GEORGIA
BOARD OF NATURAL RESOURCES

AGENDA

Board of Natural Resources
Little Ocmulgee State Park and Lodge
80 Live Oak Trail, McRae, GA 31037

Tuesday, September 22, 2026
9:00 a.m.
This meeting will be streamed live. Please see link below.

I. Board Meeting

a) Call to Order — Chairman Patrick Denney

b) Moment of Inspiration — Mark McDonald

II. Board Committee Meetings

Coastal Committee
Nancy Addison, Chair
Members: Harley Yancey (Vice Chair), Dellinger, DePriest, Hatfield, Hennessy, Hodge, Jones, Lambert, Layton, Peavy, Shailendra

a) Briefing on Proposed Amendments to the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Rules 391-2-4-.16 and 391-2-4-.17. (Julie Califf)

Environmental Protection Committee
Ray Lambert (Chair)
Members: Duncan Johnson (Vice Chair), Addison, Andrews, Garcia, Hodge, Hufstetler, Jones, Layton, Reynolds, Shailendra, Sinyard

a) Action on Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4 (Sarah Visser, Chief, Land Protection Branch)
b) Action on Proposed Amendments to the Rules for Lead-Based Paint Hazard Management, Chapter 391-3-24 (Sarah Visser, Chief, Land Protection Branch)

Land Committee
Mark Hennessy, Chair
Members: Penn Hodge (Vice Chair), Addison, Andrews, Dellinger, Garcia, Hatfield, Hufstetler, Johnson, Reynolds, Shailendra, Yancey

a) Acquisition (purchase) of 124.32± acres from the Howell Family Lands, LLC, Sheffield WMA – Howell 115 Project, Paulding County
b) Proposed Amendment to Boring-Kirkman Conservation Easement
c) Granting of a Revocable License Agreement and Permanent Easement of up to 2.53± acres by the State Properties Commission and Friends of Northeast Georgia, Inc at Tallulah Gorge WMA, Habersham County
d) Requesting approval via Executive Order to demolish the Fort Yargo State Park Red, Yellow, and Blue Cabin Clusters (along with their associated pavilion/tipi structures) and the Green Cabin Cluster in Barrow County

III. Board Meeting

Approval of Minutes

a) Minutes of the Board of Natural Resources meeting on August 25, 2026

EPD Director's Report

a) Remarks

DNR Commissioner's Report

a) Commissioner's Report

b) Division Updates

c) DNR Capital Outlay Status Report

d) DNR Weekly Updates sent via email

<u>Report of the Environmental Protection Committee</u>
Ray Lambert, Chair

a) Action on Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4 (Sarah Visser, Chief, Land Protection Branch)

b) Action on Proposed Amendments to the Rules for Lead-Based Paint Hazard Management, Chapter 391-3-24 (Sarah Visser, Chief, Land Protection Branch)

<u>Report of the Land Committee</u>
Mark Hennessy, Chair

a) Acquisition (purchase) of 124.32± acres from the Howell Family Lands, LLC, Sheffield WMA – Howell 115 Project, Paulding County.

b) Proposed Amendment to Boring-Kirkman Conservation Easement.

c) Granting of a Revocable License Agreement and Permanent Easement of up to 2.53± acres by the State Properties Commission and Friends of Northeast Georgia, Inc at Tallulah Gorge WMA, Habersham County.

d) Requesting approval via Executive Order to demolish the Fort Yargo State Park Red, Yellow, and Blue Cabin Clusters (along with their associated pavilion/tipi structures) and the Green Cabin Cluster in Barrow County

<u>Other Business</u>

IV. Adjourn

Executive Session of the Land Committee called to order by Chairman Mark Hennessy

The next Board of Natural Resources meeting will be held on Tuesday, October 27, 2026, at 9:00 a.m. in the DNR Board Room at 2 MLK Jr. Dr. SE, Atlanta, GA 30334, East Tower, Suite 1252.

Live Stream Link: https://us06web.zoom.us/j/85000062049

Minutes
Board of Natural Resources
DNR Boardroom
2 MLK Jr. Drive, SE
Suite 1252, East Tower

Tuesday, August 25, 2026
9:00 a.m.

Board Members
Patrick Denney, Chair
Randy Dellinger, Vice Chair
Dan Garcia, Secretary
Nancy Addison
Jeff Andrews
Joe Hatfield
Mark Hennessy
Steve Hufstetler
Duncan Johnson
Bill Jones
Ray Lambert
Mike Peavy
Lesley Reynolds
Bodine Sinyard
Harley Yancey

Guests
Bryan Tolar, Tolar Capitol Partners
Lyndy Rogers, Georgia Natural Resources Foundation
Scott Hendrix, Georgia Power
Alice Keyes, One Hundred Miles
Davis Poole, McIntosh County Commissioner
Jack Robertson, coastal resident
Pat Farrell, coastal resident
Courtney Reich
Zachary Hennessy, Southern Environmental Law Center
Alton Brown, Resource and Land Consultants
Carolyn Rader, Center for a Sustainable Coast
Adam Betuel, Birds Georgia
Damon Kirkpatrick, Friends of Georgia State Parks

Staff Members
Walter Rabon, Commissioner
Thomas Barnard
Trevor Santos
Taylor Fisher
Kyle Pearson
Kate Iannuzzi
Haley Chafin
Jeff Cown
Anna Truszcynski
Katie Bloomfield
James Boylan
Chuck Mueller
Sarah Visser
Derek Jackson
Chris Harper
Trina Morris
Mat Elliott
Chad Kaiser
Nick Bray
Andre McLendon
Doug Haymans
Jill Andrews
Jared Flowers
Carolyn Belcher
Brent Womack
Savannah Moreland
Brett Albanese
Chad Cox
Ben Cunningham
Thomas Ledford
Jim Cooley
Jason Rogers
Brian Boutell
Mika Bivens

The August 25, 2026, meeting of the Board of Natural Resources was called to order by Patrick Denney, Chairman of the Board of Natural Resources.

Chairman Denney called on Damon Kirkpatrick, President and CEO of the Friends of Georgia State Parks, for a moment of inspiration.

Chairman Denney adjourned the Board meeting to move into the Committee meetings.

Chairman Denney called the August 25, 2026, meeting of the Board of Natural Resources back to order.

Chairman Denney called for a motion to approve the minutes of the Board of Natural Resources meeting on June 23, 2026.

A motion was made by Mr. Johnson, seconded by Mr. Sinyard and carried unanimously to approve the minutes of the Board of Natural Resources meeting on June 23, 2026.

Chairman Denney called on Jeff Cown, Director of the Environmental Protection Division, for his report.

Director Jeff Cown recognized the late Leonard Ledbetter, who served as EPD Director from 1974-1990 and DNR Commissioner from 1984-1990, and highlighted his significant contributions to environmental protection and infrastructure funding in Georgia.

Director Cown reported that Georgia remains under Drought Response Level 1, noting that some water resources continue to reflect the effects of prolonged drought conditions.

Director Cown provided an air quality update, stating that particulate matter levels remain good, while elevated ozone levels in the Atlanta area continue to be monitored. EPD is preparing exceptional event demonstrations related to wildfire impacts for submission to EPA.

Director Cown recognized Jason Rogers and Brian Boutelle for each serving 30 years of state service with EPD.

Director Cown concluded his report.

Chairman Denney called on Walter Rabon, Commissioner of the Department of Natural Resources, for his report.

Commissioner Rabon thanked Damon and the Friends of Georgia State Parks and Historic Sites for their support of the statewide SPLASH Water Safety Initiative. He stated that the Friends donated more than $11,000 for 470 life jackets, restocking all 44 DNR life jacket loaner kiosks statewide.

Commissioner Rabon highlighted the 2026 DNR Career Academy, held July 19-25, which brought together rising high school juniors and seniors to explore DNR careers through hands-on experiences across the state. He thanked staff and Board members who supported the academy.

Commissioner Rabon reported on the August 4 Sapelo Island Community Meeting, noting that DNR staff and community representatives discussed recent work and the future of the island.

Commissioner Rabon reported that the third session of the DNR Leadership Academy was held August 11-13 at Seminole State Park and focused on leadership skills and immersive field experiences.

Commissioner Rabon reported that public affairs staff from across the Department recently met at Fort McAllister State Park to coordinate upcoming campaigns, review strategic goals and strengthen communication among divisions.

Commissioner Rabon highlighted the Department's participation in Hunting and Fishing Night with the Atlanta Braves on August 29 and noted that a portion of ticket sales would benefit the Georgia Natural Resources Foundation.

Commissioner Rabon announced that the 2026-2027 pre-application period for the Georgia Outdoor Stewardship Program opened August 3 and will remain open through October 16. He encouraged Board members to share the opportunity with local governments and nonprofit organizations.

Commissioner Rabon provided an update on the Commissioner's Advisory Council's new DNR Day Out program, which allows employees to spend a day with colleagues in other divisions to learn more about their work and promote collaboration across the Department.

Commissioner Rabon reported that 14 certified cadets began the 41st Game Warden Academy on August 17, with basic mandate training beginning August 27. He also reported that three additional post-certified cadets will join the academy in January. He encouraged Board members to visit the academy and observe the training.

Commissioner Rabon thanked Board members who attended the annual Game Warden Awards Banquet and noted that Colonel Hodge will provide additional information on the awards at the September Board meeting.

Commissioner Rabon reminded the Board about the 2026 Managers Conference on Jekyll Island, October 5-6, and invited Board members to attend the dinner and awards brunch.

Commissioner Rabon called on Doug Haymans, Director of the Coastal Resources Division, for his division report.

Director Doug Haymans reported that shrimp season opened June 9 and that Georgia currently has 78 licensed shrimp vessels, compared to 99 last year.

Director Haymans reported that the SAGA tug sank approximately five miles off Jekyll Island while being towed for deployment as an artificial reef. He stated that DNR is seeking approval to leave the vessel in place as a reef and has received temporary approval to install four marked and lighted pylons around it.

Director Haymans provided an update on the Department's second Exempted Fishing Permit application for red snapper and stated that the Department hopes to open the season in October if the permit is approved.

Director Haymans reported that the Coastal Resources Division completed a successful FDA audit of the State's shellfish growing areas and received a favorable verbal report.

Director Haymans reported a new state record emerald jack weighing nearly 43 pounds and provided an update on red tide monitoring in Camden County. He stated that all Georgia samples were negative and that monitoring would continue.

Commissioner Rabon called on Chris Harper, Director of the Wildlife Resources Division, for his division report.

Director Chris Harper reminded the public not to feed bears or leave food and garbage accessible. He reported that three recent bear encounters in North Georgia resulted in bears being euthanized due to public safety concerns.

Director Harper reported on an archery tournament conducted in partnership with Team Realtree and noted that the Hunter Development Team also produced tree stand safety videos for the upcoming archery season.

Director Harper provided updates on alligator management and reported that Region 4 staff have captured and tagged 114 alligators, including eight recaptures.

Director Harper discussed DNR's investigation of fish kills and noted that a recent Chattahoochee River fish kill, caused by a sewage spill, affected approximately 15 miles of river and resulted in an estimated 44,000 fish killed.

Director Harper reported that aquatic biologist Zach Schumacher recently documented the first live Altamaha spinymussel in 15 years. He stated that the discovery provides hope for the species and that staff will increase sampling efforts to determine whether additional individuals remain.

Commissioner Rabon concluded his report.

Chairman Denney called on Nancy Addison for a report of the Coastal Committee.

A motion was made by Ms. Addison, seconded by Mr. Jones, and carried unanimously that the Board adopt the Resolution to approve the Proposed Amendments to the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Rule 391-2-4.04 (Resolution attached hereto and made a part thereof)

A motion was made by Ms. Addison, seconded by Mr. Johnson, and carried unanimously that the Board adopt the Resolution to approve the Proposed Amendments to the Coastal Incentive Grant Program Description, Chapter 391-2-5-.01 through 391-2-5-.15 (Resolution attached hereto and made a part thereof)

Chairman Denney called on Mark Hennessy for a report of the Land Committee.

A motion was made by Mr. Hennessy, seconded by Mr. Yancey, and carried unanimously that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval for granting a Revocable License Agreements and Permanent Easements totaling 2.972± acres by the State Properties Commission and General Assembly to Southern Natural Gas Company, LLC to install and maintain a natural gas pipeline under navigable waters of the State, Harris, Talbot, Upson, Baldwin, Muscogee, Washington and Glascock Counties. (Resolution attached hereto and made a part thereof)

A motion was made by Mr. Hennessy, seconded by Mr. Johnson, and carried unanimously that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval for granting a Revocable License and Permanent Easement of up to 0.019± acres by the State Properties Commission and General Assembly to Georgia Department of Transportation (GDOT) at Flat Creek PFA, Houston County. (Resolution attached hereto and made a part thereof)

A motion was made by Mr. Hennessy, seconded by Mr. Sinyard, and carried unanimously that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval for granting a Revocable License Agreement and Permanent Easement of up to 1.77± acres by the State Properties Commission and General Assembly to Georgia Department of Transportation (GDOT) at George L. Smith State Park, Emanuel County. (Resolution attached hereto and made a part thereof)

Chairman Denney announced that the next Board meeting will be held Tuesday, September 22, 2026, at Little Ocmulgee State Park.

There being no further business, the meeting was adjourned.

Patrick Denney, Chairman

ATTEST:

Dan Garcia, Secretary

Minutes
Coastal Committee
DNR Boardroom
2 MLK Jr. Drive, SE
Suite 1252, East Tower

Tuesday, August 25, 2026
9:00 a.m.

Committee Members
Nancy Addison, Chair
Harley Yancey, Vice Chair
Randy Dellinger
Joe Hatfield
Mark Hennessy
Penn Hodge
Bill Jones
Ray Lambert
Mike Peavy
Patrick Denney, Board Chair, Ex-Officio

Board Members
Jeff Andrews
Dan Garcia
Steve Hufstetler
Duncan Johnson
Bodine Sinyard
Lesley Reynolds

The August 25, 2026, meeting of the Coastal Committee was called to order by Patrick Denney, Chairman of the Board of Natural Resources.

Chairman Denney called on Nancy Addison, Chairwoman of the Coastal Committee.

Chairwoman Addison called on Dr. Jared Flowers, Research and Surverys Program Lead, to present proposed final action on amendments to the red drum regulations. Dr. Flowers explained that the Atlantic States Marine Fisheries Commission's 2024 red drum benchmark stock assessment determined that the southern stock of red drum, including South Carolina, Georgia, and the east coast of Florida, was overfished and experiencing overfishing. He stated that reductions in harvest and fishing mortality were necessary to allow the population to recover.

Dr. Flowers reviewed the process used to develop the proposed regulations, including consideration of biological information, input from the Coastal Resources Division Finfish Advisory Panel, and feedback received through public town halls. He stated that five potential regulatory options were evaluated and that all exceeded the minimum harvest reduction required by the Atlantic States Marine Fisheries Commission.

Dr. Flowers presented the proposed regulations, which would reduce the daily possession limit from five red drum to three fish per person and increase the slot size limit from 14-23 inches total length to 15-24 inches total length. He further stated that raising the minimum size of the slot limit by one inch better protects smaller red drum that are harvested in higher proportion than other sizes by anglers.

Dr. Flowers reviewed the public comments received during the comment period, which ran through June 30, 2026. He stated that 178 responses were received, with nine considered non-relevant to the proposed rule and seven identified as additional or duplicate comments. He explained that 89 percent of respondents supported a regulatory change, while seven percent opposed the changes entirely and four percent supported some portions while opposing others. Of those supporting a change, some favored the proposed regulations while a larger number favored more conservative alternatives, particularly alternative slot limits combined with the proposed three-fish bag limit.

Dr. Flowers requested favorable consideration of the proposed amendments.

In response to questions from Mr. Hennessy, Dr. Flowers discussed the range of public input and explained that the comments represented a variety of perspectives within the fishery, including recreational anglers, catch-and-release anglers, and charter guides. He stated that selecting individual elements from the various alternatives would require additional analysis and that the proposed regulations represented a balance between biological needs and impacts to the fishery.

Chairwoman Addison called on Alice Keyes, representing One Hundred Miles, for public comment.

Ms. Keyes expressed support for efforts to address the decline in Georgia's red drum population but encouraged the Board to adopt more conservative regulations designed to rebuild the stock more quickly rather than simply remove the overfished and overfishing designations. She recommended a smaller bag limit, a larger slot limit, a vessel limit, and elimination of separate creel limits for captains and crew.

Mr. Bill Jones expressed appreciation for the public comments and the work of staff in addressing the red drum issue. He stated that he hoped the proposed action would represent the first of many steps toward improving the fishery.

A motion was made by Mr. Jones, seconded by Mr. Hatfield, and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed

<u>amendments to the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Rule 391-2-4-.04 (Red Drum).</u>

Chairwoman Addison called on Doug Haymans, Director of the Coastal Resources Division, to present the Coastal Incentive Grant Program themes for the upcoming grant cycle.

Mr. Haymans explained that the Coastal Incentive Grant themes are presented annually for Board approval following consideration by the Coastal Advisory Council. He stated that the primary change for the upcoming cycle is a reduction from two-year grant applications to one-year grant applications due to current financial constraints. He reviewed examples of projects funded during the previous grant cycle and requested favorable consideration of the proposed program description and themes.

<u>A motion was made by Mr. Dellinger, seconded by Mr. Jones, and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to the Coastal Incentive Grant Program Description, Chapter 391-2-5-.15.</u>

Chairwoman Addison then called on Mr. Haymans to introduce the next item concerning proposed amendments to Chapter 391-2-1 governing private recreational docks in state-owned tidal water bottoms. Mr. Haymans emphasized the significant public interest in the proposed rules and thanked staff for the extensive work involved in developing the revised proposal. He then called on Jill Andrews, Chief of the Coastal Management Section, to present the item.

Ms. Andrews presented the revised proposed rule. She explained that the proposal represents the fourth time the department has presented the rule during the rulemaking process. She reviewed the extensive stakeholder engagement, public hearings, town halls, and other opportunities for public input that had occurred over approximately one and a half years.

Ms. Andrews stated that the department received more than 125 comments on the proposal presented in June. She explained that there was general support for establishing formal rules but disagreement regarding several provisions, particularly the proposed dock width, walkway dimensions, and procedural requirements. Staff therefore returned to the proposal and made substantial revisions.

Ms. Andrews reviewed the principal revisions to the proposed rule. She explained that maintenance would now be divided into minor and major maintenance. Minor maintenance, such as board-for-board replacement and similar routine work, would not require notification to the department. Major maintenance involving structural components, pilings, floating docks, barges, cranes, or other significant equipment would require notification, but would not require a new full application unless the department determined that an updated revocable license was necessary.

Ms. Andrews stated that the maximum fixed walkway length proposed in June would increase from 1,000 to 1,500 linear feet. She also explained that the revised proposal would allow fixed walkways to span waterways wider than 20 feet under specified conditions, including minimum clearance requirements and professionally engineered drawings.

Ms. Andrews stated that for multi-family docks, the proposed maximum fixed deck size would increase from 400 to 600 square feet. She also reviewed revisions to lighting provisions, including the potential for seasonal lighting restrictions for docks visible from sea turtle nesting beaches.

Ms. Andrews explained that the variance provision had been revised to remove the previous 10 percent maximum extension for fixed walkways. The department would instead evaluate variance requests on a case-by-case basis and could require additional professional drawings, waterway assessments, and measures to minimize impacts to vegetated marshlands.

Ms. Andrews explained that the proposed rule would streamline the process for transferring information when a property changes ownership and would provide notice to property owners before compliance inspections. Ms. Andrews also stated that the provision making violations of the rule a misdemeanor had been removed.

Ms. Andrews stated that, following Committee direction, the revised proposal would be placed on public notice with a public comment period extending through September 30, 2026. Staff anticipated returning to the Board in October for final consideration.

Chairwoman Addison opened public comment for the item.

Mr. Davis Poole, McIntosh County Commissioner and a member of the Marsh and Shore Protection Committee, expressed support for the revised proposal. He stated that the changes represented a reasonable balance between stewardship of coastal resources and access for riparian property owners. He particularly supported the revised maintenance provisions, increased walkway length and width, increased fixed deck size for multi-family docks, and lighting provisions intended to protect sea turtles.

Mr. Jack Robertson, a coastal property owner from Chatham County, thanked staff for addressing concerns raised during the previous meeting. He discussed his experience involving the revocation of a dock license and stated that the revised rules would provide a more sensible process for property owners. Mr. Robertson expressed support for the revised provisions concerning walkway length, maintenance, and administrative review.

Mr. Pat Farrell, Chatham County resident and former county commissioner, expressed support for the changes to dock width and length. He stated that the high cost of constructing long docks naturally limits the number of such structures and encouraged the department to simplify the permitting process so that property owners and contractors can more easily understand and navigate the requirements.

Ms. Courtney Reich expressed support for formal regulation of private recreational docks but opposed the revised proposal, stating that it would weaken protections for coastal marshlands. She raised concerns regarding the increased allowable dock footprint, the ability to span larger tidal creeks, the unlimited variance process, and the lack of a comprehensive inventory and scientific analysis of existing private docks. She encouraged the Board not to move forward with the proposal as presented.

Ms. Alice Keyes, representing One Hundred Miles, opposed the revised proposal. She stated that the proposed 1,500-foot, six-foot-wide walkway could cover approximately 9,000 square feet and expressed concern that the proposal would substantially increase the allowable footprint of private docks. Ms. Keyes cited public comments requesting stronger size limitations and encouraged the Board to retain science-based standards, clarify definitions, and reconsider the variance process.

Mr. Zachary Hennessy, staff attorney with the Southern Environmental Law Center, urged the Board not to proceed with the proposal as presented. He raised concerns regarding potential environmental impacts from larger docks, private access to state-owned marshlands, and Georgia's proposed standards in comparison with neighboring states.

Mr. Alton Brown, Resource and Land Consultants, expressed support for the revised proposal and commended the department's rulemaking process. He stated that the proposed six-foot width was important for access, including ADA accessibility, and believed the revised proposal struck an appropriate balance between private access and resource protection.

Ms. Carolyn Rader, representing the Center for Sustainable Coast, expressed opposition to expanding private dock allowances. She emphasized the public trust nature of Georgia's coastal marshlands and encouraged the Board to rely on scientific information and the original conservation purposes of the Coastal Marshlands Protection Act when establishing dock standards.

Mr. Adam Betuel, Executive Director of Birds Georgia, expressed opposition to the proposed changes. He discussed potential impacts to marsh birds and other wildlife, including habitat fragmentation, marine debris, and increased dock density. He encouraged the Board to seek additional scientific information before changing the existing standards.

Following public comment, Chairwoman Addison invited questions and comments from Committee and Board members.

Mr. Jones stated that he believed the Committee should consider two modifications to the proposal: maintaining a hard stop at the first creek measuring 20 feet or greater in width and retaining a 10 percent limit on variances beyond the proposed 1,500-foot walkway maximum.

Mr. Andrews asked staff to explain how the proposal had been revised to allow an unlimited variance. Mr. Haymans explained that the revision followed additional consideration of public comments and discussions among Board members, legislators, and department staff. Mr. Andrews expressed concern that removing clear limits could make the rules more difficult to administer and could encourage property owners to exceed the intended standards.

Mr. Haymans responded to questions regarding local government involvement, explaining that Coastal Resources Division is responsible for the state's dock permitting and revocable licensing requirements, while local jurisdictions may have separate requirements for electrical, plumbing, building, or other matters. He also explained the department's enforcement process, which may include field notifications, notices of violation, consent orders, administrative orders, and administrative hearings.

Mr. Haymans responded to questions regarding multi-family docks, explaining that up to four adjoining property owners may share a dock and that deed restrictions would be required. He also clarified that the larger fixed deck allowance is intended for multi-family docks.

Mr. Haymans explained the department's inspection and notification process and noted that staff currently have limited resources to identify unauthorized construction. He stated that advance notification of construction and maintenance is important to allow the department to verify that work is consistent with approved plans.

Mr. Haymans also explained the private dock application process. He stated that property owners may apply directly to the department and that staff are available to conduct pre-application meetings, establish the jurisdictional line, review proposed dock locations, and assist applicants in understanding the requirements. He stated that, for complete applications without complicating factors, revocable licenses can generally be issued within 30 to 60 days. He further noted that the department is developing a digital permitting system to streamline the process.

Mr. Lambert expressed support for retaining the 1,500-foot maximum with a 10 percent variance and maintaining the 20-foot creek limitation.

A motion was made by Mr. Jones, seconded by Mr. Lambert, and carried unanimously, that the Committee recommends two modifications to the private dock rules presented by Coastal Resources Division: (1) a 1,500-foot maximum walkway length with the possibility of a 10 percent variance; and (2) maintaining a hard stop at the first 20-foot-wide creek.

Mr. Haymans stated that staff would revise the proposed rules and public notice to reflect the Committee's direction and would work with legal counsel to complete the revisions. He stated that the department's goal remained to return to the Board in October for final action.

Chairwoman Addison thanked Ms. Andrews and Coastal Resources Division staff for their work and noted that the discussion and public comments had provided valuable information to the Committee and Board members.

There being no further business, the meeting was adjourned.

Minutes
Land Committee
DNR Boardroom
2 MLK Jr. Drive, SE
Suite 1252, East Tower

Tuesday, August 25, 2026
9:00 a.m.

Committee Members	**Board Members**
Mark Hennessy, Chair	Bill Jones
Penn Hodge, Vice Chair	Ray Lambert
Nancy Addison	Mike Peavy
Jeff Andrews	Bodine Sinyard
Randy Dellinger	
Dan Garcia	
Joe Hatfield	
Steve Hufstetler	
Duncan Johnson	
Lesley Reynolds	
Harley Yancey	
Patrick Denney, Board Chair, Ex-Officio	

The August 25, 2026, meeting of the Land Committee was called to order by Patrick Denney, Chairman of the Board of Natural Resources.

Chairman Denney called on Mark Hennessy, Chair of the Land Committee, who then called on Brent Womack, Chief of Real Estate, to present the items.

Mr. Womack presented Item A, a request for approval to grant revocable license agreements and permanent easements totaling approximately 2.972 acres by the State Properties Commission and General Assembly to Southern Natural Gas Company LLC to install and maintain a natural gas pipeline under navigable waters of the state in Harris, Talbot, Upson, Baldwin, Muscogee, Washington, and Glascock counties.

Mr. Womack explained that the request concerned the portions of the proposed pipeline that would cross navigable waters of the state and was not an approval of the pipeline route. He stated that the Federal Energy Regulatory Commission has jurisdiction over the pipeline route. The proposed agreements would cover crossings of Standing Boy Creek, the Flint River, the Oconee River, the Chattahoochee River, and the Ohoopee River.

Mr. Womack stated that DNR staff had reviewed the proposal and had no objections. Because the easements would not directly benefit the department, staff recommended that any monetary consideration be established by the State Properties Commission.

In response to a question from Mr. Hennessy regarding the acreage estimates, Mr. Womack explained that Southern Natural Gas had completed detailed plans and drawings and expected to remain within the acreage footprints presented. He stated that if the company required additional acreage or changed the approved footprint, the matter would need to return to the Board for consideration.

Mr. Womack requested favorable consideration.

A motion was made by Mr. Garcia, seconded by Mr. Hatfield, and carried unanimously that the Committee recommend the Board adopt the Resolution authorizing the Commissioner to seek State Properties Commission approval for the granting of a Revocable License Agreements and Permanent Easements totaling 2.972± acres by the State Properties Commission and General Assembly to Southern Natural Gas Company, LLC to install and maintain a natural gas pipeline under navigable waters of the State, Harris, Talbot, Upson, Baldwin, Muscogee, Washington and Glascock Counties.

Mr. Womack presented Item B, a request for approval of a revocable license agreement and permanent easement of approximately 0.019 acres by the State Properties Commission and General Assembly to the Georgia Department of Transportation at Flat Creek Public Fishing Area in Houston County.

Mr. Womack explained that the request was necessary for the Georgia Department of Transportation's work to replace a bridge on State Route 7/U.S. 41. He stated that DNR staff had reviewed the proposal and had no objections. He further stated that the property is not a Heritage Preserve and, therefore, a change of use was not required. Because the easement would not directly benefit the department, staff recommended that any monetary consideration be established by the State Properties Commission.

Mr. Womack requested favorable consideration.

<u>A motion was made by Mr. Andrews, seconded by Mr. Hatfield, and carried unanimously that the Committee recommend the Board adopt the Resolution authorizing the Commissioner to seek State Properties Commission approval for the granting of a Revocable License Agreement and Permanent Easement of up to 0.019± acres by the State Properties Commission and General Assembly to Georgia Department of Transportation (GDOT) at Flat Creek PFA, Houston County.</u>

Mr. Womack presented Item C, a request for approval of a revocable license agreement and permanent easement of approximately 1.77 acres by the State Properties Commission and General Assembly to the Georgia Department of Transportation at George L. Smith State Park in Emanuel County.

Mr. Womack explained that the easement was requested as part of the Georgia Department of Transportation's work to replace the bridge on State Route 26 that provides access to George L. Smith State Park. He stated that the property is Heritage Preserve-dedicated but that a change of use was not necessary because the bridge replacement would provide continued and improved access to the park and its recreational, historical, and natural features. Because the easement would benefit the department, staff recommended that it be granted at no cost. DNR staff reviewed the proposal and had no objections.

In response to a question regarding the existing bridge and whether acreage associated with the existing bridge would revert to the state, Mr. Womack explained that the new bridge would be constructed adjacent to the existing bridge while the existing bridge remained in use. He stated that the department typically does not immediately revert the existing easement and that additional consideration of utility locations could result in a related item being brought before the Board at a future meeting.

Mr. Womack requested favorable consideration.

<u>A motion was made by Mr. Andrews, seconded by Mr. Hatfield, and carried unanimously that the Committee recommend the Board adopt the Resolution authorizing the Commissioner to seek State Properties Commission approval for the granting of a Revocable License Agreement and Permanent Easement of up to 1.77± acres by the State Properties Commission and General Assembly to Georgia Department of Transportation (GDOT) at George L. Smith State Park, Emanuel County.</u>

There being no further business, the meeting was adjourned.

Minutes
Wildlife Resources Committee
DNR Boardroom
2 MLK Jr. Drive, SE
Suite 1252, East Tower

Tuesday, August 25, 2026
9:00 a.m.

<u>Committee Members</u>
Steve Hufstetler, Chair
Joe Hatfield, Vice Chair
Jeff Andrews
Dan Garcia
Mark Hennessy
Penn Hodge
Duncan Johnson
Mike Peavy
Lesley Reynolds
Bodine Sinyard
Patrick Denney, Board Chair, Ex-Officio

<u>Board Members</u>
Nancy Addison
Randy Dellinger
Bill Jones
Ray Lambert
Harley Yancey

The May 19, 2026, meeting of the Wildlife Resources Committee was called to order by Patrick Denney, Chairman of the Board of Natural Resources.

Chairman Denney called on Steve Hufstetler, Chairman of the Wildlife Resources Committee, who called on Trina Morris, Wildlife Conservation Section Program Manager, to provide a briefing on the proposed revisions to the rules pertaining to the protection of endangered, threatened, and unusual species.

Ms. Morris reminded the Committee that the department is responsible for periodically reviewing and updating Georgia's protected species list, which has not been comprehensively updated since 2006. She stated that the Department used information developed through the 2025 revision of the State Wildlife Action Plan to identify species of greatest conservation need and prioritized the highest priority species when developing the proposed revisions.

Ms. Morris stated that the Department conducted a public nomination period in June, receiving 62 official submissions, in addition to comments and suggestions provided directly to technical teams. Technical teams reviewed the submissions in July, and the resulting proposed revisions were included in the Board materials.

Ms. Morris stated the proposed changes include removing 40 species from the protected species list, adding 145 species, updating the status of 66 species, and making numerous taxonomic name changes. She also highlighted a proposed exemption for certain protected plants to allow their sale, transportation, and possession. She explained that the exemption is intended to support Georgia's growing native plant industry and reduce permitting and tagging requirements for plants that are commonly produced and sold as horticultural stock rather than harvested from the wild.

Ms. Morris provided several examples of proposed changes. She discussed the Sicklefin Redhorse, which was added to the protected species list in 2006 before it had been formally described and named. She noted that significant conservation work over the past 20 years has helped prevent 77 at-risk species from requiring listing under the federal Endangered Species Act.

Ms. Morris also discussed the proposed addition of the spotted skunk, explaining that skunks are currently managed as game species and may be trapped for their fur. Because trappers cannot control which skunk species they capture, the Department has worked with trappers on education and encouraged the release of live spotted skunks and reporting of both live and dead captures.

Ms. Morris stated the proposed changes also include additional protections for certain non-game species. She explained that Georgia currently allows the taking of 14 groups of species, including frogs and venomous snakes. She discussed the ornate chorus frog as an example of a species for which state listing would prevent intentional take and allow the Department to focus on habitat conservation, particularly wetlands.

Ms. Morris stated that the eastern diamondback rattlesnake received the most public nominations, with seven nominations. She noted that habitat loss, intentional persecution, and commercial exploitation are significant threats to the species. The eastern diamondback was petitioned for federal listing in 2012, and the U.S. Fish and Wildlife Service determined that listing may be warranted while noting that protections in Georgia were inadequate. Ms. Morris explained that adding the species to Georgia's protected species list would make intentional killing unlawful and provide an opportunity for the department to address threats and improve habitat while reducing the need for federal listing.

