	<u>391-3-11-.07(1)</u>
<u>40 C.F.R. Part 262</u>	<u>391-3-11-.08(1)</u>
<u>40 C.F.R. Part 263</u>	<u>391-3-11-.09</u>
<u>40 C.F.R. Part 264 Subparts A-G, I-O, S, W, X, and AA-EE</u>	<u>391-3-11-.10(2)</u>
<u>40 C.F.R. Part 265 Subparts A-G, I-R, W, and AA-EE</u>	<u>391-3-11-.10(1)</u>

40 C.F.R. Part 266	<u>391-3-11-.19</u>
40 C.F.R. Part 124	<u>391-3-11-.11</u>
40 C.F.R. Part 270	<u>391-3-11-.11</u>
40 C.F.R. Part 268	<u>391-3-11-.16</u>
40 C.F.R. Part 279	<u>391-3-11-.17(1)</u>
40 C.F.R. Part 273	<u>391-3-11-.18</u>

References to EPA forms or reports, except in reference to regulations on international shipments, manifests, or the electronic manifest system, shall mean EPD forms and reports as may be provided by the Director.

(e) 40 C.F.R. 260.3 is hereby incorporated by reference.

(3) As of July 10, 1992, any facility which failed to qualify for federal interim status for any waste code promulgated pursuant to the Hazardous and Solid Waste Amendments (HSWA) or who lost interim status for failing to certify under HSWA for any newly promulgated waste code, is also denied interim status under State law.

Cite as GA Regs. 391-3-11-.01

Authority: O.C.G.A § 12-8-60, et seq.

History. Original Rule entitled "General Provisions" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

- Amended:** F. July 16, 1981; eff. Aug. 5, 1981.
- Amended:** F. Dec. 9, 1982; eff. Dec. 29, 1982.
- Amended:** F. Sept. 6, 1985; eff. Sept. 26, 1985.
- Amended:** F. Sept. 5, 1986; eff. Sept. 25, 1986.
- Amended:** F. Oct. 7, 1987; eff. Oct. 27, 1987.
- Amended:** F. June 8, 1988; eff. June 28, 1988.
- Amended:** F. Oct. 31, 1989; eff. Nov. 20, 1989.
- Amended:** F. Nov. 2, 1990; eff. Nov. 22, 1990.
- Amended:** F. Dec. 9, 1991; eff. Dec. 29, 1991.
- Amended:** F. Oct. 29, 1992; eff. Nov. 18, 1992.
- Amended:** F. Jan. 27, 1994; eff. Feb. 16, 1994.
- Amended:** F. Dec. 6, 1994; eff. Dec. 26, 1994.
- Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995.
- Amended:** F. Dec. 10, 1996; eff. Dec. 30, 1996.
- Amended:** F. Dec. 4, 1997; eff. Dec. 24, 1997.
- Amended:** F. Dec. 3, 1998; eff. Dec. 23, 1998.
- Amended:** F. Oct. 29, 1999; eff. Nov. 18, 1999.
- Amended:** F. Oct. 27, 2000; eff. Nov. 16, 2000.
- Amended:** F. Feb. 5, 2002; eff. Feb. 25, 2002.
- Amended:** F. Dec. 10, 2002; eff. Dec. 30, 2002.
- Amended:** F. Feb. 2, 2004; eff. Feb. 22, 2004.
- Amended:** F. Dec. 20, 2004; eff. Jan. 6, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. June 2, 2016; eff. June 22, 2016

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020

Amended: F. Sep. 15, 2020; eff. Oct. 5, 2020

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Ga. Comp. R. & Regs. r. 391-3-11-.02 Definitions

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Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT

Current through Rules and Regulations filed through March 26, 2021

Rule 391-3-11-.02. Definitions

- (1) 40 C.F.R. 260.10- 260.11 are hereby incorporated by reference.
- (2) Differences between State and Federal Definitions: When the same word is defined both in the Georgia Hazardous Waste Management Act and in 40 C.F.R. 260.10, 268.2, and 270.2, and Parts 273 and 279 as adopted by reference above, and the definitions are not identical, the definitions as given in the Georgia Hazardous Waste Management Act shall be applied unless such application would render these rules inconsistent with Federal Hazardous Waste rules and regulations.

Cite as GA Regs. 391-3-11-.02

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Definitions" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. July 6, 1984; eff. July 26, 1984.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.


Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. June 2, 2016; eff. June 22, 2016.

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

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Ga. Comp. R. & Regs. r. 391-3-11-.03 Confidentiality of Information

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Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT

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Rule 391-3-11-.03. Confidentiality of Information

- (1) Any records, reports, or information obtained from any person by the Director under these rules shall be available to the public for inspection and copying at the expense of the person requesting copies, except that upon a showing satisfactory to the Director by any person that any records, reports, or information or any particular part thereof, to which the Director has access under these rules would, if made public, divulge information entitled to protection or confidentiality under law, the Director shall consider such information or any particular portion thereof confidential in accordance with the purposes of the law under which confidentiality or protection is claimed, except that such records, reports, documents, or information may be disclosed to officers, employees or authorized representatives of the United States government concerned with carrying out the terms of the Federal Act, or when required by any court in any proceedings under the Federal Act or under the Georgia Hazardous Waste Management Act.
- (2) Any claim of confidentiality filed pursuant to this section must be asserted at the time of initial submission of the record, report, or information in question, or it shall be deemed waived.
- (3) Any claim of confidentiality filed pursuant to this section must be accompanied by a statement of the legal basis supporting the claim of confidentiality.
- (4) 40 C.F.R. 260.2(d) is hereby incorporated by reference.

Cite as GA Regs. 391-3-11-.03

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Confidentiality of Information" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.


Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

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Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.



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Ga. Comp. R. & Regs. r. 391-3-11-.04 Notification of Hazardous Waste, Hazardous Secondary Material, and Used Oil Activities

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Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT

Current through Rules and Regulations filed through March 26, 2021

Rule 391-3-11-.04. Notification of Hazardous Waste, Hazardous Secondary Material, and Used Oil Activities

- (1) Every hazardous waste generator, hazardous waste transporter, hazardous waste transfer facility, hazardous secondary material generator, hazardous secondary material transporter, intermediate facility, verified hazardous secondary materials reclamation facility, hazardous secondary material remanufacturer, used oil transporter, used oil transfer facility, used oil processor, and owner or operator of a hazardous waste storage, treatment, or disposal facility shall notify the Division of such activities on forms provided by the Director. Very Small Quantity Generators are not required to notify. The owner or operator of a site that has ceased all regulated activities shall notify the Division that the EPA Identification Number assigned to the site should be deactivated.
- (2) Any person who, on the effective date of these rules or effective date of any subsequent revisions of these rules, is generating or transporting hazardous waste or who owns or operates a hazardous waste storage, treatment, or disposal facility must notify the Division of such activities within 90 days after these rules or revisions to these rules become effective, unless such notification has previously been provided to the Regional Administrator of the Environmental Protection Agency in accordance with 3010 of the Federal Act.
- (3) Any person who, on the effective date of these rules or effective date of any subsequent revisions to these rules, is not generating hazardous waste and who subsequently begins to generate hazardous waste must, within 30 days after commencing such generation, notify the Division of such generation in accordance with subsection (1) above.
- (4) Every hazardous waste transporter, hazardous waste transfer facility, used oil transporter, used oil transfer facility, used oil processor and owner or operator of a hazardous waste storage, treatment, or disposal facility with a physical location in Georgia shall, within 30 days after commencing such activities, notify the Division of such activities in accordance with subsection (1) above. This notification shall be made to the Division, regardless of any notification to other states or the Environmental Protection Agency.
- (5) 40 C.F.R. 260.42 is hereby incorporated by reference.

Cite as GA Regs. 391-3-11-.04

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Notification of Hazardous Waste Activities" adopted. F. Aug. 28 1980. eff Sept. 17, 1980.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.
Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.
Amended: F. June 8, 1988; eff. June 28, 1988.
Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.
Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.
Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.
Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
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Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: New title "Notification of Hazardous Waste, Hazardous Secondary Material, and Used Oil Activities." F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Ga. Comp. R. & Regs. r. 391-3-11-.05 Financial Responsibility

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Rule 391-3-11-.05. Financial Responsibility

- (1) 40 C.F.R. Part 264 Subpart H is hereby incorporated by reference, except for 264.149, and 264.150.
- (2) 40 C.F.R. Part 265 Subpart H is hereby incorporated by reference, except for 265.149, and 265.150.
- (3) The Director shall require proof of adequate financial responsibility to insure any corrective action required as a condition of a permit issued pursuant to these rules.
- (4) Methods other than those provided for in subsection (1) above may be used to insure financial responsibility if the owner or operator can show that an equivalent degree of protection can be provided concerning human health and the environment.
- (5) 40 C.F.R. Part 261 Subpart H is hereby incorporated by reference, except for 261.149 and 261.150.

Cite as GA Regs. 391-3-11-.05

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Financial Responsibility" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of the same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

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Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

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Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

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Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
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Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

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Ga. Comp. R. & Regs. r. 391-3-11-.06 Variances

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Rule 391-3-11-.06. Variances

A variance shall be granted only if it is consistent with the requirements of the Georgia Hazardous Waste Management Act, as amended, and these rules and consistent with the Federal Act and regulations promulgated thereunder. The Director will evaluate the application for a variance and issue a draft notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the applicant is located. The Director will accept comment on the tentative decision for thirty (30) days, and may also hold a public hearing upon request or at his discretion. The Director will issue a final decision after receipt of comments and after the hearing, if any.

Cite as GA Regs. 391-3-11-.06

Authority: O.C.G.A. Sec. 12-8-60, et seq.

