RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
CHAPTER 391-3-4
SOLID WASTE MANAGEMENT

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

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

[Note: Underlined text is proposed to be added. ~~Lined-through~~ text is proposed to be deleted.]

391-3-4-.01 Definitions. Amended.

(1) "Active Life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities.

(2) "Active Portion" means that part of a solid waste handling facility or landfill unit that has received or is receiving wastes and that has not been closed.

(3) “Aerated Static Pile Composting” means a process in which decomposing organic material is placed in piles over an air distribution system to supply oxygen for the purpose of producing compost.

(4) "Affected County" means, in addition to the county in which a facility is or is proposed to be located, each county contiguous to the host county and each county and municipality within a county that has a written agreement with the facility to dispose of solid waste.

(5) "Agricultural Residuals" means, for the purposes of composting and anaerobic digestion, the residuals from customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production and harvesting of agricultural crops, which include agronomic, horticultural, and silvicultural crops, and residuals resulting from aquacultural activities. It also includes residuals from harvesting and production of row crops and manures not managed as part of an Animal Feeding Operation (AFO) permit. The term does not include dead animals, wastewater

or special wastes, such as waste oils or other lubricants, unused fertilizers, or pesticide containers or residues.

(6) “Anaerobic Digester” means an enclosed vessel that processes organic material into biogas and digestate through decomposition under anaerobic conditions.

(7)“Anaerobic Digestion” means the controlled decomposition of organic material under anaerobic conditions to produce biogas and digestate.

~~(3)~~(8) "Aquifer" means a geological formation, group of formations, or portion of a formation capable of yielding significant quantities of ground water to wells or springs.

~~(5)~~(9) "Asbestos-Containing Waste" means any solid waste containing more than 1 percent, by weight, of naturally occurring hydrated mineral silicates separable into commercially used fibers, specifically the asbestiform varieties of serpentine, chrysotile, cummingtonite-grunerite, amosite, riebeckite, crocidolite, anthophyllite, tremolite, and actinolite, using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1.

~~(6)~~(10) "Baling" means a volume reduction technique whereby solid waste is compressed into bales.

(11) “Biogas” means gas generated by anaerobic digestion.

~~(7)~~(12) "Biomedical Waste" means any solid waste which contains pathological waste, biological waste, cultures, and stocks of infectious agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other waste from such animals), chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, as further defined in Rule 391-3-4-.15.

~~(8)~~(13) "Boiler" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.

~~(9)~~(14) "Certificate" means a document issued by a college or university of the University System of Georgia or other organization approved by the Director, stating that the operator has met the requirements of the Board for the specified operator classification of the certification program.

~~(10)~~(15) "Closure" means a procedure approved by the Division which provides for the cessation of waste receipt at a solid waste disposal site and for the securing of the site in preparation for post-closure.

~~(11)~~(16) "Collector" means the person or persons as defined herein who, under agreements, verbal or written, with or without compensation does the work of collecting and/or transporting solid wastes, from industries, offices, retail outlets, businesses, institutions, and/or similar locations, or from residential dwellings, provided however,

that this definition shall not include an individual collecting and/or transporting waste from his own single family dwelling unit.

~~(12)~~(17) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

(18) “Compost” means a stabilized organic product produced by a controlled aerobic decomposition process that can be used as a soil additive, fertilizer, growth media or other beneficial use.

~~(13)~~(19) "Composting" means ~~that~~ the controlled biological decomposition of organic matter into a stable, odor free humus.

(20) "Composting Facility" means buildings, grounds and equipment dedicated to the manufacture of compost.

~~(14)~~(21) "Construction/Demolition Waste" means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

(22) “Contact Water” means, for the purposes of composting and anaerobic digestion, contaminated stormwater, process water, or water previously contained within compost materials, or water from surfaces of structures or equipment that is dedicated to the processing of curing materials, finished compost, or raw feedstocks, with the exception of yard trimmings or materials that may be used for mulching.

(23) “Curing” means, for the purposes of composting and anaerobic digestion, a continuation of the composting process after the high heat stage during which stability and maturity continue to increase. For the purposes of these regulations, compost enters the curing stage after completing the process to further reduce pathogens.

~~(15)~~(24) "Detected" means statistically significant evidence of contamination has been determined to exist by using methods specified in Rule 391-3-4-.14.

(25) “Digestate” means, for the purposes of composting and anaerobic digestion, the residual solids or liquids remaining after organic material has been processed in an anaerobic digester.

~~(16)~~(26) "Director" means the Director of Environmental Protection Division of the Department of Natural Resources.

~~(17)~~(27) "Disposal Facility" means any facility or location where the final disposition of solid waste occurs and includes, but is not limited to, landfilling and solid waste thermal treatment technology facilities.

~~(18)~~(28) "Division" means the Environmental Protection Division of the Department of Natural Resources.

~~(19)~~(29) "Existing MSWLF or landfill unit" means:

(a) any municipal solid waste landfill or landfill unit that is receiving solid waste as of October 9, 1993, and meets either of the following two conditions:

1. disposed of over 100 tons per day (TPD) of solid waste between October 9, 1991, and October 9, 1992, (or other dates consistent with Federal standards and as may be approved by the Director), or;

2. is on the National Priorities List (NPL), as found in appendix B to 40 CFR, Part 300.

(b) any municipal solid waste landfill or landfill unit that is receiving solid waste as of April 9, 1994, and meets the following two conditions:

1. disposed of 100 tons or less per day of solid waste between October 9, 1991, and October 9, 1992, and disposes of no more than an average of 100 TPD of solid waste each month between October 9, 1993, and April 9, 1994, (or other dates consistent with Federal standards and as may be approved by the Director), and;

2. is not on the National Priorities List (NPL), as found in appendix B to 40 CFR, part 300.