Ms. Morris reported that the revised rules would be available for public comment beginning Friday, with comments accepted through the Wildlife Conservation Section. A public hearing will also be held, and the Department anticipates returning to the Board in October with final recommendations.

In response to a question regarding the eastern diamondback rattlesnake, Ms. Morris clarified that the species is currently included among the 14 groups for which intentional take is allowed and that the proposed listing would make intentional killing unlawful.

In response to a question regarding the frequency of future updates to the protected species list, Ms. Morris explained that the State Wildlife Action Plan is revised every ten years and that the Department hopes to align future reviews of the protected species list with that schedule.

A question was asked whether listing additional species could create restrictions similar to those associated with the federal Endangered Species Act and potentially affect Georgia's timber industry. Ms. Morris explained that Georgia's laws differ from the federal Endangered Species Act and emphasized that the purpose of state listing is to allow the Department to manage species populations appropriately and address conservation needs at the state level, with the goal of preventing federal listing.

Mr. Hufstetler then called on Carolyn Rader, Georgia Botanical Society, for public comment.

Ms. Rader expressed support for the proposed native plant exemption and encouraged efforts to promote the availability of native plants through nurseries, noting the benefits to pollinators and overall ecosystem health. She also expressed support for protecting the eastern diamondback rattlesnake, emphasizing its importance to Georgia's ecosystems.

There being no further business, Mr. Hufstetler concluded the Wildlife Resources Committee meeting.

DNR CAPITAL OUTLAY STATUS REPORT - AUGUST 2026

Date Updated: **8/15/2025**

SITE	DIVISION	PROJECT	FUND SOURCE	BUDGET	EXPENSES TO DATE	DESIGN STATUS	PHYSICAL COMPLETION	COMMENTS
Fort McAllister	PHS	Campground Dock Repairs / Red Bird Creek	State Funds FY-26 Park Pass	$ 406,978	$ 7,400	100%	0%	Scheduling for November 2026
Florence Marina State Park	PHS	Replace roofing on multiple boat docks	FY-26 Park Pass	$ 266,377		N/A	0%	Scheduling
Franklin D. Roosevelt State Park	PHS	Dowdell's Knob Gate	FY-25 Park Pass	$ 63,939	$ 51,300	N/A	85%	Working on stone column wrap
Franklin D. Roosevelt State Park	PHS	Little White House Historic Bldg. Improvements (Design & Construction)	BONDS FY-24 (DNR-164)	$ 808,700	$ 231,260	P1 100% P2 70%	P1 100% P2 0%	100% CDs expected end of August, 70%
Franklin D. Roosevelt State Park	PHS	Liberty Bell Pool Upgrades	Fy-25 Park Pass FY-26 GOSP Grant	$ 609,167	$ 74,100	100%	0%	Awaiting GOSP Funds, Starting after Labor Day
George L Smith State Park	PHS	Yurt Village	FY-25 State Appropriations BONDS FY-24 (DNR-167)	$ 1,474,078	$ 1,107,903	100%	70%	Under construction
George L Smith State Park	PHS	Day Use Improvements	FY-26 CASH BONDS (DNR-178) FY-26 GOSP Grant	$ 1,177,918	$ 11,600	0%	0%	Awaiting grant to be approved
George T. Bagby State Park	PHS	Meadow Links Golf Course Improvements	FY-27 Park Pass	$ 105,492	$ -	N/A	0%	Scheduling
George T. Bagby State Park	PHS	Kitchen Renovation & Site Improvements	FY25 Amended Funds	$ 300,000	$ 27,564	100%	95%	Additional funding needed for Kitchen
Hofwyl-Broadfield State Park	PHS	ADA Trail Access and Museum Renovation	FY-26 GOSP Grant	$ 3,720,000		0%	0%	Awaiting grant to be approved
Hofwyl-Broadfield State Park	PHS	Repair subfloor damage to residences	FY-26 PARK PASS DOAS INSURANCE	$ 508,146	$ 263,939	N/A	40%	Under construction
Jack Hill State Park	PHS	Manager Roof, Painting	FY-26 Park Pass	$ 30,438	$ 30,438	N/A	100%	Complete
Kolomoki Mounds State Park	PHS	Campsites E & P upgrades design	BONDS FY-24 (DNR-169)	$ 9,000	$ 7,500	100%	0%	Evaluating Pricing
Laura Walker State Park	PHS	Replace Day-Use Restroom	FY-26 Park Receipts	$ 300,000		N/A	0%	Obtaining Pricing
Magnolia Springs State Park	PHS	Conceptual Planning	FY-26 PARK PASS	$ 24,324	$ 24,324	95%	0%	Underway
Providence Canyon State Park	PHS	Day-Use area observation tower and erosion mitigation	BONDS FY-24 (DNR-169) FY-26 GOSP Grant	$ 789,776	$ 52,170	45%	0%	Design underway
Reed Bingham State Park	PHS	Trail Improvements	RTP Grant / Parks	$ 876,526	$ -	0%	0%	Awaiting grant to be approved
SAM Shortline	PHS	Site Improvements	DOT Grant	$ 234,500	$ 140,219	95%	0%	Design complete / permitting
Sapelo Island	PHS	Airstrip Field Trail	FY-26 PARK PASS	$ 24,000		10%	0%	Design underway
Sapelo Island	PHS	Reynolds Mansion Improvements (MEP) / Bike Rack	FY-23 PARK RECEIPTS FY-26 CASH BONDS (DNR-179)	$ 3,303,000	$ 1,667,013	100%	75%	FP/FA pending. Wall complete On hold until Oct.
Skidaway State Park	PHS	Campground Improvements/Reno	BONDS FY-24 (DNR-169) BONDS FY-24 (DNR-167)	$ 3,909,891	$ 2,102,954	100%	65%	Under construction
Skidaway State Park	PHS	Structural repairs to manager's residence	FY-26 Park Receipts	$ 47,826		N/A	0%	Scheduling
Skidaway State Park	PHS	Observation Tower	FY-26 Park Receipts	$ 119,705		N/A	0%	Scheduling
Stephen C. Foster State Park	PHS	Cabin Replacement	FY-27 State Appropriations FY-26 State Appropriations	$ 6,367,096	$ 2,174,229	100%	30%	Under construction
Stephen C. Foster State Park	PHS	Boat Basin Bulkhead & Various Docks	BONDS FY-25 (DNR#172) FY-26 Park Pass	$ 1,985,543	$ 1,985,064	100%	100%	Complete
Stephen C. Foster State Park	PHS	New Visitor Center	BONDS FY-27 (TBD) FY-26 Park Pass	$ 5,067,350		10%	0%	Design underway
Sylvania Welcome Center	PHS	New Campground (Design)	BONDS FY-24 (DNR-169)	$ 107,500	$ 21,500	30%	0%	Design paused due to bad soils
Wormsloe Historic Site	PHS	Improvements to Manager's Residence	FY-26 Park Receipts	$ 57,546		N/A	0%	Scheduling
Wormsloe Historic Site	PHS	Septic system replacement	FY-26 Park Pass	$ 150,000		45%	0%	Design underway
Chattahoochee Bend State Park	PHS	Linen Facility	FY-25 CASH BONDS (DNR-178)	$ 1,000,000	$ 746,596	100%	100%	Complete
Cloudland Canyon	PHS	Cottage Renovations 6-15 (Design)	FY-25 Park Pass BONDS FY-27 (TBD)	$ 5,335,947	$ 258,938	95%	0%	Obtianing Pricing
Cloudland Canyon	PHS	Visitor Center Construction	FY-24 State Funds BONDS FY-23 (DNR-169)	$ 7,384,492	$ 4,671,772	100%	70%	Under construction
Dams	PHS	Dam Repairs - Vogel	BOND FY-23 (DNR-163)	$ 3,161,415	$ 2,071,325	100%	90%	Underway
Fort Mountain State Park	PHS	VC Master Plan Study	FY-26 PARK PASS	$ 45,700		10%	0%	Underway
Fort Yargo State Park	PHS	Dock Replacement	FY-26 Amended Funds	$ 80,000		N/A	90%	In production, scheduled 8/17/2026
Fort Yargo State Park	PHS	Trail Improvements	RTP Grant / Parks	$ 538,000	$ -	5%	0%	Awaiting grant to be approved
Hamburg State Park	PHS	Ground Water Well	BONDS FY-24 (DNR-169)	$ 27,500	$ 17,250	40%	85%	Waiting on building delivery. Slab complete
Hard Labor Creek State Park	PHS	The Creek Golf Course - Tee Box replacement	FY26 - Park Pass	$ 250,000		5%	0%	Design underway
Mistletoe State Park	PHS	Beach House	FY-26 PARK PASS	$ 52,536	$ -	N/A	100%	Complete
Sloppy Floyd State Park	PHS	Bridge Repair	FY-26 AMENDED FUNDS	$ 400,000	$ -	N/A	5%	Works start Nov 1st.
Smithgall Woods	PHS	Roof Replacement	FY-26 Park Pass	$ 83,343	$ -	N/A	50%	Underway
Tallulah Gorge State Park	PHS	Lake Access Improvements	FY-24 Park Receipts FY-26 PARK PASS	$ 1,140,759	$ 1,004,178	100%	85%	Underway
Tallulah Gorge State Park	PHS	Accessible path and Overlook	BONDS FY-24 (DNR-167) FY-26 PARK PASS	$ 159,500	$ 36,705	20%	0%	Design underway
Tallulah Gorge State Park	PHS	HVAC System Replacement	FY-26 Park Pass GA Power Donation	$ 775,000	$ -	5%	35%	Underway
Tugaloo State Park	PHS	Comfort Station #4 Wastewater System	FY26 PARK PASS FUNDS	$ 86,500		100%	65%	Underway
Vogel State Park	PHS	Sewer system improvements	BOND FY-23 (DNR-169)	$ 22,557	$ 22,557	N/A	100%	Monitoring
Various State Park Locations	PHS	Various Park Projects (Supplemental)	FY22 Amended Funds BOND FY-24 (DNR-169) FY-25 State Appropriations WRD Grant Funding	$ 7,959,678	$ -	0%	0%	Scoping/Tracking
Various Sites Statewide	PHS	Campground Renovations (Blackrock)	BONDS FY-27 (DNR-194)	$ 2,688,500		0%	0%	Scoping
Watson Mill State Park	PHS	Comfort Station Replacement	BONDS FY-27 (TBD)	$ 750,000		0%	0%	Developing WOP
Watson Mill State Park	PHS	New Kayak Launch	BONDS FY-26 (DNR-178)	$ 24,500	$ -	5%	0%	Design underway
Alapaha WMA	WRD	Mobile Home	WRD GRANT FUNDING	$ 303,715		0%	0%	Ordered
Altamaha WMA	WRD	Butler Island (Huston House) (DOAS Cash-Out)	DOAS Insurance	$ 874,200	$ 213,506	0%	0%	Scoping
Ceylon WMA	WRD	Maintenance Shop and Mobile Home	WRD GRANT FUNDING	$ 299,942		100%	5%	Mobile home ordered / Altamaha is working on Maintenance area proposal
Dawson - Steve Cocke Fish Hatchery	WRD	Repair pond leaks	FY-26 WRD FUNDS	$ 915,241	$ 565,572	N/A	85%	Underway
Flat Creek PFA	WRD	Flat Creek Public Fishing Area MRR Funds	FY-26 CASH BONDS (DNR-183)	$ 500,000	$ 47,124	N/A	20%	Working on price for Maint. Shop
Mayhaw WMA	WRD	Environmental Assessment	FY-26 WRD Funding	$ 10,671		40%	N/A	Underway, awaiting agency docs
River Bend WMA	WRD	Retriever Training Facility	FY-26 AMENDED FUNDS BOND DNR-189	$ 2,500,000	$ -	35%	0%	Feasibility study underway
Sapelo Island	WRD	Boathouse & Hoist Improvements	WRD Funds FY-25 State Appropriations	$ 1,232,000	$ 486,276	100%	20%	Tentative Aug. start date

DNR CAPITAL OUTLAY STATUS REPORT - AUGUST 2026

Date Updated: **8/15/2025**

Sapelo Island	WRD	Paving Improvements	FY-26 Amended Funds (BOND DNR-188)	$ 5,000,000	$ 13,565.00	N/A	0%	Developing WOP
Sapelo Island	WRD	Cabretta Bridge Repair	FY-25 Parks / WRD FY26 AMENDED	$ 798,500	$ 570,630	N/A	90%	Under construction
Sapelo Island	WRD	Ferry Design/Procurement	WRD Funds FY24 - WRD Timber Funds	$ 6,294,000	$ 380,471	100%	0%	Design underway
Sapelo Island	WRD	Dean's Creek Nature Trail	FY-25 WRD Funds	$ 635,598	$ 534,610	100%	95%	Under construction
Sapelo Island	WRD	Sapelo Nanny Goat Pavilion	FY-25 State Appropriations	$ 1,242,261	$ 31,175	100%	0%	Awaiting LWCF Funds
Sapelo Island	WRD	Long Tabby Shoreline Design	FY-26 WRD FUNDING	$ 24,160	$ 6,280	90%	0%	Design underway
Sapelo Island	WRD	UGAMI Campus Shoreline Design	FY-26 WRD FUNDING	$ 39,760	$ 21,400	90%	0%	Design underway
Sapelo Island	WRD	Hog Hammock Water System Improvements	FY26 WRD FUNDS	$ 83,000	$ 9,500	95%	0%	Report Submitted to USDA
Sapelo Island	WRD	Visitor Center Expansion & Exhibits (Design)	WRD Grant Funding BONDS FY-26 (DNR-172) WRD Funds	$ 197,500	$ 104,937	50%	0%	Design underway
Tuckahoe Wildlife Management Area	WRD	Campground	BONDS FY-25 (DNR-171) WRD GRANT	$ 1,823,737	$ 25,945	100%	5%	On hold due to archeology survey
Wildlife Resources Division	WRD	Coastal Housing/Infrastructure	FY-26 CASH BONDS (DNR-178)	$ 1,000,000	$ 54,140	N/A	75%	Buck Shoals complete
Charlie Elliott Wildlife Education Center	WRD	Cabin Development Concept Planning	WRD Funds	$ 41,875	$ -	90%	0%	Underway
McDuffie PFA	WRD	McDuffie Hurricane Helene Storm Damage	DOAS Insurance	$ 116,750	$ 116,750	N/A	100%	Complete
Summerville Trout Hatchery	WRD	Hatchery Improvements	BONDS FY-26 (DNR-186)	$ 3,000,000		5%	0%	Design underway
Various DNR Locations	WRD	Shooting Range Renovations (Wilson Shoals)	FY22 Amended Funds BOND FY-24 (DNR-169)	$ 2,055,856	$ 1,340,167	N/A	100%	Complete
Various Sites Statewide	WRD	Boat Ramp Repairs & Maintenance	BONDS FY-27 (DNR-194)	$ 500,000		0%	0%	Scoping
Various Sites Statewide	WRD	Facility & Infrastructure Improvements (McDuffie, Ocmulgee, Bowens Mi	BONDS FY-27 (DNR-194)	$ 752,500		0%	0%	Scoping
Various Sites Statewide	WRD	Hatchery Residence Replacement	BONDS FY-27 (DNR-194)	$ 650,000		0%	0%	Scoping
Wildlife Resources Division	WRD	Facilities MRR Funds	BONDS FY-24 (DNR-169)	$ 105,157	$ -	0%	0%	Scoping/Tracking
Wildlife Resources Division	WRD	FY25 - WRD Surplus Funds	FY-25 WRD Funds	$ 500,000	$ -	0%	N/A	Tracking
Wildlife Resources Division	WRD	Various Boat Docks	FY-26 Fisheries Funds	$ 994,294	$ 486,860	100%	85%	Underway
Georgia Veterans	NGMA	Lake Blackshear Conference Center Renovations	BONDS FY-24 (DNR-170) AFY 24	$ 4,950,658	$ 192,625	100%	45%	Underway
Little Ocmulgee SP	NGMA	Little Ocmulgee State Park Dam Evaluation & Repair	BOND FY-22 (DNR-160) BOND FY-23 (DNR-163) BOND FY-23 (DNR-164)	$ 853,314	$ 121,375	100%	90%	Additional Grouting to be scheduled
Little Ocmulgee SP	NGMA	Little Ocmulgee State Park & Lodge (CCC Annex Reno/Site Improvement	AFY-23 Funds AFY-24 Funds	$ 5,292,144	$ 345,235	100%	5%	Precon scheduled. Starts 9/1 tentative
Amicalola Falls SP	NGMA	Amicalola Day Use Improvements	NGMA Funds E&C Funds	$ 120,200	$ 85,850	95%	0%	Obtaining Pricing
Amicalola Falls SP	NGMA	Amicalola East Ridge Trail Renovation	RTP Grant / NGMA BOND FY-24 (DNR-167)	$ 1,357,069	$ 809,563	100%	85%	Trail 95%-Restroom 60%
Amicalola Falls SP	NGMA	Amicalola Falls Lodge Interior Improvements	BONDS FY-26 (DNR-176)	$ 1,705,688	$ 402,964	100%	15%	Under construction, Phase 1 punching the 21st.
Brasstown Valley Resort	NGMA	Brasstown Resort Interior Improvements	BONDS FY-26 (DNR-176) FY-26 NGMA FUNDS	$ 9,727,893	$ 5,516,017	100%	60%	Under construction, Phase 3 punching the 18th.
Unicoi State Park	NGMA	Renovations at Unicoi State Park & Lodge	AFY-24 Funds	$ 1,217,630	$ 1,088,913	0%	0%	Tracking
Unicoi State Park	NGMA	Unicoi State Park & Lodge - LAS Improvements	BONDS FY-26 (NGMA1)	$ 270,250		100%	5%	Underway
Unicoi State Park	NGMA	Infrastructure at Unicoi State Park & Lodge (Roads, Dam Gate)	BONDS FY-26 (NGMA1)	$ 1,479,750		0%	0%	Scoping
Law Enforcement Division	LED	Metter LED Office Maintenance Bldg	FY-26 LED Funds	$ 165,051	$ -	N/A	10%	Underway
LED Sinclair	LED	LED Boat House (Sinclair)	FY-26 CASH BONDS (DNR-178)	$ 595,608	$ -	100%	95%	Under construction
EPD - Brunswick District Office	EPD	Office Expansion and renovations	BONDS FY-27 (TBD) FY26 EPD FUNDS	$ 1,300,000		0%	0%	Obtaining Design Proposal
EPD - Macon Office	EPD	Macon Office Renovations	FY-26 CASH BONDS (DNR-178)	$ 1,200,000	$ 511,384	100%	75%	Under construction
Various DNR Locations	DNR	ADA Transition Plan Development and Consultation	PP Rev 2016	$ 463,846	$ 409,126	90%	NA	In progress
DNR Region 2 HQ	DNR	HQ2	FY-26 CASH BONDS (DNR-179) FY-25 CASH BONDS (DNR-171)	$ 14,425,780	$ 587,326	100%	10%	Under construction
Various Sites Statewide	DNR	Replacement of gangways	BONDS FY-26 (DNR-187)	$ 1,500,000	$ -	0%	0%	Evaluating WOP
CRD HQ	CRD	MRR Funds (Bulkhead)	FY-26 CASH BONDS (DNR-178)	$ 250,000	$ 6,700	5%	0%	CRD managed

GEORGIA
DEPARTMENT OF NATURAL RESOURCES

COASTAL RESOURCES DIVISION

ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON
COMMISSIONER

DOUG HAYMANS
DIRECTOR

September 11, 2026

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Doug Haymans

SUBJECT: Briefing on Proposed Amendments to the Rules of the Georgia Department of Natural Resources, Saltwater Fishing Regulations, Rules 391-2-4-.16 and 391-2-4-.17

The Coastal Resources Division is proposing to amend Rules 391-2-4-.16 and 391-2-4-.17 in accordance with Georgia Senate Bill 420 which established the framework for the creation of a state reef and migratory species endorsement for recreational anglers. Under Senate Bill 420, Code Section 27-2-23 of the Official Code of Georgia Annotated was amended to: (1) create the endorsement; (2) provide for associated fees; (3) provide for reporting of information; and (4) provide for the retention of certain fees.

- Public Notice — Page A 2
- Background and Synopsis — Pages A 3 - 5
- Date, Time and Place of Board Action — Page A 5
- Explanation of the Public Participation Plan — Page A 5
- Analysis of Small Business Impacts — Page A 6
- Strikethrough Copy of Amended Rule — Page A 7 - 12
- Exact Copy of Proposed Rule — Pages A 13 - 18

I respectfully submit these items for your consideration. The Coastal Resources Division looks forward to presenting these at the September meeting.

DH/cb

Attachments

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON
COMMISSIONER

DOUG HAYMANS
DIRECTOR

September 22, 2026

NOTICE OF PROPOSED REGULATION CHANGES

TO: All Interested Persons and Parties

FROM: Doug Haymans

SUBJECT: Proposed Amendments to the Saltwater Fishing Regulations, Rules 391-2-4-.16 and 391-2-4-.17

Notice is hereby given that, pursuant to authority contained in O.C.G.A. §§ 27-1-4, 27-2-23, 27-2-23.2, 12-2-24, and 27-4-10, the Board of Natural Resources proposes to amend the Saltwater Fishing Regulations, Subject 391-2-4. The proposed amendments will establish a recreational reef/migratory fish endorsement, provide for recreational angler reporting requirements and reporting elements.

Written public comments will be received through Friday, October 30, 2026. Mailed comments must be postmarked by October 30th, and e-mailed comments will be accepted through close of business (4:30 pm) on October 30th. Comments should be legible, concise, and limited to the proposed rule change.

Following this comment period, the Board of Natural Resources will consider the proposed rules on Tuesday, December 1, 2026, at 9:00 AM at the Lake Blackshear Resort, 2459 US-280 West, Cordele, GA 31015.

Mail or email comments to: Julie Califf
Coastal Resources Division
One Conservation Way
Brunswick, GA 31520
Email: julie.califf@dnr.ga.gov

Additional information is available at www.coastalgadnr.org.

BACKGROUND AND SYNOPSIS OF PROPOSED AMENDMENTS TO THE RULES OF THE GEORGIA DEPARTMENT OF NATURAL RESOURCES

CHAPTER 391-2 COASTAL RESOURCES

SUBJECT 391-2-4 SALTWATER FISHING REGULATIONS

Background

The Marine Recreational Information Program (MRIP) is a federal-state partnership which consists of two surveys that are used to estimate recreational fishing effort and catch. Current sampling efforts work fairly well for producing estimates for inshore fish species (e.g., Red Drum, Spotted Seatrout), however, the survey does not provide accurate estimates for reef/migratory species such as snappers, groupers, and cobia. The lack of precision and a paucity of information about the number of recreational anglers who participate in saltwater fishing activities in the Exclusive Economic Zone (EEZ) confound the survey's ability to produce reliable catch estimates. Regardless of the precision of the catch and release estimates produced, the numbers are included in stock assessments which are used to set catch levels.

Beginning with the 2025 legislative session and concluding with the passage of SB420 in 2026, Georgia's Coastal Conservation Association sought the creation of a Reef and Migratory Fish endorsement. The endorsement will better define the universe of anglers fishing beyond three miles and thus refine the effort estimation. More importantly, the endorsement supports direct trip-level reporting by anglers fishing for any of the nine species found in Rule 391-2-4-.04 that are caught primarily in federal waters. This 'census' will support better management.

This proposed rule will implement SB420 which was signed by Governor Kemp May 11, 2026. The endorsement will become available January 1, 2027, at an annual cost of $10 for residents and $20 for non-residents. Per. O.C.G.A. 27-2-3.1, 27-2-4, and 27-2-4.2, respectively, lifetime sportsman licensees, honorary and discounted licensees, and paralyzed or disabled licensees will not pay the fee, however, they will still be required to obtain both the Saltwater Information Program (SIP) permit and the endorsement on an annual basis. Currently, CRD plans to implement the mandatory reporting aspect of this proposed rule in 2028. The timing for implementation has been considered in light of a potential NOAA Fisheries issued Exempted Fishing Permit (EFP) for Red Snapper. The EFP requires mandatory angler trip reporting and to require both could be confusing.

Purpose

The proposed amendments will implement a recreational reef/migratory fish endorsement allowing for state data collection that will improve estimates of offshore saltwater fishing effort and the associated catch for nine reef/migratory fish species. This will allow state, interstate, and federal fishery managers to make better decisions by providing them with more accurate, precise, and timely information than they are currently receiving through MRIP.

Main Features

The primary features of the proposed amendment are:

Modify Rule 391-2-4-.16 Saltwater Fishing Guide and Saltwater Fishing Pier Operator Reporting. Incorporate reporting for recreational anglers participating in the Saltwater Information Program who also have the reef/migratory fish endorsement.

Modify the Purpose of Rule 391-2-4-.17 to include recreational endorsements as well as stipulate the requirements under the Reef/Migratory Fish endorsement.

Differences

An Endorsement would be added to the sport fishing license which would carry a $10 fee for state residents and a $20 fee for non-residents. Additionally, lifetime sportsman licensees, honorary and discounted licensees, and paralyzed or disabled licensees will be required to obtain both the SIP and the endorsement on an annual basis for no fee.

391-2-4-.16 Saltwater Fishing Guide and Saltwater Fishing Pier Operator Reporting. Proposed amendment changes the name of Rule to Reporting; Saltwater Fishing Guide and Saltwater Fishing Pier Operator; Certain Endorsement Holders. Additional proposed changes include:

1) 391-2-4-.16(2) Persons required to report. Adds persons holding reef/migratory fish endorsements to those required to report data as required by the Department.
2) 391-2-4-.16(3) Methods. Modified language to specify methods of required reporting for each reporting group. Added "saltwater fishing guides and saltwater fishing pier operators shall submit…'. Removed "monthly". Added requirement that reef/migratory fish endorsement holders shall electronically submit records for species listed under the endorsement via an electronic application provided by the Department.
3) 391-2-4-.16(4) Times. Modified language to provide specific record reporting times. For saltwater fishing pier operators, monthly records must be submitted by the 10^{th} of the subsequent month; for saltwater fishing guides weekly records must be submitted by the following Tuesday; and for reef/migratory fish endorsement holders, daily electronic reports must be provided within 24 hours of a completed trip.

391-2-4-.17 Commercial fishing Species Endorsements. Proposed changes include modifying the title for this section to Fishing Species Endorsements. Additional proposed changes include:

1) 391-2-4-.17(1) Purpose. Remove ‘commercial’
2) 391-2-4-.17(2) Endorsements. Add language requiring individuals with a recreational fishing license and a SIP permit to also have a reef/migratory fish endorsement to land species listed in 391-2-4-.17(2)(m).
3) Created 391-2-4-17(2)(m) Reef/Migratory Fish. List of landed species considered under the endorsement. Includes: Amberjack, Black Sea Bass, Cobia, Dolphin, Gag Grouper, King Mackerel, Red Porgy, Red Snapper, and Spanish Mackerel.

Date, Time, and Place of Board Action

Board Action: Tuesday, December 1, 2026, at 9:00 AM at the Lake Blackshear Resort, 2459 US-280 West, Cordele, GA 31015.

Public Participation Plan

Amendments to Saltwater Fishing Regulations, Rules 391-2-4-.16 and 391-2-4-.17

- September 22, 2026 - CRD presents proposed amended Rules 391-2-4-.16 and 391-2-4-.17 to the Board of Natural Resources, Coastal Committee.

- September 23, 2026 - Public Notice of the Proposed Rule is advertised through various print media, GovDelivery and on the CRD website. Additionally, the notice will be mailed to all persons who have requested in writing that they be placed on a mailing list which shall be maintained by the agency for advance notice of its rule-making proceedings and who have tendered the actual cost of such mailing as from time to time estimated by the agency.

- October 30, 2026 - Public comment period closes.

- December 1, 2026 - Consideration of public comment and final action on proposed amended rule.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218
WALTER RABON
COMMISSIONER
DOUG HAYMANS
DIRECTOR

September 8, 2026

MEMORANDUM

TO: Board of Natural Resources

FROM: Doug Haymans

SUBJECT: Economic Impact of Proposed Amended Rule on Small Businesses: Subject 391-2-4, Saltwater Fishing Regulations

The Administrative Procedure Act requires that during the formation and adoption of any rules, attempts should be made to reduce the economic impact of those rules on small businesses. This applies to businesses that are independently owned and operated, are not dominant in the field and employ 100 employees or less.

The reef/migratory fish endorsement was created through statute and rulemaking is required to ensure consistency between law and regulation. Individuals with recreational fishing licenses who are identified as participants in the Saltwater Information Program and harvest any of the nine species identified under the reef/migratory fish endorsement will be required to obtain the endorsement for a nominal fee. Though the approval of Senate Bill 420, the Georgia General Assembly indicated it did not consider the cost of the reef/migratory fish endorsement to be overly burdensome.

DH/cb

STRIKETHROUGH VERSION
ADDITIONS ARE UNDERLINED AND DELETIONS ARE S~~TRIKETHROUGH~~

RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES

CHAPTER 391-2
COASTAL RESOURCES

SUBJECT 391-2-4
SALTWATER FISHING REGULATIONS

391-2-4-.16 ~~Saltwater Fishing Guide and Saltwater Fishing Pier Operator Reporting~~

Reporting; Saltwater Fishing Guide and Saltwater Fishing Pier Operator; Certain Endorsement Holders

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to set such times and manners for submitting records as may be required by the Department.

(2) **Persons required to report**. ~~Effective January 1, 2014 a~~All persons licensed as salt water fishing guides and all persons operating licensed salt water fish piers pursuant to O.C.G.A. 27-2-23.2, and all persons holding reef/migratory fish endorsements per O.C.G.A. 27-2-23 and Rule 391-2-4-.17 shall report such information as may be required by the Department.

(3) ~~**Methods.** Monthly records are to be submitted on forms supplied by the Department or on an alternate form approved by the Department. All requests for approval of an alternate form~~

~~must be submitted to the Department in writing with a copy of the proposed alternate form attached or included with the request. The alternate form must provide identical information and follow the same format as the Department form. Upon receipt of a request for approval of an alternate form, the Department will review the form for the required information within 5 days of the receipt of the request. All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms.~~

(3) **Methods.** Records are to be submitted electronically, or on forms supplied by the Department, or on an alternate form approved by the Department. As permissible, information required by the Department may be hand delivered, or submitted via mail, or electronically. Information required by the Department shall be reported in the following manner:

(a) **Salt water fishing guides**. Shall submit records electronically, or on forms supplied by the Department, or on an alternate form approved by the Department.

(b) **Saltwater fishing piers**. Shall submit records electronically, or on forms supplied by the Department, or on an alternate form approved by the Department.

(c) **SIP holders with reef/migratory fish endorsement**. Reef/migratory fish endorsement holders shall electronically submit records for those species listed on the endorsement via a digital application provided by the Department.

(d) **Alternate reporting forms.** All requests for approval of an alternate form must be submitted to the Department in writing with a copy of the proposed alternate form attached or included with the request. The alternate form must provide identical information and follow the same format as the Department form. Upon receipt of a request for approval of an alternate form, the Department will review the form for the required information within 5 days of the receipt of the request. All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms.

(4) ~~**Times.** If required by the Department, all salt water fishing guides and salt water fishing pier operators shall submit written monthly records of activity to the Department, whose address for the purpose of reporting shall be the Coastal Resources Division headquarters, by the tenth day of the subsequent month. These records may be hand delivered or submitted via mail, or electronically. Permission to submit records electronically must be obtained from the Department.~~

(4) **Times.** Records shall be submitted to the Department, whose address for the purpose of reporting shall be the Coastal Resources Division headquarters. Information required by the Department shall be submitted by the following deadlines:

(a) **Salt water fishing guides**. Shall submit written or electronic weekly records of activity by the following Tuesday for the preceding week.

(b) **Saltwater fishing piers**. Shall submit written or electronic monthly records of activity by the tenth day of the subsequent month.

(c) **SIP holders with reef/migratory fish endorsement.** Shall submit daily electronic reports within 24hrs of trip completion.

(5) **Penalties.** Pursuant to O.C.G.A. Sections 27-1-36 and 27-2-25, failure to comply with the provisions of this rule may result in a

civil penalty imposed by the commissioner of up to $1000.00 and/or a suspension of or refusal to renew the license for up to two years.

Statutory Authority: O.C.G.A. Title 12, Secs. 12-2-24, 27-1-4, 27-2-23.2, 27-4-10.

391-2-4-.17 ~~Commercial~~ Fishing Species Endorsements

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to designate species of wildlife or species grouping of wildlife that require a ~~commercial~~ fishing species endorsement.

(2) **Endorsements.** In addition to a commercial fishing license and commercial fishing boat license required by Code Sections 27-4-110 and 27-2-8, any person engaged in commercial fishing shall obtain a separate commercial fishing species endorsement for each species or species grouping listed in subparagraphs (a) through (l). ~~below:~~ In addition to a recreational fishing license and saltwater information program permit required by Code Sections 27-2-23 and 27-2-20.1 any person landing species listed in subparagraph (m) shall obtain the endorsement.

(a) **Bait Minnows (family Fundulidae)**. A bait minnow endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait minnows, other than those exempted by Code Section 27-4-171, but is not required of the licensed bait dealer.

(b) **Bait Shrimp (*Penaeus spp.*)**. A bait shrimp endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait shrimp, other than those exempted by Code Section 27-4-171, but is not required of the licensed bait dealer.