History. Original Rule entitled "Variances" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

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Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

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Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008. A

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Ga. Comp. R. & Regs. r. 391-3-11-.07 Identification and Listing of Hazardous Waste

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Rule 391-3-11-.07. Identification and Listing of Hazardous Waste

- (1) 40 C.F.R. Part 261, Subpart A - Subpart E, Subpart I - Subpart J, Subpart M, Subpart AA, Subpart BB, and Subpart CC, are hereby incorporated by reference.
- (2) 40 C.F.R. Part 260, Subpart C, is hereby incorporated by reference, except for the last sentence of 260.34(a) and 260.34(a)(1)-(3).
- (3) The Director shall provide public notice of any petition to delist a waste and shall provide an opportunity for public comment thereon. Such public notice shall be paid for by the person requesting the delisting.

Cite as GA Regs. 391-3-11-.07

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Identification and Listing of Hazardous Waste" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

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Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Ga. Comp. R. & Regs. r. 391-3-11-.08 Standards Applicable to Generators of Hazardous Waste

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Rule 391-3-11-.08. Standards Applicable to Generators of Hazardous Waste

- (1) 40 C.F.R. Part 262 is hereby incorporated by reference.
- (2) Hazardous Waste Manifests shall be on EPA forms and shall be completed as required by the instructions supplied.
- (3) Weekly inspections of hazardous waste central accumulation areas shall be documented and maintained onsite for three years.

Cite as GA Regs. 391-3-11-.08

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Standards Applicable to Generators of Hazardous Waste" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: F. July 6, 1984; eff. July 26, 1984.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

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Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

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Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

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Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Ga. Comp. R. & Regs. r. 391-3-11-.09 Standards Applicable to Transporters of Hazardous Waste

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Rule 391-3-11-.09. Standards Applicable to Transporters of Hazardous Waste

40 C.F.R. Part 263 is hereby incorporated by reference.

Cite as GA Regs. 391-3-11-.09

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Standards Applicable to Transporters of Hazardous Waste" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Repealed: New Rule of same title adopted. F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

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Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

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Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Ga. Comp. R. & Regs. r. 391-3-11-.10 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

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Rule 391-3-11-.10. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

- (1) 40 C.F.R. Part 265, Subpart A - Subpart G, Subpart I - Subpart R, Subpart W, Subpart AA, Subpart BB, Subpart CC, Subpart DD, Subpart EE, and Subpart FF are hereby incorporated by reference, except for the following: 265.110(c), 265.118(c)(4), and 265.121.
- (2) 40 C.F.R. Part 264, Subpart A - Subpart G, Subpart I - Subpart O, Subpart S, Subpart W, Subpart X, Subpart AA, Subpart BB, Subpart CC, Subpart DD, Subpart EE, and Subpart FF are hereby incorporated by reference, except for 264.90(e).
- (3) 40 C.F.R. 260.4 is hereby incorporated by reference.

Cite as GA Regs. 391-3-11-.10

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

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Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Ga. Comp. R. & Regs. r. 391-3-11-.11 Hazardous Waste Facility Permits

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Rule 391-3-11-.11. Hazardous Waste Facility Permits

- (1) **Permits Required:** No person shall and it shall be unlawful and a violation of the Georgia Hazardous Waste Management Act to construct, install, operate or substantially alter a hazardous waste facility without first obtaining and possessing a hazardous waste facility permit from the Director.
 - (a) **Scope of the RCRA Permit Requirement:** 40 C.F.R. 270.1(c), except for 270.1(c)(7) and 270.1(c)(2)(ix), is hereby incorporated by reference.
 - (b) 40 C.F.R. 124.1(a) is hereby incorporated by reference.
- (2) **Interim Status:** Any person who owns or operates a facility required to have a permit under subsection (1) above, which facility was in existence on November 19, 1980, or is in existence on the effective date of statutory or regulatory changes pursuant to the Georgia Hazardous Waste Management Act that render the facility subject to the requirement to have a permit pursuant to subsection (1) above, shall be accorded interim status, which means that such person shall be treated as having been issued a permit until such time as final administrative disposition of the person's application has been made, if and to the extent the person:
 - (a) Has notified the Director of the existence of such facility as required pursuant to Rule 391-3-11-.04;
 - (b) Has filed an application for a permit as required pursuant to these rules;
 - (c) Furnishes to the Director information reasonably required or requested for processing such application;
 - (d) Does not treat, store, or dispose of hazardous waste not specified in the permit application, nor employ processes not specified in the permit application, nor exceed the design capacity specified in the permit application; and
 - (e) Complies with all standards applicable to interim status facilities set forth in these rules.
- (3) **Application for Permit:** An application for a Hazardous Waste Facility Permit shall be submitted in such manner and on such forms as the Director may prescribe.
 - (a) Application shall be complete and accurate and accompanied by required plans, data, specifications, engineering reports, design and other information as the Director deems necessary to make a determination of compliance with the Act, applicable standards requirements and these rules. An application for a permit shall include a demo 

bonds, or any combination of guarantees, liability insurance, or bonds, in accordance with O.C.G.A. 12-8-68 et seq. and 391-3-11-.05 of these rules. Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect upon the environment and the health of humans.

- (b) Specific Procedures Applicable to RCRA Permits: 40 C.F.R. 124.31- 124.33 are hereby incorporated by reference, except the following sentences are deleted in section (a) of 124.31, 124.32 and 124.33 "For the purposes of this section only 'hazardous waste management units over which EPA has permit issuance authority' refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 C.F.R. Part 271. The requirements of this section do not apply to permit modifications under 270.42 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility."
 - (c) Permit Application and Updating Permit Applications for Existing and New Hazardous Waste Management Facilities: 40 C.F.R. 124.3, 270.10 and 270.235 are hereby incorporated by reference.
 - (d) Signatories to Permit Applications and Reports: 40 C.F.R. 270.11 is hereby incorporated by reference.
 - (e) Confidentiality of Information: 40 C.F.R. 270.12(b) is hereby incorporated by reference. (f) Interim Status: 40 C.F.R. 270.70- 270.73 are hereby incorporated by reference.
 - (f) Interim Status: 40 C.F.R. 270 - .70 - 270.73 are hereby incorporated by reference.
 - (g) Contents of Part A: 40 C.F.R. 270.13 is hereby incorporated by reference.
 - (h) Contents of Part B: 40 C.F.R. 270.14- 270.28 are hereby incorporated by reference.
- (4) Upon the first receipt of an application for a Hazardous Waste Facility Permit, the Director, within fifteen (15) days, shall provide to the government of the county in which the facility is located or proposed to be located, to each city government located wholly or partially within that county, and to the government of each county and city having territorial boundaries within two miles of the hazardous waste facility or proposed hazardous waste facility a written notice indicating that an application has been received and describing the hazardous waste activities the applicant proposes to conduct. Within a 30 day period after first receipt of such application, the Director shall also publish in at least one local newspaper of general circulation in the county a public notice that an application for a hazardous waste facility permit has been received. A public hearing shall be held if such is requested in writing within thirty (30) days after publication of notification and is requested by twenty-five (25) or more persons who claim to be affected by the pending permit application, by a governmental subdivision, or by an association having no fewer than twenty-five (25) members. If requested, the public hearing shall be conducted at the county seat of the county in which the hazardous waste facility is proposed to be located. At least forty-five (45) days prior to the date of the public hearing, the Director shall provide written notice to the various local governmental subdivisions and other interested parties in the locality in which the proposed facility may be located that a public hearing has been requested, which written notice shall also include the date, time, location and purpose of the public hearing. The date, time, location and purpose of such public hearing shall be advertised in the legal organ of the county in which the facility is proposed at least forty-five (45) days in advance of the date set for the hearing. Such public hearings shall be held for the purpose of receiving comments and suggestions concerning the location and requirements for the operation of a hazardous waste facility. The Director shall consider fully all written and oral submissions regarding the proposed facility and the pending application.

incorporated by reference.

- (b) Public Comments and Request for Public Hearings: 40 C.F.R. 124.11 is hereby incorporated by reference.
 - (c) Public Hearings: 40 C.F.R. 124.12(a) is hereby incorporated by reference.
 - (d) Obligation to Raise Issues During Public Comment: 40 C.F.R. 124.13 is hereby incorporated by reference.
 - (e) Reopening of the Public Comment Period: 40 C.F.R. 124.14 is hereby incorporated by reference.
 - (f) Issuance and Effective Date of Permit: 40 C.F.R. 124.15 is hereby incorporated by reference.
 - (g) Response to Comments: 40 C.F.R. 124.17(a) and 124.17(c) are hereby incorporated by reference.
 - (h) The owner or operator of any hazardous waste treatment, storage or disposal facility shall pay any costs or expenses associated with public notices or notifications required by these rules including, but not limited to, public notices or notifications relating to permitting and closure activities.
- (5) Issuance of Permit: A permit shall be issued to an applicant on evidence satisfactory to the Director of compliance with the provisions of the Act, any applicable standards or requirements and these rules.
- (a) Any permit shall contain such terms and conditions, including conditions requiring corrective action beyond the facility boundary, as are deemed necessary by the Director to protect the environment and the health of humans, and the Director may require such testing and construction supervision as he deems necessary to protect the environment and the health of humans. Any permit issued subsequent to November 8, 1984, shall contain conditions requiring corrective action for any releases into the environment of hazardous waste or hazardous constituents at the facility seeking a permit, regardless of the time at which waste was placed at such facility.
 - (b) Conditions Applicable to all Permits: 40 C.F.R. 270.30 is hereby incorporated by reference.
 - (c) Establishing Permit Conditions: 40 C.F.R. 270.32 is hereby incorporated by reference.
 - (d) Schedules of Compliance: 40 C.F.R. 270.33 is hereby incorporated by reference.
 - (e) Requirements for Recording and Reporting of Monitoring Results: 40 C.F.R. 270.31 is hereby incorporated by reference.
 - (f) Effect of a Permit: 40 C.F.R. 270.4 is hereby incorporated by reference.
 - (g) Draft Permits: 40 C.F.R. 124.6(a), 124.6(d) and 124.6(e) are hereby incorporated by reference.
 - (h) Statement of Basis and Fact Sheet: 40 C.F.R. 124.7 and 124.8 are hereby incorporated by reference.
- (6) Denial of Permit: In the event of denial of a permit application, the Director shall send written notice of such action to the applicant and shall set forth in such notice the reason for the action. The denial of any permit by the Director shall become final unless a petition for hearing in accordance with O.C.G.A. 12-8-73 is filed.