(c) Waste placement in existing units must be consistent with past operating practices or modified practices to ensure good management.

(30) "Feedstock" means any organic material used in the production of mulch or compost or processed in an anaerobic digester. Feedstocks shall not include additives or amendments that are not part of the composting process.

(31) "Food Processing Residuals" means, for the purposes of composting or anaerobic digestion, organic material generated as a by-product of the food-processing sector that is non-hazardous and contains no domestic wastewater. For the purposes of these regulations, the term applies to use as a feedstock in the composting process and does not include dissolved air flotation (DAF) skimmings or fats, oil, and greases.

(32) "Food Residuals" means, for the purposes of composting or anaerobic digestion, pre- and post-consumer food used as a feedstock in a composting or anaerobic digestion facility.

~~(21)~~(33) "Garbage" means food waste including waste accumulations of animal or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

~~(20)~~(34) "Generator" means any person in Georgia or in any other state who creates solid waste.

~~(22)~~(35) "Groundwater" means water below the land surface in a zone of saturation.

~~(23)~~(36) "Hazardous Waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.

~~(25)~~(37) "Host Local Government" means the host county or other local governmental jurisdiction within whose boundaries a municipal solid waste disposal facility is located.

~~(24)~~(38) "Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

(39) "Industrial By-product" means, for the purposes of composting or anaerobic digestion, organic materials generated by manufacturing or industrial processes that are non-toxic, non-hazardous, contain no domestic wastewater, and pass the paint filter test.

~~(26))~~40) "Industrial Furnace" means a device as defined in Chapter 391-3-11, the Rules for Hazardous Waste Management.

~~(27)~~(41) "Industrial Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under the Hazardous Waste Management Act and regulations promulgated by the Board of Natural Resources, Chapter 391-3-11. Such waste includes, but is not limited to, wastes resulting from the following manufacturing processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; inorganic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil or gas waste.

~~(28)~~(42) "Inert Waste Landfill" means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above.

(43) "In-vessel Composting" means the aerobic decomposition of organic material in an enclosed container for the purpose of producing compost.

~~(31)~~(44) "Landfill Unit" means an area of land of which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile. Permanent disposal requires the placement of daily, intermediate, and/or final earth, synthetic, or a combination of earth and synthetic cover over the solid waste.

~~(29)~~(45) "Lateral expansion" means a horizontal expansion of the waste boundaries of an existing MSWLF unit or landfill unit.

~~(30)~~(46) "Leachate" means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes.

~~(32)~~(47) "Leachate Collection System" means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

~~(33)~~(48) "Liner" means a continuous layer of ~~natura l~~ natural or man-made materials beneath or on the sides of a disposal site or disposal site cell which restricts the downward or lateral escape of solid waste constituents~~,~~ or leachate.

~~(34)~~(49) "Liquid Waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for the Evaluation of Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

~~(35)~~(50) "Materials Recovery Facility" means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

(51) “Maturity” means, for the purposes of composting and anaerobic digestion, a measure of the degree of completion of the composting process.

~~(36)~~(52) "Monofill" means a method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste.

(53) "Mulching" means the grinding, shredding or chipping of woody materials consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood that has not undergone controlled aerobic decomposition to produce a stabilized organic product.

~~(37)~~(54) "Municipal Solid Waste" means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from

single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

~~(39)~~(55) "Municipal Solid Waste Disposal Facility" means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and includes, but is not limited to, municipal solid waste landfills and solid waste thermal treatment technology facilities.

~~(40)~~(56) "Municipal Solid Waste Disposal Facility Operator" means the operator certified in accordance in accordance with Rule 391-3-4-.18 and stationed on the site who is in responsible charge of and has direct supervision of the daily field operations of a municipal solid waste disposal facility to ensure that the facility operates in compliance with the permit.

~~(41)~~(57) "Municipal Solid Waste Landfill" means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous wastes, is disposed of by means of placing an approved cover thereon.

~~(38)~~(58) "Municipal Solid Waste Landfill (MSWLF) Unit" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. A MSWLF unit also may receive other types of solid waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit or a lateral expansion.

~~(42)~~(59) "New MSWLF Unit" means any municipal solid waste landfill unit that has not received waste prior to October 9, 1993.

~~(43)~~(60) "Open Burning" means the combustion of solid waste without:

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

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

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

~~(44)~~(61) "Open Dump" means a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment.

~~(45)~~(62) "Operating Records" means written records including, but not limited to, permit applications, monitoring reports, inspection reports, and other demonstrations of

compliance with this Chapter, which records are kept on file at the facility or at an alternative location as approved by the Division.

~~(46)~~(63) "Operator" means the person(s) responsible for the overall operation of a facility or part of a facility.

~~(47)~~(60) "Owner" means the person(s) who owns a facility or part of a facility.

~~(48)~~(64) "Person" means the State of Georgia or any other state or any agency or institution thereof, and any municipality, county, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association or other entity in Georgia or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste activities, or public or private corporation in Georgia or any other state. This term also includes employees, departments, and agencies of the federal government.

~~(49)~~(65) "Post-closure" means a procedure approved by the Division to provide for long-term financial assurance, monitoring and maintenance of a solid waste disposal facility to protect human health and the environment.

~~(50)~~(66) "Private Industry Solid Waste Disposal Facility" means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

~~(51)~~(67) "Processing Operation" means any method, system or other treatment designed to change the physical form or chemical content of solid waste and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements).

~~(52)~~(68) "Putrescible Wastes" means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes.

