

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S
RULES FOR
UNDERGROUND STORAGE TANK MANAGEMENT, CHAPTER 391-3-15**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division of the Department of Natural Resources proposes certain amendments to Georgia's Rules for Underground Storage Tank Management, Chapter 391-3-15 (hereinafter, "the proposed rule amendments"). The Director of EPD certifies that amendment of Rules 391-3-15-.02(1)(I); 391-3-15-.05(4)(b)2.; 391-3-15-.13(1)(c)3.(iii) and promulgation of Rule 391-3-15-.16(1) thru (5) are required to comply with Section 1524 of the Energy Policy Act of 2005 which amends Subtitle I of the Solid Waste Disposal Act (SWDA) (42 U.S.C.6991i) and the "Grant Guidelines to States for Implementing the Operator Training Provision of the Energy Policy Act of 2005 as published by EPA in August 2007.

The proposed rule amendments are described below:

- **Rule 391-3-15-.02(1)(I)**, the definition of "Operator", is being amended to include the new Classes of operators, Class A, B and C, as required in the Energy Policy Act of 2005 and in the "Grant Guidelines to States for Implementing the Operator Training Provision of the Energy Policy Act of 2005 (as published by EPA in August 2007)".
- **Rule 391-3-15-.05(4)(b)2.**, "Annual Registration of USTs", is being amended to revise recordkeeping and notification requirements to include the name and address of current Class A and B operators of USTs at facilities for which annual tank Registration is required.
- **Rule 391-3-15-.13**, subparagraph (1)(c)3.(iii) thereof, relating to "Georgia Underground Storage Tank Trust Fund", is being amended to provide clarification of recordkeeping requirements for GUST Trust Fund eligibility for operator training and examination pursuant to these Rules and the new Rule 391-3-15-.16, proposed herein.
- **Rule 391-3-15-.16**, "Operator Responsibilities, Training and Examination", is a new rule being added to include requirements as follows:
 - 1.) the responsibilities required of the Class A, B and C operators;
 - 2.) the training and retraining for the Class A, B and C operators;
 - 3.) the testing for the Class A, B and C operators;

- 4.) provisions for revocation of training certificates;
- 5.) provisions for violations of the training regulations.

This notice, together with an exact copy of the proposed Rule Amendments and a synopsis of and statement of rationale for the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://www.gaepd.org/envirnet/15> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Land Protection Branch, Underground Storage Tank Management Program, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. Copies may also be requested by contacting the Land Protection Branch, at (404) 362-2537 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed rule, a public hearing will be held on July 14, 2009 at the following location:

July 14, 2009 (10:00 am – 11:00 am); Department of Natural Resources; Tradeport Conference Room; 4244 International Parkway, Suite 116, Atlanta, Georgia 30354.

At the public hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business (4:30 pm) on July 31, 2009. Comments may be sent via regular mail addressed to: Branch Chief, Land Protection Branch, 4244 International Parkway – Suite 104, Atlanta, Georgia 30354. Comments may be emailed to EPDComments@dnr.state.ga.us. If you choose to e-mail your comments, please be sure to include the words "Operator Training Rules" somewhere in the subject line to help ensure that your comments will be forwarded to the correct staff.

The proposed Rule Amendments will be considered for adoption by the Board of Natural Resources at its meeting on August 26, 2009 at 9:00 a.m., in the DNR Board Room, 2 Martin Luther King, Jr. Drive, S.E., Suite 1252, East Floyd Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed rule amendment is proposed for adoption pursuant to authority contained in O.C.G.A. § 12-5-13-1, et seq.

For further information or driving directions, please contact Land Protection Branch, Underground Storage Tank Management Program at (404) 362-2687