(b) 40 C.F.R. 270.29 is hereby incorporated by reference.

(7) Amendment, Modification, Revocation or Suspension of Permit:

(a) The Director may amend, modify, suspend or revoke any permit issued for cause, including but not limited to the following:

1. Violation of any condition or provision of such permit or failure to comply with any final order of the Director;
2. Failure to comply with the Act or these rules;
3. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
4. When the permitted facility poses a threat to the environment or the health of humans.

(b) In the event of amendment, modification, suspension or revocation of any permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for such action.

(c) Modification, Revocation, Reissuance, or Termination of Permits: 40 C.F.R. 270.41, 270.43 and 124.5, are hereby incorporated by reference.

(d) Permit Modification at the Request of Permittee: 40 C.F.R. 270.42 and 124.5 are hereby incorporated by reference.

(8) Transfer of Permits: Permits are not transferable from one person to another or from one site or facility to another unless such transfer is approved by the Director.

(a) 40 C.F.R. 270.40 is hereby incorporated by reference.

(9) Duration of Permit: A permit shall be effective for a fixed term not to exceed 10 years.

(a) Each permit for a land disposal facility shall be reviewed by the Director five years after the date of permit issuance or reissuance and shall be modified as necessary to assure that the facility continues to comply with the currently applicable requirements of these rules.

(10) Special Forms of Permits: 40 C.F.R. 270.60- 270.63, 270.65, 270.66, 270.68 and 270.79-270.230, are hereby incorporated by reference.

(11) Noncompliance and Program Reporting by the Director: 40 C.F.R. 270.5 is hereby incorporated by reference.

(12) Definitions Applicable to RCRA Permits: Definitions of words or terms applicable to RCRA permits as defined in 40 C.F.R. 270.2 are hereby incorporated by reference.

(13) **References:** 40 C.F.R. 270.6 is hereby incorporated by reference.

Cite as GA Regs. 391-3-11-.11

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Hazardous Waste Facility Permits" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. July 16, 1981; eff. Aug. 5, 1981.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Repealed: New Rule of same title adopted. F. Sept. 6, 1985; eff. Sept. 26, 1985.

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Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.
Amended: F. June 8, 1988; eff. June 28, 1988.
Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.
Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.
Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.
Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.
Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. June 2, 2016; eff. June 22, 2016.
Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.
Amended: F. Dec. 16, 2019; eff. Jan. 5, 2020.

Ga. Comp. R. & Regs. r. 391-3-11-.12 Inspection and Investigation

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Subject 391-3-11. HAZARDOUS WASTE MANAGEMENT

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Rule 391-3-11-.12. Inspection and Investigation

- (1) The Director or his authorized representative, upon presentation of his credentials, shall have a right to enter upon, to or through premises of persons subject to this Act, or premises whereon a violation of the Act or rules and regulations is reasonably believed to be occurring or is reasonably believed to be about to occur, to investigate, take samples, copy all records relating to hazardous wastes, and inspect for compliance with the requirements imposed under the Act or the rules and regulations or to determine whether such a violation or threatened violation exists, in accordance with the following purposes:
 - (a) for the purpose of determining whether any person subject to the requirements of the Act is in compliance with these rules;
 - (b) for the purpose of investigating conditions relating to hazardous waste management or hazardous waste management practices where the Director is in possession of information sufficient to form a reasonable belief that a violation of the Act or these rules is occurring or is about to occur; or
 - (c) for the purpose of determining whether there has been a violation of any of the provisions of the Act, or these rules, or any permit or order issued pursuant to the Act and these rules.
- (2) In the event any person does not consent to an inspection or investigation, the Director or his authorized representative may seek to obtain a warrant authorizing the inspection or investigation pursuant to O.C.G.A. 12-2-2(d).
- (3) Each such inspection or investigation shall be commenced and completed with reasonable promptness. If the Director or his authorized representatives obtain any samples prior to leaving the premises, he or they shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.
- (4) This Section of these rules shall be construed so as to be consistent with 3007(a) of the Federal Act, 42 U.S.C. 6927(a).

Cite as GA Regs. 391-3-11-.12

Authority: O.C.G.A. Sec. 12-8-60, *et seq.*

History. Original Rule entitled "Inspection and Investigation" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Dec. 9, 1982; eff. Dec. 29, 1982.

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Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.
Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.
Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.
Amended: F. June 8, 1988; eff. June 28, 1988.
Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.
Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.
Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.
Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.
Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.
Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.
Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.
Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.
Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.
Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.
Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.
Amended: F. Oct. 27, 2000; eff. Nov 16, 2000.
Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008. A
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.



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Ga. Comp. R. & Regs. r. 391-3-11-.13 Enforcement

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Rule 391-3-11-.13. Enforcement

The administration and enforcement of these rules and regulations shall be in accordance with the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, *et seq.*; O.C.G.A. 12-2-1, *et seq.*; and the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, *et seq.*

Cite as GA Regs. 391-3-11-.13

Authority: O.C.G.A. Sec. 12-8-60, et seq.

History. Original Rule entitled "Enforcement" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008. A

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Ga. Comp. R. & Regs. r. 391-3-11-.14 Public Participation

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Rule 391-3-11-.14. Public Participation

Interested persons may participate in the enforcement of the Georgia Hazardous Waste Management Act and these rules pursuant to the applicable provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. [12-8-60](#), *et seq.*; O.C.G.A. [12-2-1](#), *et seq.*; the Georgia Administrative Procedure Act, O.C.G.A. [50-13-1](#), *et seq.*; the Georgia Civil Practice Act, O.C.G.A. [9-11-1](#), *et seq.*; or any other applicable provision of Georgia law.

Cite as GA Regs. 391-3-11-.14

Authority: O.C.G.A. Sec. [12-8-60](#), *et seq.*

History. Original Rule entitled "Public Participation" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Amended: F. Sept. 6, 1985; eff. Sept. 26, 1985.

Amended: F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

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Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

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Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008. A

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Ga. Comp. R. & Regs. r. 391-3-11-.15 Availability of Information

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Rule 391-3-11-.15. Availability of Information

- (1) The Director shall make disclosure of records to the public within three working days of receipt of a request for disclosure, if and to the extent the requester:
 - (a) Has filed a request in writing with the Director;
 - (b) Has requested records which are subject to the Georgia Open Records Act, O.C.G.A. 50-18-70, *et seq.*; and
 - (c) Has requested records that are not exempt from disclosure pursuant to state law, O.C.G.A. 50-18-70, *et seq.*, and O.C.G.A. 12-8-78(a).
- (2) No fee shall be charged for record inspection. Reasonable fees for copying records may be charged in accordance with procedures developed by the Director.
- (3) If a request to inspect or copy records is denied, the Director shall furnish to the requester in writing the basis for the denial and a statement of the judicial remedies available to seek to obtain the requested records.

Cite as GA Regs. 391-3-11-.15

Authority: O.C.G.A. Sec. 12-8-60, *et seq.*

History. Original Rule entitled "Effective Date" adopted. F. Aug. 28, 1980; eff. Sept. 17, 1980.

Repealed: F. Dec. 9, 1982; eff. Dec. 29, 1982.

Amended: New Rule entitled "Availability of Information" adopted. F. Sept. 5, 1986; eff. Sept. 25, 1986.

Amended: F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

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Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.
Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.
Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.
Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.
Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.
Amended: F. June 3, 2008; eff. June 23, 2008.
Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.
Amended: F. May 18, 2015; eff. June 7, 2015.
Amended: F. May 18, 2015; eff. June 7, 2015.

Ga. Comp. R. & Regs. r. 391-3-11-.16 Land Disposal Restrictions

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Rule 391-3-11-.16. Land Disposal Restrictions

40 C.F.R. Part 268 is hereby incorporated by reference, except for 40 C.F.R. 268.5, 268.6, 268.42(b), and 268.44(a) - 268.44(g), which will be implemented by the U.S. Environmental Protection Agency.

Cite as GA Regs. 391-3-11-.16

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Land Disposal Restrictions" adopted. F. Oct. 7, 1987; eff. Oct. 27, 1987.

Amended: F. June 8, 1988; eff. June 28, 1988.

Amended: F. Oct. 31, 1989; eff. Nov. 20, 1989.

Amended: F. Nov. 2, 1990; eff. Nov. 22, 1990.

Amended: F. Dec. 9, 1991; eff. Dec. 29, 1991.

Amended: F. Oct. 29, 1992; eff. Nov. 18, 1992.

Amended: F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. May 18, 2015; eff. June 7, 2015.

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Ga. Comp. R. & Regs. r. 391-3-11-.17 Recycled Used Oil Management Standards

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Rule 391-3-11-.17. Recycled Used Oil Management Standards

- (1) 40 C.F.R. Part 279 is hereby incorporated by reference.
- (2) Used oil containers and tanks not stored indoors or within impervious secondary containment systems specified by a Spill Prevention, Control, and Countermeasures Plan developed in accordance with 40 CFR Part 112, must be kept closed, except when it is necessary to add or remove used oil.

Cite as GA Regs. 391-3-11-.17

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Recycled Used Oil Management Standards" adopted. F. Jan. 27, 1994; eff. Feb. 16, 1994.

Amended: F. Dec. 6, 1994; eff. Dec. 26, 1994.