(c) **Cannonball Jellyfish (*Stomolophus meleagris*)**. A cannonball jellyfish endorsement is required of any licensed commercial fisherman employed on board a trawl vessel harvesting or landing cannonball jellyfish unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(d) **Catfish in Saltwater (families Ariidae and Ictaluridae)**. A catfish in saltwater endorsement is required of any licensed commercial fisherman harvesting or landing catfish in saltwater.

(e) **Crab (*Callinectes spp*.)** A crab endorsement is required of any licensed commercial fisherman employed by a commercial crab harvester or by a soft-shell crab-dealer, or employed on board a trawl vessel harvesting or landing crab, but is not required of a licensed commercial crab harvester or a licensed soft-shell crab dealer licensed pursuant to Code Section 27-4-150. Notwithstanding the foregoing, a crab endorsement shall not be required of a fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(f) **Eel (*Anguilla spp*.)** An eel endorsement is required of any licensed commercial fisherman harvesting or landing eel.

(g) **Finfish**. A finfish endorsement is required of any licensed commercial fisherman harvesting or landing finfish other than shad, catfish in saltwater or bait minnows. Notwithstanding the foregoing, a finfish endorsement shall not be required of a licensed commercial fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(h) **Food Shrimp (*Penaeus spp*.)** A food shrimp endorsement is required of any licensed commercial fisherman employed by a commercial shrimp castnet harvester or onboard a trawl vessel unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(i) **Horseshoe crab (*Limulus polyphemus*)**. A horseshoe crab endorsement is required of any licensed commercial fisherman harvesting or landing horseshoe crabs unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(j) **Shad (*Alosa spp*.)** A shad endorsement is required of any licensed commercial fisherman harvesting or landing shad.

(k) **Shellfish (*Crassostrea spp*. and *Mercenaria spp*.)**. A shellfish endorsement is required of any employee of a master collecting permittee actively involved in the harvest or landing of shellfish and includes the master collecting permit holder.

(l) **Whelk (family Busyconidae)**. A whelk endorsement is required of any licensed commercial fisherman harvesting or landing whelk unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(m) **Reef/Migratory Fish.** A Reef/Migratory Fish endorsement is required of any licensed recreational fisherman landing the following species in Georgia, no matter the jurisdiction from which they were caught; Amberjack (*Seriola spp.*), Black sea bass (*Centropristis striata*), Cobia (*Rachycentron canadum*), Dolphin (*Coryphaena hippurus*), Gag grouper (*Mycteroperca microlepis*), King mackerel (*Scomberomorus cavalla*), Red Porgy (*Pagrus pagrus*), Red Snapper (*Lutjanus campechanus*), and Spanish mackerel (*Scomberomorus maculatus*).

Statutory Authority: O.C.G.A Title 12, §§ 12-2-24, 27-1-4, 27-2-23 27-4-10.

EXACT COPY

RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES

CHAPTER 391-2
COASTAL RESOURCES

SUBJECT 391-2-4
SALTWATER FISHING REGULATIONS

391-2-4-.16 Reporting; Saltwater Fishing Guide and Saltwater Fishing Pier Operator; Certain Endorsement Holders

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to set such times and manners for submitting records as may be required by the Department.

(2) **Persons required to report**. All persons licensed as salt water fishing guides and all persons operating licensed salt water fish piers pursuant to O.C.G.A. 27-2-23.2, and all persons holding reef/migratory fish endorsements per O.C.G.A. 27-2-23 and Rule 391-2-4-.17 shall report such information as may be required by the Department.

(3) **Methods.** Records are to be submitted electronically, or on forms supplied by the Department, or on an alternate form approved by the Department. As permissible, information required by the Department may be hand delivered, or submitted via mail, or electronically. Information required by the Department shall be reported in the following manner:

(a) **Salt water fishing guides**. Shall submit records electronically, or on forms supplied by the Department, or on an alternate form approved by the Department.

(b) **Saltwater fishing piers**. Shall submit records electronically, or on forms supplied by the Department, or on an alternate form approved by the Department.

(c) **SIP holders with reef/migratory fish endorsement**. Reef/migratory fish endorsement holders shall electronically submit records for those species listed on the endorsement via a digital application provided by the Department.

(d) **Alternate reporting forms.** All requests for approval of an alternate form must be submitted to the Department in writing with a copy of the proposed alternate form attached or included with the request. The alternate form must provide identical information and follow the same format as the Department form. Upon receipt of a request for approval of an alternate form, the Department will review the form for the required information within 5 days of the receipt of the request. All persons that use an approved alternate form shall be responsible for all costs associated with the printing and use of such forms.

(4) **Times.** Records shall be submitted to the Department, whose address for the purpose of reporting shall be the Coastal Resources Division headquarters. Information required by the Department shall be submitted by the following deadlines:

(a) **Salt water fishing guides**. Shall submit written or electronic weekly records of activity by the following Tuesday for the preceding week.

(b) **Saltwater fishing piers**. Shall submit written or electronic monthly records of activity by the tenth day of the subsequent month.

(c) **SIP holders with reef/migratory fish endorsement.** Shall submit daily electronic reports within 24hrs of trip completion.

(5) **Penalties.** Pursuant to O.C.G.A. Sections 27-1-36 and 27-2-25, failure to comply with the provisions of this rule may result in a civil penalty imposed by the commissioner of up to $1000.00 and/or a suspension of or refusal to renew the license for up to two years.

Statutory Authority: O.C.G.A. Title 12, Secs. 12-2-24, 27-1-4, 27-2-23.2, 27-4-10.

391-2-4-.17 Fishing Species Endorsements

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to designate species of wildlife or species grouping of wildlife that require a fishing species endorsement.

(2) **Endorsements.** In addition to a commercial fishing license and commercial fishing boat license required by Code Sections 27-4-110 and 27-2-8, any person engaged in commercial fishing shall obtain a separate commercial fishing species endorsement for each species or species grouping listed in subparagraphs (a) through (l). In addition to a recreational fishing license and saltwater information program permit required by Code Sections 27-2-23 and 27-2-20.1 any person landing species listed in subparagraph (m) shall obtain the endorsement.

(a) **Bait Minnows (family Fundulidae)**. A bait minnow endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait minnows, other than those exempted by Code Section 27-4-171, but is not required of the licensed bait dealer.

(b) **Bait Shrimp (*Penaeus spp.*)**. A bait shrimp endorsement is required of employees of a licensed bait dealer that are engaged in the harvest of bait shrimp, other than those exempted by Code Section 27-4-171, but is not required of the licensed bait dealer.

(c) **Cannonball Jellyfish (*Stomolophus meleagris*)**. A cannonball jellyfish endorsement is required of any licensed commercial fisherman employed on board a trawl vessel harvesting or landing cannonball jellyfish unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(d) **Catfish in Saltwater (families Ariidae and Ictaluridae)**. A catfish in saltwater endorsement is required of any licensed commercial fisherman harvesting or landing catfish in saltwater.

(e) **Crab (*Callinectes spp.*)** A crab endorsement is required of any licensed commercial fisherman employed by a commercial crab harvester or by a soft-shell crab-dealer, or employed on board a trawl vessel harvesting or landing crab, but is not required of a licensed commercial crab harvester or a licensed soft-shell crab dealer licensed pursuant to Code Section 27-4-150. Notwithstanding the foregoing, a crab endorsement shall not be required of a fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(f) **Eel (*Anguilla spp.*)** An eel endorsement is required of any licensed commercial fisherman harvesting or landing eel.

(g) **Finfish**. A finfish endorsement is required of any licensed commercial fisherman harvesting or landing finfish other than shad, catfish in saltwater or bait minnows. Notwithstanding the foregoing, a finfish endorsement shall not be required of a licensed commercial fisherman onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(h) **Food Shrimp (*Penaeus spp*.)** A food shrimp endorsement is required of any licensed commercial fisherman employed by a commercial shrimp castnet harvester or onboard a trawl vessel unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(i) **Horseshoe crab (*Limulus Polyphemus*)**. A horseshoe crab endorsement is required of any licensed commercial fisherman harvesting or landing horseshoe crabs unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(j) **Shad (*Alosa spp*.)** A shad endorsement is required of any licensed commercial fisherman harvesting or landing shad.

(k) **Shellfish (*Crassostrea spp*. and *Mercenaria spp*.)**. A shellfish endorsement is required of any employee of a master collecting permittee actively involved in the harvest or landing of shellfish and includes the master collecting permit holder.

(l) **Whelk (family Busyconidae)**. A whelk endorsement is required of any licensed commercial fisherman harvesting or landing whelk unless the fisherman is onboard a vessel having a trawler crew license issued pursuant to Code Section 27-2-8.

(m) **Reef/Migratory Fish.** A Reef/Migratory Fish endorsement is required of any licensed recreational fisherman landing the following species in Georgia, no matter the jurisdiction from which they were caught; Amberjack (*Seriola spp.*), Black sea bass (*Centropristis striata*), Cobia (*Rachycentron canadum*), Dolphin (*Coryphaena hippurus*), Gag grouper (*Mycteroperca microlepis*), King mackerel (*Scomberomorus cavalla*), Red Porgy (*Pagrus pagrus*), Red Snapper (*Lutjanus campechanus*), and Spanish mackerel (*Scomberomorus maculatus*).

Statutory Authority: O.C.G.A Title 12, §§ 12-2-24, 27-1-4, 27-2-23 27-4-10.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

EPD Director's Office
2 Martin Luther King, Jr. Drive SE
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

September 10, 2026

M E M O R A N D U M

TO: Board of Natural Resources

FROM: Jeffrey W. Cown, Director
Environmental Protection Division

JWC

SUBJECT: Action on Proposed Amendments to the Rules for Solid Waste Management, Subject 391-3-4

I request the Board's consideration on the proposed amendments to the Rules for Solid Waste Management, Subject 391-3-4 ("Rules").

EPD proposes to amend the Rules in order to align them with revisions made to the Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20 *et seq.*, effective on January 1, 2026. EPD proposes to amend the Rules by: (1) adding requirements for written verifications for zoning and consistency with solid waste management plans (391-3-4-.02 and 391-3-4-.16); (2) clarifying the posting requirement for notifications of public meetings and specifying information to be provided in siting location meeting (391-3-4-.03); and (3) removing a specific prohibition on certain landfills in response to a court decision (391-3-4-.05).

Please find enclosed for your review and consideration: Page No.

- Synopsis and Statement of Rationale for the Proposed Amendments to the Rules for Solid Waste Management; A-2
- Notice of Public Hearing; A-5
- Memorandum summarizing comments on the proposed revisions; A-7
- Memorandum regarding the economic impacts of the proposed amendments on small businesses and the regulated community; A-9
- Proposed Amendments to the Rules for Solid Waste Management showing deletions with ~~strikeouts~~ and additions with <u>underlines</u>; and A-11
- A proposed resolution for adopting the amendments to the Rules. A-41

I recommend adoption of the proposed amendments as presented.

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

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

Purpose: The purpose of this amendment is to establish requirements for providing written verification that proposed new solid waste facilities and major modifications of existing facilities conform with local zoning/land use and are consistent with solid waste management plans adopted by the host local government. The amendment also corrects an erroneous citation.

Main Features: In subparagraphs (3)(c)4 & 5, (7)(d), and (9) added requirement that written verification related to zoning/land use and consistency with solid waste management plans conform to the requirements set forth in O.C.G.A. 12-8-24(g). In subparagraph (3)(d)4 corrected citation.

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

Purpose: The purpose of this amendment is to clarify notice and meeting requirements for beginning the process to select a site for a municipal solid waste disposal facility and for providing location and facility information once a site is selected.

Main Features: In subparagraphs (1)(a) and (2)(a), replaced the time period for providing notification of the waste needs and proposed siting public meetings from once per week for two weeks preceding the meetings, to 14 days and again at least seven days preceding the meetings. In subparagraph (1), the proposed amendments provide clarification that the waste needs meeting is only required for local governments that intend to own or operate a municipal solid waste disposal facility. Subparagraph (2) amendments provide the information to be presented at the proposed siting public meeting. This information would include the location and type of facility and the process the governing authority has for providing written verification for zoning and consistency with their solid waste management plan.

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

Purpose: The purpose of this amendment is to require that written verification for conformance with local zoning/land use identifies the type of facility, describes the location of the facility, and specifically states that the facility complies with local zoning or land use ordinances or that the local jurisdiction doesn't have any zoning or land use ordinances. The amendment also removes the restriction that prohibits regional landfills from accepting waste generated outside of the county where the landfill is located if the landfill is in an area designated as a significant groundwater recharge area. This provision has not been enforced in several years because the court ruled it violated the interstate commerce clause.

Main Feature: Added statement under subparagraph (1)(a) "Zoning" that the written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g). Removed the requirement under siting for Significant Groundwater Recharge Areas in subparagraph (1)(i) that doesn't allow regional landfills to be located in one of these Areas if accepting waste from outside the county where the landfill is located.

Rule 391-3-4-.16 "Composting and Anaerobic Digestion Facilities" is being amended.

Purpose: The purpose of this amendment is to establish requirements for providing written verification that proposed new solid waste facilities and major modifications of existing facilities conform with local zoning/land use and are consistent with solid waste management plans adopted by the host local government. The amendment also corrects an erroneous citation.

Main Feature: In subparagraphs (6)(b) and (7)(a)4, added requirement that written verification related to zoning/land use and consistency with solid waste management plans conform to the requirements set forth in O.C.G.A. 12-8-24(g). In subparagraph (6)(b)2 corrected citation.

STATEMENT OF RATIONALE
Proposed Amendments to the Rules for Solid Waste Management

The primary reason for the proposed amendments to Subject 391-3-4 of the Solid Waste Rules is to make the Rules consistent with changes made to the Comprehensive Solid Waste Management Act during the 2025 Legislative session. These changes included:

- Requirements for written verification regarding compliance with local zoning and land use regulations;
- Requirements for written verification regarding consistency with local government solid waste management plans;
- Removing the restriction on regional landfills accepting waste outside of its boundaries if located in a significant ground-water recharge area; and
- Revising provisions associated with notification for public meetings to discuss waste management needs and the location and type of waste facility proposed and the purpose of the meetings.

Since the Division is proposing only amendments that will allow the Rules to be consistent with the changes made to the Comprehensive Solid Waste Management Act, stakeholder meetings were not held. The proposed changes in the Rules are not expected to increase costs for facilities. EPD does not anticipate any increase in workload as a result of the proposed amendments.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S RULES FOR SOLID WASTE MANAGEMENT SUBJECT 391-3-4

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes amendments to Georgia's Rules for Solid Waste Management, Subject 391-3-4 (hereinafter, "the proposed Rule amendments").

EPD is proposing to amend the Rules in order to align them with revisions made to the Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20 et seq., effective on January 1, 2026. EPD proposes to amend the Rules by: (1) adding requirements for written verifications for zoning and consistency with solid waste management plans (391-3-4-.02 and 391-3-4-.16); (2) clarifying the posting requirement for notifications of public meetings and specifying information to be provided in siting location meeting (391-3-4-.03); and (3) removing a specific prohibition on certain landfills in response to a court decision (391-3-4-.05).

This notice, together with an exact copy of the proposed Rule amendments, a synopsis, and a statement of rationale of 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 https://epd.georgia.gov/chapter-391-3-4-solid-waste-management and at the Georgia Environmental Protection Division, Land Protection Branch, Solid Waste Management Program, 4244 International Parkway, Suite 104, Atlanta, Georgia, 30354. To schedule an appointment, email askepd@dnr.ga.gov with your name, email and phone number and the subject line "Proposed Solid Waste Management Rule Amendments" and an associate will reach out to you. Copies may also be requested by contacting the Land Protection Branch, Solid Waste Management Program at (404) 362-2696 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 23, 2026 at 1:00 PM**. EPD will be hosting this public hearing via Zoom. Zoom is a free web conferencing platform that also allows participation by phone. To ensure that you are ready to participate when the meeting begins, we recommend that you download Zoom in advance. Zoom can be found here: https://zoom.us

To log into the public hearing on your computer, please click this link or copy and paste it into your browser to join the meeting:

https://gaepd.zoom.us/j/98092394186

Meeting ID: 980 9239 4186

To dial in by phone, please call this number: 888-788-0099 (Toll free). When prompted, enter the Meeting ID. Please note that if you choose to participate by phone, your phone number may be visible to other meeting attendees.

During the hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument either orally or in writing. Oral statements should be concise. 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.

Written comments are welcomed. To ensure their inclusion in EPD's package to the Board of Natural Resources, written comments should be received by 4:30 p.m. on July 31, 2026. Written comments may be emailed to EPDComments@dnr.ga.gov or sent via regular mail addressed to: Branch Chief, Land Protection Branch, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. If you choose to email your comments, please be sure to include the words "Proposed Solid Waste Management Rule Amendments" 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 at 9:00 am on September 22, 2026, at the Little Ocmulgee State Park & Lodge, located at 80 Live Oak Trail, McRae, GA 31037. The meeting will be open to the public.

The rule amendments are proposed for adoption pursuant to authority contained in the Georgia Comprehensive Solid Waste Management Act (O.C.G.A. § 12-8-20, et seq.). For further information, please contact the Land Protection Branch, Solid Waste Management Program at (404)362-2696.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

EPD Director's Office
2 Martin Luther King, Jr. Drive SE
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

September 1, 2026

MEMORANDUM

To: Jeffrey W. Cown, Director
Environmental Protection Division

From: Sarah Visser, Chief
Land Protection Branch

Subject: Comments Received During the Public Comment Period Regarding Proposed Amendments to the Rules for Solid Waste Management, Subject 391-3-4

On June 25, 2026, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Solid Waste Management, Subject 391-3-4. The proposed changes included the following rules:

- **Rule 391-3-4-.02, "Solid Waste Handling Permits,"** is being amended to add requirements for written verifications for zoning and consistency with solid waste management plans.
- **Rule 391-3-4-.03, "Public Participation,"** is being amended to clarify the posting requirement for notifications of public meetings and specifying information to be provided in siting location meeting.
- **Rule 391-3-4-.05, "Criteria for Siting,"** is being amended to remove a specific prohibition on certain landfills in response to a court decision.
- **Rule 391-3-4-.16, "Composting and Anaerobic Digestion Facilities,"** is being amended to add requirements for written verifications for zoning and consistency with solid waste management plans.

The public comment period started on June 25, 2026, and ended on July 31, 2026. A virtual public hearing was held at 1:00 pm on July 23, 2026. One person spoke during the public hearing. He stated that written comments would be submitted by the Georgia Chapter of the Solid Waste Association of North America (GA SWANA) and provided an overview of those comments. Two written comments were received during the public comment period. One was from GA SWANA and the second was from the National Waste & Recycling Association (NWRA). A summary of the comments and EPD's responses are attached. No changes to the proposed amendments are recommended based on the comments received.

Responses to Comments Received on the Proposed Amendments to the Rules for Solid Waste Management, Subject 391-3-4

Comment 1: GA SWANA and the NWRA both request in their comment letters for EPD to delete the phrase "… and reaffirmed by the governmental authority prior to permit issuance" from rule 391-3-4-.05(1)(a).

EPD Response: EPD focused only on proposing changes to the Solid Waste Management Rules that would align them with revisions made to the Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20 et seq., in House Bill 351 and made effective on January 1, 2026. The requirement for reaffirmation is not included in the Act and, as a result, was not addressed in the revisions to the Act. Reaffirmation of zoning has been a part of the Rules since 1991. Since the current Rule amendments are focused only on revisions to the Act, EPD recommends not making the requested change to the Rules at this time. EPD would like to take the opportunity to present this potential change to solid waste stakeholders when future amendments to the Rules are considered.

Comment 2: GA SWANA believes the proposed rule changes are not fully consistent with the amendments to the Act since the requirement to obtain written verifications of consistency with solid waste management plans from generating jurisdictions was not removed. GA SWANA suggests that the proposed Rules be revised by striking the words "and generating jurisdictions" from the phrase "verification shall consist of letters from the host jurisdiction *and generating jurisdictions* verifying consistency with the approved local solid waste plans" in order to be consistent with the revisions made to the Act.

EPD Response: The revisions to the Act struck the following language in three locations: "*and that the host jurisdiction and all jurisdictions generating solid waste destined for the applicants' facility can demonstrate that they are part of an approved solid waste plan developed in accordance with standards promulgated pursuant to this part and are actively involved in and have a strategy for meeting the state-wide goal of waste reduction by July 1, 1996*". This language only appears in one place in the rules, in Rule 391-3-4-.02 "Solid Waste Handling Permits," in subparagraph (3)(c)5. EPD has proposed to strike this language from that section of the draft rule.

However, the general requirement for written verification from generating jurisdictions verifying consistency with the approved local solid waste plan is not included in the Act and, as a result, was not addressed in the revisions to the Act. The requirement to submit verification from generating jurisdictions has been a part of the Rules since 1991. Since the current Rule amendments are focused only on revisions to the Act, this comment is outside the scope of the current rule change. EPD recommends not making the requested change to the Rules at this time. EPD would like to take the opportunity to present this potential change to solid waste stakeholders when future amendments to the Rules are considered.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

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September 1, 2026

M E M O R A N D U M

TO: Jeffrey W. Cown, Director
Environnemental Protection Division

FROM: Sarah Visser, Chief
Land Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Solid Waste Management, Subject 391-3-4

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Solid Waste Management, Subject 391-3-4. The proposed Rule amendments include the following:

- **Rule 391-3-4-.02, "Solid Waste Handling Permits,"** is being amended to add requirements for written verifications for zoning and consistency with solid waste management plans.
- **Rule 391-3-4-.03, "Public Participation,"** is being amended to clarify the posting requirement for notifications of public meetings and specifying information to be provided in siting location meeting.
- **Rule 391-3-4-.05, "Criteria for Siting,"** is being amended to remove a specific prohibition on certain landfills in response to a court decision.
- **Rule 391-3-4-.16, "Composting and Anaerobic Digestion Facilities,"** is being amended to add requirements for written verifications for zoning and consistency with solid waste management plans.

The Administrative Procedures Act requires, that in the formation and adoption of any rules that will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses that are independently owned and operated, are not dominant in their field and employ 100 employees or fewer. The statute specifically requires that one or more of four actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact.

In consideration of the four actions required in the State statute for the proposed changes to the Rules, we offer the following comments on the proposed rule amendments:

1. Establishing reduced compliance or reporting requirements and differing timetables for small businesses:
   The proposed amendments do not affect compliance or reporting requirements.

2. Clarifying, consolidating or simplifying the compliance and reporting requirements under the rules for small businesses:
   The proposed amendments do not affect compliance or reporting requirements.

3. Establishing performance rather than design standards for small businesses:
   The only proposed change related to design is in the "Criteria for Siting", and it removes an existing limitation based on a court decision.

4. Exempting small businesses from any or all requirements of the rules:
   The proposed amendments do not impose any new requirements, they merely clarify existing requirements, and align the rules with revisions made to the Comprehensive Solid Waste Management Act, O.C.G.A. 12-8-20 et seq., effective on January 1, 2026.

In addition, the Administrative Procedures Act requires that "...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule." The proposed Rule amendments simply incorporate the changes made to the Act by House Bill 351. They do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Comprehensive Solid Waste Management Act.

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

The Rules of the Department of Natural Resources, Subject 391-3-4, Rules for Solid Waste Management, are hereby amended and revised for specific Rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-4-.02 "Solid Waste Handling Permits," is amended to read as follows:

(1) Solid Waste Handling Permits Required. No person shall engage in solid waste handling or construct or operate a solid waste handling facility, except those individuals exempted from the provisions of the Georgia Comprehensive Solid Waste Management Act, under the provisions of O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 or those individuals who have a permit-by-Rule under Rule 391-3-4-.06, without first obtaining a permit from the Director authorizing such activity.

(a) Applicability. All new and existing solid waste handling permits.

(b) Application Completeness. The Director may issue permits for solid waste handling provided the application is judged complete and meets the requirements of the Georgia Comprehensive Solid Waste Management Act and these Rules. Solid Waste Handling Permits shall be required for, but are not limited to, persons engaged in the collection, transportation, treatment, utilization, storage, processing, or disposal of solid wastes, or any combination thereof, except as exempted by O.C.G.A. 12-8-30.10 or O.C.G.A. 12-8-40 and these Rules and shall be required for the construction or operation of all solid waste handling facilities, except as exempted by O.C.G.A. 12- 8-30.10 or O.C.G.A. 12-8-40 and these Rules.

(c) Permit Review and Schedule. As of July 1, 2018, all new permits shall be reviewed every five years. All permits issued prior to July 1, 2018 will be reviewed within five years and will then be placed on a corresponding five year review schedule.

(d) Permit Review. Each permit for a solid waste handling facility will be reviewed by the Division every five years and shall be modified to assure that the facility continues to comply with the currently applicable requirements of these Rules. The permit review will require that the permittee submit and revise Design and Operational Plans and other supporting documents, as necessary, to include any changes to reflect the facility's current construction and operation. Permit reviews shall be filed with the Division as either a minor modification or a major modification.

1. In order for permits to remain in effect, applications for permit review shall be filed at least six (6) months, but not more than eighteen (18) months prior to the date of scheduled permit review.

2. Existing solid waste handling permits shall remain in effect during the review period.

3. If a timely and complete review package has not been submitted, the solid waste handling facility's right to operate ceases until a complete application has been submitted.

(2) Modification or Revocation of Permits for Cause: the Director may modify or revoke any permit issued pursuant to O.C.G.A. 12-8-24 if the holder of the permit found to be in violation of any of the permit conditions; or if the holder of the permit fails to perform such activity in accordance with the approved plan; or if such activity creates a threat to human health or the environment. In the event of modification or revocation of a 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.

(3) Permit Modifications at the Request of the Permittee: all modifications of existing solid waste handling permits shall be classified as follows:

(a) Major Modifications include those changes which substantially alter the design of the facility, management practices, the types of wastes being handled, or the method of waste handling, and due to the nature of the changes, would likely have an impact on the ability of the facility to adequately protect human health and the environment. Major modifications therefore require closer review and public input than minor modifications. Major modifications shall include, but are not limited to, the following:

1. A modification which involves an expansion of an existing landfill's capacity.

2. A modification which involves a lateral expansion of a CCR surface impoundment.

3. A modification which adds a new solid waste handling process. This shall include but not be limited to the addition of an air curtain destructor, a materials recovery facility, a baling operation, a shredding operation, a processing operation, a municipal solid waste or sewage sludge composting operation, or a liquid solidification operation.

4. A modification which involves the change of a site suitability requirement which could have impacted the original siting of the facility.

5. Any other modification which the Director, in the exercise of his discretion, determines to meet the criteria set forth in Section (3)(a) of this Rule.

(b) Minor modifications include changes that do not substantially alter the permit conditions, that do not reduce the capacity of the facility to protect human health or the environment, or that enable a permittee to respond in a timely manner to common variations in the type and quantities of wastes managed, technological advancements, or changes necessary to comply with new Rules where these changes can be implemented without substantially changing design specifications or management practices in the permit. Minor modifications shall include, but are not limited to, the following:

1. Changing the name of a facility.

2. A modification which involves a change in administrative and operational information and maintenance of operational records.

3. A modification which involves a change in the sequence of operation.

4. A modification which involves the relocation of access roads.

5. A modification which adds or deletes on-site structures.

6. A modification which involves the addition of or a change to a groundwater or surface water monitoring system.

7. A modification which involves the addition of or a change to a landfill gas monitoring system.

8. A modification which involves the addition or deletion of a permit-by-Rule facility.

9. A modification which involves the deletion of any solid waste handling facility.

10. A modification which involves the deletion of permitted capacity or acreage.

11. A modification which involves the addition of or a change to an erosion and sedimentation control system.

12. A modification which involves the addition of or a change to a closure or post- closure plan.

13. A modification which involves the addition of or a change to a method of leachate handling.

14. A modification which involves the addition of or a change to a quality assurance plan.

15. A modification which involves the change of any compliance schedule which is part of the permit.

16. A modification which involves the addition of a corrective action plan.

17. A modification which involves a change in ownership, or in the case of a corporation of over five (5) percent of the stock in a corporation holding a permit, but does not involve the transfer of the permit.

18. A modification which involves the addition of acreage for the purpose of installing monitoring systems or installing structures for mitigating environmental impacts, where the original permitted acreage provides insufficient area to complete required improvements. This modification request must be accompanied by a hydrogeological assessment as specified in Rule 391- 3-4-.05(1)(j).

19. A modification which involves the addition of or change in a soil or synthetic liner and leachate collection system to a waste unit holding a valid solid waste handling permit, if it does not require other significant site redesign.

20. A modification which involves the removal or recovery of CCR from a CCR unit for the purpose of beneficial use.

(c) All modifications of solid waste handling permits which are major modifications shall be subject to the following requirements:

1. Submission of a completed application for a permit modification.

2. Submission of supporting documents which accompany the application for a permit modification which describe the exact change to be made to the permit conditions and supporting documents referenced by the permit and which explain why the change is needed.

3. Submission of a revised design for the requested change.

4. Submission of written verification by the applicant, as required by subparagraph (1)(a) of Rule 391-3-4-.05, that the facility, as proposed to be modified, conforms to all local zoning/land use ordinances, if any. The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).

5. Except for Private Industry Solid Waste Disposal Facilities, after July 1, 1992, submission of written verification by the applicant that the facility, as proposed to be modified, is consistent with the local or regional solid waste management plans developed and adopted by the host local government. ~~and that the host jurisdiction and the jurisdictions generating solid waste destined to the facility can demonstrate that they are actively involved in and have a strategy for meeting the State-wide goal of waste reduction by July 1, 1996.~~ The written verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plan and shall conform to the requirements set forth in O.C.G.A. 12-8-24(g).

6. Except for Private Industry Solid Waste Disposal Facilities, submission of written verification that a public hearing was held by the governing authority of the county or municipality in which the solid waste facility requesting the modification is located, not less than two weeks prior to granting approval of the modification. Submission of written verification that notice of such hearing was posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which the facility is located at least thirty (30) days prior to such hearing. A typed transcript of the hearing must be provided to the Division.

7. Any application for a solid waste disposal facility vertical expansion shall meet the criteria as established in O.C.G.A. 12-8-24(e)(3). Any operation of a vertical expansion shall be in accordance with conditions set forth in the modified permit. Conditions to be included in any such modified permit shall, at a minimum, include the following:

(i) A minimum 200 foot buffer shall be provided between the property line and the waste disposal boundary established by the vertical expansion.

(ii) Site survey control shall be provided to ensure compliance with the approved permit modification.

(iii) Erosion and sedimentation control devices shall be installed, rehabilitated, and maintained as appropriate to control all surface runoff and sediments from disturbed areas.

(iv) All areas exposed for more than three (3) months shall be vegetated.

(v) Closure plans, post-closure plan, and appropriate financial responsibility shall be maintained and updated as provided for in the approved permit modification.

(vi) All other conditions of the existing permit not in conflict with conditions (i) through (v) above.

8. With the exception of major modifications granted under subparagraph (c)7. of this Rule, all major modifications shall meet the siting and design standards applicable to new permit applications in effect on the date the modification is approved.

(d) All modifications of solid waste handling permits which are minor modifications shall be subject to the following requirements:

1. Submission of a written request by the permit holder requests a minor modification.

2. Submission of supporting documents which accompany the written modification request which describe the exact change to be made to the permit conditions and supporting documents referenced by the permit and which explain why the change is needed.

3. If applicable, submission of a revised design for the requested change.

4. For a modification involving a change in ownership covered in subparagraph (34)(b)17. above, documentation must be provided to insure compliance with subparagraph (7)(a) below.

(4) Transfer of Permits: permits are not transferable from one site or facility to another. Permits are transferable from one person to another provided a new permit application is completed by the proposed permittee, and the proposed permittee agrees to abide by all the permit conditions or outstanding orders in effect at the time of the requested transfer. Prior to the transfer of the permit, the new permittee must demonstrate compliance with Rule 391-3-4-.13. Until such time as this is demonstrated, the original permittee shall be fully responsible for financial responsibility for the facility. Unless notified otherwise by the Director, within 45 days of receipt by the Division of a properly completed request for transfer of the permit, the permit transfer shall stand approved.

(5) Applications for permits and major permit modifications under O.C.G.A. 12-8-24 shall be on forms as may be prescribed and furnished from time to time by the Division and shall be accompanied by all pertinent information as the Division may require.

(6) Material submitted shall be complete and accurate.

(7) Application for a permit or for the transfer of a permit shall contain, but shall not be limited, to the following:

(a) A sworn statement that the applicant and owner or operator, if different than applicant, for a permit or, in the case of a corporation, partnership, or association, an officer, Director, manager, or shareholder of five percent or more of stock or financial interest in said corporation, partnership, or association:

1. Has not intentionally misrepresented or concealed any material fact in the application submitted to the Director;

2. Is not attempting to obtain the permit by misrepresentation or concealment;

3. Has not been finally convicted in the State of Georgia or any federal court of any felony involving moral turpitude within three years immediately preceding the application for a permit;

4. Has not been convicted of any violations of any environmental laws punishable as a felony in any state or federal court within five years preceding the application for a permit;

5. Has not knowingly, willfully, and consistently violated the prohibitions specified in O.C.G.A. 12-8-30.7; and

6. Has not been adjudicated in contempt of any court order enforcing any federal environmental laws or any environmental laws of the State of Georgia within five years preceding the application for a permit.

(b) For a permit application, a statement that the applicant either owns the property on which the facility is to be located or had the permission of the owner to use the property for solid waste handling.

(c) For a permit application, in the case of a regional landfill or a landfill serving more than one county, a list of the areas to be served.

