

**Responses to Comments Received During the Public Comment Period
July 8, 2015 - July 28, 2015
Proposed Amendments to Rules for Solid Waste Management, Chapter 391-3-4**

On July 8, 2015, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Solid Waste Management, Chapter 391-3-4. A public hearing was held at 10:00 a.m. on July 23, 2015, in the DNR Tradeport Training Room, located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. No oral comments were received during the public hearing. The public comment period ended July 28, 2015. Written comments were submitted by three industry representatives during the comment period. Those comments are summarized in this memo. EPD's response follows each comment. No changes to the proposed rule amendments are recommended as a result of comments received.

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Comment	EPD Response
1. Section 4(c)2 requires only a 10% accuracy in tire counts, a better accuracy than 10% should be expected.	Under Subparagraph 4, a scrap tire generator must estimate "the number [of scrap tires](accurate to within 10% of the actual number)." The proposed amendments to the Rules for Solid Waste Management, Chapter 391-3-4 ("Rules") did not change this provision. Regardless, the commenter misunderstands the requirement. The rule does not require the estimate to be 10% accurate; rather the rule requires that an estimate be "within 10% of the actual number." For example, if a scrap tire generator estimates that he has 2000 tires, but the actual number is 2100, the difference between the actual and the estimate is 100 tires, or "within" 5% of the actual number of tires.
2. The definition of "enclosure" does not require a roof. If an enclosure is not required to have a roof, this may be problematic to control mosquitos.	An enclosure is one way that tires may be stored. An enclosure can have a roof, but the purpose of an enclosure is to limit access and to control illegal disposal (see definition of "enclosure," Subparagraph (2)(b), that states the purpose is for "controlling or limiting access.") Subparagraph (6)(c) contains the additional requirement that anyone storing tires "control" mosquitos, which can be achieved using a roof or other method to prevent water accumulation.
3. The definition of scrap tire processor leaves open the door for scrap metal processors to shred motor vehicles, with 5	Registered secondary metals recyclers were not considered scrap tire processors under the existing Rules as long as they did not, on a per vehicle

<p>tires, outside the tire management system.</p>	<p>basis, shred more tires than originally came on the vehicle including the spare, or five (5) tires. The proposed amendment to the definition clarifies this understanding.</p>
<p>4. Section 4(b)2 exempts registered secondary metals recyclers, who do not generate scrap tires for disposal or recycling from the requirement of a generator I.D. number; these exemptions will encourage diverting scrap tires into the auto shredder fluff waste stream and will not maximize recycling.</p>	<p>Under the existing Rules, registered secondary metals recyclers did not have to get a generator I.D. number unless they generated scrap tires for disposal or recycling. Subparagraph 4(b) 2 of the Rules is intended to clarify this by specifically exempting secondary metals recyclers that only process a vehicle with five or fewer tires. Secondary metals recyclers do not generate scrap tires for disposal unless on a per vehicle basis they accept more scrap tires than originally came on the vehicle. If they do, then they would be required to obtain a generator I.D. number.</p>
<p>5. Please provide a clear definition of “adequately secured” as it is used in Subparagraph (6)(b).</p>	<p>The amendments did not propose to change the wording of Subparagraph 6(b). Subparagraph 6(b) is consistent with the language in O.C.G. A. §12-8-40.1(g) and the words should be given their plain meaning.</p>
<p>6. The commenter requested again that EPD maintain the current 30-day notification requirement for scrap tire generators to notify EPD if they have not received a completed manifest from a tire carrier.</p>	<p>The tire carrier is required under the Rules to return the manifest to the generator within 30 days, thereby confirming final disposition of the generator’s tires. Failure to timely return a manifest requires prompt follow-up by EPD to address related compliance issues that could include illegal disposal; therefore, EPD needs to know as soon as possible if the carrier did not comply. Based on our field experience, the proposed 15-day period is more than sufficient for the generator to notify EPD, and no documentation to the contrary has been presented. EPD’s position remains that the reduced notification period is reasonable and will avoid unnecessary delays in follow-up by EPD.</p>