Amended: F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

Note: Correction of typographical error in History on SOS Rules and Regulations website, error discovered Sep. 2017. In accordance with History as published in Official Compilation Rules and Regulations of the State of Georgia, eff. Aug. 7, 2012: "**History. Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995." deleted. "**History.** Original Rule entitled "Recycled Used Oil Management Standards" adopted. F. Jan. 27, 1994; eff. Feb. 16, 1994."; "**Amended:** F. Dec. 6, 1994; eff. Dec. 26, 1994." and "**Amended:** F. Dec. 8, 1995; eff. Dec. 28, 1995." added. Effective Sep. 28, 2017.

Ga. Comp. R. & Regs. r. 391-3-11-.18 Standards for Universal Waste Management

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Rule 391-3-11-.18. Standards for Universal Waste Management

40 C.F.R. Part 273 is hereby incorporated by reference.

Cite as GA Regs. 391-3-11-.18

Authority: O.C.G.A. § 12-8-60, et seq.

History. Original Rule entitled "Standards for Universal Waste Management" adopted. F. Dec. 8, 1995; eff. Dec. 28, 1995.

Amended: F. Dec. 10, 1996; eff. Dec. 30, 1996.

Amended: F. Dec. 4, 1997; eff. Dec. 24, 1997.

Amended: F. Dec. 3, 1998; eff. Dec. 23, 1998.

Amended: F. Oct. 29, 1999; eff. Nov. 18, 1999.

Amended: F. Oct. 27, 2000; eff. Nov. 16, 2000.

Amended: F. Feb. 5, 2002; eff. Feb. 25, 2002.

Amended: F. Dec. 10, 2002; eff. Dec. 30, 2002.

Amended: F. Feb. 2, 2004; eff. Feb. 22, 2004.

Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

Amended: F. Feb. 21, 2006; eff. Mar. 13, 2006.

Amended: F. June 3, 2008; eff. June 23, 2008.

Amended: F. Jul. 18, 2012; eff. Aug. 7, 2012.

Amended: F. Sep. 8, 2017; eff. Sep. 28, 2017.

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§ 12-8-60. Short title

This part shall be known as and may be cited as the "Georgia Hazardous Waste Management Act."

History

Ga. L. 1979, p. 1127, § 1; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-61. Legislative policy

It is declared to be the public policy of the State of Georgia, in furtherance of its responsibility to protect the public health, safety, and well-being of its citizens and to protect and enhance the quality of its environment, to institute and maintain a comprehensive state-wide program for the management of hazardous wastes through the regulation of the generation, transportation, storage, treatment, and disposal of hazardous wastes.

History

Ga. L. 1979, p. 1127, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-62. Definitions

As used in this part, the term:

- (1) "Board" means the Board of Natural Resources of the State of Georgia.
- (2) "Designated hazardous waste" means any solid waste identified as such in regulations promulgated by the board. The board may identify as "designated hazardous waste" any solid waste which the board concludes is capable of posing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed, based on the factors set forth in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are codified as 40 C.F.R. Section 261.11(a)(3), in force and effect on February 1, 2010, if such solid waste contains any substance which is listed on any one or more of the following lists:
 - (A) List of Hazardous Constituents, codified as 40 C.F.R. Part 261, Appendix VIII, in force and effect on February 1, 2010;
 - (B) Ground-water Monitoring List, codified as 40 C.F.R. Part 264, Appendix IX, in force and effect on February 1, 2010;
 - (C) List of Hazardous Substances and Reportable Quantities, codified as 40 C.F.R. Table 302.4, and all appendices thereto, in force and effect on February 1, 2010;
 - (D) List of Regulated Pesticides, codified as 40 C.F.R. Part 180, in force and effect on February 1, 2010;
 - (E) List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 C.F.R. Part 355, Appendix A, in force and effect on February 1, 2010; or
 - (F) List of Chemicals and Chemical Categories, codified as 40 C.F.R. Part 372.65 in force and

effect on February 1, 2010.

(3) "Director" means the director of the Environmental Protection Division of the Department of Natural Resources.

(4) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or

hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(5) "Division" means the Environmental Protection Division of the Department of Natural Resources.

(6) "Federal act" means the federal Solid Waste Disposal Act, as amended, particularly by the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. Section 6901, et seq.), as amended, particularly by but not limited to the Used Oil Recycling Act of 1980 (Public Law 96-463), the Solid Waste Disposal Act Amendments of 1980 (Public Law 96-482), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510), the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616), and the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499), as amended.

(7) "Final disposition" means the location, time, and method by which hazardous waste loses its identity or enters the environment, including, but not limited to, disposal, disposal site closure and post closure, resource recovery, and treatment.

(8) "Guarantor" means any person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator pursuant to this article.

(9) "Hazardous constituent" means any substance listed as a hazardous constituent in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 2010, codified as Appendix VIII to 40 C.F.R. Part 261-Identification and Listing of Hazardous Waste.

(10) "Hazardous waste" means any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 2010, codified as 40 C.F.R. Section 261.3 and any designated hazardous waste.

(11) "Hazardous waste facility" means any property or facility that is intended or used for storage, treatment, or disposal of hazardous waste.

(12) "Hazardous waste generation" means the act or process of producing hazardous waste.

(13) "Hazardous waste management" means the systematic recognition and control of hazardous wastes from generation to final disposition or disposal, including, but not limited to, identification, containerization, labeling, storage, collection, source separation, transfer, transportation, processing, treatment, facility closure, post closure, perpetual care, resource recovery, and disposal.

(14) "Land disposal" means any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave.

(15) "Large quantity generator" means a hazardous waste generator who generates 2.2 pounds or more of acute hazardous waste or 2,200 pounds or more of hazardous waste in one month, as defined in the Rules for Hazardous Waste Management, Chapter 391-3-11, of the Board of Natural Resources.

(16) "Manifest" means a form or document used for identifying the quantity and composition, and the origin, routing and destination, of hazardous waste during its transportation from the point of generation, through any intermediate points, to the point of

transportation from the point of generation, through any intermediate points, to the point of disposal, treatment, or storage.

(17) "Organization" means a legal entity, other than a government agency or authority, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

(18) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, municipality, commission, or political subdivision, or any agency, board, department, or bureau of this state or of any other state or of the federal government.

(19) "Serious bodily injury" means a bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(20) "Solid waste" means solid waste as defined by regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act which are in force and effect on February 1, 2010, codified as 40 C.F.R. Sections 261.1, 261.2(a)-(d), and 261.4(a).

(21) "Storage" means the containment or holding of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

(22) "Transport" means the movement of hazardous waste from the point of generation to any point of final disposition, storage, or disposal, including any intermediate point.

(23) "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safe for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

(24) "Waste reduction" means a practice, other than dewatering, dilution, or evaporation, by an environmental waste generator, including changes in production technology, materials, processes, operations or procedures or use of in-process, in-line, or closed loop recycling according to standard engineering practices, that reduces the environmental and health hazards associated with waste without diluting or concentrating the waste before release, handling, storage, transport, treatment, or disposal of the waste. The term does not include a practice applied to environmental waste after it is generated and exits a production or commercial operation. Waste reduction shall not in any way be inferred to promote, include, or require:

(A) Waste burning in industrial furnaces, boilers, or cement kilns;

(B) Transfer of an environmental waste from one environmental medium to another environmental medium (otherwise known as waste shifting);

(C) Conversion of a potential waste into another form for use in a production process or operation without serving any substantial productive function;

(D) Off-site waste recycling; or

(E) Any other method of end-of-pipe management of environmental wastes.

History

Ga. L. 1979, p. 1127, § 4; Ga. L. 1985, p. 266, §§ 1, 2; Ga. L. 1986, p. 10, § 12; Ga. L. 1986, p. 761, §§ 1, 2; Ga. L. 1987, p. 3, § 12; Ga. L. 1988, p. 727, § 1; Ga. L. 1990, p. 1427, § 1; Ga. L. 1991, p. 456, § 1; Ga. L. 1992, p. 2234, § 5; Ga. L. 1996, p. 319, § 2; Ga. L. 2006, p. 275, § 3-3/HB 1320; Ga. L. 2010, p. 531, § 4/SB 78; Ga. L. 2010, p. 828, § 1/SB 490.

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§ 12-8-63. Administration of article by division; enforcement of article by director

The division shall be the state agency to administer this article. The director shall be the official charged with the primary responsibility for the enforcement of this article. In exercising any authority or power granted by this article and in fulfilling his duties under this article, the director shall conform to and implement the policies outlined in this article.

History

Ga. L. 1979, p. 1127, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-64. Powers and duties of board as to hazardous waste

In the performance of its duties, the board shall have and may exercise the power to:

(1) Adopt, promulgate, modify, amend, and repeal rules and regulations to implement and enforce the provisions of this article as the board may deem necessary to provide for the control and management of hazardous waste to protect the environment and the health of humans. Such rules and regulations may be applicable to the state as a whole or may vary from area to area, as may be appropriate to facilitate the accomplishment of the provisions, purposes, and policies of this article. The rules and regulations shall include, but shall not be limited to, the following:

(A) Rules and regulations governing and controlling standards applicable to hazardous waste generators, hazardous waste transporters, and owners or operators of hazardous waste treatment, storage, or disposal facilities. These rules and regulations may include measures to ensure that hazardous waste management practices are regulated, governed, and controlled in the public interest. Such measures may include, but shall not be limited to:

- (i)** The establishment of record-keeping procedures;
- (ii)** Requirements calling for the submission of reports to the director; and
- (iii)** The establishment of monitoring practices;

(B) Rules and regulations governing and controlling the treatment, storage, and disposal of hazardous waste;

(C) Rules and regulations specifying the terms, provisions, and conditions under which the director shall issue, modify, amend, revoke, or deny permits pursuant to this article;

(D) Rules and regulations governing and controlling hazardous waste management;

(E) Rules and regulations establishing procedures and requirements for the reporting of the

generation of hazardous wastes and governing and controlling the activities of hazardous waste generators;

(F) Rules and regulations establishing standards and procedures for the operation and maintenance of hazardous waste facilities;

(G) Rules and regulations establishing the use of a manifest during the generation and handling of hazardous wastes;

(H) Rules and regulations establishing procedures to ensure public access to records and to ensure protection of trade secrets and confidential information, the disclosure of which to the director is required by this article or the rules and regulations adopted under this article;

(I) Rules and regulations establishing procedures and requirements for the use and disposition of hazardous waste or hazardous constituents;

(J) Rules and regulations deleting certain solid wastes from the definition of hazardous waste;

(K) Rules and regulations exempting from some or all regulation certain small quantities of hazardous waste;

(L) Rules and regulations exempting from some or all regulation certain hazardous wastes that are recyclable; and

(M) Rules and regulations designating certain solid wastes as designated hazardous wastes; and

(2) Take all necessary steps to ensure the effective enforcement of this article.