(d) For a permit application, written verification of zoning compliance as required by Rule 391-3- 4-.05 paragraph (1)(a). The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).

(e) For a permit application, a site assessment as required by Rule 391-3-4-.05, except CCR units which must meet criteria in 391-3-4-.10.

(8) Applications for permits will be reviewed together with such other information as may be necessary to ascertain the effect of such solid waste handling upon air, water, and land resources and human health. Conditions under which the handling will be permitted will be specified in the permit issued.

(9) Except for Private Industry Solid Waste Disposal Facilities, each applicant for a permit shall provide written verification that the facility is consistent with the local or regional solid waste management plans developed and adopted by the host local government. The written verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plans and shall conform to the requirements set forth in O.C.G.A. 12-8-24(g).

(10) Changes to Permit Status. The Director may approve a request to modify an existing solid waste handling permit to reflect the change of a facility's operational status. Such changes can include operating, closure, and post-closure.

Authority: O.C.G.A. §. 12-8-20 *et seq*., as amended.

Rule 391-3-4-.03 "Public Participation," is amended to read as follows:

(1) Any city, county, group of counties, or government authority beginning a process to select a site ~~for~~ on which such county, municipality, group of counties, or government authority intends to own or operate a municipal solid waste disposal facility shall first call a public meeting as described herein.

(a) Notice such meeting shall be published at least ~~once per week for two weeks~~ 14 days and again at least seven days immediately preceding the public meeting in a newspaper of general circulation serving such municipality or county.

(b) Where such proposed facility will serve a regional solid waste management authority established pursuant to O.C.G.A. 12-8-53, the notice procedure outlined in subparagraph (a) above shall be followed in each jurisdiction participating in such authority.

(c) The purpose of the public meeting shall be to discuss the waste management needs of the local government or region and to describe the siting process to be followed.

(2) ~~The governing authority of any county or municipality taking action resulting in a municipal solid waste disposal facility siting decision shall notify the public as follows~~ Before a host local government verifies in writing that a proposed new public or private municipal solid waste disposal facility or a major modification expanding the permit boundaries of an existing facility is consistent with the local, multijurisdictional, or regional solid waste management plan adopted by the host local government and local zoning or land use ordinances, as required by O.C.G.A. 12-8-24(g), the governing authority of the host local government shall comply with the following notice and meeting requirements:

(a) ~~Cause to be published in a newspaper of general circulation serving such city or county at least once per week for two weeks immediately preceding the date of such meeting, notice of the meeting at which the siting decision is to be made.~~ Cause a notice of the meeting at which the public will be informed of the proposed new facility or major modification expanding the permit boundaries of an existing facility to be published in a newspaper of general circulation serving such local government. The meeting notice shall be published at least 14 days and again at least seven days preceding the date of such meeting.

(b) Such notices shall identify the governing authority of the host local government jurisdiction that will conduct the meeting and shall include ~~state~~ the time, place, and purpose of the meeting.

(c) The meeting shall be conducted by the governing authority taking the action.

(d) During the meeting on the proposed new facility or major modification expanding the permit boundaries of an existing facility, the governing authority of the host local government shall inform the public of:

1. The location of the proposed new facility or major modification expanding the permit boundaries of an existing facility;

2. The type of facility and operations proposed; and

3. The process by which such governing authority shall provide the written verification described in O.C.G.A. 12-8-24(g).

(3) Upon submission of an application to the Division for any municipal solid waste disposal facility for which a permit (other than a permit-by-Rule) is required, the applicant, within fifteen (15) days of the submission of said application, shall take the following actions:

(a) Publish public notice of the application in a newspaper of general circulation serving the host county if the proposed facility or expanded facility is to serve no more than one county;

(b) Publish public notice of the application in a newspaper of general circulation serving each affected if the proposed facility or expanded facility is to serve more than one county;

(c) Provide written notice of the permit application to the governing body of each affected county in subparagraph (a) or (b) above; to the governing body of each local government within subparagraph (a) or (b) above; and to the regional development center;

(d) Request that the public notice outlined herein to be displayed prominently in the courthouse of each county notified in (c) above.

(e) Upon notification by the Division that a proposed facility is suitable for the intended purpose, the host local government shall initiate a local notification and negotiation process as required in O.C.G.A. 12-8-32.

(4) The governing authority of the county or municipality will hold a public hearing not less than two weeks prior to the issuance of any permit, except for a private industry disposal facility, and notice of such hearing shall be posted at the proposed site in a location closest to the primary existing entrance or primary proposed entrance where it can be viewed unaided from a public right-of-way and advertised in a newspaper of general circulation serving the county or counties in which the proposed activity will be conducted, at least thirty (30) days prior to such hearing. A typed copy of the hearing transcript shall be submitted to the Division.

(5) Whenever the Director issues, denies, revokes, suspends, or transfers, a permit or approves a major modification of a permit for a facility, he shall notify the chief elected official of the host local government in which the facility is located or is proposed to be located.

Authority: O.C.G.A. § 12-8-20 et seq., as amended.

Rule 391-3-4-.05 "Criteria for Siting," is amended to read as follows:

(1) The following criteria must be met for a site proposed as a solid waste handling facility:

(a) Zoning. The site must conform to all local zoning/land use ordinances. Written verification must be submitted to the Division by the applicant demonstrating that the proposed site complies with local zoning and land use ordinances, if any. This verification shall include a letter from the local governmental authority stating that the proposed site complies with local zoning or land use ordinances, if any. This verification shall be provided at the time of submission of a permit application and reaffirmed by the governmental authority prior to permit issuance. <u>The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).</u>

(b) Disposal Facility Siting Decision. Whenever any county, municipality group of counties, or authority begins a process to select a site for a municipal solid waste disposal facility, documentation shall be submitted which demonstrates compliance with O.C.G.A.12-8-26(a), and whenever the governing authority of any county or municipality takes action resulting in a publicly- or privately-owned municipal solid waste disposal facility siting decision, documentation shall be submitted which demonstrates compliance with O.C.G.A. 12-8-26(b).

(c) Airport Safety:

1. New MSWLF units or lateral expansions of existing units shall not be located within 10,000 feet (3,048 meters) of any public-use or private-use airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public-use or private-use airport runway end used by only piston-type aircraft.

2. Owners or operators of existing MSWLF units, that are located within 10,000 feet (3,048 meters) of any public- use or private-use airport runway end used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public- use or private-use airport runway end used by only piston-type aircraft must demonstrate that the units are designed and operated so that the MSWLF units do not pose a bird hazard to aircraft.

3. Owners or operators proposing to site new MSWLF units and lateral expansions within a five-mile radius of any public-use or private-use airport runway end used by turbojet or piston-type aircraft must notify the affected airport and the Federal Aviation Administration (FAA).

4. The owner or operator must place the demonstration in paragraph 2. of this section in the operating record and notify the Director that it has been placed in the operating record not later than October 1, 1993.

5. For purposes of this section:

a. "Public-use airport" means an airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

b. "Private-use airport" means an airport that is not open to the public and which may not be used without prior permission of the airport owner and which has restrictions other than the physical capacities of available facilities and such airport is shown on the Sectional Aeronautical Charts published by the U.S. Department of Commerce for Atlanta , Jacksonville, or New Orleans, which charts are dated at least one year prior to the submission of a MSWLF permit or major permit modification application.

c. "Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

(d) Floodplains. A solid waste handling facility located in the 100-year floodplain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in a washout of solid waste so as to pose a hazard to human health and the environment. The owner or operator must place a demonstration of compliance in the operating record and notify the Director that it has been placed in the operating record.
1. For purposes of this section:

a. "Floodplains" means the low land and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

b. "100-year flood" means a flood that has a 1-percent or greater chance of recurring in any given year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.

c. "Washout" means the carrying away of solid waste by waters of the base flood.

(e) Wetlands. A solid waste handling facility shall not be located in wetlands, as defined by the U.S. Corps. of Engineers, unless evidence is provided to the Director, by the applicant, that use of such wetlands has been permitted or otherwise authorized under all other applicable state and federal laws and rules. The owner or operator must place a demonstration of compliance in the operating record and notify the Directory that it has been placed in the operating record.

(f) Fault Areas.

1. New landfill units and lateral expansions of existing landfills shall not be located within 200 feet (60 meters) of a fault that has had displacement in Holocene time unless the owner or operator demonstrates to the Director that an alternative setback distance of less than 200 feet (60 meters) will prevent damage to the structural integrity of the landfill unit and will be protective of human health and the environment.

2. For the purposes of this section.

a. "Fault" means a fracture or a zone of fractures in any material a long which strata on one side have been displaced with respect to that on the other side.

b. "Displacement" means the relative movement of any two sides of a fault measured in any direction.

c. "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

(g) Seismic Impact Zones.

1. New landfill units and lateral expansions shall not be located in seismic impact zones, unless the owner or operator demonstrates to the Director that all containment structures, including

liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record.

2. For the purposes of this section:

a. Seismic impact zone means an area with a ten percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull will exceed 0.10g in 250 years.

b. Maximum horizontal acceleration in lithified earth material means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site -specific seismic risk assessment.

c. Lithified earth material means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

(h) Unstable areas.

1. Owners or operators of new landfill units, existing landfill units, and lateral expansions located in an unstable area must demonstrate that engineering measures have been incorporated into the landfill unit's design to ensure that the integrity of the structural components of the landfill unit will not be disrupted. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record. The owner or operator must consider the following factors, at a minimum, when determining whether an area is unstable:

a. On-site or local soil conditions that may result in significant differential settling;

b. On-site or local geologic or geomorphologic features; and

c. On-site or local human-made features or events (both surface and subsurface).

2. For the purposes of this section:

a. "Unstable area" means a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and karst terrains.

b. "Structural components" means liners, leachate collection systems, final covers, run- on/run-off systems, and any other component used in the construction and operation of the landfill that is necessary for protection of human health and the environment.

c. "Poor foundation conditions" means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a landfill unit.

d. "Areas susceptible to mass movement" mean those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the landfill unit, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluction, block sliding, and rock fall.

e. "Karst terrains" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

(i) Significant Groundwater Recharge Areas. A new municipal solid waste landfill or lateral expansion of an existing municipal solid waste landfill shall not have any part of such site located within two miles of any area that has been designated by the Director as a significant groundwater recharge area unless such municipal solid waste landfill will have a liner and leachate collection system. ~~In the case of a regional landfill which accepts solid waste generated outside the counties or special districts constituting the region or a municipal solid waste landfill which accepts solid waste generated outside the county in which the landfill is located, no part of such site shall be within any area that has been designated as a significant groundwater recharge area.~~

(j) Hydrogeological Assessment. A hydrologeological site investigation shall be conducted with the following factors, as a minimum, evaluated:

1. Distance to nearest point of public or private drinking water supply: all public water supply wells or surface water intakes within two miles and private (domestic) water supply wells within one-half mile of a landfill must be identified;

2. Depth to the upper most aquifer: for landfills, the thickness and nature of the unsaturated zone and its ability for natural contamination control must be evaluated;

3. Uppermost aquifer gradient: for landfills, the direction and rate of flow of groundwater shall be determined in order to properly evaluate the potential for contamination at a specific site. Measurements of water levels in site exploratory borings and the preparation of water table maps are required. Borings to water are required to estimate the configuration and gradient of the uppermost aquifer;

4. Topographic setting: features which shall be provided include, but are not limited to, all upstream and downstream drainage areas affecting or affected by the proposed site, floodplains, gullies, karst conditions, wetlands, unstable soils and percent slope;

5. Geologic setting: for landfills, the depth to bedrock, the type of bedrock and the amount of fracturing and jointing in the bedrock shall be determined. In limestone or dolostone regions, karst terrain shall not be used for waste disposal. This consideration does not preclude the siting of landfills in limestone terrains, but rather is intended to prevent landfills from being sited in or adjacent to sink-holes, provided, however, that the demonstration required by subparagraph (h) has been made.

6. Hydraulic conductivity: evaluation of landfill sites shall take into consideration the hydraulic conductivity of the surface material in which the wastes are to be buried, as well as the hydraulic conductivity of the subsurface materials underlying the fill;

7. Sorption and attenuation capacity: for landfills, the sorptive characteristics of an earth material and its ability to absorb contaminants shall be determined; and

8. Distance to surface water: municipal solid waste landfills shall not be situated within two miles upgradient of any surface water intake for a public drinking water source unless engineering modifications such as liners and leachate collection systems and ground-water monitoring systems are provided.

(k) New MSWLF units shall not be located within two miles of a federally restricted military air space which is used for a bombing range unless the MSWLF was permitted and operational on July 1, 1997.

(2) Construction/Demolition waste landfills must comply with the siting criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix B.

(3) Industrial waste landfills permitted to receive only a single type industrial waste (monofill) or receive only a single industry's waste, must comply with the siting criteria specified in "Criteria for Performing Site Acceptability Studies for Solid Waste Landfills in Georgia", Circular 14, Appendix A. Commercial industrial waste landfills must meet the same siting criteria as municipal solid waste landfills.

(4) A site assessment report addressing the criteria listed above shall be prepared by a geologist registered in Georgia or a geotechnical engineer registered in Georgia and submitted to the Division for review at the time of submitting a permit application. The site assessment report shall be prepared in accordance with Circular 14, 1991, (amended 1997) as published by the Georgia Geologic Survey, Georgia Environmental Protection Division.

(5) Monitoring wells and borings shall be constructed by a driller having a valid and current bond with the Water Well Standards Advisory Council.

(6) CCR units must meet the siting criteria in 391-3-4-.10.

Authority: O.C.G.A §.12-8-20 *et seq*., as amended.

Rule 391-3-4-.16 "Composting and Anaerobic Digestion Facilities," is amended to read as follows:

(1) Composting is a desirable means of reducing the amount of solid waste destined for disposal. All composting facilities not exempted in 391-3-4-.16(3) shall either be regulated under Permit-by-Rule in 391-3-4-.16(5)(b) or shall obtain a Solid Waste Handling Permit in accordance with either 391-3-4-.16(5)(c), 391-3-4-.16(5)(d), 391-3-4-.16(5)(e), or 391-3-4-.16(5)(f) depending on the technology employed and feedstocks processed.

(a) Composting facilities in existence on the effective date of this Rule may continue to operate until March 31, 2015 under their existing permit, or Permit-by-Rule, before demonstrating compliance under conditions (i) - (vii) of this section. Existing facilities requesting major modifications after the effective date of this Rule must fully comply with this Rule. Facilities that cannot demonstrate compliance with conditions (i) - (vii) of this section by March 31, 2015 shall initiate closure.

(i) Existing Permit-by-Rule composting facilities that meet the criteria of 391-3-4-.16(5)(b) 1. must comply with the operating standards of Class 2 Composting Facilities, but are exempted from the design standards of Class 2 Composting Facilities.

(ii) Existing permitted composting facilities that classify as Class 3 Composting Facilities in 391-3-4-.16(5)(c) 1. and 2. must comply with the operating standards of Class 3 facilities, but are exempted from the design standards of Class 3 facilities.

(iii) Existing permitted composting facilities that classify as Class 4 Composting Facilities in 391-3-4-.16(5)(d) 1. and 2. must comply with the operating standards of Class 3 and Class 4 facilities, but are exempted from the design standards of Class 3 and Class 4 facilities.

(iv) Existing permitted composting facilities that classify as Class 5 Composting Facilities in 391-3-4-.16(5)(e) 1. must comply with the operating standards of Class 3, Class 4, and Class 5 facilities, but are exempted from the design standards of Class 3, Class 4, and Class 5 facilities.

(v) Existing permitted composting facilities that classify as Class 6 In-vessel Composting and Anaerobic Digestion Facilities in 391-3-4-.16(5)(f) 1. must comply with the operating standards of Class 6 facilities, but are exempted from the design standards of Class 6 facilities.

(vi) All existing composting and anaerobic digestion facilities are exempt from the siting criteria of 391-3-4-.16(6), unless applying for a major modification as in 391-3-4-.16(7)(a) 1. or 2.

(vii) All existing composting and anaerobic digestion facilities, other than those operating as Permit-by-Rule facilities, must comply with the testing requirements of 391-3-4-.16(8).

(2) Definitions. For the purposes of this Rule:

(a) "Aerated Static Pile Composting" means a process in which decomposing organic material is placed in piles over an air distribution system to supply oxygen for the purpose of producing compost.

(b) "Agricultural Residuals" means the residuals from customary and generally accepted activities, practices, and procedures that farmers adopt, use, or engage in during the production and preparation for market of poultry, livestock, and associated farm products; and in the production and harvesting of agricultural crops, which include agronomic, horticultural, and silvicultural crops, and residuals resulting from aquacultural activities. It also includes residuals from harvesting and production of row crops and manures. The term does not include dead animals, wastewater or special wastes, such as waste oils or other lubricants, unused fertilizers, pesticides, or pesticide containers.

(c) "Anaerobic Digester" means an enclosed vessel that processes organic material under anaerobic conditions to produce biogas and digestate.

(d) "Anaerobic Digestion" means the controlled decomposition of organic material under anaerobic conditions in an anaerobic digester to produce biogas and digestate.

(e) "Backyard Composting" means composting of yard trimmings and food residuals, managed so as not to attract vectors, at residential, commercial, or industrial property by the owner or tenant for use on site. All feedstocks must be generated and composted on site.

(f) "Biogas" means gas generated by anaerobic digestion.

(g) "Compost" means a stabilized organic product produced by a controlled aerobic decomposition process that can be used as a soil additive, fertilizer, growth media or other beneficial use.

(h) "Composting Facility" means buildings, grounds and equipment dedicated to the manufacture of compost.

(i) "Contact Water" means a liquid that has passed through or emerged from raw feedstocks and materials that are being processed; liquid that has come into contact with equipment that is dedicated to the composting or anaerobic digestion process; and which contains extracted, dissolved or suspended materials. Contact water also includes condensate from gases resulting from the composting and the anaerobic digestion processes.

(j) "Curing" means, for the purposes of composting and anaerobic digestion, a continuation of the composting process after the high heat stage during which stability and maturity continue to increase. For the purposes of these regulations, compost enters the curing stage after completing the process to further reduce pathogens.

(k) "Digestate" means the residual solids or liquids remaining after organic material has been processed in an anaerobic digester.

(l) "Feedstock" means any organic material used in the production of compost or processed in an anaerobic digester. Feedstocks shall not include additives or amendments that are not part of the composting process.

(m) "Food Processing Residuals" means organic material generated as a by-product of the food-processing sector that is non-hazardous and contains no domestic wastewater. For the purposes of these regulations, the term applies to use as a feedstock in the composting or anaerobic digestion process and does not include dissolved air flotation (DAF) skimmings or fats, oil, and greases.

(n) "Food Residuals" means pre- and post-consumer food used as a feedstock in a composting or anaerobic digestion facility.

(o) "Industrial By-product" means organic materials generated by manufacturing or industrial processes that are non-hazardous, contain no domestic wastewater, and pass the paint filter test.

(p) "In-vessel Composting" means the aerobic decomposition of organic material in an enclosed container for the purpose of producing compost.

(q) "Maturity" means a measure of the degree of completion of the composting process.

(r) "Source-separated Organics" means organic material including, but not limited to, food residuals, food processing residuals, and compostable paper that has been separated from non-compostable material.

(s) "Stability" means the inverse measure of the potential for a material to rapidly decompose that is measured by indicators of microbial activity, such as carbon dioxide production, oxygen uptake, or self-heating.

(3) Exemptions.

(a) The following composting operations are exempt from a Solid Waste Handling Permit:

1. Backyard composting.

2. A facility composting only Category A feedstock.

3. A facility processing less than 40 tons per year of food residuals generated on site and composted in leak-proof containers that prohibit vector attraction and prevent nuisance odor generation.

4. Composting of food residuals and yard trimmings generated on site at a K-12 institution for educational purposes.

5. Composting of biosolids at a treatment works regulated by a National Pollutant Discharge Elimination System (NPDES) permit, Land Application System (LAS) permit, or other permit from EPD, and in which case that permit has been modified in accordance with the Georgia Rules for Water Quality Control 391-3-6-.17(3)(c) 1. to incorporate any necessary requirements for regulating the composting operation.

6. Composting of dead animals, provided such composting is in accordance with the

requirements of the Georgia Dead Animal Disposal Act (O.C.G.A. § 4-5) and Georgia Department of Agriculture Rules (Chapter 40-13-5).

7. Anaerobic digestion facilities that are permitted in accordance with the Georgia Rules for Water Quality Control. These include facilities located at a wastewater treatment plant and on-farm anaerobic digesters or lagoons.

8. Manures managed in accordance with the Georgia Rules for Water Quality Control.

(4) Feedstock Categories.

(a) The categories described below are not intended to be all-inclusive. Case-by-case determinations by the Division may be necessary concerning selection of the appropriate category for a particular feedstock, including industrial by-products not elsewhere classified. Accordingly, the Division may require that analytical and/or process information be supplied by the owner or operator to assist in making such determinations. At a minimum, the Division will require applicants to provide an analysis of metals and proof of compostability of the potential feedstock, including C:N ratio and soluble salts.

1. Feedstock Category A: Yard trimmings, land-clearing debris, agricultural residuals generated and processed on site, untreated and unpainted wood, or any combination thereof.

2. Feedstock Category B: Agricultural residuals generated off site, herbivorous animal manure generated at a zoo, and/or source-separated organics.

3. Feedstock Category C: Sewage sludge and biosolids not managed as part of a treatment works under an NPDES or LAS permit.

4. Feedstock Category D: Dissolved air flotation (DAF) skimmings or sludge generated from food processing and dewatered septage.

(b) Prohibited feedstocks include:

1. Asbestos-containing wastes.

2. Biomedical wastes.

3. Painted and treated wood.

4. Any other prohibited wastes included in 391-3-4-.04(6).

(5) Design and Operating Standards for Composting Facilities by Class.

(a) Class 1 Composting Facilities

1. Facilities composting only Category A feedstock do not require a Solid Waste Handling Permit.

2. A permitted solid waste handling facility shall submit a minor modification prior to adding a Class 1 composting operation on site.

(b) Class 2 Composting Facilities

1. Facilities composting Category A and B feedstocks that meet both of the following criteria may operate under a Permit-by-Rule for Composting Facilities:

(i) Facilities receiving less than 500 tons of Category B feedstock per calendar month.

(ii) For Class 2 facilities, Category B feedstocks shall be restricted to exclude the receipt of non-vegetative food processing residuals and manures.

2. The design standards for Class 2 facilities include:

(i) The composting area shall be constructed to maintain its structural integrity under operating conditions and be capable of supporting vehicular traffic.

(ii) The composting facility shall be adequate in size and capacity to manage the projected volume of compost and residue generated. The areas for storing feedstocks prior to processing shall be clearly defined and the maximum capacity specified.

(iii) For windrow operations, the maximum composting process windrow size and minimum composting process windrow spacing shall match the capability and requirements of the equipment used at the facility.

3. The operating standards for Class 2 facilities include:

(i) The composting facility shall have a sign at its entrance that lists the name of the facility, hours of operation, feedstocks accepted, and emergency contact information.

(ii) The composting facility shall have storm water control measures.

(iii) The composting facility shall prevent flow of contact water from the active composting area into surface water and curing or finished compost areas.

(iv) Suitable measures to control vectors shall be applied.

(v) Suitable measures to control odors shall be applied.

(vi) Suitable measures to prevent, control, and extinguish fires shall be applied.

(vii) By the end of each operating day, all incoming Category B feedstock must be processed into the active composting area, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

(viii) No material shall be stored in excess of the designated capacity.

(ix) Storage of finished compost on site is limited to 12 months, unless approved by the Division on a case-by-case basis.

(x) Non-compostable material and solid waste generated on site shall be stored in a waste container and then either recycled or disposed of at a permitted solid waste facility.

(xi) Facilities accepting Category B feedstocks from off site shall track incoming feedstocks and finished compost. Records documenting compliance of the composting facility with these Rules shall be kept for a minimum of three years in a form suitable for submission to or inspection by the Division. Records shall include the weight or volume (in tons or cubic yards) of the feedstocks accepted, total compost produced, and any amount sold or used. Records shall be retained at the composting facility unless an off- site storage location is approved by the Division.

(xii) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting facility operations.

(xiii) Notice of final closure shall be provided to the Director within 60 days from final receipt of feedstock. Any site not receiving feedstock in excess of 180 days, unless properly closed or otherwise approved by the Division, shall be deemed closed and in violation of these Rules. Notice of closure shall include documentation that all feedstocks and active, curing, and final compost materials have been removed from the facility and that the site has been stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

(c) Class 3 Composting Facilities

1. Any composting facility that is neither exempt under 391-3-4-.16(3), nor meets the conditions for Class 2 Composting Facilities in 391-3-4-.16(5)(b), shall obtain a permit in accordance with following requirements:

2. Class 3 composting facilities may compost Category A and B feedstocks.

3. The design standards for Class 3 facilities include:

(i) The composting facility shall be designed by a professional engineer licensed to practice in Georgia.

(ii) An all-weather compost pad shall be designed, constructed, and maintained to (1) prevent ponding and impede downward migration of potential contaminants from contact water; (2) reliably transmit any free liquid present during the storage, treatment, and processing of materials laterally to a containment structure to prevent liquids from entering surface water or groundwater; (3) support vehicular traffic; and (4) prevent conditions that could contribute to or cause contamination.

(iii) Surfaces on which composting takes place shall be graded with a slope between 2% and 6% to prevent ponding of water.

(iv) The site shall be graded to prevent the flow of water from the active composting area into curing or finished compost areas.

(v) Prior to receiving feedstocks, the Division shall be provided with written certification by a professional engineer licensed to practice in Georgia, that the facility has been constructed in accordance with the approved permit. Unless notified otherwise by the Division, within 15 days of receipt of the written certification, the facility owner or operator may commence composting operations.

(vi) The owner or operator shall fully satisfy all applicable financial responsibility requirements, as provided by Chapter 391-3-4-.13. The financial assurance mechanism shall be updated at least annually for inflation and for any modifications required and approved by the Division.

(vii) An as-built survey of the facility, prepared by a Georgia-registered professional surveyor, shall be submitted with the engineering certification.

(viii) Contact water collection and removal systems shall be designed for incorporating the liquid back into the compost piles or for removal and treatment in a manner approved by the Division. Contact water may be used in the composting operation for moisture addition only in active compost piles that have not completed the process to further reduce pathogens.

(ix) The maximum composting process windrow size and minimum composting process windrow spacing shall match the capability and requirements of the equipment used at the facility.

(x) The composting facility shall submit a site-specific odor minimization plan that includes, at a minimum, the following:

(I) A complaint response protocol.

(II) A description of operating procedures for minimizing odor.

(III) A description of the processes and technologies used to control odors.

(IV) A description of procedures to monitor odor, including sampling frequencies and method(s) used to measure odors.

(xi) The composting facility shall submit a contingency plan detailing corrective or remedial actions to be taken in the event of equipment breakdown; odors; unacceptable waste delivered to the facility; spills; and other undesirable conditions such as fire, dust, noise, vectors, unusual traffic conditions, and litter. The plan shall also include the proposed emergency provisions for equipment breakdown or power failure.

4. The operating standards for Class 3 include:

(i) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting facility operations.

(ii) The facility shall install and maintain storm water management controls.

(iii) Suitable measures to control vectors shall be applied.

(iv) Suitable measures to prevent, control, and extinguish fires shall be applied.

(v) By the end of each operating day, all incoming Category B feedstock shall be processed into the active composting area, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors. Prior to being incorporated into the active composting area, feedstocks with free liquid shall be mixed with drier feedstocks, bulking material, or compost so that the liquid is promptly absorbed and not allowed to flow from the mixing area.

(vi) Compost processing time and temperatures shall be sufficient to kill weed seeds, reduce pathogens and vector attraction, and produce compost that meets the stability necessary for the intended use. Pathogen and vector attraction reduction compliance shall be achieved as follows:

(I) Windrow composting: The compost material shall be maintained at a minimum average temperature of 55°C or higher for 15 days or longer. During the period when the compost is maintained at 55°C or higher, there shall be a minimum of five turnings of the windrow. The 15 or more days at or above 55°C do not have to be continuous.

(II) Aerated static pile or in-vessel composting: The compost material shall be maintained at a minimum average temperature of 55°C or higher for three consecutive days, followed by at least 14 days at over 40°C with an average temperature of over 45°C.

(vii) Facilities using aerated static piles shall insulate piles to ensure that all parts of the decomposing material reach and maintain temperatures at or above 55°C for a minimum of three days.

(viii) The all-weather compost pad must be maintained to its specified slope and resist deformation that would cause ponding or increase infiltration of contact water.

(ix) Storage of finished compost on site is limited to 12 months, unless approved by the Division on a case-by-case basis.

(x) Non-compostable material and solid waste generated on site shall be stored in a waste container and then either recycled or disposed of at a permitted solid waste facility.

(xi) Records shall be maintained to track incoming feedstocks and finished compost. By September 1 of each year, operators shall submit a report to the Division that includes the weight or volume (in tons or cubic yards) of the feedstocks accepted, total compost produced, and any amount sold or used in the previous fiscal year (July 1 - June 30).
(xii) Records documenting compliance of the composting facility with these Rules shall be kept for a minimum of three years in a form suitable for submission to or inspection by the Division.

Records shall be retained at the composting facility unless an off-site storage location is approved by the Division.

(xiii) A facility odor minimization plan shall be maintained and updated as stipulated in the following:

(I) The odor impact minimization plan shall be revised and submitted to the Division for any major modification as described in 391-3-4-.16(7).

(II) The odor impact minimization plan shall be reviewed annually by the operator to determine if any revisions are necessary.

(III) The odor impact minimization plan and results of the odor monitoring shall be used by the Division to determine whether the facility is following the procedures approved in its permit and its design and operational plan.

(xiv) The composting facility shall have a sign at its entrance that lists the name of the facility, permit number, days and hours of operation, feedstocks accepted, and emergency contact information.

(xv) The composting facility shall be closed in accordance with Rule 391-3-4-.11.

(d) Class 4 Composting Facilities

1. Any composting facility that is neither exempt under 391-3-4-.16(2), nor meets the conditions for Permit-by-Rule for Composting Facilities in 391-3-4-.16(4)(b), shall obtain a permit in accordance with following requirements:

2. Class 4 composting facilities may compost Category A, B, and C feedstocks.

3. Class 4 composting facilities shall comply with the design and operating standards for Class 3 composting facilities and the additional design and operating standards listed below:

(i) The design standards for Class 4 include:

(I) The compost pad for the receiving, mixing, and active composting areas shall prohibit ponding and limit infiltration of contact water by being uniformly graded at a minimum slope of 2%. The compost pad shall contain a layer to limit infiltration. This layer shall either be one foot in thickness with a hydraulic conductivity not exceeding 1x10-5 cm/sec or an approved alternative which meets or exceed this specification for the purpose of limiting infiltration. The layer to limit infiltration shall be constructed on a prepared and compacted subsurface, and overlain by a wearing surface that will resist deformation, prevent ponding, and prevent the infiltration of contact water. A minimum separation of five feet is required between the bottom of the infiltration layer and the seasonal high water table. Industrial waste proposed for the use in the construction of the compost pad shall be approved by the Division.

(II) Contact water shall be contained in a tank with secondary containment or in an impoundment with a liner system consisting of a one-foot layer of compacted soil with a hydraulic conductivity of no more than 1x10-7 cm/sec. The liner shall be overlain by a protective marker layer of sand or stone no less than one foot in thickness. An alternate liner system with the equivalent ability to limit infiltration may be approved by the Division.

(ii) The operating standards for Class 4 include:

(I) The composting pad shall be maintained and repaired as needed. Cracks or other defects identified in the wearing surface shall be promptly repaired under the supervision of the facility manager. Any repairs or reconstruction of the layer limiting infiltration shall be completed under the supervision of a professional engineer, who shall prepare a report and certification of the repairs. A copy of the report(s) shall be maintained in the facility's operating records. Compost materials shall not be placed in areas with damage to the infiltration layer, and berms or other diversions shall be installed to prevent run-on of contact water into these areas.

(II) Facilities that compost biosolids or sewage sludge shall comply with all applicable federal regulations regarding sludge management at 40 CFR 501; 40 CFR 503; and 40 CFR 503, Subpart B.

(III) Groundwater monitoring systems shall be designed and installed in accordance with 391-3-4-.14. Additionally:

(A) Monitoring parameters shall be established based on the hydrogeologic data related to the site, the type of feedstocks accepted at the facility, and waste characterization analyses performed on incoming feedstocks.

(B) Monitoring shall be conducted semi-annually, at a minimum.

(IV) By the end of each operating day, all incoming Category B and C feedstocks shall be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes nuisance odors and scavenging by vectors.

(e) Class 5 Composting Facilities

1. Class 5 composting facilities may compost Category A, B, C, and D feedstocks.

2. Class 5 composting facilities shall comply with the design and operating standards for Class 3 and 4 composting facilities and the additional design and operating standards listed below:

(i) The design standards for Class 5 include: Reserved.

(ii) The operating standards for Class 5 include:
(I) The feedstock receiving and mixing areas shall be in an enclosed structure. The receiving area of the composting operation shall be constructed of asphalt, concrete, or a composite liner system. Receiving entrances shall be closed and under negative pressure during receipt and

processing of Category D feedstocks.

(II) By the end of each operating day, all incoming Category B, C, and D feedstocks shall be processed into the active composting pile, transferred to leak-proof containment, or mixed with bulking material to minimize nuisance odors and scavenging by vectors.