~~(55)~~(69) "Recovered Materials" means those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

~~(56)~~(70) Recovered Materials Processing Facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

~~(57)~~(71) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

~~(58)~~(72) "Regional Landfill or Regional Solid Waste Disposal Facility" means a facility owned by a county, municipality, or special district empowered to engage in solid waste management activities, or any combination thereof, which serves two or more any combination of counties, municipalities, or special solid waste districts.

~~(59)~~(73) "Relevant Point of Compliance" is a vertical surface located at the hydraulically downgradient limit of the waste management unit boundary that extends down into the uppermost aquifer underlying the facility. This point will be specified by the Director and shall be no more than 150 meters from the waste management unit boundary and shall be located on land owned by the owner of the landfill unit. The downgradient monitoring system must be installed at this point, and monitoring conducted to ensure that the concentration values listed in Table 1 of Rule 391-3-4.07 will not be exceeded in the uppermost aquifer.

~~(53)~~(74) "Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

~~(54)~~(75) "Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

~~(60)~~(76) "Saturated Zone" means that part of the earth's ~~curst~~ crust in which all voids are filled with water.

~~(61)~~(77) "Scavenge" means the unpermitted removal of solids waste from a solid waste handling facility.

~~(62)~~(78) "Shredding" means the process by which solid waste is cut or torn into small pieces for final disposal ~~of~~ or further processing.

~~(63)~~(79) "Significant Groundwater Recharge Areas" means any area as designated on Hydrologic Atlas 18 Most Significant Ground-Water Recharge Areas of Georgia, 1989, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources, unless an applicant for a solid waste handling permit or other interested party can demonstrate to the satisfaction of the Director that an area designated on Hydrologic Atlas 18 is or is not, in fact, a significant groundwater recharge area.

~~(64)~~(80) "Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

~~(65)~~(81) "Solid Waste" means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

~~(66)~~(82) "Solid Waste Handling" means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities.

~~(67)~~(83) "Solid Waste Handling Facility" means any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

~~(68)~~(84) "Solid Waste Handling Permit" means written authorization granted to a person by the Director to engage in solid waste handling.

~~(69)~~(85) "Solid Waste Management Act" or the "Act", wherever referred to in these Rules, means the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20, *et seq.*

~~(70)~~(86) "Solid Waste Thermal Treatment Technology" means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

(87) "Source-Separated Organics" means, for the purposes of composting or anaerobic digestion, organic material including, but not limited to, food residuals, food processing residuals, and unrecyclable paper that has been separated from non-compostable material at the point of generation.

(88) “Stability” means, for the purposes of composting and anaerobic digestion, the inverse measure of the potential for a material to rapidly decompose that is measured by indicators of microbial activity, such as carbon dioxide production, oxygen uptake, or self-heating.

~~(71)~~(89) "Tire" means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

~~(72)~~(90) "Transfer Station" means a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

~~(73)~~(91) "Uppermost Aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the solid waste handling facility's property boundary.

~~(74)~~(92) "Vertical Expansion" means the expansion of landfill beyond the approved maximum final elevations and within the approved waste management boundaries of the existing permit.

~~(75)~~(93) "Waste Management Unit Boundary" means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.

~~(76)~~(94) "Waste-to-Energy Facility" means a solid waste handling facility that provides for the extraction and utilization of energy from municipal solid waste through a process of combustion.

~~(77)~~(95) "Yard Trimmings" means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvi~~a~~cultural operations.

Authority Ga. L. 1972, p. 1002, as amended; O.C.G.A. Secs. 12-8-20 et seq., 12-8-23. **History.** Original Rule entitled "Definitions" was files as 391-1-.01 on November 21, 1972; effective December 12, 1972, as specified by the Agency. **Amended:** Rule renumbered as 391-3-4-.01. Filed September 6, 1973; effective September 26, 1973. **Amended:** Rule repealed and a new Rule of same title adopted. Filed September 19, 1974; effective October 9, 1974. **Amended:** F. Jun. 9, 1989; eff. Jun. 29, 1989. **Amended:** F. Sept. 4, 1991; eff. Sept. 24, 1991. **Amended:** F. Jun. 7, 1993; eff. Jun. 27, 1993. **Amended:** F. Oct. 7, 1993; eff. Oct. 27, 1993.

391-3-4.16 ~~Composting.Amended.~~ Composting, Mulching and Anaerobic Digestion Facilities.

(1) Composting is a desirable means of reducing the amount of solid waste destined for disposal. All composting facilities not exempted in 391-3-4-.16(2) shall either be regulated under Permit-by-Rule in 391-3-4-.16(4)(b) or shall obtain a Solid Waste Handling Permit in accordance with either 391-3-4-.16(4)(c), 391-3-4-.16(4)(d), 391-3-4-.16(4)(e), or 391-3-4-.16(4)(f) depending on the technology employed and feedstocks processed. Existing facilities shall demonstrate compliance with the operating and testing standards set forth in these Rules specific to the class for the facility. Facilities will have until March 31, 2015 to comply with these standards; facilities that can not demonstrate compliance with the standards by March 31, 2015 shall initiate closure.