History

Ga. L. 1979, p. 1127, § 5; Ga. L. 1985, p. 266, § 3; Ga. L. 1988, p. 727, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-65. Powers and duties of director as to hazardous waste

- (a) The director shall have and may exercise the following powers and duties:
- (1) To exercise general supervision over the administration and enforcement of this article and all rules and regulations, orders, or permits promulgated or issued under this article;
 - (2) To encourage, participate in, or conduct studies, reviews, investigations, research, and demonstrations relating to hazardous waste management practices in this state as he deems advisable and necessary;
 - (3) To issue all permits contemplated by this article, stipulating in each permit the conditions or limitations under which such permit is issued, and to deny, revoke, modify, or amend such permits;
 - (4) To make investigations, analyses, and inspections to determine and ensure compliance with this article, the rules and regulations promulgated under this article, and any permits or orders which the director may issue;
 - (5) To enter into such contracts as may be required or necessary to effectuate this article or the rules and regulations promulgated under this article;
 - (6) To prepare, develop, amend, modify, submit, and enforce any comprehensive plan or program sufficient to comply with this article or the federal act, or both, for the control, regulation, and monitoring of hazardous waste management practices in this state;
 - (7) To develop and implement plans to achieve goals and objectives set by any comprehensive plan or program;
 - (8) To conduct such public hearings as are required by this article or as he deems necessary for the proper administration of this article and to control and manage the conduct and

procedure for such public hearings;

(9) To advise, consult, cooperate, and contract on hazardous waste management matters with other agencies of this state, political subdivisions thereof, and other designated organizations or entities, and, with the approval of the Governor, to negotiate and enter into agreements with the governments of other states and the United States and their several agencies, subdivisions, or designated organizations or entities, provided that nothing in this article shall authorize the division to own or operate a hazardous waste storage, treatment, or disposal facility;

(10) To collect and disseminate information and to provide for public notification in matters relating to hazardous waste management;

(11) To issue, amend, modify, or revoke orders as may be necessary to ensure and enforce compliance with this article and all rules or regulations promulgated under this article;

(12) To institute, in the name of the division, proceedings of mandamus, injunction, or other proper administrative, civil, or criminal proceedings to enforce this article, the rules and regulations promulgated under this article, or any orders or permits issued under this article;

(13) To accept, receive, administer, or disburse grants from public or private sources for the purpose of the proper administration of this article or for the purpose of carrying out any of the duties, powers, or responsibilities under this article;

(14) To grant variances in accordance with this article and the rules and regulations promulgated under this article, provided that such variances are not inconsistent with the federal act and rules or regulations promulgated thereunder;

(15) To encourage voluntary cooperation by persons and affected groups to achieve the purposes of this article;

(16) To assure that the State of Georgia complies with the federal act and retains maximum control thereunder and receives all desired federal grants, aid, and other benefits;

(17) To require any person who is generating, transporting, treating, storing, or disposing of hazardous waste to notify the division in writing, within a reasonable number of days which the director shall specify, of the location and general description of such activity and identifying the hazardous waste handled, and any other information which may be deemed relevant, under such conditions as the director may prescribe;

(18) To maintain an inventory of hazardous wastes within the state, including such information as location, identity, quantity, method of storage, rate of accumulation, disposal practices, and any other information which the director may deem necessary to administer and enforce this article;

(19) To exclude from regulation under this article the solid waste at any particular generating facility if it is determined that such solid waste does not pose a danger to human health or the environment;

(20) To establish hazardous waste management standards for the state, provided that they are in all cases not less stringent than those standards provided by the federal act;

(21) To take all necessary steps to ensure that the administration of this article is consistent with and equivalent to the provisions of the federal act and any standards, rules, or regulations promulgated thereunder toward the end that the State of Georgia shall have maximum control over hazardous waste management practices in this state; and

(22) To exercise all incidental powers necessary to carry out the purposes of this article.

(b) The powers and duties described in subsection (a) of this Code section may be exercised and performed by the director through such duly authorized agents and employees as he deems necessary and proper.

History

Ga. L. 1979, p. 1127, § 6; Ga. L. 1988, p. 727, § 3; Ga. L. 1992, p. 2234, § 5; Ga. L. 1996, p. 6, § 12.

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§ 12-8-65.1. Hazardous waste reduction plans; specific performance goals; biennial progress reports; rules and regulations

(a) By not later than March 1, 1992, large quantity hazardous waste generators shall develop hazardous waste reduction plans and submit such plans to the director. At a minimum, the plans shall include:

- (1)** A written policy articulating upper management and corporate support for the generator's hazardous waste reduction plan and a commitment to implement plan goals;
- (2)** The scope and objectives of the plan, including the evaluation of technologies, procedures, and personnel training programs to ensure unnecessary hazardous waste is not generated and specific goals for hazardous waste reduction, based on what is technically and economically practical;
- (3)** Internal analysis of hazardous waste streams, with periodic hazardous waste reduction assessments, to review individual processes or facilities and other activities where hazardous waste may be generated and identify opportunities to reduce or eliminate hazardous waste generation. Such assessments shall evaluate data on the types, amount, and hazardous constituents of hazardous waste generated, where and why that hazardous waste was generated within the production process or other operations, and potential hazardous waste reduction and recycling techniques applicable to those hazardous wastes;
- (4)** Hazardous waste accounting systems that identify hazardous waste management costs and factor in liability, compliance, and oversight costs to the extent technically and economically practical;
- (5)** Employee awareness and training programs to involve employees in hazardous waste

reduction planning and implementation to the maximum extent feasible;

(6) Institutionalization of the plan to ensure an ongoing effort as demonstrated by incorporation of the plan into management practice and procedures; and

(7) Implementation of technically and economically practical hazardous waste reduction options, including a plan for implementation.

(b) As part of each hazardous waste reduction plan developed under subsection (a) of this Code section, each large quantity hazardous waste generator shall establish specific performance goals for the reduction of hazardous waste. Wherever technically and economically practical, the specific performance goals established under this subsection shall be expressed in numeric terms. If the establishment of numeric performance goals is not practical, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as practical. Each large quantity hazardous waste generator shall explain the rationale for each performance goal. The rationale for a particular performance goal shall address any impediments to hazardous waste reduction, including but not limited to the following:

(1) The availability of technically practical hazardous waste reduction methods, including any anticipated changes in the future;

(2) Previously implemented reductions of hazardous waste; and

(3) The economic practicability of available hazardous waste reduction methods, including any anticipated changes in the future.

(c) Examples of situations where hazardous waste reduction may not be economically practical as provided for in paragraph (3) of subsection (b) of this Code section include but are not limited to:

(1) For valid reasons of priority, a particular company may choose first to address other more serious hazardous waste reduction concerns;

(2) Necessary steps to reduce hazardous waste are likely to have significant adverse impacts on product quality; or

(3) Legal or existing contractual obligations interfere with the necessary steps that would lead to hazardous waste reduction.

(d) All large quantity hazardous waste generators shall complete biennially a hazardous waste reduction progress report. A biennial progress report shall:

(1) Analyze and quantify progress made, if any, in hazardous waste reduction, relative to each performance goal established under subsection (b) of this Code section; and

(2) Set forth amendments to the hazardous waste reduction plan and explain the need for the amendments.

(e) The board may adopt and promulgate such rules and regulations as may be necessary to further define and implement the provisions of this Code section and Code Section 12-8-65.2, provided such rules and regulations are supplemental to and not in conflict with this Code section and Code Section 12-8-65.2.

History

Code 1981, § 12-8-65.1, enacted by Ga. L. 1990, p. 1427, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-65.2. Updating plans and reports; technical assistance; information available to public

(a) All large quantity hazardous waste generators shall complete and submit to the director a hazardous waste reduction plan on or before March 1, 1992. The plans shall be updated and progress reported on a biennial basis thereafter. The first updated biennial report shall be due in 1994 and shall be submitted to the director as prescribed in rules or regulations adopted by the board.

(b) Subject to available funding, the Georgia Institute of Technology shall provide technical assistance, if requested, to hazardous waste generators in reducing the amount and toxicity of hazardous waste generated, in preparing hazardous waste reduction plans, and in preparing biennial progress reports.

(c) The director shall maintain a copy of each hazardous waste reduction plan and biennial progress report received. This information shall be available to the public at the director's or the division's office.

History

Code 1981, § 12-8-65.2, enacted by Ga. L. 1990, p. 1427, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-65.3. Plans and reports by out-of-state generators storing, treating, or disposing of hazardous waste in state

(a) For the purposes of this Code section, "out-of-state generator" means any large quantity hazardous waste generator generating hazardous waste at a location outside the State of Georgia.