(f) Class 6 In-vessel Composting and Anaerobic Digestion Facilities

1. Class 6 facilities employ in-vessel composting or anaerobic digestion. These facilities may process Category A, B, C, and D feedstocks.

2. The design standards for Class 6 facilities include:

(i) A description of the basic site design.

(ii) A description of the type of technology to be used, including a copy of the drawings and specifications of the composting or digestion equipment and a process flow diagram that includes the types of the major material handling equipment and material flow.

(iii) A description of the unit's requirements for power, water, and wastewater removal.

(iv) A description of the type and quantities of feedstock to be processed.

(v) A description of the storage capacity for feedstocks, products and digestate, if applicable.

(vi) Anticipated annual operational capacity in cubic yards or gallons per day.

(vii) A description of the proposed methods used to control spills, run-off, litter, odors, dust, rodents, and insects, including the storage of feedstocks, compost and digestate, leak-prevention and spill release measures, and the methods to monitor effectiveness for control measures.

(viii) The facility shall have a site-specific odor minimization plan that includes, at a minimum, the following:

(I) A complaint response protocol.

(II) A description of operating procedures for minimizing odor.

(III) A description of the processes and technologies used to control odors.

(ix) A contingency plan detailing corrective or remedial actions to be taken in the event of equipment breakdown; odors; unacceptable waste delivered to the facility; spills; and other undesirable conditions such as fire, dust, noise, vectors, unusual traffic conditions, and litter. The plan shall also include the proposed emergency provisions for equipment breakdown or power failure.

3. The operating standards for Class 6 facilities include:

(i) Operation and management shall be under the supervision and control of an individual properly trained in the operation of such facilities at all times. Facility operations managers must be able to document training in the basics of composting and/or anaerobic digestion operations through a course approved by the Division.

(ii) The facility shall have a sign at its entrance that lists the name of the facility, permit number, days and hours of operation, feedstocks accepted, and emergency contact information.

(iii) The facility shall install and maintain storm water management controls.

(iv) Suitable measures to control vectors shall be applied.

(v) Suitable measures to prevent, control, and extinguish fires shall be applied.

(vi) The operator shall take measures to prevent spillage and promptly respond to any leaks or spills that occur.

(vii) By the end of each operating day, all incoming Category B, C, and D feedstocks shall be processed, transferred to leak-proof containment, or mixed with bulking material and covered in a manner that minimizes odors and scavenging by vectors. For facilities with an anaerobic digester, the feedstocks can be stored in leak-proof containers with lids that prevent vector or odor problems for a period of time to allow for proper organic loading of the digester. This time period shall not exceed four days.

(viii) Digestate not contained in an in-vessel digester, sealed container, or sealed structure, shall, within 24 hours, be removed from the site and either disposed or processed at a permitted solid waste facility or incorporated into a permitted, on-site compost operation. Digestate may be stored in a sealed container or sealed structure for up to nine months. By-products from the separation of digestate shall be stored separately and in sealed containers.

(ix) Non-compostable waste shall be stored in a waste container and then recycled or disposed of at a permitted solid waste facility.

(x) For in-vessel composting operations, the operator shall ensure that the composting process reduces pathogens. The compost material shall be maintained at a minimum average temperature of 55°C or higher for three consecutive days, followed by at least 14 days at over 40°C with an average temperature of over 45°C.

(xi) Facilities employing anaerobic digestion must minimize the uncontrolled release of biogas.

(xii) Notice of final closure shall be provided to the Director within 60 days from final receipt of feedstock. Any site not receiving feedstock in excess of 180 days, unless properly closed or otherwise approved by the Division, shall be deemed closed and in violation of these Rules. Notice of closure shall include documentation that all feedstocks, compost materials and digestate have been removed from the facility and that the site has been stabilized in accordance with the Manual for Erosion and Sediment Control in Georgia.

(6) Criteria for Siting Composting Facilities.

(a) Class 2 composting facilities shall comply with the following criteria:

1. The facility shall not be located in the 100-year floodplain.

2. A 50-foot undisturbed buffer shall be maintained between the composting operation and the property line.

3. A 200-foot buffer shall be maintained between the composting operation and any adjacent residences and/or drinking water supply wells.

4. A 50-foot buffer shall be maintained between the composting operation and all streams.

5. A description of surrounding land uses up to a ½-mile radius shall be provided.

6. Airport safety restrictions, as required by Rule 391-3-4-.05(1)(c) for MSWLF units, shall be met.

(b) Classes 3-6 composting facilities and anaerobic digestion facilities shall comply with the following criteria:

1. The facility shall submit written verification of zoning compliance as required by Rule 391-3-4-.05 paragraph (1)(a)~~a letter~~ from the local government authority stating that the proposed facility complies with local zoning and land use ordinances. The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).

2. The facility shall submit written verification by the applicant that the facility is consistent with the local or regional solid waste management plan, as required in Rule 391-3-4-.02(3~~4~~)(c)5. The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).

3. The facility shall not be located in the 100-year floodplain.

4. The facility shall submit a map of the topographic setting depicting features, including all upstream and downstream drainage areas affecting or affected by the proposed site, floodplain, gullies, karst conditions, wetlands, unstable soils, and percent slope.

5. A 100-foot undisturbed buffer shall be maintained between the composting operation and the property line.

6. A 500-foot buffer shall be maintained between the composting operation and any adjacent residences and/or any drinking water supply wells.

7. A 50-foot buffer shall be maintained between the composting operation and all streams.

8. A description of surrounding land uses up to a ½-mile radius shall be provided.

9. Airport safety restrictions as required by Rule 391-3-4-.05(1)(c) for MSWLF units, shall be

met.

10. The facility shall submit a site assessment report, prepared by a professional geologist or geotechnical engineer registered in Georgia, addressing the above-listed criteria.

(c) In addition to meeting the Class 3 siting requirements, Class 4 and 5 composting facilities shall comply with the following siting criteria:

1. Submission of a hydrogeological assessment, as specified in 391-3-4-.05(1)(j) may be required.

2. Submission of an odor assessment that includes, at a minimum:

(i) The proximity of existing odor receptors;

(ii) An evaluation of the site and operation characteristics to determine the potential for impacts on the neighboring community from the off-site migration of odors from the proposed facility; and

(iii) A description of the design considerations or practices to be implemented to control the potential impacts of off-site odors generated from the facility.

(7) Permit Modifications for Class 3-6 Facilities.

(a) All modifications of existing facilities shall be classified as follows:

1. Major modifications include those changes which substantially alter the design of the facility, management practices, the types or categories of feedstocks processed, or the technologies employed, and due to the nature of the changes, would likely impact the facility's ability to adequately protect human health and the environment. Major modifications, therefore, require closer review and public input than minor modifications.

2. Major modifications shall include, but are not limited to, the following:

(i) A modification which adds a new solid waste handling process. This shall include, but not be limited to, the addition of a materials recovery facility, a composting operation co- located at an anaerobic digestion facility, baling operation, shredding operation, or liquid solidification operation.

(ii) A modification which involves a change to a site suitability requirement, which could have originally impacted the siting of the facility.

3. Minor modifications include changes that do not substantially alter the permit conditions, that do not reduce the capacity of the facility to protect human health or the environment, or that do not prevent the facility from responding in a timely manner. These changes include common variations in the type and quantities of feedstocks managed, technological advancements, or changes necessary to comply with new Rules, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(i) Minor modifications shall include, but are not limited to, the following:

(I) Changing the name of the facility.

(II) A modification which involves the relocation of access roads.

(III) A modification which adds scales.

(IV) A modification which involves the addition or removal of on-site structures.

(V) A modification which involves the addition of or a change to a groundwater or surface water monitoring system.
(VI) A modification which involves the addition or removal of a Permit-by-Rule facility.

(VII) A modification which involves the removal of any solid waste handling facility.

(VIII) A modification which involves the addition of or a change to a closure or post- closure plan.

(IX) A modification which involves the addition of or a change to a method of contact water handling and/or treatment.

(X) A modification which involves the addition of a corrective action plan.

(XI) A modification which involves a change in ownership, or in the case of a corporation of over five percent of the stock in a corporation holding a permit, but does not involve the transfer of the permit.

4. All major modifications shall be subject to the following requirements:

(i) Submission of a completed application for a permit modification.

(ii) Submission of supporting documents accompanying the application for a permit modification that describe the exact change(s) to be made to the permit conditions and supporting documents referenced by the permit that explain why the change is needed.

(iii) Submission of a revised design for the requested change(s).

(iv) Submission of written verification by the applicant, as required by Rule 391-3-4- .05(1)(a), that the facility, as proposed to be modified, conforms to all local zoning/land use ordinances, if any. <u>The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).</u>

(v) Submission of written verification by the applicant that the facility, as proposed to be modified, is consistent with local or regional solid waste management plans <u>developed and adopted by the host local government</u>. The verification shall consist of letters from the host jurisdiction and generating jurisdictions verifying consistency with the approved local solid waste plan <u>and shall conform to the requirements set forth in O.C.G.A. 12-8-24(g)</u>.

(vi) Submission of written verification by the applicant that a public hearing was held by the governing authority of the county or municipality in which the facility requesting the modification is located, not less than two weeks prior to granting approval of the modification. Submission of a typed transcript of the hearing. Submission of written verification that notice of such hearing was posted at the site of such facility and advertised in a newspaper of general circulation serving the county or counties in which the facility is located at least 30 days prior to such hearing.

(8) Testing.

(a) Class 3-6 composting facilities and anaerobic digestion facilities that compost on site shall meet the following test standards and requirements:

1. Samples and measurements taken for the purpose of product testing shall be representative of the composting activity and shall be conducted in accordance with methods and procedures approved by the Director.

2. The minimum number of samples that shall be collected and analyzed is shown in the table below. Samples to be analyzed shall be composted prior to the analysis.

Compost Quantity[1] (tons/yr)	**Frequency**
1 - 6,200	Once per quarter
6,201 - 17,500	Once every two months
Greater than 17,500	Once per month

[1]Either the amount of finished compost applied to the land, prepared for sale or given away on an "as is" (wet weight) basis.

If test results show the finished product is stable and in compliance with both metals and pathogens standards for a two-year period, the facility may request a reduction in the frequency of testing, provided there are no changes in feedstocks composted at the facility. Class 3 facilities may test for pathogens and trace metals at half the frequency, but overall testing for all other characteristics must be as defined in the table above.

3. All compost shall be tested for stability in accordance with methods and procedures approved by the Director.

(i) The stability results shall be documented in the facility's operating records.
4. All compost shall be tested for the presence of pathogens in accordance with methods and procedures approved by the Director.

(i) Either the density of fecal coliform in the finished compost shall be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of Salmonella sp. bacteria in the finished compost shall be less than three MPN per four grams of total solids (dry weight basis) before the compost may be sold, given away, or applied to the land.

5. All compost shall be analyzed for metals in accordance with methods and procedures

approved by the Director.

(i) The following pollutant concentrations shall not be exceeded:

Pollutant	**Monthly average concentration** (milligrams per kilogram) [1]
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2,800

[1] On a dry weight basis.

(b) For Class 6 facilities that operate an anaerobic digester, the facility shall, at a minimum, monitor or test the following:

1. Chemical Oxygen Demand shall be tested daily if the feedstocks change on a daily basis or weekly if the feedstocks are consistent or if the digester is at steady state, with steady state being defined as the treatment level or the gas production is constant for at least three Hydraulic Retention Times (HRT).

2. Alkalinity shall be measured daily if the feedstocks change on a daily basis or weekly if the feedstocks are consistent or if the digester is at steady state, with steady state being defined as the treatment level or the gas production is constant for at least three Hydraulic Retention Times (HRT).

3. Gas production shall be monitored.

(c) Digestate that has not been analyzed for metal concentration, pathogen concentration, and any other contaminants as stipulated by the Division, or is known to contain any metal in amounts that exceed the maximum metal concentrations in 391-3-4-.16(8)(a)(5)(i), shall be designated for disposal or additional processing.

(d) The Division may approve alternative methods of compliance to meet the requirements of this section including, but not limited to, sampling frequencies.

Authority: O.C.G.A. Secs. 12-8-20 *et seq*.

A RESOLUTION

Adopting Amendments to the Rules for Solid Waste Management, Subject 391-3-4

WHEREAS, the Board adopted, under authority of the Georgia Solid Waste Management Act, O.C.G.A. 12-8-20, et seq., the Rules for Solid Waste Management, Subject 391-3-4; which became effective on September 17, 1980, and were last amended effective April 11, 2022; and

WHEREAS, the proposed amendments to the Rules for Solid Waste Management, Subject 391-3-4, have been prepared by staff and presented to this Board in order to be consistent with the requirements of Georgia Solid Waste Management Act, O.C.G.A. 12-8-20; and

WHEREAS, amendments to the Solid Waste Management Rules, Subject 391-3-4, will revise various portions of Rule 391-3-4-.02 “Solid Waste Handling Permits”, Rule 391-3-4-.03 “Public Participation”, Rule 391-3-4-.05 “Criteria for Siting”, and Rule 391-3-4-.16 “Composting and Anaerobic Digestion Facilities”; and

WHEREAS, on June 25, 2026, a public notice for the proposed rule amendments was posted on EPD’s website and sent electronically to individuals subscribed to EPD’s Rulemaking Notification List, which invited public comment, announced a public hearing to be held on July 23, 2026, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and

WHEREAS, public comments received in response to the notice and the hearing have been considered; and

WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be minimal; and

WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could not be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Solid Waste Management Act and meets federal requirements.

Now, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Solid Waste Management, Subject 391-3-4, as attached hereto and incorporated by reference.

Adopted this 22nd day of September 2026.

Respectfully submitted by:	ATTEST:
Patrick Denney, Chairman Georgia Board of Natural Resources	Dan Garcia, Secretary Georgia Board of Natural Resources

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

Land Protection Branch
4244 International Parkway
Suite 104
Atlanta, Georgia 30354
404-362-2537

September 10, 2026

M E M O R A N D U M

TO: Board of Natural Resources

FROM: Jeffrey W. Cown, Director
Environmental Protection Division JWC

SUBJECT: Action on Proposed Amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24

I request the Board's consideration of the following rule revisions:

Rules for Lead-Based Paint Hazard Management, Subject 391-3-24

Rule 391-3-24-.01 "Scope and Applicability" is being amended to spell out "United States Environmental Protection Agency" so that the acronym "EPA" is used consistently throughout the Rule.

Rule 391-3-24-.03 "Definitions" is being amended to add, remove, and edit definitions for consistency with federal amendments to Title 40 Code of Federal Regulations Part 745 (40 CFR 745), Lead-Based Paint Poisoning Prevention in Certain Residential Structures.

Rule 391-3-24-.04 "Accreditation of Training Programs" is being amended to include language that is consistent with 40 CFR 745, (2) to remove language referencing antiquated EPD policy, and (3) to address typographical errors.

Rule 391-3-24-.05 "Certification of Persons and Firms Conducting Lead-Based Paint Activities" is being amended to remove language referencing antiquated EPD policy.

Rule 391-3-24-.06 "Standards for Conducting Lead-Based Paint Activities" is being amended to use EPA-required and recommended language, consistent with 40 CFR 745 and (2) to address typographical errors.

Rule 391-3-24-.07 " Lead Clearance Levels" is being amended to remove the term "Lead Clearance Levels" and replace it with the term "Dust-Lead Action Levels". The "Dust-lead Action Levels" (formerly "Lead Clearance Levels") are being reduced from 10 to 5 $\mu g/ft^2$ for floors, 100 to 40 $\mu g/ft^2$ for window sills, and 400 to 100 $\mu g/ft^2$ for troughs.

Rule 391-3-24-.09 "Certification of Persons and Firms Conducting Renovation Activities" is being amended to (1) remove language referencing antiquated EPD policy, (2) use acronyms consistently through this Rule, and (3) address typographical errors.

Rule 391-3-24-.10 "Standards for Conducting Renovation Activities" is being amended to use language consistent with 40 CFR 745.

Rule 391-3-24-.11 "Recordkeeping and Reporting Requirements for Renovation Activities" is being amended to (1) use language consistent with 40 CFR 745 and (2) address a typographical error.

Rule 391-3-24-.12 "Lead-Based Paint Hazard Management Program Fees" is being amended to remove language referencing antiquated EPD policy requiring payment for duplicate certificates, which can now be printed from the user's online account for no charge.

Please find enclosed for your review and consideration: Page No.

- Synopsis and Statement of Rationale for the proposed amendments to Rules for Lead-Based Paint Hazard Management; B-3
- Notice of Public Hearing issued June 25, 2026; B-8
- Memorandum summarizing comments on the proposed revisions; B-11
- Memorandum regarding the economic impacts of the proposed amendments on small businesses and the regulated community; B-13
- Proposed Amendments to the Rules for Lead-Based Paint Hazard Management showing deletions with ~~strikeouts~~ and additions with underlines; and B-16
- A proposed resolution for adopting the amendments to the rules. B-96

I recommend adoption of the proposed amendments as presented.

SYNOPSIS OF
PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
LEAD-BASED PAINT HAZARD MANAGEMENT, SUBJECT 391-3-24

Rule 391-3-24-.01 "Scope and Applicability" is being amended.

Purpose: The purpose of this amendment is to address a typographical error.

Main Features: Subparagraph (4)(b) is being amended to spell out "United States Environmental Protection Agency" so that EPA can be used consistently throughout the Rule.

Rule 391-3-24-.03 "Definitions" is being amended.

Purpose: The purpose of this amendment is to add, remove, and edit definitions for consistency with federal amendments to Title 40 Code of Federal Regulations Part 745 (40 CFR 745), *Lead-Based Paint Poisoning Prevention in Certain Residential Structures*.

Main Features: Rule 391-3-4-.03 is being amended to add "Action Levels", "Housing for the elderly", and "Reportable level"; remove "Clearance Levels"; and edit the following definitions: "Abatement", "Accessible Surface", "Certified Dust Sampling Technician", "Certified Lead Inspector", "Certified Lead Risk Assessor", "Chewable surface", "Child-occupied facility", "Completion date", "Documented methodologies", "Dust-lead hazard", "Health investigation", "Living Area", "Pamphlet", "Play Area", "Recognized test kit", "Target housing", "TSCA", "Visual Inspection for clearance testing", "Wipe sample", and "Zero (0)-bedroom dwelling". Renumbering of the definitions is also required to address these amendments.

Rule 391-3-24-.04 "Accreditation of Training Programs" is being amended.

Purpose: The purpose of this amendment is (1) to include language that is consistent with 40 CFR 745, (2) to remove language referencing antiquated EPD policy, and (3) to address typographical errors.

Main Features: Subparagraphs (3)(a)8.(iii), (4)(g)3., and (5)(d) are being amended to address typographical errors.

Subparagraphs (4)(b)6., (4)(d)11., (4)(e)5., (4)(g)7. (4)(h)5., are being amended to remove the terms "clearance" and "clearance standards" and replace them with the terms "action levels".

Subparagraph (7)(c) is being amended to remove language referencing antiquated EPD policy requiring postmarked mail and/or hand-delivery of applications and renewals. Applications and renewals are now submitted online.

Subparagraphs (9)(a), (9)(b), (9)(c), and (9)(a)1. are being amended to address typographical errors and use the acronym "EPA" consistently throughout the rule.

Rule 391-3-24-.05 "Certification of Persons and Firms Conducting Lead-Based Paint Activities" is being amended.

Purpose: The purpose of this amendment is to remove language referencing antiquated EPD policy.

Main Features: Subparagraphs (1)(k) and (4)(e) are being amended to remove language referencing antiquated EPD policy requiring payment for duplicate certificates, which can now be printed from the user's online account for no charge.

Rule 391-3-24-.06 "Standards for Conducting Lead-Based Paint Activities" is being amended.

Purpose: The purpose of this amendment is (1) to use EPA-required and recommended language, consistent with 40 CFR 745 and (2) to address typographical errors.

Main Features: Subparagraphs (3)(b)1., (3)(b)4., (3)(b)5., (4)(c), (4)(e), (4)(g), and (4)(f)2. are being amended to remove the term "children age six (6) and under" and replace it with the term "children under age six".

Subparagraph (5)(g)2. is being amended to address a typographical error.

Subparagraphs (5)(i), (5)(j), (5)(k), (5)(i)1., (5)(i)2., (5)(i)3., (5)(i)4., (5)(i)6., (5)(j)2., (5)(j)3., (5)(k)3., and (5)(i)4.(iii) are being amended to remove the term "clearance" and/or replace with it with the term(s) "post-abatement", "testing", or "post-abatement testing" where applicable.

Subparagraphs (5)(k), (5)(f)2, and (5)(k)3. are being amended to provide clarifying language regarding the occupant protection plan.

Subparagraph (5)(k)7. is being amended to include required language that must now be included in abatement reports if dust-lead levels fall between the Dust-lead Reportable Levels and Dust-lead Action Levels.

Subparagraph (7)(a) is being amended to use the updated term "dust-lead" and reference Paragraph (8), which identifies conditions for "dust-lead hazards".

Paragraph (8) and subparagraphs (8)(a), (8)(b), and (8)(c) are being amended to (1) include the term "dust-lead action levels" and (2) reduce the threshold for levels of lead in dust. The "Dust-lead Action Levels" (formerly "Lead Clearance Levels") are being reduced from 10 to 5 $\mu g/ft^2$ for floors, 100 to 40 $\mu g/ft^2$ for window sills, and 400 to 100 $\mu g/ft^2$ for troughs.

Subparagraph (11)(c)2. is being amended to remove language referencing antiquated EPD policy requiring postmarked mail and hand-delivery of emergency notifications. An emergency notification can now be submitted online.

Rule 391-3-24-.07 **"Lead Clearance Levels"** is being amended to **"Dust-Lead Action Levels"**

Purpose: Before January 13, 2025, 40 CFR 745 used the term "Lead Clearance Levels" when referring to the levels that must be met to achieve appropriate cleaning of lead dust. As of January 13, 2025, the levels identified in 40 CFR 745 are now referred to as "Dust-Lead Action Levels". EPD must demonstrate that the Rules are at least as protective by January 11, 2027.

Main Features: Rule 391-3-4-.07 is being amended to remove the term "Lead Clearance Levels" and replace it with the term "Dust-Lead Action Levels". The "Dust-lead Action Levels" (formerly "Lead Clearance Levels") are being reduced from 10 to 5 $\mu g/ft^2$ for floors, 100 to 40 $\mu g/ft^2$ for window sills, and 400 to 100 $\mu g/ft^2$ for troughs.

Rule 391-3-24-.09 **"Certification of Persons and Firms Conducting Renovation Activities"** is being amended.

Purpose: Rule 391-3-24-.09 is being amended to (1) remove language referencing antiquated EPD policy, (2) use acronyms consistently through this Rule, and (3) address typographical errors.

Main Features: Subparagraph (1)(i) is being amended to remove language referencing antiquated EPD policy that required payment for duplicate certificates, which can now be printed from the user's online account for no charge.

Subparagraph (2)(c)1.(vii) is being amended to address a typographical error.

Subparagraphs (3)(b)2., (3)(c)2., and (3)(d)2. are being amended to address a typographical error and use the acronym "EPA" consistently throughout the rule.

Subparagraph (3)(e) is being amended to remove language referencing antiquated EPD policy requiring renewal applications to be postmarked mail or hand-delivered, which are now submitted online.

Rule 391-3-24-.10 "Standards for Conducting Renovation Activities" is being amended.

Purpose: Rule 391-3-24-.10 is being amended to use language consistent with 40 CFR 745.

Main Features: Paragraph (2) and subparagraphs (2)(a), (5), (5)(a), (5)(b), (5)(c) are being amended to remove the terms "clearance" and "clearance testing", and/or replace them with "dust-lead action levels" where applicable.

Rule 391-3-24-.11 "Recordkeeping and Reporting Requirements for Renovation Activities" is being amended.

Purpose: Rule 391-3-24-.11 is being amended to (1) use language consistent with 40 CFR 745 and (2) address a typographical error.

Main Features: Paragraph (6) is being amended to remove the term "clearance".

Subparagraph (6)(c) is being amended to address a typographical error by removing "they are" and adding "it is".

Rule 391-3-24-.12 "Lead-Based Paint Hazard Management Program Fees" is being amended.

Purpose: Rule 391-3-24-.12. is being amended to remove language referencing antiquated EPD policy requiring payment for duplicate certificates, which can now be printed from the user's online account for no charge.

Main Features: Paragraph (2) is being removed and Paragraph (3) is therefore renumbered as (2).

In addition to the amendments listed above, Rules have been amended as needed to comply with the current Secretary of State Rule Numbering System (e.g., changing "section" and "subsection" references to "rule", "paragraph", or "subparagraph" as applicable).

STATEMENT OF RATIONALE
Rules for Lead-Based Paint Hazard Management

The primary basis for the proposed amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24, ("Rules") is to maintain consistency with the January 13, 2025 amendments to Title 40 Code of Federal Regulations (CFR) Part 745 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (40 CFR 745). EPD is authorized to implement and enforce programs in lieu of EPA under the Toxic Substances Control Act (TSCA) Section 402(a). As such, EPD must demonstrate that the Rules are at least as protective as 40 CFR 745 by January 11, 2027. The objective of the federal amendment is to minimize children's exposure to lead-contaminated dust in pre-1978 housing and childcare facilities where lead-based paint is present and/or disturbed.

Additionally, to minimize confusion among the regulated community and the public, the EPA recommended revising certain existing language in the Rules to better align with 40 CFR 745. Finally, revisions are being proposed by the Land Protection Branch to remove references to antiquated policy and correct typographical errors.

The proposed rule revisions are required to comply with federal requirements or are administrative in nature. They are not more restrictive than the federal requirements and do not incur any additional costs to the Environmental Protection Division or the regulated community beyond those that are required to meet the federal rule.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S RULES FOR LEAD-BASED PAINT HAZARD MANAGEMENT SUBJECT 391-3-24

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes amendments to Georgia's Rules for Lead-Based Paint Hazard Management, Subject 391-3-24 (hereinafter, "proposed Rule amendments").

The proposed Rule amendments will establish consistency with The US Environmental Protection Agency ("EPA") amended Title 40 of the Code of Federal Regulations, Part 745 (40 CFR 745), Lead-Based Paint Poisoning Prevention in Certain Residential Structures, effective January 13, 2025. As an EPA-authorized program, EPD's lead-based paint hazard management program is required to amend the Rules to be consistent with 40 CFR 745 by January 11, 2027. EPA recommends amending the Rules to use language consistent with 40 CFR 745. EPD proposes to amend the Rules to meet the EPA requirements and recommendations, as well as to address several EPD recommendations.

The following amendments are required by EPA:

- Adding definitions for "Action Levels", "Housing for the elderly", and "Reportable level" and removing "Clearance levels";
- Removing the terms "clearance", "clearance standards" and "clearance testing" and/or replacing them with the terms "Action levels", "Dust-Lead Action Levels", "post-abatement", "testing", or "post-abatement testing";
- Replacing the term "Lead Clearance Levels" with "Dust-Lead Action Levels" throughout the Rules;
- Reducing the "Dust-Lead Action Levels" (formerly "Lead Clearance Levels") for floors from 10 to 5$\mu g/ft^2$, for window sills from 100 to 40$\mu g/ft^2$, and for troughs from 400 to 100 $\mu g/ft^2$; and
- Adding a requirement for abatement reports to include a "dust-lead hazard statement" with specific language when post-abatement dust-lead results meet certain criteria.

The following amendments are recommended by EPA:

- Replacing the term "children age six (6) and under" with "children under age six" to be consistent with 40 CFR 745; and
- Editing definitions and language throughout the Rules for consistency with 40 CFR 745.

The following amendments are EPD-specific recommendations:

- Removing language referencing antiquated EPD policy requiring payment for duplicate certificates, which can now be printed directly from the user's online account;

- Removing language referencing antiquated EPD policy that required postmarked mail or hand delivered documents, which are now submitted online; and
- Updating language to address typographical errors and comply with the current Secretary of State Rule Numbering System.

This notice, together with an exact copy of the proposed Rule amendments, a synopsis, and a statement of rationale of 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: https://epd.georgia.gov/chapter-391-3-24-rules-lead-based-paint-hazard-management or by appointment at the Georgia Environmental Protection Division, Land Protection Branch, Recovered Materials and Abatement Program, 4244 International Parkway, Suite 104, Atlanta, Georgia, 30354. To schedule an appointment, email askepd@dnr.ga.gov with your name, email and phone number and the subject line "Lead-Based Paint Proposed Rule Amendments" and an associate will reach out to you. Copies may also be requested by contacting the Land Protection Branch, Recovered Materials and Abatement Program at leadpaint.asbestos@dnr.ga.gov (404) 362-2696 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 at **9:00 AM on July 29, 2026**. EPD will be hosting this public hearing via Zoom. Zoom is a free web conferencing platform that also allows participation by phone. To ensure that you are ready to participate when the meeting begins, we recommend that you download Zoom in advance. Zoom can be found here: https://zoom.us

To log into the public hearing on your computer, please click this link or copy and paste it into your browser to join the meeting:
https://gaepd.zoom.us/j/91505889798
Webinar ID: 915 0588 9798 (There is no passcode)

To dial in by phone, please call this number: 888-788-0099 (Toll free). When prompted, enter the Webinar ID. Please note that if you choose to participate by phone, your phone number may be visible to other meeting attendees.

During the hearing, anyone may present data, make a statement, comment or offer a viewpoint or argument either orally or in writing. Oral statements should be concise. 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.

Written comments are welcomed. To ensure their inclusion in EPD's package for the Board of Natural Resources, written comments must be received by 4:30 p.m. on August 12, 2026. Written comments may be emailed to EPDComments@dnr.ga.gov or sent via regular mail addressed to: Branch Chief, Land Protection Branch, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. If you choose to email your comments, please be sure to include the words "Lead-Based Paint Hazard Management Rule Amendments" 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 at 9:00 am on September 22, 2026, at the Little Ocmulgee State Park & Lodge, 80 Live Oak Trail, McRae, GA 31037. The meeting will be open to the public.

The rule amendments are proposed for adoption pursuant to authority contained in the Georgia Lead Poisoning Prevention Act of 1994 (O.C.G.A. 31-41-1, et. seq.). For further information, please contact the Land Protection Branch, Recovered Materials and Abatement Program at leadpaint.asbestos@dnr.ga.gov or 404-363-7026.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

Land Protection Branch
4244 International Parkway
Suite 104
Atlanta, Georgia 30354
404-362-2537

September 1, 2026

M E M O R A N D U M

To: Jeffrey W. Cown, Director
Environmental Protection Division

From: Sarah Visser, Chief
Land Protection Branch

Subject: Public Comment Period, Proposed Revisions to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24

On June 25, 2026, EPD issued a public notice requesting comments on proposed revisions to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24. The proposed changes included the following rules:

- **Rule 391-3-24-.01 "Scope and Applicability" is being amended** to spell out "United States Environmental Protection Agency" so that the acronym "EPA" can be used consistently throughout the Rule.

- **Rule 391-3-24-.03 "Definitions" is being amended** to add, remove, and edit definitions for consistency with federal amendments to Title 40 Code of Federal Regulations Part 745 (40 CFR 745), Lead-Based Paint Poisoning Prevention in Certain Residential Structures.

- **Rule 391-3-24-.04 "Accreditation of Training Programs" is being amended** to include language that is consistent with 40 CFR 745, (2) to remove language referencing antiquated EPD policy, and (3) to address typographical errors.

- **Rule 391-3-24-.05 "Certification of Persons and Firms Conducting Lead-Based Paint Activities" is being amended** to remove language referencing antiquated EPD policy.

- **Rule 391-3-24-.06 "Standards for Conducting Lead-Based Paint Activities" is being amended** to use EPA-required and recommended language, consistent with 40 CFR 745 and (2) to address typographical errors.

- **Rule 391-3-24-.07 " Lead Clearance Levels"** is being amended to remove the term "Lead Clearance Levels" and replace it with the term "Dust-Lead Action Levels". The "Dust-lead Action Levels" (formerly "Lead Clearance Levels") are being reduced from 10 to 5 $\mu g/ft^2$ for floors, 100 to 40 $\mu g/ft^2$ for window sills, and 400 to 100 $\mu g/ft^2$ for troughs.

- **Rule 391-3-24-.09 "Certification of Persons and Firms Conducting Renovation Activities" is being amended** to (1) remove language referencing antiquated EPD policy, (2) use acronyms consistently through this Rule, and (3) address typographical errors.

- **Rule 391-3-24-.10 "Standards for Conducting Renovation Activities" is being amended** to use language consistent with 40 CFR 745.

- **Rule 391-3-24-.11 "Recordkeeping and Reporting Requirements for Renovation Activities" is being amended** to (1) use language consistent with 40 CFR 745 and (2) address a typographical error.

- **Rule 391-3-24-.12 "Lead-Based Paint Hazard Management Program Fees" is being amended to** remove language referencing antiquated EPD policy requiring payment for duplicate certificates, which can now be printed from the user's online account for no charge.

The public comment period started on June 25, 2026, and ended on August 12, 2026. A virtual public hearing was held at 9:00 a.m. on July 29, 2026. No comments were received during the public comment period.

Jeffrey W. Cown, Director

Land Protection Branch
4244 International Parkway
Suite 104
Atlanta, Georgia 30354
404-362-2537

September 1, 2026

MEMORANDUM

TO: Jeffrey W. Cown, Director
Environmental Protection Division

FROM: Sarah Visser, Chief
Land Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24 (Lead Rules). The proposed rule amendments include the following:

- **Rule 391-3-24-.01 "Scope and Applicability" is being amended** to spell out "United States Environmental Protection Agency" so that the acronym "EPA" can be used consistently throughout the Rule.

