

**SYNOPSIS OF  
THE PROPOSED AMENDMENTS TO THE RULES OF THE  
DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION  
RELATING TO CHAPTER 391-3-11  
HAZARDOUS WASTE MANAGEMENT**

Rule 391-3-11-.07 and Rule 391-3-11-.10 are being amended.

**Purpose:** To correct typographical errors. Revises RCRA regulations to correct inconsistencies.

**Main Feature:** Revises RCRA regulations to include those corrections.

Rule 391-3-11-.07 is being amended.

**Purpose:** To add benzene and 2-ethoxyethanol to the list of solvents whose mixtures with wastewaters are exempted from the definition of hazardous waste under the Resource Conservation and Recovery Act.

**Main Feature:** This gives generators the option to directly measure solvent chemical levels at the headworks of the wastewater treatment system to determine whether the wastewater mixture is exempt from the definition of hazardous waste.

Rule 391-3-11-.02, Rule 391-3-11-.10 and Rule 391-3-11-.11 are being amended.

**Purpose:** To implement emission standards for incinerators, cement kilns (phase 1) and for boilers (phase 2) that burn hazardous waste. The standards were derived under the Maximum Achievable Control Technology (MACT) rulemaking process of the Clean Air Act. The rules are to be adopted as part of the Hazardous Waste Rules so that some consistency is achieved between the programs.

**Main Feature:** Hazardous Air Pollutants (HAP) emitted by hazardous waste combustors include arsenic, beryllium, cadmium, chromium, dioxins and furans, chlorine gas, chromium, cobalt dioxins and furans, hydrogen chloride, lead, manganese, and mercury.

Rule 391-3-11-.07 is being amended.

**Purpose:** Amends RCRA rules to correct typographical errors.

**Main Feature:** Transferring entries to a different column.

Rule 391-3-11-.02, Rule 391-3-11-.05, Rule 391-3-11-.07, Rule 391-3-11-.08, Rule 391-3-11-.10, Rule 391-3-11-.16 Rule 391-3-11-.17, and Rule 391-3-11-.18 are being amended.

**Purpose:** Amends RCRA rules to correct errors as a result of omissions, printing and typographical errors.

**Main Feature:** Corrects errors in the hazardous waste and used oil regulations, as a result of printing omissions, typographical errors, misspellings, citations to paragraphs and other references that have been deleted or moved to new locations without correcting the citations, and similar mistakes appearing in numerous federal final rules previously adopted by EPD.

Rule 391-3-11-.02 and Rule 391-3-11-.07 are being amended.

**Purpose:** Modifies regulations for cathode ray tubes.

**Main Feature:** Streamlines management requirements for recycling of used cathode ray tubes.

Rule 391-3-11-.02 and Rule 391-3-11-.07 are being amended.

**Purpose:** Revises regulations to further promote the environmentally sound recycling of oil-bearing hazardous secondary materials generated by the petroleum refining industry.

**Main Feature:** Specifically amends an existing exclusion from the definition of solid waste for oil-bearing hazardous secondary materials when they are processed in a gasification system at a petroleum refinery for the production of synthesis gas. This exclusion is being made so that the gasification of these materials will have the same regulatory status (they are all excluded from the definition of solid waste under RCRA) as oil-bearing hazardous secondary materials that are reinserted into the petroleum refining process. This action serves a national interest by capturing as much energy from a barrel of oil as possible to maximize production efficiencies at petroleum refineries in an energy constrained world.

Rule 391-3-11-.18 is being amended.

**Purpose:** Amends RCRA rules to correct errors as a result of omissions.

**Main Feature:** Reinstated the definition of “on-site.”

Rule 391-3-11-.07 and Rule 391-3-11-.11 are being amended.

**Purpose:** Updates regulatory references but excludes certain federal regulations less stringent than EPD’s current rules and inconsistent with DNR’s public participation procedures.

**Main Feature:** By excluding this federal regulation, hazardous waste facilities are not allowed to submit standardized permits.

Rule 391-3-11-.02, Rule 391-3-11-.05, Rule 391-3-11-.07, Rule 391-3-11-.10 and Rule 391-3-11-.16 are being amended.

**Purpose:** Updates regulatory references but excludes certain federal regulations less stringent than EPD’s current rules.

**Main Feature:** EPD is excluding these regulations because they would reduce the amount of time waste handlers would have to retain records and changes the requirements for document submittal; would allow engineers working for the facility to certify their own documents; would allow waste handlers the option of complying with either the RCRA or Occupational Safety and Health Administration (OSHA) requirements for emergency response procedures (they currently have to comply with both requirements); decreases inspection frequency and reduces the frequency for report submittal. EPD considers the current regulations to be more appropriate for the proper management of hazardous wastes.

Also, dates have been changed throughout the rules to coincide with the dates of publication of the Code of Federal Regulations and the Official Code of Georgia Annotated.

## **Statement of Rationale**

### **Rules for Hazardous Waste Management**

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The basis of these rules is the DNR's Board's plan and goal to stay authorized to regulate hazardous waste in lieu of US Environmental Protection Agency (US EPA). The purpose is to reduce the number of regulations that Georgia's regulated community has to work with.

The rules are not based on any specific study, however they are rules that US EPA promulgated during the period from July 1, 2005 to June 30, 2007 plus one January 2, 2008 rule. Any studies were completed prior to their being adopted into Federal Regulations.

These rules will have no cost impacts on EPD since we will not hire new staff or ask for an increased budget to implement these rules.

The rules will not mandate increased costs to any facilities in Georgia since they would have to comply with the same regulations with US EPA.