~~(a) Yard trimmings composting operations are excluded from regulation as solid wastes handling facilities. To be considered exempt from regulation, yard trimmings must be kept separate from solid waste and must be converted to a usable compost or mulch product.~~

~~(b) Any person involved in the composting of solid waste or special solid waste, other than yard trimmings as provided in paragraph (a) above or covered by a permit by Rule, shall comply with the following permit requirements:~~

~~1. Design Standards: a design and operation plan prepared by a professional engineer registered to practice in Georgia and proposed as a part of the permit application must include, but is not limited to, the following standards:~~

~~(i) Capacity. The facility shall be adequate in size and capacity to manage the projected incoming solid waste and residue volumes.~~

~~(ii) Equipment. The equipment must be capable of producing a compost or mulch that is nonpathogenic, free of offensive odors, biologically and chemically stable, and free of injurious components or particles.~~

~~(iii) Storage Time. The facility shall provide for a minimum storage capacity of at least three (3) times the daily capacity of the composting equipment. No incoming shall be stored in excess of the permitted capacity.~~

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

~~(v) Air Quality. The facility shall be designed in such a manner as to meet any air quality standards of the Division.~~

~~(vi) Wastewater. Any wastewater generated by the facility shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.~~

~~(vii) Fire Protection. Facility design shall provided for fire control equipment placed near the storage and charging area and elsewhere as needed, and additional fire fighting equipment shall be made available for emergencies.~~

~~(viii) Disposal of Surplus Compost. Any composted material not sold or otherwise beneficially reused must be disposed in a manner approved by the Division.~~

~~2. Performance Standards: all persons owning and/or operating composting facilities shall comply with the following requirements:~~

~~(i) Supervision. Operation and management of the facility shall be under the supervision and control of a responsible operator properly trained in the operation of such facilities at all times during operation. This operator shall be present at all times during operation of this facility.~~

~~(ii) Compost. The compost resulting from composting operations shall be nonpathogenic, free of offensive odors, biologically and chemically stable, and free of injurious components or particles and able to sustain plant growth. Rejects generated by the composting process shall be disposed of in accordance with these rules.~~

~~(iii) Information Posted. Signs shall be posted at the entrance to the facility indicating the days and hours of operation. Access to the facility shall be limited to those times when authorized personnel are on duty.~~

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

(2) Exemptions:

(a) The following mulching or composting operations are exempt from a Solid Waste Handling Permit:

1. Backyard composting. (Sample definitions will be handed out at the meeting.)

2. Facilities composting or mulching only Category A feedstock.

3. A facility that processes yard or landscaping material, generated through routine operations, into mulch for product distribution.

4. A facility processing less than 40 tons per year of food residuals generated on site and composted in leak-proof containers designed to prohibit vector attraction and prevent nuisance odor generation.

5. Composting of food residuals and yard trimmings generated on site at a K-12 institution for educational purposes.

6. Composting of biosolids at a treatment works already regulated by a National Pollutant Discharge Elimination System (NPDES) permit as described in 391-3-6-.06, Land Application System (LAS) permit as described in 391-3-6-.11, or other permit from EPD, and in which case that permit has been modified in accordance with the Georgia Rules for Water Quality Control 391-3-6-.17(3)(c)1. to incorporate any necessary requirements for regulating the composting operation. (Water Branch is reviewing – new language will be inserted.)

7. Composting of dead animals, provided such composting is in accordance with the requirements of the Georgia Dead Animal Disposal Act (O.C.G.A. § 4-5) and Georgia Department of Agriculture Rules (Chapter 40-13-5).

(3) Feedstock Categories:

(a) The categories described below are not intended to be all-inclusive. Case-by-case determinations may be necessary concerning selection of the appropriate category for a particular feedstock, including industrial by-products not elsewhere classified. Accordingly, the Division may require that analytical and/or process information be supplied by the owner or operator to assist in making such determinations. At a minimum, the Division will require applicants to provide an analysis of metals and proof of compostability of the potential feedstock, including C:N ratio and soluble salts.

1. Feedstock Category A: Yard trimmings, land-clearing debris, agricultural residuals generated and processed on site, untreated and unpainted wood, or any combination thereof.

2. Feedstock Category B: Agricultural residuals generated off site and/or source-separated organics.

3. Feedstock Category C: Sewage sludge and biosolids not managed as part of a treatment works under an NPDES or LAS permit issued in accordance with the Georgia Rules for Water Quality Control 391-3-6. Water Branch is reviewing.

4. Feedstock Category D: Dissolved air flotation (DAF) skimmings and dewatered septage.

(b) Prohibited feedstocks include:

1. Asbestos-containing wastes.

2. Biomedical wastes.

3. Sheep and goat carcasses.

4. Painted and treated wood.

5. Any other prohibited wastes included in 391-3-4-.04(6).

(4) Design and Operating Standards for Composting Facilities by Class:

(a) Class 1 Composting and Mulching Facilities

1. Facilities composting, grinding, chipping, and/or mulching only Category A feedstock do not require a Solid Waste Handling Permit. Class 1 composting facilities shall submit a minor modification prior to operation if located at a permitted solid waste handling facility. Class 1 composting facilities may accept farm animal manure, such as cow, horse, mule, hog, and poultry, as well as herbivorous animal manure generated at a zoo.

(b) Class 2 Composting Facilities

1. Facilities composting Category A and B feedstocks that meet both of the following criteria may operate under a Permit-by-Rule for Composting Facilities:

(i) Facilities accepting no more than 25% by weight of Category B feedstock generated off-site at facilities not owned by the property owner; and

(ii) Facilities composting less than 500 tons of Category B feedstock per month.

2. The design standards for Class 2 facilities include:

(i) The composting area shall be constructed to maintain its structural integrity under operating conditions and be capable of supporting vehicular traffic.

(ii) The composting area shall have stormwater control measures and prevent flow of water from active composting area into curing or finished compost areas.

(iii) The composting facility shall be adequate in size and capacity to manage the projected volume of compost and residue generated. The areas for storing feedstocks prior to processing shall be clearly defined and the maximum capacity specified.

(iv) For windrow operations, the maximum composting process windrow size and minimum composting process windrow spacing shall match the capability and requirements of the equipment used at the facility.