- **Rule 391-3-24-.03 "Definitions" is being amended** to add, remove, and edit definitions for consistency with federal amendments to Title 40 Code of Federal Regulations Part 745 (40 CFR 745), Lead-Based Paint Poisoning Prevention in Certain Residential Structures.

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- **Rule 391-3-24-.09 "Certification of Persons and Firms Conducting Renovation Activities" is being amended** to (1) remove language referencing antiquated EPD policy, (2) use acronyms consistently through this Rule, and (3) address typographical errors.

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- **Rule 391-3-24-.12 "Lead-Based Paint Hazard Management Program Fees" is being amended to** remove language referencing antiquated EPD policy requiring payment for duplicate certificates, which can now be printed from the user's online account for no charge.

The Administrative Procedures Act requires that, in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or fewer. The statute specifically requires that one or more of four actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact.

In consideration of the four actions required in the State statute for the proposed changes to the Lead Rules, we offer the following comments on the proposed rule amendments:

1. <u>Establishing reduced compliance or reporting requirements and differing timetables for small businesses:</u> *The proposed changes are required by federal rule. No additional burden is imposed by the proposed rule change.*

2. <u>Clarifying, consolidating or simplifying the compliance and reporting requirements under the rules for small businesses:</u> *The proposed changes are required by federal rule. No additional burden is imposed by the proposed rule change.*

3. <u>Establishing performance rather than design standards for small businesses:</u>
The proposed changes do not include any proposed design standards.

4. <u>Exempting small businesses from any or all requirements of the rules:</u>
The proposed changes are required by federal rule. No additional burden is imposed by the proposed rule change.

In addition, the Administrative Procedures Act requires that "...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule." The proposed rule amendments are required to comply with federal requirements or are administrative in nature.

Therefore, the proposed rules do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Lead Poisoning Prevention Act. In addition, the proposed rules slightly reduce costs for all parties by removing certain certificate fees and by providing for online submission of documents in-lieu of mailed hard copies.

**PROPOSED AMENDMENTS TO THE RULES
OF THE DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
LEAD-BASED PAINT HAZARD MANAGEMENT, SUBJECT 391-3-24**

The Rules of the Department of Natural Resources, Subject 391-3-24, Lead-Based Paint Hazard Management, are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific Rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-24-.01. Scope and Applicability

(1) These Rules contain procedures and requirements for the accreditation of renovation and lead-based paint activities training programs, procedures and requirements for the certification of persons and firms engaged in renovation and lead-based paint activities, and standards for performing such activities. These Rules also contain requirements that all renovation and lead-based paint activities performed for compensation in target housing and child-occupied facilities shall be performed by certified persons and lead or renovation firms. No person or firm shall offer to perform renovation or lead-based paint activities without obtaining the certification and training required in these Rules. These Rules do not require the mandatory abatement of lead-based paint.

(2) These Rules are applicable to all persons and firms who are engaged in renovation and lead-based paint activities as defined in Rule 391-3-24-.03, except persons who perform these activities within residential dwellings that they own, unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the residential dwelling has been identified as having an elevated blood lead level. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the State of Georgia having jurisdiction over any property or facility, or engaged in any activity resulting, or which may result, in a lead-based paint hazard, and each officer, agent, or employee thereof, shall be subject to, and comply with all requirements, both substantive and procedural, regarding lead-based paint, lead-based paint activities, and lead-based paint hazards.

(3) The information distribution requirements in Rule 391-3-24-.08 are to ensure that owners and occupants of target housing and child-occupied facilities receive information on lead-based paint hazards before renovations begin.

(4) The training and certification requirements, the standards for performing renovation activities and associated pre-notification education and record keeping requirements under Rule 391-3-24-.04 and Rules 391-3-24-.08 through 391-3-24-.11 apply to all renovations performed for compensation in target housing and child-occupied facilities, except for the following:

(a) Renovations in target housing or child-occupied facilities in which a written determination has been made by a certified inspector or certified risk assessor that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm2) or 0.5 percent (0.5%) by weight, where the certified renovation firm performing the renovation has obtained a copy of the determination.

(b) Renovations in target housing or child-occupied facilities in which a certified renovator, using a~~n~~ United States Environmental Protection Agency (EPA) recognized test kit and following the kit manufacturer's instructions, has tested each component affected by the renovation and determined that the components are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter (mg/cm2) or 0.5 percent (0.5%) by weight. If the components make up an integrated whole, such as the individual stair treads and risers of a single staircase, the renovator is required to test only one of the individual components, unless the individual components appear to have been repainted or refinished separately.

(5) The information distribution requirements in Rule 391-3-24-.08 do not apply to emergency renovation activities. Emergency renovations other than interim controls are exempt from the warning sign, containment, waste handling, training, and certification requirements in Rule 391-3-24-.10 to the extent necessary to respond to the emergency. Interim controls performed in response to an elevated blood lead level in a resident child are also emergency renovations. Emergency renovations are not exempt from the cleaning requirements of Rule 391-3-24-.10, which must be performed by certified renovators or trained individuals, the cleaning verification requirements of Rule 391-3-24-.10, which must be performed by certified renovators, and the recordkeeping requirements of Rule 391-3-24-.11.

Rule 391-3-24-.02. Enforcement

(1) The administration and enforcement of these Rules shall be in accordance with the Georgia Lead Poisoning Prevention Act of 1994, O.C.G.A. 31-41-1et seq., as amended, the Executive Reorganization Act of 1972, O.C.G.A. 12-2-1, et seq., and the Georgia Administrative Procedures Act, O.C.G.A. 50-13-1, et seq.

(2) Persons and firms conducting renovation or lead-based paint activities shall permit the Division to enter, evaluate, sample and monitor any renovation and lead-based paint activity and have access to records specified in this ~~section~~ subject without charge or hindrance to the Division for the purposes of evaluating compliance with these Rules. The Division shall perform periodic and unannounced inspections of renovation and lead-based paint activities, lead firms, renovation firms, training providers and lead training courses.

391-3-24-.03. Definitions

(1) "Abatement" means any measures or set of measures designed to permanently eliminate lead-based paint hazards, which means, in the case of dust-lead hazards, to below the action levels. Abatement includes, but is not limited to:

(a) The removal of lead-based paint and lead contaminated dust (in the case of dust-lead hazards to below the action levels), the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil; and

(b) All preparation, clean-up, disposal, and post-abatement ~~clearance~~ testing activities associated with such measures; and

(c) Specifically, abatement ~~in target housing and child-occupied facilities~~ includes, but is not limited to:

1. Projects for which there ~~are~~ is a written contract~~s~~ or other documentation, which provide~~s~~ that an individual or firm certified in accordance with Rule 391-3-24-.05 will be conducting activities in or to a residential dwelling or child-occupied facility that:

(i) Shall result in the permanent elimination of lead-based paint, or lead-based paint hazards, in the case of dust-lead hazards to below the action levels; or

(ii) Are designed to permanently eliminate lead-based paint or lead-based paint hazards, in the case of dust-lead hazards to below the action levels, and are described in subparagraphs (a) and (b) of this definition.

2. Projects involving and/or resulting in the permanent elimination of ~~a~~ lead-based paint hazards, in the case of dust-lead hazards to below the action levels ~~or intact lead-based paint equal to or greater than 1.0 milligram(s) per square centimeter (mg/cm2) or equal to or greater than 0.5 percent (0.5%) by weight~~, conducted by firms or persons certified in accordance with 391-3-24-.05, unless such projects are covered by ~~subsection~~ subparagraph (d) of this definition;

3. Projects involving and/or resulting in the permanent elimination of ~~a~~ lead-based paint hazards, in the case of dust-lead hazards to below the action levels, ~~or intact lead-based paint equal to or greater than 1.0 milligram(s) per square centimeter (mg/cm2) or equal to or greater than 0.5 percent (0.5%) by weight,~~ conducted by firms or persons who, through their company name or promotional literature, or otherwise represent, advertise, or hold themselves to be in the business of performing lead-based paint activities as defined by these Rules, unless such projects are covered by ~~subsection~~ subparagraph (d) of this definition; or

4. Projects involving and/or resulting in the permanent elimination of lead-based paint hazards ~~or lead-based paint~~, in the case of dust-lead hazards to below the action levels, that are conducted in response to State or local abatement orders.

(d) Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, in the case of dust-lead hazards to below the action levels, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards, in the case of dust-lead hazards to below the action levels.

(2) "Accessible surface" means an interior or exterior surface painted with lead-based paint that is accessible for a child, under age six (6) ~~years of age or younger,~~ to mouth or chew.

(3) "Accredited training program" means a training program that has been accredited by the Division pursuant to ~~section~~ Rule 391-3-24-.04 to provide training for persons engaged in renovation or lead-based paint activities.

(4) "Action Levels" are the values that indicate the amount of lead in dust on a surface following completion of an abatement activity. To complete abatement when dust sampling is required, values below these levels must be achieved. The term "clearance levels" was used previously to refer to these levels.

(5)~~(4)~~ "Adequate quality control" means a plan or design to ensure the authenticity, integrity, and accuracy of samples, including dust, soil, and paint chip or paint film samples. Adequate quality control also includes provisions for representative sampling.

(6)~~(5)~~ "Agent-in-Charge" means the most responsible person at the location or activity being inspected with the direct responsibility for the property or the activity taking place, e.g., lead supervisor.

(7)~~(6)~~ "Arithmetic Mean" means the number obtained by dividing the sum of a set of quantities or concentrations (such as wipe sample concentrations) by the number of quantities or concentrations in the set.

(8)~~(7)~~ "Certificate of mailing" means proof of mailing and proof of delivery.

(9)~~(8)~~ "Certified Dust Sampling Technician" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to conduct dust sampling following renovation activities to meet values below dust-lead action levels ~~clearance standards~~ in Rule 391-3-24-.07.

(10)~~(9)~~ "Certified Lead Firm" means a company, partnership, corporation, sole proprietorship, association, or other business entity that performs lead-based paint activities, to which the Division has issued a certificate of approval pursuant to ~~section~~ Rule 391-3-24-.05.

(11)~~(10)~~ "Certified Lead Inspector" means an individual who has been trained by an accredited training program and certified by the Division to conduct inspections. A lead inspector also samples for the presence of lead in paint, dust, and soil for the purposes of abatement-related ~~clearance~~ testing.

(12)~~(11)~~ "Certified Lead Project Designer" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to prepare abatement project designs, occupancy protection plans, and abatement reports.

(13)~~(12)~~ "Certified Lead Risk Assessor" means an individual who has been trained by an accredited training program and certified by the Division to conduct risk assessments. A lead risk assessor also samples for the presence of lead in paint, dust, and soil for the purposes of abatement-related ~~clearance~~ testing.

(14)~~(13)~~ "Certified Lead Supervisor" means an individual who has been trained by an accredited training program and certified by the Division to supervise and conduct abatements in target housing and child-occupied facilities and to prepare occupant protection plans and abatement reports.

(15) ~~(14)~~ "Certified Lead Worker" means an individual who has been trained by an accredited training program, passed the course test, and certified by the Division to perform abatement activities.

(16) ~~(15)~~ "Certified Renovation Firm" means a company, partnership, corporation, sole proprietorship, individual doing business, association, or other business entity; a Federal, State, Tribal, or local government agency; or a nonprofit organization that performs renovation activities to which the Division has issued a certificate of approval pursuant to ~~section~~ Rule 391-3-24-.09.

(17) ~~(16)~~ "Certified Renovator" means an individual who either performs or directs workers who perform renovations. A certified renovator is a renovator who has successfully completed a renovator course by an accredited training program, passed the course test, and been certified by the Division to perform renovation activities.

(18) ~~(17)~~ "Chewable surface" means an interior or exterior surface painted with lead-based paint that a child under age six (6) ~~years of age or younger~~ can mouth or chew. A chewable surface is the same as an

"accessible surface" as defined in 42 U.S.C. 4851 b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

(19) ~~(18)~~ "Child-occupied facility" means a building, or portion of a building constructed prior to 1978, visited by the same child, under age six (6) ~~years of age or under~~, on at least two different days within the same week (Sunday through Saturday period), provided each day's visit lasts at least three hours and the combined weekly visit lasts at least six (6) hours, and the combined annual visits last at least sixty (60) hours. Child-occupied facilities include, but are not limited to, day-care centers, pre-schools and kindergarten classrooms.

(20) ~~(19)~~ "Cleaning verification card" means a card developed and distributed, or otherwise approved, by EPA for the purpose of determining, through comparison of wet and dry disposable cleaning cloths with the card, whether post-renovation cleaning has been properly completed.

~~(20) "Clearance levels" means a value that indicates the amount of lead on a surface following completion of an abatement activity. To achieve clearance when dust sampling is required, values below these levels must be achieved.~~

(21) "Commissioner" means the Commissioner of the Board of Natural Resources, Department of Natural Resources.

(22) "Common area" means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages and boundary fences.

(23) "Completion date" means the date on which all activities on a permitted lead-based paint abatement project requiring the use of certified persons are complete, including, but not limited to, the complete disassembly of all removal area barriers, final post-abatement ~~clearance~~ testing and disposal of all lead-based paint waste.

(24) "Component or building component" means specific design or structural elements or fixtures of a building, residential dwelling, or child-occupied facility that are distinguished from each other by form, function, and location. These include, but are not limited to, interior components such as: ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, radiators and other heating units, shelves, shelf supports, stair treads, stair risers, stair stringers, newel posts, railing caps, balustrades, windows and trim, including sashes, window heads, jambs, sills, stools and troughs, built-in cabinets, columns, beams, bathroom vanities, counter tops, and air conditioners; and exterior components such as: painted roofing, chimneys, flashing, gutters and downspouts, ceilings, soffits, fascias, rake boards, corner boards, bulkheads, doors and door trim, fences, floors, joists, lattice work, railings and railing caps, siding, handrails, stair risers and treads, stair stringers, columns, balustrades, window sills, casings, sashes, wells and troughs, and air conditioners.

(25) "Concentration" means the relative content of a specific substance contained within a larger mass, such as the amount of lead (micrograms per gram or parts per million by weight) in a sample of dust or soil.

(26) "Containment" means a process to protect the public, occupants, workers and the environment by controlling exposures to the lead-contaminated dust and debris created during an abatement.

(27) "Course agenda" means an outline of the key topics to be covered during a training course, including the time allotted to teach each topic.

(28) "Course test" means an evaluation of the overall effectiveness of the training, which shall test the trainees' knowledge and retention of the topic covered during the course.

(29) "Course test blueprint" means written documentation identifying the proportion of course test questions devoted to each major topic in the course curriculum.

(30) "Deteriorated paint" means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separating from the substrate.

(31) "Director" means the Director of the Environmental Protection Division of the Department of Natural Resources or his designees.

(32) "Discipline" means one of the specific types or categories of lead-based paint activities identified in these Rules for which persons may receive training from accredited training programs and become certified by the Division. For example, "Lead worker" is a discipline.

(33) "Distinct painting history" means the application history, as indicated by its visual appearance or a record of application, over time, of paint or other surface coatings to a component or room.

(34) "Disturb" means to break up, burn, crush, cut into, dissolve, sand, scrape, abrade, remove, demolish, or otherwise manipulate a painted surface in a manner that generates dust, paint chips, or debris.

(35) "Division" means the Environmental Protection Division of the Department of Natural Resources and shall where applicable include any contractors selected by the Division to carry out any provisions of these Rules.

(36) "Documented methodologies" are current methods or protocols, e.g., American Society for Testing and Materials (ASTM) E1728-03, used to sample for the presence of lead in paint, dust, and soil found in the following:

(a) The U.S. Department of Housing and Urban Development (HUD);

(b) The Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing;

(c) The ~~Environmental Protection Agency (~~EPA~~)~~ Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil and Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA Report Number 7474-R-95- 001); and

(d) Regulations, guidance methods or protocols issued by States and Indian Tribes that have been authorized by the EPA; and other equivalent methods and guidelines.

(37) "Dripline" means the area within 3 feet surrounding the perimeter of a building.

(38) "Dry disposable cleaning cloth" means a commercially available dry, electrostatically charged, white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

(39) "Dust-lead hazard" ~~means surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 10 micrograms per square foot (µg/ft2), on floors or equal to or exceeding 100 micrograms per square foot (µg/ft2), on interior window sills based on wipe samples.~~ is surface dust in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of any reportable level of lead for floors or for interior windowsills based on wipe samples analyzed by a National Lead Laboratory Accreditation Program (NLLAP)-recognized laboratory.

(40) "Elevated blood lead level (EBL)" means an excessive absorption of lead that is a confirmed concentration of lead in whole blood of 20 µg/dl (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19 µg/dl in two consecutive venous tests taken 3 to 4 months apart.

(41) "Emergency lead-based paint abatement project" means a lead-based paint abatement project that has been determined by a lead risk assessor and the Division to be an imminent lead-based paint hazard to building occupants in a child-occupied facility.

(42) "Emergency renovation project" means a renovation activity that was not planned but resulted from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended

to presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

(43) "Encapsulant" means a substance that forms a barrier between lead-based paint and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

(44) "Encapsulation" means the application of an encapsulant.

(45) "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

(46) "Floor" means the interior or exterior installed surface on which one stands, walks, crawls or plays. For exterior entrances, the term does not include sidewalks or uncovered porches (e.g. a porch with no roof).

(47) "Friction Surface" means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain windows, floors and stair surfaces.

(48) "Guest Instructor" means a person designated by the training manager or principal instructor to provide instruction specific to the lecture, hands-on activities or work practice components of a course.

(49) "Hands-on skills assessment" means an evaluation, which tests the trainees' ability to satisfactorily perform the work practices and procedures identified in 391-3-24-.04 of these Rules.

(50) "Hazardous waste" means any solid waste which has been defined as hazardous waste in regulations promulgated by Board of Natural Resources, ~~Chapter~~ Subject 391-3-11.

(51) "Health investigation" means the investigation of target housing or a child-occupied facility housing a child, under age six (6) ~~years of age or under~~, with an elevated blood lead level. The purpose of a health investigation is to identify a cause or causes for the lead poisoning of a child.

(52) "HEPA vacuum" means a vacuum cleaner, which has been designed with a high-efficiency particulate air (HEPA) filter as the last filtration stage. A HEPA filter is a filter that is capable of capturing particles of 0.3 microns with 99.97 percent (99.97%) efficiency. The vacuum cleaner must be designed, so that all the air drawn into the machine is expelled through the HEPA filter with none of the air leaking past it.

(53) "Housing for the elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more at the time of initial occupancy.

(54)~~(53)~~ "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

(55)~~(54)~~ "Inspection" means a surface-by-surface investigation conducted by a lead inspector to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

(56)~~(55)~~ "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards including, but not limited to specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, standard treatments, and the establishment and operation of management and resident education programs.

(57)~~(56)~~ "Interior window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room.

(58) ~~(57)~~ "Lead-based paint (LBP)" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram(s) per square centimeter (mg/cm2), or 0.5 percent (0.5%) by weight or 5000 parts per million (ppm).

(59) ~~(58)~~ "Lead-based paint abatement project" means the abatement of lead-based paint or lead-based paint hazards from one or more residential dwelling units and/or child-occupied facilities located within the same local government jurisdiction and submitted under a common project notification.

(60) ~~(59)~~ "Lead-based paint activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement, as defined in this Rule. Lead-based paint activities do not include renovation, as defined in this Rule.

(61) ~~(60)~~ "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified pursuant to Toxic Substance Control Act (TSCA) section 403.

(62) ~~(61)~~ "Lead-contaminated dust" means surface dust in residential dwellings or in child-occupied facilities that contain an area or mass concentration of lead at or in excess of levels identified pursuant to Rule 391-3-24-.07.

(63) ~~(62)~~ "Lead-contaminated soil" means bare soil on residential real property or on the property of a child-occupied facility that contains lead at or in excess of levels identified pursuant to paragraph ~~Rule~~ 391-3-24-.03(~~85~~88).

(64) ~~(63)~~ "Lead-hazard screen" is a limited risk assessment activity that involves limited paint and dust sampling as described in paragraph 391-3-24-.06(3)~~ of these Rules~~.

(65) ~~(64)~~ "Living Area" means any area of a residential dwelling used by one or more children under age six (6) ~~and under~~, including, but not limited to, living rooms, kitchen areas, dens, play rooms, and children's bedrooms.

(66) ~~(65)~~ "Loading" means the quantity of a specific substance present per unit of surface area, such as the amount of lead in micrograms contained in the dust collected from a certain surface area divided by the surface area in square feet or square meters.

(67) ~~(66)~~ "Mid-yard" means an area of a residential yard approximately midway between the dripline of a residential building and the nearest property boundary or between the driplines of a residential building and another building on the same property.

(68) ~~(67)~~ "Minor repair and maintenance activities" are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted in ~~Rule~~ subparagraph 391-3-24-.10(3)(c) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

(69) ~~(68)~~ "Multi-family dwelling" means a structure that has more than one separate dwelling unit, which is used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of one or more persons.

(70) ~~(69)~~ "Occupant Protection Plan" means a written plan which describes the measure and management procedures that will be taken during abatement to protect building occupants from exposure to lead-based paint hazards. The plan shall be unique to each residential dwelling unit or child-occupied facility. For projects less than five units, the plan shall be prepared by a certified lead supervisor or certified lead project designer. For projects with five or more units, the plan shall be prepared by a lead project designer. The plan shall include the preparer's signature and certification number.

(71) ~~(70)~~ "Paint in poor condition" means more than ten (10) square feet of deteriorated paint on exterior components with large surface areas; or more than two (2) square feet of deteriorated paint on interior components with large surface areas (e.g., walls, ceilings, floors, doors); or more than 10 percent (10%) of the total surface area of the component is deteriorated on interior or exterior components with small surface areas (window sills, baseboards, soffits, trim).

(72) ~~(71)~~ "Paint-lead hazard" means any of the following:

(a) Any lead-based paint on a friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, or floor) are equal to or greater than the dust-lead hazard levels identified in the definition of dust-lead hazard.

(b) Any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame).

(c) Any chewable lead-based painted surface on which there is evidence of teeth marks.

(d) Any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(73) ~~(72)~~ "Pamphlet" means the EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools developed under section 406(a) of TSCA for use in complying with section 406(b) of TSCA or any Division pamphlet approved by EPA pursuant to 40 Code of Federal Regulations (CFR) 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet except for the addition or revision of the Division's sources of information.

(74) ~~(73)~~ "Permanently covered soil" means soil which has been separated from human contact by the placement of a barrier consisting of solid, relatively impermeable materials, such as pavement or concrete. Grass, mulch and other landscaping materials are not considered permanent covering.

(75) ~~(74)~~ "Person" means the State of Georgia or any agency or instrumentality thereof, or any political subdivision, municipality, county, public or private corporation, authority, partnership, individual or association; any interstate body; or department, agency, or instrumentality of the Federal Government.

(76) ~~(75)~~ "Play Area" means an area of frequent soil contact by children under age six (6) ~~years of age or less~~ as indicated by, but not limited to, such factors including the following: the presence of play equipment (e.g., sandboxes, swing sets, and sliding boards), toys, or other children's possessions,

observations of play patterns, or information provided by parents, residents, care givers, or property owners.

(77) ~~(76)~~ "Principal instructor" means the person who has the primary responsibility for organizing and teaching a particular course.

(78) ~~(77)~~ "Recognized laboratory" means an environmental laboratory recognized by EPA pursuant to TSCA 405(b) as being capable of performing an analysis for lead compounds in paint, soil and dust.

(79) ~~(78)~~ "Recognized test kit" means a commercially available kit recognized by EPA under 40 ~~Code of Federal Regulations~~ CFR 745.88 as being capable of allowing a user to determine the presence of lead at levels equal to or in excess of 1.0 milligrams per square centimeter (mg/cm2), or more than 0.5 percent (0.5%) lead by weight, in a paint chip, paint powder, or painted surface.

(80) ~~(79)~~ "Reduction" means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

(81) ~~(80)~~ "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this Rule. The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation. The term renovation does not include minor repair and maintenance activities.

(82) ~~(81)~~ "Renovation activities" mean any activities performed during a renovation including dust sampling following renovation.

(83) “Reportable level” means the lowest analyte concentration (or amount) that does not contain a “less than” qualifier and that is reported with confidence for a specific method by a laboratory recognized by EPA under TSCA section 405(b).

(84) ~~(82)~~ "Residential building" means a building containing one or more residential dwellings.

(85) ~~(83)~~ "Residential dwelling" means

(1) a detached single family dwelling unit, including attached structures such as porches and stoops; or

(2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

(86) ~~(84)~~ "Risk assessment" means

(1) an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards, and

(2) the provision of a report by the person or the lead firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based hazards.

(87) ~~(85)~~ "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six (6) inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Moveable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.

(88) ~~(86)~~ "Soil-lead hazard" means bare soil on residential real property or on the property of a child-occupied facility that contains total lead equal to or exceeding 400 parts per million in a play area or average of 1,200 parts per million of bare soil in the rest of the yard based on soil samples.

(89)~~(87)~~ "Soil sample" means a sample collected in a representative location using ASTM E1727, "Standard Practice for Field Collection of Soil Samples for Lead Determination by Atomic Spectrometry Techniques," or equivalent method.

(90)~~(88)~~ "Start date" means the date on which activities begin on a notified lead-based paint abatement project requiring the use of certified persons, including the abatement area isolation and preparation or any other activity which may disturb lead-based paint. Start date also means the date on which activities begin on a permitted renovation project.

(91)~~(89)~~ "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child/children under age six (6) ~~years or under~~ resides or is expected to reside in such housing) ~~for the elderly or persons with disabilities) or any zero (0)-bedroom dwelling~~.

(92)~~(90)~~ "Third party certification exam" means a third party examination in a particular discipline which is recognized by the Division and administered by a third party certification exam administrator.

(93)~~(91)~~ "Third party certification exam administrator" means an administrator which is accepted by the Division to conduct third party certification exams.

(94)~~(92)~~ "Training course curriculum" means an established set of course topics for instruction in an accredited training program for a particular discipline designed to provide specialized knowledge and skills.

(95)~~(93)~~ "Training hour" means at least 50 minutes of actual teaching, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

(96)~~(94)~~ "Training manager" means the person responsible for administering an accredited training program and monitoring the performance of principal instructors and guest instructors.

(97)~~(95)~~ "TSCA" means the Toxic Substances Control Act, 15 U.S.C. § 2601.

(98)~~(96)~~ "Visual inspection for post-abatement ~~clearance~~ testing" means the visual examination of a residential dwelling or a child-occupied facility following an abatement to determine whether or not the abatement has been successfully completed.

(99)~~(97)~~ "Visual inspection for risk assessment" means the visual examination of a residential dwelling or a child-occupied facility to determine the existence of deteriorated lead-based paint or other potential sources of lead-based paint hazards.

(100)~~(98)~~ "Weighted Arithmetic Mean" means an arithmetic mean determined by assigning a multiplier to each quantity or concentration (such as a wipe sample concentration) to be averaged to indicate the relative importance of each quantity's contribution to the average. For example, multiplying each wipe sample concentration by the size of the area wiped, adding the resulting mathematical products, adding the size of the areas wiped, and dividing the sum of the mathematical products by the sum of the areas wiped.

(101)~~(99)~~ "Wet disposable cleaning cloth" means a commercially available, pre-moistened white disposable cloth designed to be used for cleaning hard surfaces such as uncarpeted floors or counter tops.

(102)~~(100)~~ "Wet mopping system" means a device with the following characteristics: A long handle, a mop head designed to be used with disposable absorbent cleaning pads, a reservoir for cleaning solution, and a built-in mechanism for distributing or spraying the cleaning solution onto a floor, or a method of equivalent efficacy.

(103)~~(101)~~ "Window trough" means, for the typical double-hung window, the portion of the exterior windowsill between the interior windowsill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered. The window trough is sometimes referred to as the window "well".

(104)~~(102)~~ "Wipe sample" means the sample collected by wiping a representative surface of known area, as determined by ASTM E1728/E1728M-20, ~~"Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques,"~~ or equivalent method, with an acceptable wipe material as defined in ASTM E1792-20. This definition incorporates by reference 40 CFR 745.67 ~~, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."~~

(105)~~(103)~~ "Work area. means the area that the certified renovator establishes to contain the dust and debris generated by a renovation.

(106)~~(104)~~ "Working day" means any day Monday through Friday. Holidays falling on any of these days are included in this definition.

(107)~~(105)~~ "Zero (0)-bedroom dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory housing, military barracks, and rentals of individual rooms in residential dwellings.

Authority: O.C.G.A. Section 31-41-1, et seq., as amended.

Rule 391-3-24-.04. Accreditation of Training Programs

(1) Scope.

(a) A training program may seek accreditation to offer lead-based paint and renovation activities training courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, lead worker, renovator, and dust sampling technician. A training program may also seek accreditation to offer refresher courses for each of the above-listed disciplines. A training program seeking accreditation to offer initial and refresher courses taught in non-English languages must follow the requirements specified in this Rule and submit the required material in the language for which accreditation is sought.

(b) A training program may apply for accreditation to offer initial courses or refresher courses in as many disciplines as it chooses. A training program may seek accreditation for additional courses at any time as long as the program can demonstrate that it meets the requirements of this Rule.

(c) A training program shall not provide, offer, or claim to provide Division-accredited training courses without applying for and receiving accreditation from the Division as required in this Rule.

(d) Training courses shall be evaluated by the Division to maintain accreditation by the Division for course administration, course length, curriculum, training methods, instructor's qualifications, instructor's teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted in accordance with the requirements set forth in this Rule and any documented methodologies referenced herein.

(e) Training programs shall permit the Division to attend, evaluate and monitor any training course, take the course test and have access to records of training courses without charge or hindrance to the Division for the purpose of evaluating compliance with these Rules. The Division shall perform periodic and unannounced on-site audits of training courses.

(f) All accredited training programs shall be assigned an accreditation number and issued a certificate which lists each accredited training course approved by the Division.

(g) All accreditations shall expire on the following October 1, Where an October 1 expiration date results in less than 12 months of accreditation status, the accreditation fee shall be pro-rated accordingly. Training courses taught after the expiration date but prior to renewal shall constitute a violation of this Rule.

(h) In order to maintain accreditation as a training program, training programs must follow the requirements specified in paragraph (7) of this ~~section~~ Rule.

(2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for accreditation:

(a) A training program seeking accreditation shall submit the following documentation in accordance with the requirements specified in paragraphs (3) through (6) of this Rule, which shall include, but not be limited to:

1. A completed application on forms provided by the Division with all the appropriate information included and signed by the training manager. This information shall include, but not be limited to, training program's name, address, telephone number, and a list of courses for which the training program is applying for accreditation.

2. A statement signed by the training manager certifying that the training program meets the minimum requirements established in this Rule. If a training program uses EPA-developed model training materials, the training manager shall submit a statement certifying that the training program meets the minimum requirements established in EPA-developed model training materials.

3. A statement signed by the training manager certifying that the training program shall comply at all times with all of the requirements specified in 391-3-24.-04.

4. A statement signed by the training manager stating that the training manager is responsible for maintaining the validity and integrity of the hands-on-skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with each course topic.

5. A statement signed by the training manager stating that the training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

6. A fee in the amount of $400 per eight-hour day of training for each lead supervisor, inspector, risk assessor, project designer, or lead worker training course shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees. A fee in the amount of $400 per eight-hour day of training for each renovator or dust sampling technician training course shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees. Fees are based on eight hours a day of training for each training course. A minimum of $400 shall be submitted for a training course less than eight hours.

7. A copy of the student manuals and instructor manuals to be used for each training course in the appropriate language for which the course is taught. This would also include a content checklist that identifies and locates sections of the manual where required course topics are covered.

8. A copy of each course agenda which shall include, but not be limited to, daily start and stop times and time allotted to teaching each course topic.

9. A copy of the course test for each training course with the correct answers marked for each test question.

10. A description of the facilities and equipment to be used for the lecture, the course test and the hands-on skills training.

11. A copy and description of all audio/visual materials which shall be used for each course.

12. A copy of the course test blueprint for each course.

13. A detailed description of each hands-on skills training activity and skills assessment, including criteria for student proficiency.

14. A detailed description of the learning or performance objectives that will be taught for each course topic.

15. A copy of the quality control plan.

16. An original course completion certificate, which shall include:

(i) Name and address of the student;

(ii) Training course title specifying if it is an initial or refresher training course;

(iii) Inclusive dates of training course and applicable course test passage;

(iv) Statement that the student completed the course and passed the course test requirements and hands-on skills assessment;

(v) Unique certificate identification number;

(vi) Printed name and signature of the training manager and printed name of principal instructor(s);

(vii) Name, address, and phone number of training program;

(viii) Training course location, if different from training program's address;

(ix) Certificate expiration date that is three (3) years after the date the course was completed;

(x) Language in which training course was taught, if other than English; and

(xi) The date the training course was accredited and the name of the agency issuing the accreditation.

(xii) A photograph of the individual for renovator and dust sampling technician course completion certificates.

(b) Training course accreditation shall be processed as follows:

1. The Division shall review the application for accreditation and supporting documentation submitted pursuant to subparagraph (a) of this ~~section~~ paragraph and advise the applicant of any deficiencies. If the deficiencies are not corrected within one (1) year from the date of application, the application and any supporting documentation may be returned to the applicant and the applicant shall be required to resubmit a complete application pursuant to subparagraph (a) of this ~~section~~ paragraph. Approval of submitted documentation does not constitute course accreditation.