(b) As a condition of allowing any out-of-state generator to store, treat, or dispose of hazardous waste at a hazardous waste disposal facility located within the State of Georgia, such out-of-state generator shall prepare and submit to the director upon his request a hazardous waste reduction plan and biennial hazardous waste reduction progress reports in substantial compliance with the requirements of Code Sections 12-8-65.1 and 12-8-65.2.

(c) No hazardous waste disposal facility shall accept hazardous waste from an out-of-state generator unless the out-of-state generator presents to the owner or operator of the hazardous waste facility certification that the out-of-state generator is in compliance with the provisions of subsection (b) of this Code section. Such certification shall be made under oath or affirmation of the person making such certification that the contents of such certification are true and shall be made by a corporate officer, partner, or owner of such generator. It shall be unlawful to make a false statement on such certification and the making of a false statement shall be punishable as an act of false swearing under Code Section 16-10-71.

(d) The requirements of Code Sections 12-8-65.1 and 12-8-65.2 and of subsections (a), (b), and (c) of this Code section shall not apply to any hazardous waste generator which is a generator as a consequence of any remediation or cleanup programs conducted either voluntarily or through legal actions under either the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. Section 6901, et seq.), as amended, or the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510), as amended, and shall not apply to a commercial hazardous waste treatment, storage, or disposal facility upon certification to the director that because of the nature of its business operation or process such facility cannot meet the waste reduction requirement prescribed under Code Sections 12-8-65.1 and 12-8-65.2 and subsections (a), (b), and (c) of this Code section. Such certification shall be made under oath or affirmation of the person making such certification that the contents of such certification are true and shall be made by a corporate officer, partner, or owner of such facility. It shall be unlawful to make a false statement on such certification and the making of such false statement shall be punishable as an act of false swearing under Code Section 16-10-71.

History

Code 1981, § 12-8-65.3, enacted by Ga. L. 1990, p. 1427, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-65.4. Duplication of prior reporting requirements not required

Nothing contained in Code Sections 12-8-65.1 through 12-8-65.3 or Code Section 12-8-66 shall require a duplication of reporting requirements under this article as it existed prior to July 1, 1990.

History

Code 1981, § 12-8-65.4, enacted by Ga. L. 1990, p. 1427, § 2; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-66. Permits for construction, installation, operation, or alteration of hazardous waste facilities

(a) No person shall, and it shall be unlawful and a violation of this part to, construct, install, operate, or substantially alter a hazardous waste facility without first obtaining and possessing a hazardous waste facility permit from the director. An application for a permit shall be submitted in such manner and on such forms as the director may prescribe. A permit shall be issued to an applicant on evidence, satisfactory to the director, of compliance with this part and any standards, requirements, or rules and regulations effective pursuant to this part.

(b) The director may require that applications for such permits shall be accompanied by plans, data, specifications, engineering reports, designs, and such other information as the director deems necessary to make a determination of compliance with this part and the standards, requirements, or rules and regulations promulgated pursuant to this part.

(c) The director may amend, modify, suspend, or revoke any permit issued for cause, including, but not limited to, the following:

- (1)** Violation of any condition or provision of such permit or failure to comply with any final order of the director;
 - (2)** Failure to comply with this part or any rules or regulations promulgated pursuant to this part;
 - (3)** Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
 - (4)** When the permitted activity poses a threat to the environment or to the health of humans.
- (d)** An application for a permit shall include a demonstration of financial responsibility,

including, but not limited to, guarantees, liability insurance, the posting of bonds, or any combination of guarantees, liability insurance, or bonds in accordance with Code Section 12-8-68, which financial responsibility shall be related to the type and size of facility.

(e) Permits issued under this Code section shall contain such terms and conditions, including conditions requiring corrective action beyond the facility boundary, as are deemed necessary by the director to protect the environment and the health of humans, and the director may

require such testing and construction supervision as said officer deems necessary to protect the environment and the health of humans. Any permit issued subsequent to November 8, 1984, shall contain conditions requiring corrective action for any releases into the environment of hazardous waste or hazardous constituents at the facility seeking a permit, regardless of the time at which waste was placed at such facility.

(f) In the event of denial, amendment, modification, suspension, or revocation of a permit, the director shall send written notice of such action to the permit holder or applicant and shall set forth in such notice the reason for the action.

(g) The issuance, denial, amendment, modification, suspension, or revocation of any permit by the director shall become final unless a petition for hearing in accordance with Code Section 12-8-73 is filed.

(h) Upon the first receipt of an application for a hazardous waste facility permit, the director, within 15 days, shall provide to the government of the county in which the facility is located or is proposed to be located, to each city government located wholly or partially within that county, and to the government of each county and city having territorial boundaries within two miles of the hazardous waste facility, or proposed hazardous waste facility a written notice indicating that an application has been received and describing the hazardous waste activities the applicant proposes to conduct. Within a 30 day period after first receipt of such application, the director shall also publish in at least one local newspaper of general circulation in the county a public notice that an application for a hazardous waste facility permit has been received. A public hearing shall be held if such is requested in writing within 30 days after publication of notification and is requested by 25 or more persons who claim to be affected by the pending permit application, by a governmental subdivision, or by an association having not fewer than 25 members. If requested, the public hearing shall be conducted at the county seat of the county in which the hazardous waste facility is proposed to be located. At least 45 days prior to the date of the public hearing, the director shall provide written notice to the various local governmental subdivisions and other interested parties in the locality in which the proposed facility may be located that a public hearing has been requested, which written notice shall also include the date, time, location, and purpose of the public hearing. The date, time, location, and purpose of such public hearing shall be advertised in the legal organ of the county in which the facility is proposed at least 45 days in advance of the date set for the hearing. Such public hearings shall be held for the purpose of receiving comments and suggestions concerning the location and requirements for the operation of a hazardous waste facility. The director shall consider fully all written and oral submissions regarding the proposed facility and the pending application.

(i) Any person who owns or operates a facility required to have a permit under this Code section, which facility was in existence on November 19, 1980, or is in existence on the effective date of any amendment to this part or any regulation promulgated pursuant to this part which renders the facility subject to the requirement to have a permit pursuant to this Code section shall be accorded interim status, which means that such person shall be treated as having been issued a permit until such time as final administrative disposition of the person's application has been made, if and to the extent the person:

(1) Has notified the director of the existence of such facility as required pursuant to

- (1)** Has notified the director of the existence of such facility as required pursuant to paragraph (17) of subsection (a) of Code Section 12-8-65;
- (2)** Has filed an application for a permit as required pursuant to this Code section;
- (3)** Furnishes to the director information reasonably required or requested for processing such application;
- (4)** Does not treat, store, or dispose of hazardous waste not specified in the permit application, nor employ processes not specified in the permit application, nor exceed the design capacity specified in the permit application; and
- (5)** Complies with all standards applicable to interim status facilities as have been or may be promulgated by the board.
- (j)** In the case of any land disposal facility which had interim status prior to November 8, 1984, interim status shall terminate on November 8, 1985, unless the owner or operator of such facility:
- (1)** Applies for a final determination regarding the issuance of a permit pursuant to this Code section for such facility prior to November 8, 1985; and
- (2)** Certifies that such facility is in compliance with all applicable ground-water monitoring and financial responsibility requirements.
- (k)** In the case of any land disposal facility that has interim status due to any amendments to this part or any regulations promulgated pursuant to this part on or subsequent to November 8, 1984, which render the facility subject to the requirement to have a permit pursuant to this part, interim status shall terminate on the date 12 months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:
- (1)** Applies for a final determination regarding the issuance of a permit pursuant to this Code section for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
- (2)** Certifies that such facility is in compliance with all applicable ground-water monitoring and financial responsibility requirements.
- (l)** In the case of any hazardous waste incinerator which had interim status prior to November 8, 1984, interim status shall terminate on November 8, 1989, unless the owner or operator of such facility applies for a final determination regarding the issuance of a permit pursuant to this Code section for such facility prior to November 8, 1986.
- (m)** In the case of all hazardous waste facilities which had interim status prior to November 8, 1984, other than land disposal facilities and incinerators, interim status shall terminate on November 8, 1992, unless the owner or operator of such facility applies for a final determination regarding the issuance of a permit pursuant to this Code section for such facility prior to November 8, 1988.
- (n)** In the case of all hazardous waste facilities in existence on November 8, 1984, the director must make a decision to issue or deny a permit pursuant to this Code section by the following dates:
- (1)** By November 8, 1988, for all land disposal facilities;
- (2)** By November 8, 1989, for all incinerators; and
- (3)** By November 8, 1992, for all other hazardous waste facilities.
- (o)** The director shall not issue a permit allowing any owner or operator of a cement kiln to burn hazardous waste as fuel until the U.S. Environmental Protection Agency has completed developing its strategy for hazardous waste reduction and combustion which may affect the burning of hazardous wastes in cement kilns.

History:

Ga. L. 1979, p. 1127, § 8; Ga. L. 1982, p. 3, § 12; Ga. L. 1985, p. 266, §§ 4, 5; Ga. L. 1986, p. 10, § 12; Ga. L. 1989, p. 240, § 1; Ga. L. 1990, p. 1427, § 3; Ga. L. 1992, p. 2234, § 5; Ga. L. 1993, p. 500, § 2; Ga. L. 1994, p. 483, § 1.

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§ 12-8-67. Hazardous waste in transit to be accompanied by manifest

No hazardous waste shall be transported across, within, or through this state unless it is accompanied by a manifest properly issued, completed, and filled out in accordance with the rules and regulations promulgated by the board. The manifest shall accompany all hazardous waste from the point of generation through handling, storage, treatment, and disposal. A copy of the manifest shall be transmitted to the director as often as is required by the rules and regulations adopted by the board pursuant to this article.