3. The operating standards for Class 2 facilities include:

(i) The composting facility shall have a sign at its entrance that lists the name of the facility, hours of operation, feedstocks accepted, and emergency contact information.

(ii) Delete? The composting facility shall be operated in a manner to protect air and water quality. Nothing in these regulations shall be interpreted as superseding existing EPA / EPD stormwater regulations under the clean water act. If any conflict exists between the stormwater regulations and these regulations, the stormwater regulations shall prevail.

(iii) Suitable measures to control vectors shall be applied.

(iv) Suitable measures to control odors shall be applied.

(v) Suitable measures to prevent, control, and extinguish fires shall be applied.

(vi) By the end of each operating day, all incoming Category B feedstock must be processed into the active composting area, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

(vii) No material shall be stored in excess of the designated capacity.

(viii) Storage of finished compost on site is limited to 12 months, unless approved by the Division on a case-by-case basis.

(ix) Non-compostable material and solid waste generated on site shall be stored in a waste container and then either recycled or disposed of at a permitted solid waste facility.

(x) Facilities accepting Category B Feedstocks from off-site shall track incoming feedstocks and finished compost. By September 1 of each year, operators shall submit a report to the Division that includes the origin of the incoming feedstocks, weight or volume (in tons or cubic yards) of the feedstocks accepted, total compost produced, and any amount sold or used in the previous fiscal year (July 1 - June 30).

(xi) Records documenting compliance of the composting facility with these Rules shall be kept for a minimum of three years in a form suitable for submission to or inspection by the Division. Records shall be retained at the composting facility unless an off-site storage location is approved by the Division.

(xii) Notice of final closure shall be provided to the Director within 30 days from final receipt of feedstock. Any site not receiving feedstock in excess of 180 days, unless properly closed or otherwise approved by the Division, shall be deemed closed and in violation of these Rules. Notice of closure shall include documentation that all feedstocks and active, curing, and final compost materials have been removed from the facility and that the site has been stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

(c) Class 3 Composting Facilities

1. Any composting facility that is neither exempt under 391-3-4-.16(2), nor meets the conditions for Permit-by-Rule for Composting Facilities in 391-3-4-.16(4)(b), shall obtain a permit in accordance with following requirements:

2. Class 3 composting facilities may compost Category A and B feedstocks.

3. The design standards for Class 3 facilities include:

(i) The composting facility shall be designed by a professional engineer licensed to practice in Georgia.

(ii) An all-weather compost pad shall be designed, constructed, and maintained to (1) prevent ponding and impede downward migration of potential contaminants from contact water; (2) reliably transmit any free liquid present during the storage, treatment, and processing of materials laterally to a containment structure to prevent liquids from entering surface water or groundwater; (3) support vehicular traffic; and (4) prevent conditions that could contribute to, or cause contamination. No industrial waste may be used in the construction of the pad without approval from the Division.

(iii) Surfaces on which composting takes place shall be graded with a slope between 2% and 6% to prevent ponding of water.

(iv) The site shall be graded to prevent the flow of water from active composting area into curing or finished compost areas.

(v) Prior to receiving feedstocks, the Division shall be provided with written certification by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division, within 15 days of receipt of the written certification, the facility owner or operator may commence composting operations.

(vi) Before any feedstocks are accepted at the facility, the owner or operator shall fully satisfy all applicable financial responsibility requirements, including closure ~~and post-closure care(suggest deleting for this level?),~~ as provided by Chapter 391-3-4-.13.

~~(vi) An as-built survey of the facility, prepared by a Georgia-registered professional surveyor, shall be submitted with the engineering certification. Could we delete?~~

(vii) Contact water shall be directed to a containment system designed to handle, at a minimum, a 24-hour, 25-year storm event while maintaining at least one foot of freeboard. (shall be managed in accordance with requirements under the NPDES General Permit No. GAR050000 for Storm Water Discharges Associated with Industrial Activity for Sector 8C or 8L – check exact reference again with Water.) Contact water may be used in the composting operation for moisture addition only in active compost

piles that have not completed the process to further reduce pathogens. Contact water not used for this purpose shall be directed to a permitted wastewater treatment system or discharged through an approved NPDES permit.

(viii) The maximum composting process windrow size and minimum composting process windrow spacing shall match the capability and requirements of the equipment used at the facility.

(ix) The composting facility shall submit a site-specific odor minimization plan that includes instruction to the on-site operation personnel by describing, at a minimum, the following:

(I) A complaint response protocol.

(II) A description of operating procedures for minimizing odor.

(III) A description of the processes and technologies used to control odors.

(x) A contingency plan detailing corrective or remedial actions to be taken in the event of equipment breakdown; odors; unacceptable waste delivered to the facility; spills; and other undesirable conditions such as fire, dust, noise, vectors, unusual traffic conditions, and litter. The plan shall also include the proposed emergency provisions for equipment breakdown or power failure.

4. The operating standards for Class 3 include:

(i) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting facility operations.

(ii) Operators shall comply with all applicable local, state, and federal rules, regulations, and ordinances pertaining to these facilities.Delete?

(iii) The composting facility shall be operated in a manner to protect air and water quality.Delete?

(iv) Suitable measures to control vectors shall be applied.

(v) Suitable measures to prevent, control, and extinguish fires shall be applied.

(vi) By the end of each operating day, all incoming Category B feedstock shall be processed into the active composting area, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors. Prior to being incorporated into the active composting area, feedstocks with free liquid shall be mixed with drier feedstocks, bulking material, or

compost so that the liquid is promptly absorbed and not allowed to flow from the mixing area.