2. If the submitted documentation meets all applicable requirements of this ~~section~~ paragraph, the Division shall notify the applicant of this and also advise the applicant to contact the Division to schedule an on-site audit. The on-site audit shall be conducted in Georgia and on the training course for which accreditation is sought with at least two (2) student attendees present. No class shall be conducted for accreditation purposes prior to the on-site audit except for the class scheduled for on-site audit purposes.

3. If the Division determines, as a result of the on-site audit, that the training course meets all applicable requirements of this ~~section~~ paragraph, the Division shall issue a training course accreditation certificate for the accredited training course. If the training course does not meet these requirements, the Division shall notify the applicant of the deficiencies and advise the applicant that it may request one (1) additional on-site audit, which shall be held no more than six (6) months from the date of the first audit.

4. If the Division determines, as a result of the second audit, that the training course meets all applicable requirements of this ~~section~~ paragraph, the Division shall issue a training course accreditation certificate for the accredited training course. If the training course does not meet all requirements, the Division shall notify the applicant of the deficiencies and advise the applicant that it may not reapply for training course accreditation for the audited training course for a period of six (6) months from the date of the last audit.

5. The Division shall not accept training course certificates pursuant to this ~~section~~ paragraph for a training course that is not accredited pursuant to this Rule.

(3) Minimum Requirements for the Accreditation of Training Programs.

(a) For a training program to obtain accreditation from the Division to offer training courses in renovation and lead-based paint activities, the training program shall meet and maintain the following minimum requirements for each discipline for which the training program is seeking accreditation:

1. The training program shall employ a training manager who has:

(i) At least two (2) years of experience, education or training in teaching adults; or

(ii) A bachelor's or graduate level degree in building construction technology, engineering, industrial hygiene, biology, physical science, safety, public health, education, business administration, program management or a related field; or

(iii) Two (2) years of experience in managing a training program specializing in environmental hazards; and

(iv) Demonstrated experience, education, or training in the construction industry including: lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

2. The training manager shall designate a qualified principal instructor for each course who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed a lead training course from an accredited training program specific to the discipline(s) in which the instructor intends to teach, with a minimum of sixteen (16) training hours.

(iii) Demonstrated two (2) years of experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3. The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all training course curriculum. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a training course.

4. The training manager may appoint one (1) or more guest instructors for each training course to teach hands-on activities and/or work practices who has:

(i) Demonstrated experience, education, or training in teaching workers or adults; and

(ii) Successfully completed a lead training course from an accredited training program specific to the discipline(s) in which the instructor intends to teach, with a minimum of sixteen (16) training hours; and

(iii) At least two (2) years of experience, education, or training in the field in which they provide the instruction.

5. The following documents shall be recognized by the Division as evidence that training managers, principal instructors, and guest instructors meet the relevant educational, work experience, and/or training requirements specifically listed in subparagraphs (3)(a)1., (3)(a)2., and (3)(a)4. of this ~~section~~ paragraph. This documentation shall be submitted with the application for training program accreditation.

(i) A copy of an official academic transcript or diploma as evidence of meeting the educational requirements.

(ii) Resumes, letters of reference or documentation of work experience, as evidence of meeting the work experience requirements. This documentation should include, but not be limited to, work history documenting related experience including inclusive dates of experience, employer's name, address and phone number; positions held; projects completed and job responsibilities held during the projects.

(iii) A copy of certificates from train-the-trainer courses and lead-specific training courses, as evidence of meeting the training requirements.

6. The training program shall ensure the availability of, and provide adequate facilities for, the delivery of the lecture, course test, hands-on training, and assessment activities. This includes providing training equipment that reflects current work practices and maintaining or updating the equipment and facilities as needed.

7. The training manager shall be responsible for ensuring that the instructors accurately teach the training course curriculum that was accredited by the Division.

8. For each training course offered, the training program shall conduct a hands-on skills assessment, if applicable, and a closed book course test at the completion of the training course. For successful completion of the training course, each student shall attend at least ninety-five percent (95%) of the training course, successfully complete the hands-on skills assessment, and receive a passing score of seventy percent (70%) or greater on the course test. Passing students shall be provided with a course completion certificate from the training program.

(i) The training manager is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainee's performance of the work practices and procedures associated with the course topics contained in paragraph (4) of this ~~section~~ Rule.

(ii) The training manager is responsible for maintaining the validity and integrity of the course test to ensure that it accurately evaluates the trainees' knowledge and retention of the course topics.

(iii) The course test shall be developed in accordance with the test blueprint. All initial course tests, except lead worker and renovator, shall consist of a minimum of fifty (50) multiple choice questions. All other training course exams shall consist of a minimum of twenty-five (25) multiple choice questions.

9. The training programs shall issue a unique course completion certificate as specified in subparagraph (2)(a)16. of this ~~section~~ paragraph to each person who successfully completes a training course.

10. The training manager shall develop and implement the quality control plan. The plan shall be used to maintain and improve the quality of the training program over time. This plan shall contain at least the following elements:

(i) Procedures for periodic revision of training materials and the course test to reflect innovations in the field; and

(ii) Procedures for the training manager's annual review of the principal instructor's competency.

11. The training program shall ensure that the following quality control measures are met:

(i) The instructor(s) shall follow the training curriculum which was accredited by the Division;

(ii) Each initial training course shall have a maximum of forty (40) students;

(iii) A day of training shall be a minimum of eight (8) hours a day and at least six and one-half (6 1/2) hours of direct instruction, including classroom, hands-on training or field trips, except for the renovator, dust sampling technician and lead project designer refresher training courses;

(iv) Work time and instruction time shall not exceed twelve (12) hours in a twenty-four (24) -hour period;

(v) All course requirements must be completed within a two-week period of the course start date;

(vi) All instructors and students shall be fluent in the language in which the course is being taught;

(vii) An interpreter shall not be used to teach or instruct training courses;

(viii) Lead worker, renovator, and dust sampling technician initial training courses shall have at least one (1) principal instructor. Other initial courses shall have a minimum of two (2) instructors;

(ix) Instructor ratio for hands-on training skills assessment shall be no more than ten (10) students per instructor;

(x) All course materials shall be developed in the language for which the course is being taught;

(xi) Each training course shall be discipline specific;

(xii) Students shall take a course test no more than two (2) times for each training course. After two (2) failures, the student shall retake the full course before being allowed to retest;

(xiii) Instructors shall not review for the course test by reading questions from the test;

(xiv) A training program shall provide course test security measures to prevent student access to the course test before and after the test. Training programs shall take measures to preclude cheating during the course test; and

(xv) For each training course, the training program shall verify, by photo identification, the identity of each person taking the training course.

12. The training program shall offer training courses which teach the work practice standards for conducting renovation and lead-based paint activities contained in Rule 391-3-24-.10 and Rule 391-3-24-.06.

These standards shall be taught in the appropriate courses so as to provide trainees with the knowledge needed to perform the renovation and lead-based paint activities they are responsible for conducting.

13. The training manager shall be responsible for ensuring that the training program complies at all times with all of the requirements specified in Rule 391-3-24-.04.

14. At the conclusion of all training courses, the training program shall make available copies of the Georgia Rules and certification applications to all course attendees.

(4) Minimum Training Curricula Requirements for Training Courses.

(a) To become accredited to offer renovation and lead-based paint training courses in the specific disciplines listed below, training programs must ensure that their training course curriculum includes, at a minimum, the following course topics. Listed requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral component of the course.

(b) Lead Inspector.

1. Role and responsibilities of the inspector.

2. Background information on lead and its adverse health effects.

3. Background information on Federal, State, and local regulations and guidance that pertain to lead-based paint and lead-based paint activities.

4. Lead-based paint inspection methods, including selection of rooms and components for sampling and testing.*

5. Paint, dust, and soil sampling methodologies.*

6. Action levels ~~Clearance standards~~ and testing, including random sampling.*

7. Preparation of the final inspection report.*

8. Recordkeeping.

9. Minimum course length is twenty-four (24) training hours, with a minimum of eight (8) hours devoted to hands-on training.

(c) Lead Risk Assessor.

1. The role and responsibilities of the risk assessor.

2. Collection of background information to perform a risk assessment.

3. Sources of environmental lead contamination such as paint, surface dust and soil, water, air, packaging, and food.

4. Visual inspection for the purpose of identifying lead-based paint, and lead-based paint hazards.*

5. Lead hazard screen protocol.

6. Sampling for other sources of lead exposure.*

7. Interpretation of lead-based paint and other lead sampling results including all applicable State or Federal guidance or regulations pertaining to lead-based paint hazards.*

8. Development of hazard control options, the role of interim controls, and operations and maintenance in reducing lead hazards.

9. Preparation of a final risk assessment report.

10. The minimum course length is sixteen (16) training hours, with a minimum of four (4) hours devoted to hands-on training activities.

(d) Lead Supervisor.

1. Role and responsibilities of a supervisor.

2. Background information on lead and its adverse health effects.

3. Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint abatement.

4. Liability and insurance issues relating to lead-based paint abatement.

5. Risk assessment and inspection report interpretation.*

6. Development and implementation of an occupant protection plan and abatement report.

7. Lead-based paint hazard recognition and control.*

8. Lead-based paint abatement and lead hazard reduction methods, including restricted practices. *

9. Interior dust abatement/clean-up or lead hazard control and reduction methods.*

10. Soil and exterior dust abatement or lead hazard control and reduction methods.*

11. Action levels ~~Clearance standards~~ and testing.*

12. Clean-up and waste disposal practices and regulations.

13. Recordkeeping.

14. The minimum course length is thirty-two (32) training hours, with a minimum of eight (8) hours devoted to hands-on training activities.

(e) Lead Project Designer.

1. Role and responsibility of a project designer.

2. Development and implementation of an occupant protection plan for large-scale abatement projects.

3. Lead-based paint abatement and lead-based paint hazard reduction methods for abatement projects with five (5) or more residential dwelling units.

4. Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.

5. Action levels ~~Clearance standards~~ and testing for large-scale abatement projects.

6. Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.

7. The minimum course length is eight (8) training hours.

(f) Lead Worker.

1. Role and responsibility of a lead worker.

2. Background information on lead and its adverse health effects.

3. Background information on Federal, State and local regulations and guidance that pertain to lead-based paint abatement.

4. Lead-based paint hazard recognition and control.*

5. Lead-based paint abatement and lead hazard reduction methods, including restricted practices.*

6. Interior dust abatement methods/clean-up or lead hazard reduction.*

7. Soil and exterior dust abatement methods or lead hazard reduction.*

8. The minimum course length is sixteen (16) training hours with a minimum of eight (8) hours devoted to hands-on training activities.

(g) Renovator.

1. Role and responsibility of a renovator.

2. Background information on lead and its adverse health effects.

3. Background information on EPA, HUD, Occupational Safety and Health Administration (OSHA), and other Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.

4. Procedures for using acceptable test kits to determine whether paint is lead-based paint.

5. Renovation methods to minimize the creation of dust and lead-based paint hazards.*

6. Interior and exterior containment and cleanup methods.*

7. Methods to ensure that the renovation has been properly completed, including cleaning verification, and any applicable ~~clearance~~ testing.*

8. Waste handling and disposal.

9. Providing on-the-job training to other workers.

10. Record preparations.

11. The minimum course length is eight (8) training hours with a minimum of two (2) hours devoted to hands-on training activities.

(h) Dust sampling technician.

1. Role and responsibility of a dust sampling technician.

2. Background information on lead and its adverse health effects.

3. Background information on Federal, State, and local regulations and guidance that pertains to lead-based paint and renovation activities.

4. Dust sampling methodologies.*

5. Action levels ~~Clearance standards~~ and testing.

6. Report preparations.

7. The minimum course length is eight (8) training hours with a minimum of two (2) hours devoted to hands-on training activities.

(5) Minimum Requirements for the Accreditation of Refresher Training Programs.

(a) A training program may seek accreditation to offer refresher training courses in any of the following disciplines: lead inspector, lead risk assessor, lead supervisor, lead project designer, lead worker, renovator and dust sampling technician. To obtain Division accreditation to offer refresher training, a training program must meet and maintain the following minimum requirements:

(b) Each refresher training course shall review the curriculum topics of the full-length courses listed under paragraph (4) of this ~~section~~ Rule, as appropriate. In addition, to become accredited to offer refresher training courses, the training program shall ensure that their training course curriculum includes, at a minimum, the following:

1. An overview of current safety practices relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

2. Current laws and regulations relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

3. Current technologies relating to renovation and lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(c) Each refresher training course, except for lead project designer, dust sampling technician, and renovator, shall last a minimum of eight (8) training hours. The lead project designer, dust sampling technician, and renovator refresher courses shall last a minimum of four (4) training hours.

(d) For each course offered, the training program shall administer a course test at the completion of the course. All refresher course tests shall consist of a minimum of twenty-five (25) multiple choice questions. For successful completion of the training course, each student shall attend at least ninety-five percent (95%) of the training course, and receive a passing score of seventy percent (70%) or greater on the course test. Passing students shall be provided with a refresher course completion certificate from the training program.

(e) A training program seeking to offer refresher training courses shall also meet and maintain the requirements specified in paragraphs (2) through (7), except for training hour requirements.

(6) Minimum Requirements for Training Program Notification and Recordkeeping.

(a) Accredited training programs shall submit to the Division the following:

1. Notice of intention to conduct an accredited training course for lead and renovation certification purposes shall be submitted to the Division. Notices for training courses, except lead worker and renovator, shall be postmarked or received by the Division ten (10) working days before the training course start date. Notice for lead worker and renovator training courses shall be postmarked or received by the Division five (5) working days before the training course start date. If the training course is canceled, the training program shall notify the Division at least one (1) working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made on forms provided by the Division and shall include, but not be limited to, the following:

(i) Training program name, address, phone number and contact person;

(ii) Training course title;

(iii) Inclusive dates of training course and applicable exam;

(iv) Start and completion times of training course;

(v) Location of course facility and directions to the course facility if the site is not routine for the training program;

(vi) Language in which training course is taught;

(vii) Principal instructor for the training course; and

(viii) Signature of the training manager.

2. A course roster must be submitted to the Division no later than five (5) working days after the last day of training. The course roster must be provided on forms provided by or acceptable to the Division and must contain the name of every person who attended the training course, including whether the person was issued a training certificate or not.

3. Any changes to course length, curriculum, training methods, training manual or materials, instructors, course test, training certificate, training manager or contact person shall be made in writing and submitted to the Division at least ten (10) working days prior to the scheduled training course start date. Changes must be approved by the Division prior to any training utilizing the changes in order for the course to be accepted for accreditation purposes.

4. Current curriculum/course materials and documents reflecting any changes made to these materials.

(b) The accredited training program shall maintain and make available to the Division for inspection the following information:

1. Information and documentation for any course accredited under 391-3-24-.04 of this Rule.

2. Assessment information on how the hands-on training, work tasks and procedures are evaluated for each student which shall include, but not be limited to, instructor conducting the assessment, grading criteria, facilities used, and the pass/fail rate.

3. Results of the students' hands-on skills assessments and course tests, and a record of each student's course completion certificate.

4. The quality control plan as described in subparagraph (3)(a)(10) of this ~~section~~ paragraph.

5. Any other material not listed above that was submitted to the Division as part of the program's application for accreditation.

(c) The training program shall retain records specified in subparagraph (b) of this ~~section~~ paragraph at the address specified on the training program application for a minimum of three (3) years and six (6) months. The training program shall notify the Division within twenty (20) working days of changes to the address specified on its training program application or transferring of the records from that address.

(7) Minimum Requirements for Renewals of Accredited Training Programs.

(a) If a training program submits a renewal application and meets the requirements of this ~~section~~ paragraph, the training program's course accreditation shall be renewed for a period of twelve (12) months.

(b) An accredited training program seeking training course renewal shall submit a completed renewal application on forms provided by the Division with all appropriate information included and signed by the training manager. The renewal application shall include, but not be limited to:

1. The training program's name, address and telephone number.

2. A list of training courses for which renewal of accreditation is being sought.

3. A description of any changes to the training facility, equipment, curriculum, hands-on activities, instructors, or quality control plan since its last application was approved that adversely affects the students' ability to learn.

4. A certified statement signed by the training manager stating that the training program complies at all times with all requirements of 391-3-24-.04 of this Rule.

(c) Applications for course renewal must be ~~postmarked or hand delivered~~ submitted to the Division no later than thirty (30) days before the expiration date for each course accredited by the Division. Renewal applications ~~postmarked or hand delivered~~ submitted to the Division on or before the thirtieth (30th) day before the expiration date shall include a renewal fee of $300 per training course. Renewal applications ~~postmarked or hand delivered~~ submitted to the Division less than thirty (30) days before the expiration date shall include a renewal fee of $450 per training course. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees for lead supervisor, inspector, risk assessor, project designer, or lead worker courses. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for renovator and dust sampling technician courses.

(d) Training programs, which submit an application for course renewal after the expiration date of accreditation by the Division shall follow the requirements specified in paragraph 391-3-24-.04(2) of this Rule for accreditation purposes.

(e) Training programs holding an accreditation from the Division shall submit a renewal application on forms provided by the Division on or before October 1 yearly and shall be renewed for a period of up to twelve (12) months. In those cases where an October 1 expiration date results in less than twelve (12) months of accreditation, the renewal fee shall be pro-rated accordingly.

(f) The Division may audit the training program at any time to verify the contents of the application for renewal.

(8) Reciprocity.

(a) The Division may seek reciprocity agreements with other States, Tribes or Territories where equivalency of lead certification and training requirements can be demonstrated.
The Division may recognize the accreditation of a training course or refresher training course granted by any other State, Tribe or Territory with which the Division has a written reciprocal agreement. Any training program may apply to have its accredited courses approved by the Division if its training course or refresher training course has been accredited by a State, Tribe or Territory with which the Division has a written reciprocal agreement.

(b) Training programs applying for Division accreditation by reciprocity shall follow the requirements specified in subparagraphs (2)(a), except (2)(a)6. of this Rule, and submit a fee in the amount of $400 per training course for which accreditation is sought. Fees shall be submitted electronically or in the form of a check or money order made payable to the Environmental Protection Division - Lead Abatement Fees for lead supervisor, inspector, risk assessor, project designer, or lead worker courses. Fees shall be submitted electronically or in the form of a check or money order made payable to the Environmental Protection Division - Lead Renovation Fees for renovator and dust sampling technician courses.

(9) Recognition of EPA Training Program Accreditation

(a) The Division shall recognize training programs holding an accreditation from ~~the U.S.~~ EPA issued before the effective date of this Rule for renovator and/or dust sampling technician courses if the following requirements are met:

1. Upon notification by the Division, an application for recognition of ~~U.S.~~ EPA training program accreditation is submitted on forms provided by the Division within sixty (60) days of the Division's notification.

2. A fee of $200.00 per training course shall be submitted to the Division electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for each training course to be recognized by the Division.

(b) The Division shall issue a certification of the Division's acceptance of the ~~U.S.~~ EPA training program accreditation within thirty (30) days of the applicant meeting the requirements of subparagraph (a)1. and (a)2. of this ~~Rule~~ paragraph. The accreditation issued by the Division shall have an expiration date of October 1, 2011. Renewals of accreditation shall meet the requirements in ~~Rule~~ paragraph 391-3-24-.04(7).

(c) The Division shall not recognize ~~U.S.~~ EPA training program accreditation or accept courses offered as acceptable training for Division certification of renovator or dust sampling technician certifications if the training provider fails to submit an application and the appropriate fees within sixty (60) days of being notified by the Division.

(10) Suspension, Revocation, and Modification of Accredited Training Programs.

(a) The Director may investigate the actions of any training program and may suspend, revoke or modify the accreditation of a training program in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act", when it is found that the training program, training manager, or other responsible persons with the training program has:

1. Misrepresented the contents of a training course to the Division and/or the student population.

2. Failed to submit required information or notifications in a timely manner.

3. Failed to maintain required records.

4. Falsified accreditation records, instructor qualifications, or other accreditation-related information or documentation.

5. Failed to comply with the training standards and requirements in this ~~section~~ Rule.

6. Failed to comply with Federal, State or local lead-based paint statutes or regulations.

7. Made false or misleading statements to the Division in its application for accreditation or renewal that the Division relied upon in approving the application.

(b) When accreditation of a training program is revoked, the training program shall not be eligible for re-accreditation for a period of five (5) years from the date of revocation.

Rule 391-3-24-.05. Certification of Persons and Firms Conducting Lead-Based Paint Activities

(1) Scope.

(a) Following the submission of an application demonstrating that all the requirements of this Rule are met and a determination by the Division that a person has met all applicable requirements to perform the appropriate lead-based paint activities, the Division shall certify the applicant as a lead inspector, lead risk assessor, lead supervisor, lead project designer or lead worker.

(b) All certified persons shall be assigned a certification number and issued a photo-identification certificate by the Division.

(c) All certified lead firms shall be assigned a certification number and issued a certificate by the Division.

(d) When educational experience is required, the Division shall recognize a copy of an official academic transcript, diploma, or professional certification as evidence of meeting the educational requirements.

(e) When work experience is required, the Division shall recognize a resume or letter of reference from a current or previous employer as evidence of meeting the work experience requirements. This documentation shall include, but not be limited to, work history documenting related experience including inclusive dates of experience, employer's name, address and phone number, positions held, projects completed and job responsibilities held during the projects.

(f) Upon receiving certification by the Division, persons conducting lead-based paint activities shall work for a certified lead firm and shall comply with the standards for performing such lead-based paint activities as established in Rule 391-3-24-.06.

(g) All certifications shall expire twelve (12) months from the issue date of the certificate or on the expiration date of required training, whichever is earlier as specified in subparagraphs (2)(a) through (2)(e) of this Rule. Work performed after the certification expiration date and prior to renewal shall constitute a violation of this Rule.

(h) No person or lead firm shall conduct lead-based paint activities described in this ~~section~~ Rule if that person or lead firm has not received the appropriate certification by the Division pursuant to the requirements specified herein of this ~~section~~ Rule and the person or lead firm does not have in their possession a Division issued certification card or certificate.

(i) In order to maintain certification as a person or lead firm, applicants must follow the requirements specified in paragraph (4) of this ~~section~~ Rule.

(j) A person who is employed by and in the process of conducting lead-based paint activities for a federal, state or local government agency shall not be required to pay certification fees as specified in this ~~section~~ Rule.

~~(k) Persons requesting a duplication of their certification shall submit a fee in the amount of $25.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.~~

(2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for certification:

(a) Certification of Lead Workers.

1. To become certified as a lead worker, a person must:

(i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;

(ii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(iii) Submit an original initial course completion training certificate in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(iv) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(v) Submit a fee in the amount of $25.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(b) Certification of Lead Inspectors.

1. To become certified as a lead inspector, a person must:

(i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;

(ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the appropriate discipline for which certification is sought;

(iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(iv) Submit an original initial course completion training certificate in the discipline for, which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(v) Submit an original third party certification exam letter in the appropriate discipline for which certification is sought confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(vii) Submit a fee in the amount of $150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(c) Certification of Lead Supervisors.

1. To become certified as a lead supervisor, a person must:

(i) Successfully complete a course and receive an initial course completion certificate from an accredited training program in the appropriate discipline for which certification is sought;

(ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the appropriate discipline for which certification is sought;

(iii) Meet or exceed the following experience and/or education requirements:

(I) One-year of experience as a lead worker; or,

(II) At least two (2) years of experience in a related field or in the building trades.

(iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(v) Submit an original initial course completion training certificate in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit an original third party certification exam letter in the appropriate discipline for which certification is sought confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;

(vii) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(viii) Submit a fee in the amount of $150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(d) Certification of Lead Risk Assessors.

1. To become certified as a lead risk assessor, a person must:

(i) Successfully complete a course and receive initial course completion certificates from an accredited training program in the lead inspector course and in the appropriate discipline for which certification is sought;

(ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the lead inspector discipline and in the appropriate discipline for which certification is sought;

(iii) Meet or exceed the following experience and/or education requirements:

(I) Bachelor's degree and one (1) year of experience in a related field; or,

(II) An Associate's degree and two (2) years of experience in a related field; or,

(III) Certification as an industrial hygienist, professional engineer, registered architect and/or certification in a related engineering/ health/environmental field; or,

(IV) A high school diploma (or equivalent), and at least three (3) years of experience in a related field.

(iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(v) Submit original course completion training certificates in the lead inspector discipline and in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training courses on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit an original third party certification exam letter in the lead inspector discipline and in the appropriate discipline for which certification is sought confirming successful completion of said exams. Original documents shall be returned upon issuance or denial of certification by the Division;

(vii) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(viii) To obtain a joint Inspector/Risk Assessor certification simultaneously, submit a fee in the amount of $250.00 along with the documents required by (2)(c)1.(i)-(vii) and (2)(d)1.(i)-(vii); or

(ix) To obtain a Risk Assessor certification without an Inspector Certification, submit a fee in the amount of $150.00 electronically or in the form of a check or money order and made payable to the

Environmental Protection Division - Lead Abatement Fees along with the documents required by (2)(d)1.(i)-(vii).

(e) Certification of Lead Project Designers.

1. To become certified as a lead project designer, a person must:

(i) Successfully complete a course and receive course completion certificates from an accredited training program in the lead supervisor course and in the appropriate discipline for which certification is sought;

(ii) Successfully pass an exam and receive a third party certification exam letter from a third party certification exam administrator in the lead supervisor discipline;

(iii) Meet or exceed the following experience and/or education requirements:

(I) Bachelor's degree in engineering, architecture, or a related profession, and one (1) year of experience in building construction and design or a related field; or,

(II) Four (4) years of experience in building construction and design or a related field.

(iv) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(v) Submit original course completion training certificates in the lead supervisor discipline and in the discipline for which certification is sought or an original letter from the accredited training program confirming completion of said training courses on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(vi) Submit an original third party certification exam letter in the lead supervisor discipline confirming successful completion of said exam. Original documents shall be returned upon issuance or denial of certification by the Division;

(vii) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(viii) Submit a fee in the amount of $150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(f) Certification of Lead Firms.

1. All firms, which offer to perform, or that perform, any of the lead-based paint activities described in Rule 391-3-24-.06 must have certification from the Division.

2. A firm seeking certification, as a Lead Firm must:

(i) Submit a completed certification application on forms supplied by the Division certifying that the firm shall:

(I) Only employ Division certified employees to conduct lead-based paint activities;

(II) Follow standards in Rule 391-3-24-.06 for conducting lead-based paint activities; and

(III) Maintain all records pursuant to the requirements in Rule 391-3-24-.06.

(ii) Submit a disclosure statement of any action taken by EPA or an EPA authorized program involving violations, suspensions, revocations or modifications of a firm's activities; and

(iii) Submit a fee in the amount of $350.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(iv) Federal, State, county or city government agencies, who conduct lead-based paint investigations are exempt from the $350.00 firm certification fee.

(3) Third Party Certification Exam.

(a) The third party certification exam shall be taken only from a third party certification exam administrator who is accepted by the Division to perform such duties.

(b) In order to take the third party certification exam for a particular discipline, a person must:

1. Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

2. Meet or exceed the educational and/or work experience requirements in ~~section~~ Rule 391-3-24-.05 ~~of this Rule~~ for each appropriate discipline for which certification is sought.

3. Take the third party certification exam no more than three (3) times. If a person does not pass the third party certification exam with a passing score of 70 percent (70%) or greater and receive a

certificate and/or certification letter, the person must retake the appropriate training course from an accredited training program before retaking the third party certification exam.

(4) Renewal of Certification.

(a) After certified persons demonstrate that all of the requirements of this ~~section~~ paragraph are met and the Division determines that an applicant has met all the requirements set forth in this ~~section~~ paragraph, the Division shall renew certification of a person as a lead inspector, lead risk assessor, lead supervisor, lead project designer, or lead worker.

(b) Certified persons meeting the requirements of this ~~section~~ paragraph shall be renewed for a period of twelve (12) months from the expiration date of certification or until the expiration date of required training, whichever is earlier.

(c) Persons seeking renewal of certification shall:

1. Submit a completed renewal application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.

2. Successfully complete a course(s) and receive a refresher course completion certificate(s) from an accredited training program in the appropriate discipline(s) for which renewal is sought within twenty-four (24) months from the last date of training.
Persons that do not successfully complete the said refresher course(s) within twenty-four (24) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.
Persons that do not successfully complete the refresher course(s) and receive a certificate of completion by the thirty-sixth (36th) month from the last date of training, shall successfully complete the initial said training course for renewal of certification.

3. Submit an original refresher course completion certificate(s) in the appropriate discipline(s) for which renewal is sought or an original letter from the accredited training program confirming completion of said training course(s) on the accredited training program letterhead.

4. Submit one (1) current 1 1/4 × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.

5. Submit a fee in the amount of $150.00 per renewal discipline, or $250.00 per 391-3-24-.05(2)(d)1(viii), except the lead worker discipline. An applicant seeking renewal in the lead worker discipline shall submit a fee in the amount of $25.00. Fees shall be submitted electronically or in the

form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(d) In order for lead firm certification to be renewed for a period of twelve (12) months, the firm shall:

1. Submit a completed renewal application to the Division on forms provided by the Division certifying that the lead firm shall:

(i) Only employ Division certified persons to conduct lead-based paint activities;

(ii) Follow the standards in Rule 391-3-24-.06 for conducting lead-based paint activities; and

(iii) Maintain all records pursuant to the requirements in Rule 391-3-24-.06.

2. Submit a disclosure statement of any action taken by EPA or an EPA approved program involving violations, suspensions, revocations, or modifications of a lead firm's activity.

3. Submit a fee in the amount of $350.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(e) Renewal applications shall be <u>submitted</u> ~~postmarked or hand delivered~~ to the Division thirty (30) days prior to the expiration date of certification for each discipline in which certification is sought. Certified persons submitting renewal applications ~~postmarked or hand delivered~~ after the expiration date of certification shall follow the requirements specified in paragraph (2) of this ~~section~~ <u>Rule</u> for certification purposes.

(5) Reciprocity.

(a) Each person seeking certification who is licensed, certified or permitted in another state, Tribe or Territory of the United States to perform lead hazard reduction activities may petition the Division on a form provided by the Division to grant certification without repetition of training requirements. The Division may recognize the certification of a discipline granted by another State, Tribe or Territory with which the Division has a written reciprocal agreement. Any person may apply to have their certification approved by the Division if their certification has been licensed, certified or permitted by another State, Tribe or Territory with which the Division has a written reciprocal agreement.

(b) Persons seeking certification by reciprocity shall also submit to the Division the following:

1. A completed application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.

2. A copy of the certification issued by the reciprocating state, tribe or territory.

3. One (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture.

4. A fee in the amount of $150.00 for each discipline, except lead worker discipline and/or the combined lead inspector/risk assessor obtained simultaneously; an applicant seeking certification in the lead worker discipline shall submit a fee in the amount of $25.00; an applicant seeking the combined inspector/risk assessor obtained simultaneously shall submit a fee in the amount of $250.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(6) Suspension, Revocation, and Modification.

(a) The Director may investigate the actions of any certified person or lead firm and may suspend, revoke or modify the certification of a person or lead firm in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act," when it is found that the person or lead firm has:

1. Obtained training documentation through fraudulent means.

2. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.

3. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.

4. Performed work requiring certification at a job site without having proof of certification.

5. Permitted the duplication or use of the person's own certificate by another.

6. Performed work for which certification is required, but for which appropriate certification has not been received.

7. Failed to comply with the appropriate work practice standards for lead-based paint activities as specified in 391-3-24-.06.

8. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

9. Performed work requiring certification at a job site with persons who are not certified.

10. Misrepresented facts in a lead firm's letter of application.

11. Failed to maintain required records.

(b) When certification of a person or lead firm is revoked, the person or lead firm shall not be eligible for recertification for a period of five (5) years from the date of revocation.

391-3-24-.06. Standards for Conducting Lead-Based Paint Activities

(1) Scope.

(a) When performing any lead-based paint activities, a certified person must perform that activity in compliance with the requirements specified in this ~~section~~ Rule.

(b) Persons performing lead-based paint activities shall work for a certified lead firm.

(c) No person or firm shall engage in a lead-based paint abatement project prior to notifying the Division and receiving a notice to proceed from the Division.

(d) For each inspection, risk assessment, or lead hazard screen conducted, the lead inspector or lead risk assessor shall submit an inspection report or risk assessment report to the party for which services are rendered, and the Division, if requested. The report shall be submitted within thirty (30) days of the activity.

(2) Inspection.

(a) An inspection shall be conducted only by a person certified by the Division as a lead inspector and/or a combined inspector/risk assessor. The inspection must be conducted according to the procedures in this ~~section~~ Rule.

(b) When conducting an inspection, the following locations shall be selected according to documented methodologies and tested for the presence of lead-based paint:

1. In a residential dwelling and child-occupied facility, each interior component with a distinct painting history and each exterior component with a distinct painting history shall be tested for lead-based paint, except those components that the lead inspector or lead risk assessor determines to have been replaced after 1978, or to not contain lead-based paint; and

2. In a multi-family dwelling or child-occupied facility, each component with a distinct painting history in every common area, except those components that the lead inspector or lead risk assessor determines to have been replaced after 1978, or to not contain lead-based paint.

(c) Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies, which incorporate adequate quality control procedures; and/or

2. All collected paint chip samples shall be analyzed according to paragraph (6) of this ~~section~~ Rule to determine if they contain detectable levels of lead that can be quantified numerically.

