

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

Rule 391-3-4-.01 “Definitions” is being amended.

Purpose: To include new definitions required to regulate the disposal of coal combustion residuals (CCR).

Main Features: Includes new definitions of “Coal Combustion Residuals (CCR),” “CCR Landfill,” “CCR Surface Impoundment,” “CCR Unit,” “Contaminant which is likely to pose a danger to human health,” “Qualified Groundwater Scientist,” “Release” and “Site.”

Rule 391-3-4-.02 “Solid Waste Handling Permits” is being amended.

Purpose: To include new requirements necessitating a permit modification.

Main Features: Includes new categories of permit modification, including change of permit status, lateral expansion and removal of CCR from any CCR Unit for beneficial use.

Rule 391-3-4-.03 “Public Participation” is being amended.

Purpose: To clarify private industry landfill operations are not subject to public hearings regarding modifications to permits.

Main Features: Adds consistency to Rules for Solid Waste Management by providing clarity as to which facilities are required by law to hold a public hearing.

Rule 391-3-4-.05 “Criteria for Siting” is being amended.

Purpose: To clarify the requirements for CCR Units with respect to siting.

Main Feature: Instructs CCR Units to refer to CCR section of Rules for Solid Waste Management.

Rule 391-3-4-.07 “Landfill Design and Operations” is being amended.

Purpose: To include requirements for Municipal Solid Waste Landfills (MSWL) that will accept or have accepted CCR.

Main Feature: Requires that MSWLs that accept CCR submit a management plan and clarifies that all CCR Units are required to follow requirements found in 391-3-4-.10, “Coal Combustion Residuals.”

Rule 391-3-4-.10 “Coal Combustion Residuals” is being added.

Purpose: To incorporate the CCR Rule by reference, add location restrictions and design criteria, groundwater monitoring, permitting, closure and post-closure care, record-keeping, notification, financial assurance, and variances for CCR landfills and surface impoundments.

Main Features: Requires additional protocols for CCR Units not covered under the CCR Rule, requires that all CCR Units obtain financial assurance, and allows for variances for CCR Units under certain circumstances.

Rule 391-3-4-.11 “Closure Criteria” is being amended.

Purpose: To clarify the closure requirements for CCR Units.

Main Features: Clarifies that CCR Units must follow closure criteria found in Rule 391-3-4-.10.

Rule 391-3-4-.12 “Post-Closure Criteria” is being amended.

Purpose: To clarify the post-closure requirements for CCR Units.

Main Features: Clarifies that CCR Units must follow closure criteria found in Rule 391-3-4-.10.

Rule 391-3-4-.14 “Groundwater Monitoring and Corrective Action” is being amended.

Purpose: To include new requirements for groundwater monitoring at Municipal Solid Waste Landfills (MSWL) and at Commercial Industrial Landfills that accept CCR.

Main Features: Requires MSWLs and Commercial Industrial Landfills that accept CCR after the effective date of the Rule to monitor for additional constituents.

Rule 391-3-4-.17 “Measuring and Reporting Requirements” is being amended.

Purpose: To include the legislative requirement that the owner or operator of a MSWL shall notify a local government on the event of a release and the requirement to report the total volume of CCR disposed per year. To align the surcharge requirement with the 2011 amendments of the Comprehensive Solid Waste Management Act.

Main Features: Requires CCR units to report the volume of CCR disposed at that unit and requires owners and operators of MSWL to notify the local governing authorities upon the event of a release which is likely to pose a danger to human health. Requires payment of the surcharge specified in O.C.G.A. § 12-8-39(e), which is currently \$0.75 per ton of solid waste disposed.

STATEMENT OF RATIONALE Rules for Solid Waste Management

On October 14, 2015, EPA's Rule for the Disposal of Coal Combustion Residuals from Electric Utilities (CCR Rule) went into effect. The CCR Rule was over a decade in the drafting and followed EPA's decision to characterize coal combustion residuals (CCR) as a solid waste and not a hazardous waste. As such, CCR is regulated under the Solid Waste Rules as opposed to RCRA, which applies to hazardous waste.

As drafted, EPA's CCR Rule applies to certain disposal units at active electric utilities and governs disposal, closure, and post-closure care. EPA's CCR Rule also exempts other disposal units from regulation depending on the last date those units received CCR and whether those units are located at active utilities. EPA's CCR Rule is designed to be self-implementing, meaning, the states are not required to adopt or incorporate any portion of the CCR Rule.

EPD solicited input from stakeholders on a draft Rule during a May 2016 meeting. While the comments differed regarding how to regulate the disposal of CCR, all comments supported the adoption of a Georgia CCR Rule.

The proposed amendments incorporate by reference the majority of provisions contained in the federal CCR Rule and include additional regulations to address the exemptions and gaps in the federal CCR Rule. The draft rule includes the following additional provisions:

- Include MSWL in the regulatory scheme if they accept CCR. This would require additional monitoring and a CCR Management Plan.
- Require Financial Assurance for all CCR Units at Electric Utilities
- Require that inactive units at all Electric Utilities are also regulated, including groundwater monitoring.
- Require that all CCR units at Electric Utilities have a permit.

The proposed amendments also incorporate provisions of legislation enacted during the 2016 session of the Georgia General Assembly that requires the owner or operator of a Municipal Solid Waste Landfill (MSWL) to notify the local government in which the landfill is located within 14 days of any release from the site which is likely to pose a danger to human health.

The proposed rule amendments may result in increased costs to solid waste handling facility operators. Since this is a new category of facilities requiring permits, there will initially be an increase in the workload to implement rule. However, EPD does not anticipate hiring new staff or asking for an increased budget to handle any increased workload.