(vii) Compost processing time and temperatures shall be sufficient to kill weed seeds, reduce pathogens and vector attraction, and produce compost that meets the stability necessary for the intended use. Pathogen and vector attraction reduction compliance shall be achieved as follows:

(I) Windrow composting: The compost material shall be maintained at a minimum average temperature of 55°C or higher for 15 days or longer. During the period when the compost is maintained at 55°C or higher, there shall be a minimum of five turnings of the windrow with a minimum of three days between turnings. The 15 or more days at or above 55°C do not have to be continuous.

(II) Aerated static pile or in-vessel composting: The compost material shall be maintained at a minimum average temperature of 55°C or higher for three continuous days, followed by at least 14 days at a minimum of 45°C.

(viii)Facilities using aerated static piles must insulate piles to ensure that all parts of the decomposing material reach and maintain temperatures at or above 55°C for a minimum of three days.

(ix) The all-weather compost pad must be maintained to its specified slope and resist deformation that would cause ponding or increase infiltration of contact water. (Deleted inspection requirement)

(xi) Surface water bodies located within or bordering the composting facility shall be monitored in accordance with 391-3-6-.03 for constituents reasonably expected to be at the site.

(xii) Storage of finished compost on site is limited to 12 months, unless approved by the Division on a case-by-case basis.

(xiii) Non-compostable material and solid waste generated on site shall be stored in a waste container and then either recycled or disposed of at a permitted solid waste facility.

(xiv) Records shall be maintained to track incoming feedstocks and finished compost. By September 1 of each year, operators shall submit a report to the Division that includes the origin of the incoming feedstocks, weight or volume (in tons or cubic yards) of the feedstocks accepted, total compost produced, and any amount sold or used in the previous fiscal year (July 1 - June 30).

(xv) Records documenting compliance of the composting facility with these Rules shall be kept for a minimum of three years in a form suitable for submission to or inspection by the Division. Records shall be retained at the composting facility unless an off-site storage location is approved by the Division.

(xvi) The composting facility shall have a sign at its entrance that lists the name of the facility, permit number, hours of operation, feedstocks accepted, and emergency contact information.

(xvii) The composting facility shall be closed in accordance with Rule 391-3-4-.11.

(d) Class 4 Composting Facilities

1. Any composting facility that is neither exempt under 391-3-4-.16(2), nor meets the conditions for Permit-by-Rule for Composting Facilities in 391-3-4-.16(4)(b), shall obtain a permit in accordance with following requirements:

2. Class 4 composting facilities may compost Category A, B, and C feedstocks.

3. Class 4 composting facilities shall comply with the design and operating standards for Class 3 composting facilities and the additional design and operating standards listed below:

(i) The compost pad for the receiving, mixing, and active composting areas shall prohibit ponding and limit infiltration of contact water by being uniformly graded at a minimum slope of 2%. The compost pad shall contain a one foot thick infiltration layer with a hydraulic conductivity not exceeding $1x10^{-7}$ cm/sec, or an approved alternative which meets or exceed this specification for the purpose of limiting infiltration. The infiltration layer shall be constructed on a prepared and compacted subsurface, and overlain by a wearing surface designed to meet the operating standard of 391-3-4.16 (insert reference). A minimum separation of five feet is required between the bottom of the infiltration layer and the seasonal high water table. No industrial waste shall be used in the construction of the compost pad without approval from the Division.

(ii)The composting pad shall be inspected annually by a Georgia-registered professional engineer and shall be maintained and repaired as needed. Cracks or other defects identified in the wearing surface shall be promptly repaired under the supervision of the facility manager. Any repairs or reconstruction of the infiltration layer shall be completed under the supervision of the professional engineer, who shall prepare a report and certification of the repairs which shall be placed in the facility operating record. Compost materials shall not be placed in areas with damage to the infiltration layer, and berms or other diversions shall be installed to prevent run-on of contact water into these areas.

(iii) Facilities that compost biosolids or sewage sludge shall comply with all applicable federal regulations regarding sludge management at 40 CFR 501; 40 CFR 503; and 40 CFR 503, Subpart B.

(iv) Surface water bodies located within or bordering the composting facility shall be monitored in accordance with 391-3-6-.03 for constituents reasonably expected to be at the site.

(v) Groundwater monitoring systems shall be designed and installed in accordance with 391-3-4-.14. Additionally:

(I) Monitoring parameters shall be established based on the hydrogeologic data related to the site, the type of feedstocks accepted at the facility, and waste characterization analyses performed on incoming feedstocks.

(II) Monitoring shall be conducted semi-annually, at a minimum.

(v) By the end of each operating day, all incoming Category B and C feedstocks shall be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

(e) Class 5 Composting Facilities

1. Class 5 composting facilities may compost Category A, B, C, and D feedstocks.

2. Class 5 composting facilities shall comply with the design and operating standards for Class 3 and 4 composting facilities and the additional design and operating standards listed below:

(i) The feedstock receiving and mixing areas shall be in a covered structure (does this need to be defined?) The receiving area of the composting operation shall be constructed on asphalt, concrete, or a composite liner system. Receiving entrances shall be closed and under negative pressure during receipt and processing of Category D feedstocks.

(ii) By the end of each operating day, all incoming Category B, C, and D feedstocks shall be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material to minimize nuisance odors and scavenging by vectors.

(f) Class 6 In-vessel Composting and Anaerobic Digestion Facilities

1. Class 6 facilities employ in-vessel composting or anaerobic digestion. These facilities may process Category A, B, C, and D feedstocks.

2. The design standards for Class 6 facilities include:

(i) A description of the basic site design.