History

Ga. L. 1979, p. 1127, § 9; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-68. Requirement of financial responsibility for persons operating or maintaining hazardous waste storage, treatment, or disposal facility; hazardous waste facility trust fund

- (a) No hazardous waste storage, treatment, or disposal facility shall be operated or maintained by any person unless adequate financial responsibility, by bonding or other methods approved by the director, has been demonstrated to the director to ensure the satisfactory maintenance, operation, closure, and postclosure care of the facility, any corrective action which may be required as a condition of a permit, and payment of any liabilities to third parties as set forth in the regulations adopted pursuant to this part.
- (b) The director may require the demonstration of financial responsibility prior to issuing a permit for any hazardous waste storage, treatment, or disposal facility to assure the availability of funds to meet sufficiently the requirements for proper closure, maintenance, or postclosure care of the facility and the hazardous waste contained therein, to assure any corrective action required as a condition of such a permit, and to guarantee payment of any liabilities to third parties as set forth in regulations adopted pursuant to this part. The director is authorized to establish the financial responsibility requirements for permit applicants and classes of permit applicants, including the establishment of a range of monetary amounts.
- (c) The board may adopt rules and regulations pursuant to this article establishing the criteria for approval, time periods for coverage, and other terms and conditions for the demonstration of financial responsibility required by this article and for the implementation of financial responsibility instruments.
- (d) If the director determines that a hazardous waste storage, treatment, or disposal facility has been abandoned, that the owner or operator thereof has become insolvent, or that for

any other reason there is a demonstrated inability of the owner or operator to maintain, operate, or close the facility, to carry out postclosure care of the facility, or to carry out corrective action required as a condition of a permit, to the satisfaction of the director, the director may implement the applicable financial responsibility instruments. The proceeds from any applicable financial responsibility instruments shall be deposited in a special account designated as the hazardous waste facility trust fund. The director shall serve as trustee of any such hazardous waste facility trust fund and the funds deposited in any such fund shall be used only for closure, postclosure care, or corrective action required for the facility. The determination of whether there has been an abandonment, default, or other refusal or inability to perform and comply with closure, postclosure, or corrective action requirements shall be made by the director.

(e) An order or other action of the director under this Code section shall become final unless a petition for hearing in accordance with Code Section 12-8-73 is filed.

(f) In any case where the owner or operator is in bankruptcy, reorganization, or arrangement pursuant to the federal Bankruptcy Code or where, with reasonable diligence, jurisdiction in any state court or any federal court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility must be provided under this Code section may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action pursuant to this subsection, such guarantor shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which will have been available to the guarantor if an action had been brought against the guarantor by the owner or operator.

(g) The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator under this part. Nothing in this subsection shall be construed to limit any other state or federal statutory contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under Section 107 or 111 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or other, applicable law.

History

Ga. L. 1979, p. 1127, § 10; Ga. L. 1985, p. 266, § 6; Ga. L. 1986, p. 761, § 3; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-69. Variances

(a) Unless variances are prohibited by the federal act or the standards, rules, and regulations promulgated thereunder, the director may grant variances from the requirements of this article or the rules and regulations effective under this article whenever the director finds that compliance with any provision of this article or any standard, rule, or regulation will result in an arbitrary and unreasonable taking of property or will result, in effect, in the closing and elimination of any lawful business, occupation, or activity without sufficient corresponding benefit or advantage to the public, provided that no variance shall be granted where the effect of a variance will permit the continuation of a condition which poses an undue present or potential threat to the environment or to the health of humans; provided, further, that any variance so granted shall not be construed so as to relieve any person from any liability imposed by law or rule and regulation.

(b) Variances may be granted for such periods of time and under such provisions and conditions as shall be specified by the director.

(c) As a condition precedent to the issuance of a variance, the director may require the filing of a bond in accordance with Code Section 12-8-68, sufficient to ensure compliance with the terms and conditions of the variance. The director may require that the bond shall remain in effect until all terms and conditions of the variance are met and compliance is achieved with this article and the rules and regulations promulgated under this article.

(d) Upon failure of a person to comply with the terms and conditions of any bond or any variance issued by the director, a variance may be amended, modified, suspended, or revoked, or the bond may be forfeited by the director or ordered to be modified or amended. The proceeds from any forfeited bond shall be deposited in either the hazardous waste facility

trust fund in accordance with Code Section 12-8-68 or the hazardous waste trust fund in accordance with Code Section 12-8-91, as the director deems appropriate.

History

Ga. L. 1979, p. 1127, § 11; Ga. L. 1992, p. 2234, § 5; Ga. L. 1994, p. 483, § 2; Ga. L. 1996, p. 6, § 12.

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§ 12-8-70. Inspections and investigations

(a) The director or the director's authorized representative, upon presentation of his credentials, shall have a right to enter upon, to, or through premises of persons subject to this article, or premises whereon a violation of the article or rules and regulations is reasonably believed to be occurring or is reasonably believed to be about to occur, to investigate, take samples, copy all records relating to hazardous wastes, and inspect for compliance with the requirements imposed under this article or the rules and regulations or to determine whether such a violation or threatened violation exists in accordance with the following purposes:

- (1) For the purpose of determining whether any person subject to the requirements of this article is in compliance with any standard or requirement imposed pursuant to this article;
- (2) For the purpose of investigating conditions relating to hazardous waste management or hazardous waste management practices where the director is in possession of information sufficient to form a reasonable belief that a violation of this article or the rules and regulations is occurring or is about to occur;
- (3) For the purpose of determining whether there has been a violation of any of the provisions of this article, the rules and regulations promulgated under this article, or any permit or order issued pursuant to this article and the rules and regulations; or
- (4) For the purpose of determining whether a release of hazardous wastes, hazardous constituents, or hazardous substances is occurring or has occurred.

(b) In the event any person does not consent to an inspection or investigation, the director or his authorized representative may seek to obtain a warrant authorizing the inspection or investigation.

(c) Each such inspection or investigation shall be commenced and completed with reasonable promptness. If the director or his authorized representatives obtain any samples prior to leaving the premises, he or they shall give to the owner, operator, or agent in charge a receipt describing the sample obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If any analysis is made of such samples, a copy

of the results of such analysis shall be furnished promptly to the owner, operator, or agent in charge.

(d) Any person whom the agency has reason to believe is contributing to or may have contributed to or may be responsible for a release of or the disposal of hazardous wastes, hazardous constituents, or hazardous substances or who is the owner of real property where a release or disposal has occurred or is suspected to have occurred, when requested by the director, shall furnish to the director any information which that person may have or may reasonably obtain which is relevant to the release and has been requested by the director.

History

Ga. L. 1979, p. 1127, § 12; Ga. L. 1992, p. 2234, § 5; Ga. L. 1996, p. 6, § 12.

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§ 12-8-71. Proceedings for enforcement

(a) Whenever the director has reason to believe that a violation of any provision of this part, a violation of any rule or regulation of the board, or a violation of any order of the director has occurred, the director shall attempt to remedy the same by conference, conciliation, and persuasion. In the case of failure of such conference, conciliation, or persuasion to correct or remedy any violation, the director may issue an order directed to such violator or violators. The order shall specify the provisions of this part, the rules and regulations, or the order alleged to have been violated and may direct that necessary corrective action be taken within a reasonable time to be prescribed in the order.

(b) Whenever the director has reason to believe that there is or has been a release of hazardous waste or hazardous constituents into the environment, regardless of the time at which release of such hazardous waste or hazardous constituents occurred, and has reason to believe that such release poses a danger to health or the environment, the director shall attempt to obtain corrective action for such release by conference, conciliation, and persuasion. In the case of failure of such conference, conciliation, or persuasion to obtain corrective action, the director may issue an order directed to any person, including any past or present generator, past or present transporter, or past or present owner or operator of a hazardous waste treatment, storage, or disposal facility, who has contributed or who is contributing to such release. The order may direct that necessary corrective action be taken within a reasonable time to be prescribed in the order.

(c) Any order issued by the director under this Code section shall be signed by the director. Any such order shall become final unless the person or persons named therein request in writing a hearing pursuant to Code Section 12-8-73.

History

Ga. L. 1979, p. 1127, § 13; Ga. L. 1985, p. 266, § 7; Ga. L. 1988, p. 727, § 4; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-72. Application for injunctive relief

Whenever, in the judgment of the director, any person has engaged in or is about to engage in any act or practice which constitutes or would constitute a violation of this article, the rules and regulations, or any order or permit conditions, he may apply to the superior court of the county in which the violative act or practice has been or is about to be engaged in, or in which jurisdiction is appropriate, for an order enjoining such act or practice or for an order requiring compliance with the article, the rules and regulations, or the order or permit condition. Upon a showing by the director that such person has engaged in or is about to engage in any such violative act or practice, a permanent or temporary injunction, restraining order, or other order shall be granted without the necessity of showing the lack of an adequate remedy at law.

History

Ga. L. 1979, p. 1127, § 14; Ga. L. 1982, p. 3, § 12; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-73. Hearings on contested matters; judicial review

All hearings on and the review of contested matters, orders, or permits and all hearings on and the review of any other enforcement actions or orders under this article shall be provided and conducted in accordance with subsection (c) of Code Section 12-2-2. The hearing and review procedure herein provided is to the exclusion of all other means of hearing or review.

History

Ga. L. 1979, p. 1127, § 15; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-74. Judgment in accordance with final orders

Any order of the hearing officer issued after a hearing as provided in Code Section 12-8-73 or any order of the director issued pursuant to Code Section 12-8-71 or 12-8-96, either unappealed from as provided in those Code sections or affirmed or modified on any review or appeal pursuant to Code Section 12-8-73, and from which no further review is taken or allowed under Code Section 12-8-73, may be filed, as unappealed from or as affirmed or modified, if reviewed or appealed, by certified copy from the director in the superior court of the county wherein the person under order resides, or if such person is a corporation in the county wherein the corporation maintains its principal place of business, or in the county wherein the violation occurred or in which jurisdiction is appropriate, whereupon such superior court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though such judgment had been rendered in an action duly heard and determined by such court.

