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RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION

CHAPTER 391-3-11 HAZARDOUS WASTE MANAGEMENT

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

(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. (2004~~6~~ and Supp. 2005~~7~~). These rules are promulgated for the purpose of protecting and enhancing the quality of Georgia's environment and protecting the public health, safety and well-being 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 260-268, 273 and Part 279 or 40 C.F.R. Parts 124 or 270 shall constitute the full adoption by reference of the Part, Subpart, and Paragraph so referenced including any notes and appendices as may be associated, unless otherwise stated. Provided, however, nothing in 40 C.F.R. Parts 260-268, 273 and Part 279 or 40 C.F.R. Parts 124 or 270, as pertains to permits for Underground Injection Control Program (U.I.C.) under the Safe Drinking Water Act, the Dredge or Fill Program under Section 404 of the Clean Water Act, National Pollution Discharge Elimination System (NPDES) under Clean Water Act or Prevention of Significant Deterioration Program (PSD) under the Clean Air Act is adopted or included by reference herein.

(a) When used in any such provisions as may be adopted from 40 C.F.R. Parts 260-268, 273 and Part 279, and Parts 124 and 270: United States, except in reference to regulations on international shipments, shall mean the State of Georgia; Environmental Protection Agency, except in reference to regulations on international shipments, shall mean Environmental Protection Division; and Regional Administrator, except in reference to regulations on international shipments, shall mean Director of the Environmental Protection Division. Unless specifically indicated otherwise, any reference to implementation by, submissions to, or inspections, investigations or enforcement to or by the Environmental Protection Agency in such regulations as may be adopted by reference by these rules shall be construed to mean the Georgia Environmental Protection Division, unless such interpretation would be inconsistent with the intent of the Georgia Hazardous Waste Management Act.

(b) Any reference to 40 C.F.R. Parts 124 or 270 in any provisions adopted by reference Fed. Reg. 40 C.F.R. Parts 260-268, 273 and Part 279 shall be construed to refer to the permitting provisions contained in 391-3-11-.11 of these rules, and references to EPA forms or reports, except in reference to regulations on international shipments, shall mean EPD forms and reports as may be provided by the Director.

(c) 40 C.F.R. Part 260.3 (2004~~2007~~) 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 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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

391-3-11-.02 Definitions. Amended.

(1) 40 C.F.R. 260.10-260.11 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) and 71 Fed. Reg. 16902 (April 4, 2006) (2004~~2007~~), as amended by ~~70 Fed. Reg. 10814 (March 4, 2005) and 70 Fed. Reg. 45520 (Aug. 5, 2005)~~, 70 Fed. Reg. 59575 (Oct. 12, 2005), 71 Fed. Reg. 40258 (July 14, 2006), 71 Fed. Reg. 42947 (July 28, 2006) and 73 Fed. Reg. 72 (Jan. 2, 2008), 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, 273 and 279 (2004~~2007~~) 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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

(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.

Authority O.C.G.A. 12-8-60, et Seq. (2004~~6~~ and Supp. 2005~~7~~), and O.C.G.A. 50-18-70, et Seq. (2004~~6~~ and Supp. 2005~~7~~).

391-3-11-.04 Notification of Hazardous Waste Activities. Amended.

(1) Every hazardous waste generator, transporter, 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.

(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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

(1) 40 C.F.R. Part 264 Subpart H except for 71 Fed. Reg. 16902 (April 4, 2006) (2004 2007) and Part 265 Subpart H except for 71 Fed. Reg. 16902 (April 4, 2006) (2004 2007) as amended by 71 Fed. Reg. 40258 (July 14, 2006) are hereby incorporated by reference except for 40 CFR 264.140(d) and 40 CFR 265.140(d).

(2) 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.

(3) 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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

391-3-11-.06 Variances. Amended.

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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

(1) 40 C.F.R. Part 261 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) and 71 Fed. Reg. 16902 (April 4, 2006) (20042007), as amended by 70 Fed. Reg. 9175 (Feb. 24, 2005), 70 Fed. Reg. 10814 (March 4, 2005) and 70 Fed. Reg. 45520 (Aug. 5, 2005) 70 Fed. Reg. 44150 (Aug. 1, 2005), 70 Fed. Reg. 57784 (Oct. 4, 2005), 70 Fed. Reg. 60217 (Oct. 17, 2005), 71 Fed. Reg. 402586 (July 14, 2006) and 71 Fed. Reg. 42947 (July 28, 2006) is hereby incorporated by reference.

(2) 40 C.F.R. Part 260, Subpart C except for 71 Fed. Reg. 16902 (April 4, 2006) (20042007), as amended by 71 Fed. Reg. 40258 (July 14, 2006) and 73 Fed. Reg. 72 (Jan 2, 2008) is hereby incorporated by reference.

(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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

(1) 40 C.F.R. Part 262 (2004~~2007~~) as amended by 69 Fed. Reg. 62224 (Oct. 25, 2004), 70 Fed. Reg. 10814 (March 4, 2005), and 70 Fed. Reg. 35037 (June 16, 2005) 71 Fed. Reg. 40258 (July 14, 2006) is hereby incorporated by reference.