(ii) A description of the type of technology to be used, including a copy of the drawings and specifications of the composting or digestion equipment and a process flow diagram that includes the types of the major material handling equipment and material flow.

(iii) A description of the unit's requirements for power, water, and wastewater removal.

(iv) A description of the type and quantities of feedstock to be processed.

(v) A description of the storage capacity of feedstocks, products and digestate, if applicable.

(vi) Anticipated annual operational capacity in cubic yards.

(vii) A description of the proposed methods used to control spills, run-off, litter, odors, dust, rodents, and insects, including the storage of feedstocks, compost and digestate, leak-prevention and spill release measures, and the methods to monitor effectiveness for control measures.

(viii) A contingency plan detailing corrective or remedial actions to be taken in the event of equipment breakdown; odors; unacceptable waste delivered to the facility; spills; and other undesirable conditions such as fire, dust, noise, vectors, unusual traffic conditions, and litter. The plan shall also include the proposed emergency provisions for equipment breakdown or power failure.

3. The operating standards for Class 6 facilities include:

(i) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting facility operations through a course approved by the Division.

(ii) The facility shall have a sign at its entrance that lists the name of the facility, permit number, hours of operation, feedstocks accepted, and emergency contact information.

(iii) Operators shall comply with all applicable local, state, and federal rules, regulations, and ordinances pertaining to these facilities.

(iv) The facility shall be maintained in a clean and sanitary condition.

(v) Suitable measures to control vectors shall be applied.

(vi) Suitable measures to prevent, control, and extinguish fires shall be applied.

(vii) The facility shall have a site-specific odor minimization plan that includes the following:

(I) A complaint response protocol.

(II) A description of operating procedures for minimizing odor.

(III) A description of the processes and technologies used to control odors.

(viii) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.

(ix) By the end of each operating day, all incoming Category B, C, and D feedstocks shall be processed, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes odors and scavenging by vectors. How long can they store material in containers?

(x) Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall, within 8 hours, be removed from the site and either disposed or processed at a permitted solid waste facility or incorporated into a permitted, on-site compost operation.

(xi) Non-compostable waste shall be stored in a waste container and then recycled or disposed of at a permitted solid waste facility.

(xii) For in-vessel composting operations, the operator shall ensure that the composting process reduces pathogens. The compost material shall be maintained at a minimum average temperature of 55°C or higher for three continuous days, followed by at least 14 days at a minimum of 45°C.

(xiii) Facilities employing anaerobic digestion must minimize the uncontrolled release of biogas.

(xiv) Notice of final closure shall be provided to the Director within 30 days from final receipt of feedstock. Any site not receiving feedstock in excess of 180 days, unless properly closed or otherwise approved by the Division, shall be deemed closed and in violation of these Rules. Notice of closure shall include documentation that all feedstocks, compost materials and digestate have been removed from the facility and that the site has been stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

(5) Criteria for Siting Composting Facilities: (Public Participation Process and Modification language – needs to be added if we do not reference the section – where? By reference? Language?)

(a) Class 2 composting facilities shall comply with the following criteria from Rule 391-3-4-.02 and Rule 391-3-4-.05:

1. The facility shall not be located in the 100-year floodplain.

2. A 50-foot undisturbed buffer shall be maintained between the composting operation and the property line.

3. A 200-foot buffer shall be maintained between the composting operation and any adjacent residences and/or drinking water supply wells.

4. A 25-foot buffer shall be maintained between the composting operation and all streams.

5. A description of surrounding land uses up to a ½-mile radius shall be provided.

6. Airport safety restrictions, as required by Rule 391-3-4-.05(1)(c) for MSWLF units, shall be met.

(b) Classes 3-5 composting facilities shall comply with the following criteria:

1. The facility shall submit a letter from the local government authority stating that the proposed facility complies with local zoning and land use ordinances.

2. The facility shall submit written verification by the applicant that the facility is consistent with the local or regional solid waste management plan as required in Rule 391-3-4-.02(4)(c)5.

3. The facility shall not be located in the 100-year floodplain.

4. The facility shall submit a map of the topographic setting depicting features, including all upstream and downstream drainage areas affecting or affected by the proposed site, floodplain, gullies, karst conditions, wetlands, unstable soils, and percent slope.

5. A 100-foot undisturbed buffer shall be maintained between the composting operation and the property line.

6. A 500-foot buffer shall be maintained between the composting operation and any adjacent residences and/or any drinking water supply wells.

7. A 50-foot buffer shall be maintained between the composting operation and all streams.

8. A description of surrounding land uses up to a ½-mile radius shall be provided.

9. Shall met the airport safety restrictions as required by Rule 391-3-4-.05(1)(c) for MSWLF units, shall be met. (Reference or insert language)

10. Submission of a site assessment report, prepared by a professional geologist or geotechnical engineer registered in Georgia, addressing the above-listed criteria.

(c) In addition to meeting the Class 3 siting requirements, Class 4 and 5 composting facilities shall comply with the following siting criteria:

1. Submission of a hydrological assessment, as specified in 391-3-4-.05(1)(k). The bottom of the compost pad shall be constructed at least five feet above the highest groundwater elevation.

2. Submission of an odor assessment that includes, at a minimum:

(i) The proximity of existing odor receptors.

(ii) A description of design considerations and/or operating practices to be implemented for minimizing odor based on the method and degree of aeration, moisture content of materials, initial composting mix/recipe, feedstock characteristics, weather effects, and any site-specific conditions that may impact odor.