History

Ga. L. 1979, p. 1127, § 16; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-75. Powers of director in situations involving imminent and substantial endangerment to environment or to public health

Notwithstanding any provision of this article to the contrary, the director, upon receipt of evidence that the past or present handling, storage, treatment, transportation, or disposal of any solid waste or hazardous waste is presenting or may present imminent and substantial endangerment to the environment or to the health of humans, may bring an action as provided in Code Section 12-8-72 to restrain immediately any person, including any past or present generator, past or present transporter, or past or present owner or operator of a hazardous waste treatment, storage, or disposal facility, who has caused or is causing or has contributed or is contributing to such handling, storage, treatment, transportation, or disposal to stop such handling, storage, treatment, transportation, or disposal or to take such other action as may be necessary. If it is not practicable to assure prompt protection of the environment or the health of humans solely by commencement of such a civil action, the director, with the concurrence of the Governor, may issue such emergency orders as may be necessary to protect the environment or the health of humans who are or may be affected by such past or present handling, storage, treatment, transportation, or disposal.

Notwithstanding Code Sections 12-8-71, 12-8-72, 12-8-73, 12-8-74, 12-8-81, and 12-8-96, such order shall be immediately effective for a period of not more than 48 hours unless the director brings an action under the first sentence of this Code section before the expiration of such period. Whenever the director brings such an action within such period, such order shall be effective for such period of time as may be authorized by the court pending litigation or

thereafter.

History

Ga. L. 1979, p. 1127, § 18; Ga. L. 1982, p. 3, § 12; Ga. L. 1985, p. 266, § 8; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-76. Legal assistance by Attorney General

It shall be the duty of the Attorney General or his representative to represent the director in all actions in connection with this article.

History

Ga. L. 1979, p. 1127, § 22; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-77. Contracts to provide solid waste handling, reclamation, or recycling services

(a) Any provision of law to the contrary notwithstanding, in order to comply with this article, with the federal act, or with applicable state and federal rules, regulations, or guidelines, or in order to be eligible for grants-in-aid and other allotments, the State of Georgia, the division, and each municipal corporation and county in this state are authorized, at the discretion of its governing authority, to enter into valid and binding contracts with each other or with private persons, firms, associations, or corporations to provide solid waste handling, reclamation, and recycling services to such private persons, firms, associations, or corporations, or to each other.

(b) As used in this Code section, the terms "solid waste handling," "solid waste," "reclamation," and "recycling" shall be construed to have the meanings given them in Code Section 12-8-62 or in the rules and regulations effective under this article.

History

Ga. L. 1979, p. 1127, § 19; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-78. Public access to information; protection of confidential information; access to confidential information by federal government and courts

(a) Any records, reports, or information obtained from any person by the director under this part or the rules and regulations promulgated under this part shall be available to the public for inspection and copying at the expense of the person requesting copies.

(b) Notwithstanding subsection (a) of this Code section, upon a showing satisfactory to the director by any person that any records, reports, or information, or any particular part thereof, to which the director has access under this article or the rules and regulations would, if made public, divulge information entitled to protection or confidentiality under law, the director shall consider such information or any particular portion thereof confidential in accordance with the purposes of the law under which confidentiality or protection is claimed, provided that such records, reports, documents, or information may be disclosed to officers, employees, or authorized representatives of the United States government concerned with carrying out the terms of the federal act or when required by any court in any proceeding under the federal act or under this article.

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§ 12-8-79. Effect of other laws on permits issued under article and rules and regulations

Subject to the provisions of the Constitution of Georgia, no other law of this state and no action, ordinance, regulation, or law of any county, municipality, or other political subdivision shall operate to prevent the location or operation of a hazardous waste facility holding a valid hazardous waste facility permit issued under this article and the rules and regulations promulgated hereunder, provided that nothing in this Code section shall prevent any county, municipality, or other political subdivision from challenging a facility's compliance with this article or any rule or regulation, order, or permit provision or condition adopted or issued under this article.

History

Ga. L. 1979, p. 1127, § 21; Ga. L. 1992, p. 2234, § 5.

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§ 12-8-80. Applicability of article

Reserved. Repealed by Ga. L. 1992, p. 2234, § 5, effective July 1, 1992.

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§ 12-8-81. Civil penalties; procedures for imposing penalties

(a) Any person violating any provision of this article, the rules or regulations effective under this article, or any permit condition or limitation established pursuant to this article or any person negligently or intentionally failing or refusing to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed \$25,000.00 per day. Each day during which the violation or failure or refusal to comply continues shall be a separate violation.

(b) Whenever the director has reason to believe that any person has violated any provision of this article, any rule or regulation effective under this article, or any permit condition or has negligently or intentionally failed or refused to comply with any final order or emergency order of the director, he may upon written request cause a hearing to be conducted before a hearing officer appointed by the board. Upon finding that such person has violated any provision of this article, any rule or regulation effective under this article, or any permit condition or has negligently or intentionally failed or refused to comply with any final order or emergency order of the director, the hearing officer shall issue his decision imposing civil penalties as provided in this Code section. Such hearing and any administrative or judicial review thereof shall be conducted in accordance with Code Section 12-8-73.

(c) In rendering a decision under this Code section imposing civil penalties, the hearing officer shall consider all factors which are relevant, including, but not limited to, the following:

- (1)** The amount of civil penalty necessary to ensure immediate and continued compliance and the extent to which the violator may have profited by failing or delaying to comply;
- (2)** The character and degree of impact of the violation or failure on the natural resources of

the state, especially any rare or unique natural phenomena;

(3) The conduct of the person incurring the civil penalty in promptly taking all feasible steps or procedures necessary or appropriate to comply with this article or to correct the violation or failure;

(4) Any prior violations of, or failures by, such person to comply with statutes, rules, regulations, orders, or permits administered, adopted, or issued by the director;

(5) The character and degree of injury to or interference with public health or safety which is caused or threatened to be caused by such violation or failure; and

(6) The character and degree of injury to or interference with reasonable use of property which is caused or threatened to be caused by such violation or failure.

History

Ga. L. 1979, p. 1127, § 17; Ga. L. 1992, p. 2234, § 5; Ga. L. 1996, p. 6, § 12.

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§ 12-8-82. Criminal penalty

(a) Any person who:

(1) Knowingly transports or causes to be transported any hazardous waste as defined in this article to a facility which does not have a permit or interim status pursuant to Code Section 12-8-66, which does not have a variance pursuant to Code Section 12-8-69, or which is not subject to an order of the director which specifically authorized continued operation of such facility;

(2) Knowingly treats, stores, or disposes of any hazardous waste as defined in this article:

(A) Without a permit or interim status pursuant to Code Section 12-8-66, a variance pursuant to Code Section 12-8-69, or an order of the director allowing such treatment, storage, or disposal of hazardous waste;

(B) In knowing violation of any material condition or requirement of such permit, interim status, variance, or order; or

(C) In knowing violation of any material condition or requirement of any applicable regulations or standards promulgated in accordance with Code Section 12-8-64;

(3) Knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this article or regulations promulgated in accordance with Code Section 12-8-64;

(4) Knowingly generates, stores, treats, transports, disposes of, exports, or otherwise handles any hazardous waste as defined in this article, whether such activity took place before or takes place after March 14, 1985, and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be

maintained or filed for purposes of compliance with this article or regulations promulgated in accordance with Code Section 12-8-64; or

(5) Knowingly transports without a manifest or causes to be transported without a manifest, any hazardous waste required by this article or regulations promulgated in accordance with Code Section 12-8-64 to be accompanied by a manifest

shall, upon conviction, be subject to a fine of not more than \$50,000.00 for each day of violation, or imprisonment for not less than one nor more than two years, or three years in the case of a violation of paragraph (1) or (2) of this subsection, or both. If the conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment under the respective paragraphs shall be doubled with respect to both fine and imprisonment.

(b) Any person who knowingly transports, treats, stores, disposes of, or exports any hazardous waste as defined in this article in violation of paragraph (1), (2), (3), (4), or (5) of subsection (a) of this Code section and who knows at that time that by such action another person is placed in imminent danger of death or serious bodily injury shall, upon conviction, be subject to a fine of not more than \$250,000.00 or imprisonment for not less than one nor more than 15 years, or both. A defendant that is an organization shall, upon conviction of violating this subsection, be subject to a fine of not more than \$1 million.

(c) An organization may be convicted for the criminal acts set forth in subsections (a) and (b) of this Code section, if an agent of the organization performs the conduct which is an element of the crime while acting within the scope of such agent's office or employment and in behalf of the organization or if the commission of the criminal act set forth in subsection (a) or (b) of this Code section is authorized, requested, commanded, performed, or recklessly tolerated by the board of directors of the organization or by a managerial official who is acting within the scope of such official's employment on behalf of the organization.

History

Ga. L. 1979, p. 1127, § 7; Ga. L. 1982, p. 3, § 12; Ga. L. 1985, p. 266, § 10; Ga. L. 1986, p. 10, § 12; Ga. L. 1992, p. 2234, § 5; Ga. L. 1994, p. 1101, § 4.

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§ 12-8-83. Use of material mixed with dioxin or other hazardous waste for dust suppression or road treatment prohibited

The use of waste or used oil or other material which is contaminated or mixed with dioxin or any other hazardous waste as defined in this article, other than a waste identified as a hazardous waste solely on the basis of ignitibility, for dust suppression or road treatment is prohibited.

History

Code 1981, § 12-8-83, enacted by Ga. L. 1985, p. 266, § 11; Ga. L. 1992, p. 2234, § 5.

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