(2) Hazardous Waste Manifests shall be on forms as designated by the Director and shall be completed as required by the instructions supplied.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

40 C.F.R. Part 263 (2004~~2007~~), ~~as amended by 70 Fed. Reg. 10814 (March 4, 2005)~~, is hereby incorporated by reference.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

(1) 40 C.F.R. Part 265, Subparts A-F except for 265.90(f), Subpart G except 265.110(c), 265.110(d), 265.112(b)(8), 265.112(c)(1)(iv), 265.118(c)(4), 265.118(c)(5), 265.118(d)(1)(iii) and 265.121 Subparts I-R, Subpart W, Subpart AA, Subpart BB, Subpart CC, Subpart DD and Subpart EE except for 71 Fed. Reg. 16902 (April 4, 2006) (2004~~2007~~), as amended by ~~70 Fed. Reg. 10814 (March 4, 2005)~~, ~~70 Fed. Reg. 35037 (June 16, 2005)~~, and ~~70 Fed. Reg. 45520 (Aug. 5, 2005)~~, 70 Fed. Reg. 59575 (Oct. 12, 2005) and 71 Fed. Reg. 40258 (July 14, 2006) are hereby incorporated by reference.

(2) 40 C.F.R. Part 264, Subparts A-F except for 264.90(e) and 264.90(f), Subpart G except 264.110(c), 264.112(b)(8), 264.112(c)(2)(iv), 264.118(b)(4), 264.118(d)(2)(iv), Subparts I-O, Subpart S, Subpart W, Subpart X, Subpart AA, Subpart BB, Subpart CC, Subpart DD, and Subpart EE except for 71 Fed. Reg. 16902 (April 4, 2006) (2004~~2007~~), as amended by ~~70 Fed. Reg. 10814 (March 4, 2005)~~, ~~70 Fed. Reg. 35037 (June 16, 2005)~~, and ~~70 Fed. Reg. 45520 (Aug. 5, 2005)~~, 70 Fed. Reg. 44150 Aug. 1, 2005, 70 Fed. Reg. 59575 (Oct. 12, 2005), and 71 Fed. Reg. 402586 (July 14, 2006), are hereby incorporated by reference.

(3) 40 C.F.R. Part 266 except for 71 Fed. Reg. 16902 (April 4, 2006) (2004~~2007~~), as amended by ~~70 Fed. Reg. 59575 (Oct. 12, 2005)~~ and 71 Fed. Reg. 40258 (July 14, 2006) is hereby incorporated by reference.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

(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 71 Fed. Reg. 16902 (April 4, 2006) (2004~~2007~~) as amended by ~~70 Fed. Reg. 45520 (Aug. 5, 2005)~~, is hereby incorporated by reference.

(b) 40 C.F.R. 124.1(a) except for 70 Fed. Reg. 53448 (Sept. 8, 2005) (2004~~2007~~) 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 and requirements and these rules. 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 O.C.G.A. 12-8-68 et seq. (2004~~6~~ and Supp. 2005~~7~~) 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. 124.31-33 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) (2004~~2007~~) are hereby incorporated by reference except the following sentence is deleted in section (a) of 124.31, .32 and .33 "For the purpose of the 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."

(c) Permit Application and Updating Permit Applications for Existing and New Hazardous Waste Management Facilities: 40 C.F.R. 124.3, 40 C.F.R. 270.10 and 40 C.F.R. 270.235 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) (20042007), as amended by 70 Fed. Reg. 59575 (Oct. 12, 2005) are hereby incorporated by reference.

(d) Signatories to Permit Applications and Reports: 40 C.F.R. 270.11 (~~2004~~2007) is hereby incorporated by reference.

(e) Confidentiality of Information: 40 C.F.R. 270.12(b) (~~2004~~2007) is hereby incorporated by reference.

(f) Interim Status: 40 C.F.R. 270.70-270.73 (~~2004~~2007) are hereby incorporated by reference.

(g) Contents of Part A: 40 C.F.R. 270.13 (~~2004~~2007) is hereby incorporated by reference.

(h) Contents of Part B: 40 C.F.R. 270.14-270.27 except for 71 Fed. Reg. 16902 (April 4, 2006) (20042007), ~~as amended by 70 Fed. Reg. 59575 (Oct. 12, 2005)~~ 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.

(a) Public Notice of Permit Actions and Public Comment Period: 40 C.F.R. 124.10 (~~2004~~2007) is hereby incorporated by reference.

(b) Public Comments and Request for Public Hearings: 40 C.F.R. 124.11 (~~2004~~2007) is hereby incorporated by reference.

(c) Public Hearings: 40 C.F.R. 124.12(a) (~~2004~~2007) is hereby incorporated by reference.

(d) Obligation to Raise Issues During Public Comment: 40 C.F.R. 124.13 (~~2004~~2007) is hereby incorporated by reference.

(e) Reopening of the Public Comment Period: 40 C.F.R. 124.14 (~~2004~~2007) are hereby incorporated by reference.