(iii) Odor management - To be discussed during the meeting

(6) Permit Modifications for Class 3-6 Facilities (Placeholder for discussion purposes)

(a) All modifications of existing facilities shall be classified as follows:

1. Major modifications include those changes which substantially alter the design of the facility, management practices, the types or categories of feedstocks processed, or the technologies employed, and due to the nature of the changes, would likely have an impact on the ability of the facility to adequately protect human health and the environment. Major modifications, therefore, require closer review and public input than minor modifications.

2. Major modifications shall include, but are not limited to, the following:

(i) A modification which adds a new solid waste handling process. This shall include, but not be limited to, the addition of a materials recovery facility, a composting operation co-located at an anaerobic digestion facility, baling operation, a shredding operation, or a liquid solidification operation.

(ii) A modification which involves the change of a site suitability requirement which could have originally impacted the siting of the facility.

3. Minor modifications include changes that do not substantially alter the permit conditions, that do not reduce the capacity of the facility to protect human health or the environment, or that enables a permittee to respond in a timely manner to common variations in the type and quantities of feedstocks managed, technological advancements, or changes necessary to comply with new Rules where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(i) Minor modifications shall include, but are not limited to, the following:

(I) Changing the name of a facility.

(II) A modification which involves a change in administrative and operational information and maintenance of operational records.

(III) A modification which involves a change in the sequence of operation.

(IV) A modification which involves the relocation of access roads.

(V) A modification which adds scales.

(VI) A modification which adds or deletes on-site structures.

(VII) A modification which involves the addition of or a change to a groundwater or surface water monitoring system.

(VIII) A modification which involves the addition or deletion of a permit-by-Rule facility.

(IX) A modification which involves the deletion of any solid waste handling facility.

(X) A modification which involves the addition of or a change to a closure or post-closure plan.

(XI) A modification which involves the addition of or a change to a method of contact water handling and/or treatment.

(XII) A modification which involves the addition of a corrective action plan.

(XIII) A modification which involves a change in ownership, or in the case of a corporation of over five (5) percent of the stock in a corporation holding a permit, but does not involve the transfer of the permit.

4. All major modifications shall be subject to the following requirements:

(i) Submission of a completed application for a permit modification.

(ii) Submission of supporting documents which accompany the application for a permit modification which describe the exact change to be made to the permit conditions and supporting documents referenced by the permit and which explain why the change is needed.

(iii) Submission of a revised design for the requested change.

(iv) Submission of written verification by the applicant, as required by Rule 391-3-4-.05(1)(a), that the facility, as proposed to be modified, conforms to all local zoning/land use ordinances, if any.

(v) Submission of written verification by the applicant that the facility, as proposed to be modified, is consistent with the local or regional solid waste management plans. ~~and that the host jurisdiction and the jurisdictions generating feedstocks destined for the facility can demonstrate that they are actively involved in and have a strategy for meeting the State-wide goal of waste reduction by July 1, 1996.~~ The verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plan.

(vi) Submission of written verification that a public hearing was held by the governing authority of the county or municipality in which the facility requesting the modification is located, not less than two weeks prior to granting approval of the modification. Submission of written verification that notice of such hearing was posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which the facility is located at least thirty (30) days prior to such hearing. A typed transcript of the hearing must be provided to the Division.

(7) Testing:

(a) Class 3-6 facilities shall meet the following test standards and requirements:

1. Samples and measurements taken for the purpose of product testing shall be representative of the composting activity and shall be conducted in accordance with methods and procedures approved by the Director.

2. The minimum number of samples that shall be collected and analyzed is shown in the table below. Samples to be analyzed shall be composted prior to the analysis.

Compost Quantity[1] (tons/yr)	**Frequency**
1- 6,200	Once per quarter
6,201 - 17,500	Once every two months
Greater than 17,500	Once per month

[1]Either the amount of finished compost applied to the land, prepared for sale or given away on an “as is” (wet weight) basis.

If test results show the finished product is stable and in compliance with both metals and pathogens standards for a two-year period, the facility may request a reduction in the frequency of testing, provided there are no changes in feedstocks composted at the facility. Class 3 facilities may test for pathogens and trace metals at half the frequency, but overall testing for all other characteristics must be as defined in the table above.

3. All compost shall be tested for stability shall be conducted in accordance with methods and procedures approved by the Director.

(i) The stability results shall be documented in the facility’s operating records.

4. All compost shall be tested for the presence of pathogens shall be conducted in accordance with methods and procedures approved by the Director.

(i) Either the density of fecal coliform in the finished compost shall be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the finished compost shall be less than three MPN per four grams of total solids (dry weight basis) before the compost may be sold, given away, or applied to the land.

5. All compost shall be analyzed for metals in accordance with methods and procedures approved by the Director.

(i) The following pollutant concentrations shall not be exceeded:

Pollutant	**Monthly average concentration** (milligrams per kilogram)[1]
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2,800

[1] On a dry weight basis.

(6) Digestate that has not been analyzed for metal concentration, pathogen concentration, and physical contaminants, or are known to contain any metal in amounts that exceed the maximum metal concentrations shall be designated for disposal or additional processing. (Need limits for each)

(c) Anaerobic digestion facility that compost on-site shall comply with the sampling requirements, maximum metal concentrations, and maximum acceptable pathogen concentrations.

7. The Division may approve alternative methods of compliance to meet the requirements of this section including, but not limited to, sampling frequencies.

Authority O.C.G.A. Secs. 12-8-20 et seq., 12-8-23. **History.** Original Rule entitled "Asbestos Containing Waste" was F. Jun. 9, 1989; eff. Jun. 29, 1989. **Repealed:** New Rule entitled "Composting" adopted. F. Sept. 4, 1991; eff. Sept. 24, 1991. **Amended:** F. Jun. 7, 1993; eff. Jun. 27, 1993.