(f) Issuance and Effective Date of Permit: 40 C.F.R. 124.15 (~~2004~~2007) is hereby incorporated by reference.

(g) Response to Comments: 40 C.F.R. 124.17(a) and (c) (~~2004~~2007) 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 (~~2004~~2007) is hereby incorporated by reference.

(c) Establishing Permit Conditions: 40 C.F.R. 270.32 (~~2004~~2007), as amended by 70 Fed. Reg. 59575 (Oct. 12, 2005) is hereby incorporated by reference.

(d) Schedules of Compliance: 40 C.F.R. 270.33 (~~2004~~2007) is hereby incorporated by reference.

(e) Requirements for Recording and Reporting of Monitoring Results: 40 C.F.R. 270.31 (~~2004~~2007) is hereby incorporated by reference.

(f) Effect of a Permit: 40 C.F.R. 270.4 (~~2004~~2007) is hereby incorporated by reference.

(g) Draft Permits: 40 C.F.R. 124.6 (a), (d) and (e) (~~2004~~2007) are hereby incorporated by reference.

(h) Fact Sheet: 40 C.F.R. 124.7 and 124.8 (~~2004~~2007) are hereby incorporated by reference.

(i) Deadlines for Issuance: 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 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.

(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 (2004~~6~~ and Supp. 2005~~7~~) is filed.

(a) 40 C.F.R. 124.6 (b) (~~2004~~2007) is hereby incorporated by reference.

(b) 40 C.F.R. 270.29 (~~2004~~2007) 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 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) (20042007) are hereby incorporated by reference.

(d) Permit Modification at the Request of Permittee: 40 C.F.R. 270.42 and 124.5 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) and 71 Fed. Reg. 16902 (April 4, 2006) (20042007), as amended by 70 Fed. Reg. 59575 (Oct. 12, 2005) 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 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) (20042007) 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 (20042007), as amended by 70 Fed. Reg. 59575 (Oct. 12, 2005) are hereby incorporated by reference.

(11) Noncompliance and Program Reporting by the Director: 40 C.F.R. 270.5 (2004 2007) 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 except for 70 Fed. Reg. 53448 (Sept. 8, 2005) (20042007) are hereby incorporated by reference.

(13) References: 40 C.F.R. 270.6 and 270.66 (~~2004~~2007), as amended by 70 Fed. Reg. 59575 (Oct. 12, 2005) are hereby incorporated by reference.

Authority O.C.G.A. 12-8-60, et seq. (~~2004~~6 and Supp. 20057).

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

(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) (~~2004~~6 and Supp. 20057).

(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) (2003 and Supp. 2005).

Authority O.C.G.A. 12-8-60, et seq. (~~2004~~6 and Supp. 20057).

391-3-11-.13 Enforcement. Amended.

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. (20046 and Supp. 20057). O.C.G.A. 12-2-1, et seq. (20046 and Supp. 20057); and the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq. (20046 and Supp. 20057).

Authority O.C.G.A. 12-8-60, et seq. (20046 and Supp. 20057).

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

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. (20046 and Supp. 20057); O.C.G.A. 12-2-1, et seq. (20046 and Supp. 20057); the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et seq. (20046 and Supp. 20057); the Georgia Civil Practice Act, O.C.G.A. 9-11-1, et seq. (20046 and Supp. 20057); or any other applicable provision of Georgia law.

Authority O.C.G.A. 12-8-60, et seq. (20046 and Supp. 20057).

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

(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 at 1152 Floyd Towers East, 2 Martin Luther King, Jr. Drive, Atlanta, Georgia 30334;

(b) has requested records which are subject to the Georgia Open Records Act, O.C.G.A. 50-18-70, et seq. (20046 and Supp. 20057); and

(c) has requested records that are not exempt from disclosure pursuant to state law, O.C.G.A. 50-18-70, et seq. (20046 and Supp. 20057), and O.C.G.A. 12-8-78(a) (20046 and Supp. 20057).

(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.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

40 C.F.R. Part 268 ~~except for 71 Fed. Reg. 16902 (April 4, 2006) (20042007)~~ as amended by ~~70 Fed. Reg. 9175 (Feb. 24, 2005) 71 Fed. Reg. 40258 (July 14, 2006)~~, is hereby incorporated by reference, except for 40 CFR C.F.R. 268.5, 268.6, 268.42(b), and 268.44 (a)-(g), which will be implemented by the U.S. Environmental Protection Agency.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

40 C.F.R. Part 279 (~~20042007~~), as amended by 71 Fed. Reg. 40258 (July 14, 2006), is hereby incorporated by reference.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).

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

40 C.F.R. Part 273 (~~20042007~~), as amended by ~~70 Fed. Reg. 45520 (Aug. 5, 2005) 71 Fed. Reg. 46258 (July 14, 2006) and 72 Fed. Reg. 35666 (June 29, 2007)~~, is hereby incorporated by reference.

Authority O.C.G.A. 12-8-60, et seq. (2004~~6~~ and Supp. 2005~~7~~).