(d) The certified lead inspector or lead risk assessor shall prepare an inspection report, which shall include the following information:

1. Date of each inspection.

2. Address of building.

3. Date of construction.

4. Apartment numbers (if applicable).

5. Name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility.

6. Name, signature, and certification number of each certified inspector and/or risk assessor conducting testing.

7. Name, address, and telephone number of the certified lead firm employing each inspector and/or risk assessor, if applicable.

8. Each testing method and device and/or sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence (XRF) device.

9. Specific locations of each painted component tested for the presence of lead-based paint.

10. The results of the inspection expressed in terms appropriate to the sampling method used.

(3) Lead Hazard Screen.

(a) A lead hazard screen shall be conducted only by a person certified by the Division as lead risk assessor.

(b) If conducted, a lead hazard screen shall be conducted as follows:

1. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children under age six (6) ~~years and under~~ shall be collected.

2. A visual inspection of the residential dwelling or child-occupied facility shall be conducted to:

(i) Determine if any deteriorated paint is present, and

(ii) Locate at least two dust sampling locations.

3. If deteriorated paint is present, each surface with deteriorated paint, which is determined, using documented methodologies, to be in poor condition and to have a distinct painting history, shall be tested for the presence of lead.

4. In residential dwellings, at least two dust samples shall be collected:~~,~~ one from a floor and the other from a window, in rooms, hallways~~,~~ or stairwells where one or more children~~,~~ under age six (6) ~~and under~~, are most likely to come in contact with dust.

5. In multi-family dwellings and child-occupied facilities, in addition to the floor and window samples required in subparagraph (3)(b)4. of this ~~section~~ paragraph, the lead risk assessor shall collect dust samples from common areas where one or more children~~,~~ under age six (6) ~~and under,~~ are most likely to come into contact with dust.

(c) Dust samples shall be collected and analyzed in the following manner:

1. All dust samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

2. All collected dust samples shall be analyzed according to paragraph (6) of this ~~section~~ Rule to determine if they contain detectable levels of lead that can be quantified numerically.

(d) Paint shall be sampled in the following manner:

1. The analysis of paint to determine the presence of lead shall be conducted using documented methodologies which incorporate adequate quality control procedures; and/or

2. All collected paint chip samples shall be analyzed according to paragraph (6) of this ~~section~~ Rule to determine if they contain detectable levels of lead that can be quantified numerically.

(e) The lead risk assessor shall prepare a lead hazard screen report, which shall include, but not be limited to, the following information.

1. The information required in a risk assessment report as specified in paragraph (4) of this ~~section~~ Rule, including any background information collected pursuant to subparagraph (b)1 of this ~~section~~ paragraph shall be included in the risk assessment report; and

2. Recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

(4) Risk Assessment.

(a) A risk assessment shall be conducted only by a person certified by the Division as a lead risk assessor and, if conducted, must be conducted according to the procedures in this ~~section~~ paragraph:

(b) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential sources of lead-based paint hazards.

(c) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause ~~a~~ lead-based paint exposure to one or more children under age six (6) ~~years and under~~ shall be collected.

(d) The following surfaces, which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead.

1. Each friction surface or impact surface with visibly deteriorated paint; and

2. All other surfaces with visibly deteriorated paint.

(e) In residential dwellings, dust samples (single-surface samples) from the interior window sill(s) and floor shall be collected in all living areas where one or more children under age six (6) ~~and under~~ are most likely to come into contact with dust.

(f) For multi-family dwellings and child-occupied facilities, the samples required in subparagraph (4)(d) of this ~~section~~ paragraph shall be taken. In addition, interior window sill and floor dust samples (single-surface samples) shall be collected in the following locations:

1. Common areas adjacent to the sampled residential dwelling or child-occupied facility, and

2. Other common areas in the building where the lead risk assessor determines that one or more children under age six (6) ~~years and under,~~ are likely to come into contact with dust.

(g) For child-occupied facilities, window and floor dust samples (single-surface samples) shall be collected in each room, hallway or stairwell utilized by one or more children~~,~~ under age six (6) ~~and under~~, and in other common areas in the child-occupied facility where the lead risk assessor determines one or more children~~,~~ under age six (6) ~~and under,~~ are likely to come into contact with dust.

(h) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

1. Exterior play areas where bare soil is present.

2. Dripline/ foundation areas where bare soil is present.

3. The rest of the yard (i.e., non-play areas) where bare soil is present.

(i) Any paint, dust, or soil samples shall be taken using documented methodologies that incorporate adequate quality control procedures.

(j) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (6) of this ~~section~~ Rule to determine if they contain detectable levels of lead that can be quantified numerically.

(k) The lead risk assessor shall prepare a risk assessment report which shall include the following information:

1. Date of assessment.

2. Address of each building.

3. Date of construction of buildings.

4. Apartment number (if applicable).

5. Name, address, and telephone number of each owner of each building.

6. Name, signature, and certification of the lead risk assessor conducting the assessment.

7. Name, address, and telephone number of the lead firm employing each lead risk assessor.

8. Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.

9. Results of the visual inspection.

10. Testing method and sampling procedure for paint analysis employed.

11. Specific locations of each painted component tested for the presence of lead.

12. All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.

13. All results of laboratory analysis on collected paint, soil, and dust samples.

14. Any other sampling results.

15. Any background information collected pursuant to subparagraph (4)(c) of this ~~section~~ paragraph.

16. To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.

17. A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.

18. A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

(5) Abatement.

(a) An abatement shall be conducted only by a person certified by the Division and shall be conducted in accordance with the procedures and requirements specified in this ~~section~~ paragraph.

(b) A lead supervisor is required for each abatement project and shall be on-site at all times when abatement is being conducted. This would include preparation, cleanup, disposal and testing activities associated with such measures.

(c) All abatement shall be conducted in accordance with the requirements of this ~~section~~ paragraph.

(d) Notification for a lead-based paint abatement project in a residential dwelling, child-occupied facility, or multi-family dwelling shall be made on forms supplied by the Division and submitted to the Division fifteen (15) calendar days prior to the start date of the lead-based paint abatement project.

(e) Abatement shall not commence until the Division has provided a notice to proceed in accordance with paragraph (11) of this ~~section~~ Rule.

(f) A written occupant protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

1. The occupant protection plan shall be unique to each residential dwelling, multi-family dwelling or child-occupied facility and developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

2. A certified lead supervisor or certified lead project designer shall prepare the occupant protection plan and include the name and title of the individual who prepared the occupant protection plan.

(g) The work practices listed below shall be restricted during an abatement as follows:

1. Open-flame burning or torching of lead-based paint is prohibited;

2. Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint is prohibited unless used with ~~High Efficiency Particulate Air (~~HEPA~~)~~ exhaust control capable of removing particles of 0.3 microns or larger from air at 99.97 percent or greater efficiency;

3. Operating a heat gun on lead-based paint is permitted only at a temperature below 1100 degrees Fahrenheit; and

4. Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective painting spots no more than two (2) square feet in any one room, hallway or stairwell or totaling no more than twenty (20) square feet on exterior surfaces.

(h) If conducted, soil abatement shall be conducted in one of the following ways:

1. If soil is removed, the lead-contaminated soil shall be replaced with soil with a lead concentration less than 400 parts per million or background concentration of lead, whichever is lower; or

2. If soil is not removed, the lead-contaminated soil shall be permanently covered as defined in TSCA § 745.223.

3. If soil is removed, it shall not be used as top soil at another site.

(i) The following post-abatement ~~clearance~~ procedures shall be performed only by a lead inspector or lead risk assessor:

1. Following an abatement, a visual inspection shall be performed to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris or residue are present, these conditions must be eliminated prior to the continuation of the ~~clearance~~ post-abatement testing procedures.

2. Following the visual inspection and any post-abatement cleanup required by subparagraph (5)(i)1. of this ~~section~~ paragraph, ~~clearance~~ post-abatement sampling for lead-contaminated dust shall be conducted. ~~Clearance~~ Post-abatement sampling may be conducted by employing single-surface sampling techniques.

3. Dust samples for ~~clearance~~ post-abatement testing purposes shall be taken using documented methodologies that incorporate adequate quality control procedures. Dust samples for ~~clearance~~ post-abatement testing purposes shall be taken a minimum of one (1) hour after completion of final post-abatement cleanup activities.

4. The following post-abatement ~~clearance~~ testing activities shall be conducted based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility:

(i) After conducting an interior abatement with containment between abated and unabated areas, one (1) dust sample shall be taken from one (1) interior window sill and from one (1) window trough (if available) and one dust sample shall be taken from the floors of each of no less than four (4) rooms, hallways or stairwells within the containment area. In addition, one (1) dust sample shall be taken from the floor outside the containment area. If there are less than four (4) rooms, hallways or stairwells within the containment area, then all rooms, hallways or stairwells shall be sampled.

(ii) After conducting an interior abatement with no containment, two (2) dust samples shall be taken from no less than four (4) rooms, hallways or stairwells in the residential dwelling or child-occupied facility. One (1) dust sample shall be taken from one (1) window (if available) and one (1) dust sample shall be taken from one (1) interior window sill and window trough (if present) and one (1) dust sample shall be taken from the floor of each room, hallway or stairwell selected. If there are less than four (4) rooms, hallways or stairwells within the residential dwelling or child-occupied facility, then all rooms, hallways or stairwells shall be sampled.

(iii) Following an exterior paint abatement, a visible inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, they must be removed from the site and properly disposed of in accordance with applicable standards set forth by the Division, and in compliance with all federal, state and local requirements. ~~Clearance~~ W~~w~~ipe samples must be collected from the exterior floors and concrete involved with the abatement project.

5. The rooms, hallways or stairwells selected for sampling shall be selected according to documented methodologies.

6. The lead inspector or risk assessor shall compare the residual lead dust level (as determined by the laboratory analysis), from each dust sample, with the applicable dust-lead action ~~clearance~~ levels for lead in dust on floors, concrete, windowsills, and window troughs as found in 391-3-24-.07. If the residual dust levels in a dust sample exceed the dust-lead action ~~clearance~~ levels, all the components represented by the failed sample shall be re-cleaned and retested until sample results are less than dust-lead action ~~clearance~~ levels ~~are met~~.

(j) In a multi-family dwelling with similarly constructed and maintained residential dwellings, random sampling for the purposes of post-abatement testing ~~clearance~~ may be conducted provided:

1. The certified persons who abate or clean the residential dwelling do not know which residential dwellings will be selected for the random sample.

2. A sufficient number of residential dwellings are selected for dust sampling to provide a ninety-five percent (95%) level of confidence that no more than 5 percent (5%) or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population are below the applicable dust-lead action ~~exceed the appropriate clearance~~ levels listed in Rule 391-3-24-.07.

3. The randomly selected residential dwellings shall be sampled and evaluated ~~for clearance~~ according to the procedures found in subparagraph (5)(i) of this ~~section~~ paragraph.

(k) An abatement report, hereinafter known as a project completion notification shall be prepared by a lead supervisor or lead project designer. The project completion notification shall be prepared on forms supplied by the Division and shall include, but not be limited to, the following information:

1. Start and completion dates of abatement.

2. The name and address of each lead firm conducting the abatement and the name of each lead supervisor assigned to the abatement project.

3. The ~~name and title of the lead supervisor or lead project designer who prepared the~~ occupant protection plan prepared pursuant to subparagraph (5)(f) of this ~~section~~ paragraph.

4. The name, address, signature, and lead firm of each lead risk assessor or lead inspector conducting ~~clearance~~ post-abatement sampling and the date of post-abatement ~~clearance~~ testing.

5. The results of post-abatement ~~clearance~~ testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.

6. A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any monitoring of encapsulants or enclosures.

(l) Abatement project completion notifications shall be submitted to the Division no later than thirty (30) working days after the completion date of lead-based paint abatement project.

7. When post-abatement dust-lead testing results are below the dust-lead action levels and at or above the dust-lead reportable levels, a dust-lead hazard statement with the following language must be included:

Although the completed abatement project achieved dust-lead below action levels, some dust-lead hazards remain because any reportable level of dust-lead is considered a dust-lead hazard by the U.S. Environmental Protection Agency in a residential dwelling or child-occupied facility. In order for abatement work to be considered complete under EPA regulations, dust-lead levels must be below the action levels, which are established based on reliability, effectiveness and safety. To continue to reduce lead exposure from dust, the EPA pamphlet entitled Protect Your Family From Lead in Your Home includes recommendations such as: using a vacuum with a HEPA filter on furniture and other items returned to the work area, and regularly cleaning hard surfaces with a damp cloth or sponge and a general all-purpose cleaner. For more information on how to continue to reduce lead exposure, see Protect Your Family From Lead in Your Home.

(6) Collection and Laboratory Analysis of Samples.

(a) Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this ~~section~~ paragraph shall be:

1. Collected by persons certified by the Division as a lead inspector or lead risk assessor; and

2. Analyzed by a laboratory recognized by the EPA pursuant to section 405(b) of TSCA as being capable of performing analyses for lead compounds in paint chip, dust, and soil samples.

(7) A paint-lead hazard is present:

(a) On any friction surface that is subject to abrasion and where the lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill or floor) are equal to or greater than the dust-lead hazard levels identified ~~in 391-3-24-.07~~ in paragraph (8);

(b) On any chewable lead-based paint surface on which there is evidence of teeth marks;

(c) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface that is caused by impact from a related building component (such as a door knob that knocks into a wall or a door that knocks against its door frame); and

(d) If there is any other deteriorated lead-based paint in any residential building or child-occupied facility or on the exterior of any residential building or child-occupied facility.

(8) ~~A d~~ Dust-lead hazards and dust-lead action levels are identified for ~~is present in a~~ residential dwellings ~~or~~ and child-occupied facilities as follows:

(a) On floors and interior window sills when the ~~weighted arithmetic mean~~ lead loading for ~~all~~ any single surface or composite sample of floors and interior window sills ~~are~~ is equal to or greater than ~~10 micrograms per square foot (µg/ft2) for floors and equal to or greater than 100 micrograms per square foot (µg/ft2)~~ any reportable level of dust-lead for floors and for interior window sills ~~respectively~~; for projects where post-abatement dust-lead testing is required or otherwise performed, levels of lead in dust must be below 5 µg/ft2 for floors, 40 µg/ft2 for interior window sills, and 100 µg/ft2 for window troughs for purposes of clearing the action level;

(b) On floors or interior window sills in an un-sampled residential dwelling in a multi-family dwelling, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled residential unit on the property (and, for projects where post-abatement dust-lead testing is required or otherwise performed, levels of lead in dust must be below the applicable value from subsection (8)(a) of this paragraph for purposes of the action levels); and

(c) On floors or interior window sills in an unsampled common area in a multi-family dwelling or child-occupied facility, if a dust-lead hazard is present on floors or interior window sills, respectively, in at least one sampled common area in the same common area group on the property (and, for projects where post-abatement dust-lead testing is required or otherwise performed, levels of lead in dust must be below the applicable value from subsection (8)(a) of this paragraph for purposes of the action levels).

(9) A soil-lead hazard is present:

(a) In a play area when the soil-lead concentration from a composite play area sample of bare soil is equal to or greater than 400 parts per million; or

(b) In the rest of the yard when the arithmetic mean lead concentration from a composite sample (or arithmetic mean of composite samples) of bare soil from the rest of the yard (i.e., non-play areas) for each residential building on a property is equal to or greater than 1,200 parts per million.

(10) Project Fees.

(a) A lead firm or lead supervisor shall submit to the Division a project fee for each lead-based paint abatement project at least fifteen (15) calendar days prior to the start date of each abatement project. Project fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees. Project fees shall be based upon the following formula:

1. $50 per residential dwelling unit or child-occupied facility plus 2% (.02) of the total value of lead-based paint abatement work covered by the notification. Notifications submitted less than fifteen (15) calendar days prior to the state date, and with Division approval to commencement of lead-based paint abatement activities, are Emergency Notifications and must include an additional $50 fee.

(11) Lead-Based Paint Abatement Project Notification.

(a) No person shall conduct abatement without a notice to proceed from the Division, except as provided for in subparagraph (c)(2) of this ~~section~~ paragraph. All abatement activities shall be conducted by certified persons and certified lead firms.

(b) All notifications shall be made on forms provided by the Division. The notification shall include, but not be limited to, the following applicable information:

1. Name, address, contact name, and phone number of the owner and operator of the target housing or child-occupied facility;

2. Name, certification number, address, contact name and phone number of the lead firm;

3. Name, certification number, address, firm, and phone number of the lead inspector and lead risk assessor;

4. Name, certification number, address, firm, and phone number of the lead project designer;

5. Location and street address, including building number or name and floor or room number, city, county, and state of the building where the abatement is taking place;

6. Scheduled start and completion dates of active lead-based paint abatement work including preparation work and cleanup work;

7. Work schedule, including days of the week and hours to be worked;

8. Amount and locations of material to be abated;

9. Method(s) of abatement;

10. Waste transporter, address, contact name, and phone number;

11. Waste disposal site, address, contact name, and phone number;

12. For ordered abatements, the name, title, and authority of the State or local government representative who has ordered the abatement, the date that the order was issued, and the date the abatement was ordered to begin;

13. For emergency abatements, a description of the nature of the emergency and an explanation of how failure to correct the situation would cause a lead-based paint hazard;

14. Total value of the lead-based paint abatement work covered by the notification;

15. Total number of residential dwelling units and/or child occupied facilities abated; and

16. The original signature and date of the lead firm representative.

17. The person who developed the Occupant Protection Plan for the project.

(c) Notifications for lead-based paint abatement projects shall adhere to the following schedule:

1. Notifications for a lead-based paint abatement project shall be postmarked or delivered to the Division at least fifteen (15) calendar days prior to the scheduled start date;

2. The fifteen (15) calendar day notice may be waived if the abatement project is deemed an emergency lead-based paint abatement project by a lead risk assessor and approved by the Division prior to commencement of lead-based paint abatement activities. A notification involving an emergency lead-based paint abatement project shall be submitted ~~postmarked or hand delivered~~ to the Division by the workday following the request for the emergency abatement project. Notifications for emergency abatement projects shall be submitted along with a letter from the owner or the lead risk assessor explaining the nature of the emergency.

(d) All notifications, both regular and emergency, for lead-based paint abatement shall be accompanied by a project fee in accordance with paragraph (10) of this ~~section~~ Rule. Project fees shall be submitted electronically or in the form of check or money order and made payable to the Environmental Protection Division - Lead Abatement Fees.

(e) Revisions to lead-based paint abatement project notifications shall be made in writing on a form provided by the Division and shall be submitted to the Division for the following:

1. Revision to a start date for a project that will begin after the start date stated in the previous notification shall be received on or before the previously stated start date or previously revised start date;

2. Revision to a start date for a project that will begin before the start date stated in the previous notification or subsequent revisions shall be received at least fifteen (15) calendar days before the new start date;

3. Revision to a completion date that will be extended beyond the completion date stated in the previous notification shall be received by the original completion date or previously revised completion date;

4. Revision to a completion date that will be earlier than the completion date stated in the previous notification or subsequent revision shall be received by the new completion date; and

5. Revisions to notifications other than start or completion dates shall be submitted to the Division prior to initiating the activity which the revision addresses.

(f) The following shall be maintained on site during abatement activities and be immediately made available for review by the Division:

1. A copy of the project notification, notice to proceed and all revisions;

2. The occupant protection plan;

3. A copy of the applicable lead-based paint abatement design, risk assessment and inspection reports; and

4. Certifications issued by the Director for all certified persons and firms performing lead-based paint activities.

(g) All abatement shall be conducted in accordance with Rule 391-3-24-.06.

(h) All abatement shall be conducted under the direct supervision of a certified lead supervisor who shall be on-site at all times when abatement activities are being conducted.

(12) Recordkeeping.

(a) All reports or plans required in this ~~section~~ Rule shall be maintained by the certified lead firm or person who prepared the report for no fewer than three (3) years. The certified lead firm or person shall also provide copies of these reports to the building owner who contracted for its services.

391-3-24-.07. ~~Lead Clearance~~ Dust-Lead Action Levels

For projects where post-abatement dust-lead testing is required or otherwise performed, dust-lead testing ~~Clearance procedures~~ shall be conducted ~~on all abatement projects~~ by a certified inspector or lead risk assessor after appropriate cleaning has been completed. Levels of lead in dust must be below the following dust-lead action levels: ~~The following lead clearance levels must be met.~~

Dust-Lead Action Levels ~~CLEARANCE DUST STANDARDS~~ (Wipe Sampling Only)

Surface/ Medium	**Level (µg/ft2)** **~~(Equal to or less than)~~**
Bare and carpeted floors	5 ~~10~~ µg/ft2
Interior Window Sills	40 ~~100~~ µg/ft2
Window Troughs	100 ~~400~~ µg/ft2
Exterior Concrete	800 µg/ft2

Rule 391-3-24-.08. Information Distribution Requirements Before Conducting Renovation Activities

(1) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must:

(a) Provide the owner of the unit with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) In addition to the requirements in this ~~section~~ paragraph, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

1. Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling or that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of a representative of the firm performing the renovation, and the date of signature, or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(2) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-unit target housing, the firm performing the renovation must:

(a) Provide the owner with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet, or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) Comply with one of the following:

1. Notify in writing, or ensure written notification of, each affected unit and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of

how the occupant can obtain the pamphlet and a copy of the records required by Rule 391-3-24-.11 at no cost to the occupants, or

2. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they are likely to be seen by the occupants of all of the affected units. The signs must be accompanied by a posted copy of the pamphlet or information on how interested occupants can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to occupants. The signs must also include information on how interested occupants can review a copy of the records required by Rule 391-3-24-.11 or obtain a copy from the renovation firm at no cost to the occupants.

(c) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

(d) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, and the firm provided written initial notification to each affected unit, the firm performing the renovation must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the firm performing the renovation initiates work beyond that which was described in the original notice.

(3) Renovations in child-occupied facilities. No more than 60 days before beginning renovation activities in any child-occupied facility, the firm performing the renovation must:

(a) Provide the owner of the building with the pamphlet, and comply with one of the following:

1. Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet; or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) If the owner of the child-occupied facility is not the operator or manager of the building, provide the operator, manager or management representative of the child-occupied facility with the pamphlet, and comply with one of the following:

1. Obtain, from the manager or management representative, a written acknowledgment that the manager or management representative has received the pamphlet; or certify in writing that a pamphlet has been delivered to the facility and that the firm performing the renovation has been unsuccessful in obtaining a written acknowledgment from an adult representative. Such certification must include the address of the child-occupied facility undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., representative refuses

to sign), the signature of a representative of the firm performing the renovation, and the date of signature; or

2. Obtain a certificate of mailing at least 7 days prior to the renovation.

(c) Provide the parents and guardians of children using the child-occupied facility with the pamphlet, information describing the general nature and locations of the renovation and the anticipated completion date, and information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by Rule 391-3-24-.11 or obtain a copy from the renovation firm at no cost to the occupants by complying with one of the following:

1. Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility; or

2. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians. The signs must also include information on how interested parents or guardians of children frequenting the child-occupied facility can review a copy of the records required by Rule 391-3-24-.11 or obtain a copy from the renovation firm at no cost to the parents or guardians.

(d) The renovation firm must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

(4) Written acknowledgment. The written acknowledgments required in this ~~section~~ paragraph must:

(a) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

(b) Be either a separate sheet or part of any written contract or service agreement for the renovation.

(c) Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

Rule 391-3-24-.09. Certification of Persons and Firms Conducting Renovation Activities

(1) Scope.

(a) Following the submission of an application demonstrating that all the requirements of this Rule are met and a determination by the Division that a person has met all applicable requirements to perform the appropriate renovation activities, the Division shall certify the applicant as a renovator or dust sampling technician.

(b) All certified persons shall be assigned a certification number and issued a certificate by the Division.

(c) All certified renovation firms shall be assigned a certification number and issued a certificate by the Division.

(d) All individuals performing renovation activities on behalf of the certified renovation firm shall be either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities and shall comply with the standards for performing such renovations or dust sampling activities as established in Rule 391-3-24-.08 through Rule 391-3-24-.11.

(e) All certifications shall expire based on the issue date or based on the last date of attending required training as specified in (2)(a) through (2)(c) of this Rule. Work performed after expiration of the certificate and prior to renewal shall constitute a violation of this Rule.

(f) No person or renovation firm shall conduct or offer to conduct renovation activities described in this ~~section~~ Rule if that person or renovation firm does not have the appropriate certification by the Division pursuant to the requirements specified in this Rule and the person or renovation firm does not have in their possession a Division issued certificate.

(g) In order to maintain certification as a person or renovation firm, applicants must follow the requirements specified in paragraph (3) of this Rule.

(h) A person who is employed by and in the process of conducting renovation activities for a federal, state or local government agency shall not be required to pay certification fees as specified in this section.

~~(i) Persons requesting a duplication of their certificate shall submit a fee in the amount of $25.00 electronically or in the form of a check, money order and made payable to the Environmental Protection Division - Lead Renovation Fees.~~

(2) Application Process. The following are procedures and requirements an applicant must meet when applying to the Division for certification:

(a) Certification of Renovation Firms.

1. All firms, which perform or offer to perform, any of the renovation activities described in Rule 391-3-24-.10 must have certification from the Division.

2. A firm seeking certification, as a Renovation Firm must:

(i) Submit a completed certification application on forms supplied by the Division certifying that the firm shall:

(I) Ensure that all individuals performing renovation activities on behalf of the certified renovation firm are either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities and shall comply with the standards for performing such renovations and/or dust sampling activities;

(II) Follow the pre-notification education activity standards in Rule 391-3-24-.08.

(III) Follow the standards for conducting renovation activities in Rule 391-3-24-.10, and

(IV) Maintain all records required in Rule 391-3-24-.11.

(ii) Submit a disclosure statement of any action taken by EPA or an EPA authorized program involving violations, suspensions, revocations or modifications of a firm's activities; and

(iii) Submit a fee either in the amount of $300.00 for a three (3) year certification or $125.00 for a one (1) year certification. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(iv) Federal, State, county or city government agencies which conduct renovation activities are exempt from the renovation firm certification.

3. The renovation firm certification issued by the Division is valid either for a period of three (3) years or one (1) year from the date of issuance based on the amount of fees submitted as specified in this Rule.

(b) Certification of Renovators.

1. To become certified as a renovator, a person must:

(i) Successfully complete an initial renovator training course and receive an initial course completion certificate from a Division accredited training program;

(ii) Successfully pass the initial renovator training course exam.

(iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date.

(iv) Submit an original initial renovator course completion training certificate or an original letter from the accredited training program confirming completion of the initial renovator training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(v) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(vi) Submit a fee in the amount of $150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(vii) Persons, employed by a federal, state, county or city government agency, who conduct renovations for the government agency are exempt from the renovator certification fee.

2. The renovator certification issued by the Division allows the certified individual to perform renovations covered by this Rule 391-3-24-.09 through 391-3-24-.11 and is valid for a period of three (3) years from the date of issuance.

(c) Certification of Dust Sampling Technicians.

1. To become certified as a dust sampling technician, a person must:

(i) Successfully complete an initial dust sampling technician course and receive an initial course completion certificate from a Division accredited training program;

(ii) Successfully pass an initial dust sampling technician course exam;

(iii) Submit a completed certification application on forms provided by the Division with all appropriate information included. This would also include original signature and date;

(iv) Submit an original initial dust sampling technician course completion training certificate or an original letter from the accredited training program confirming completion of the initial dust sampling technician training course on the accredited training program letterhead. Original documents shall be returned upon issuance or denial of certification by the Division;

(v) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture; and

(vi) Submit a fee in the amount of $150.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a one-year certification or submit a fee in the amount of $276.00 for a two-year certification.

(vii) Persons, employed by a federal, state, county or city government agency, who conduct~~s~~ dust sampling for the government agency are exempt from the dust sampling certification fee.

2. The dust sampling technician certification issued by the Division allows the certified individual to perform dust sampling activities covered by Rule 391-3-24-.10 and is valid for a period of one (1) year from the date of issuance.

(3) Renewal of Certification.

(a) After certified persons demonstrate that all of the requirements of this section are met and the Division determines that an applicant has met all the requirements set forth in this section, the Division shall renew certification of a person as a renovator or dust sampling technician.

(b) Renewal of certified renovators

1. Certified renovators meeting the requirements of this section shall be renewed for a period of thirty-six (36) months from the expiration date of certification or thirty-six (36) months from the last date of completing a Division accepted renovation course, whichever is earlier.

2. Certified Renovators holding a certificate from an ~~U.S.~~ EPA accredited training provider issued before the effective date of this Rule shall be recognized by the Division and the renovator certification shall be valid for a period of five (5) years from the date of issuance. At least thirty (30) days before the expiration of the ~~U.S.~~ EPA renovator certification, the renovator shall submit a renewal application on forms provided by the Division and pay the fees as required in paragraph (3) of this Rule.

3. Persons seeking renewal of certification, as a renovator shall:

(i) Submit a completed renewal application to the Division on forms provided or approved by the Division with all the appropriate information included and signed by the applicant.

(ii) Successfully complete a refresher renovator training course and receive a refresher course completion certificate from a Division accredited training program within thirty-six (36) months from the last date of training.

Persons that do not successfully complete the renovator refresher course within thirty-six (36) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher renovator course and receive a certificate of completion by the forty-eighth (48) month from the last date of training, shall successfully complete the initial renovator training course for renewal of certification.

(iii) Submit an original refresher renovator course completion certificate for renewal or an original letter from the accredited training program confirming completion of the renovator training course on the accredited training program letterhead.

(iv) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.

(v) Submit a fee in the amount of $150.00. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(c) Renewal of certified dust sampling technicians

1. Certified dust sampling technicians meeting the requirements of this section shall be renewed for a period of twelve (12) months from the expiration date of certification or twenty-four (24) months from the last date of completing a Division accepted dust sampling technician course, whichever is earlier.

2. Certified dust sampling technicians holding a certificate from an ~~U.S.~~ EPA accredited training provider issued before the effective date of this Rule shall be recognized by the Division and the renovator certification shall be valid for a period of five (5) years from the date of the issuance of the certification. At least thirty (30) days before the expiration of the dust sampling technician certification, the dust sampling technician shall submit a renewal application on forms provided by the Division as required in paragraph (3) of this Rule.

3. Persons seeking renewal of certification, as a dust sampling technician shall:

(i) Submit a completed renewal application to the Division on forms provided or approved by the Division with all the appropriate information included and signed by the applicant.

(ii) Successfully complete a refresher dust sampling technician course(s) and receive a refresher course completion certificate from an accredited training program within twenty-four (24) months from the last date of training.

Persons that do not successfully complete the refresher dust sampling technician course within twenty-four (24) months from the last date of training may obtain provisional certification for twelve (12) months by payment of a fee two (2) times the certification fee.

Persons that do not successfully complete the refresher dust sampling technician course and receive a certificate of completion by the thirty-sixth (36th) month from the last date of training, shall successfully complete the initial said training course for renewal of certification.

(iii) Submit an original refresher dust sampling technician course completion certificate or an original letter from the accredited training program confirming completion of said training course(s) on the accredited training program letterhead.

(iv) Submit one (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the photograph.

(v) Submit a fee in the amount of $150.00 per renewal discipline for a one-year certification or submit $275.00 for a two-year certification. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(d) Renewal of renovation firm certification

1. Certified renovation firms meeting the requirements of this section shall be renewed either for a period of twelve (12) months from the expiration date of certification or thirty-six (36) months from the expiration date of the certificate. Length of renewal is based on the amount of fees submitted.

2. Renovation firms holding a certificate from EPA issued before the effective date of this Rule shall be valid for a period of five (5) years from the date of issuance from ~~U.S.~~ EPA. At least thirty (30) days prior to the expiration of the ~~U.S.~~ EPA certification, the renovation firm shall submit a renewal application on forms provided by the Division. A renewal application must be submitted as defined in paragraph (3) of this Rule by the date of the expiration of the EPA renovation firm certificate.

3. In order for renovation firm certification to be renewed for either a period of twelve (12) months or thirty-six (36) months, the renovation firm shall:

(i) Submit a completed renewal application to the Division on forms provided by the Division certifying that the renovation firm shall:

(ii) Ensure that all individuals performing renovation activities on behalf of the certified renovation firm are either a certified dust sampling technician, a certified renovator or have been trained by a certified renovator when performing renovation activities;

(iii) Follow the standards in Rule 391-3-24-.10 for conducting renovations and dust sampling activities;

(iv) Follow the standards in Rule 391-3-24-.08 for pre-notification education requirements; and

(v) Maintain all records pursuant to the requirements in Rule 391-3-24-.11.

4. Submit a disclosure statement of any action(s) taken by the Division, EPA, or an EPA approved program involving violations, suspensions, revocations, or modifications of a renovation firm's activity.

5. Submit a fee in the amount of $300.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a thirty-six (36) month renewal. A renovation firm may submit a fee in the amount of $125.00 electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees for a twelve (12) month renewal.

(e) Renewal applications shall be submitted ~~postmarked or hand delivered~~ to the Division thirty (30) days prior to the expiration date of certification for each discipline in which certification is sought. Certified persons submitting renewal applications ~~postmarked or hand delivered~~ after the expiration date of certification shall follow the requirements specified in paragraph (3) of this section for certification purposes.

(4) Reciprocity.

(a) Each person seeking certification who is licensed, certified or permitted in another state, Tribe or Territory of the United States to perform renovations or dust sampling activities may petition the Division on a form provided by the Division to grant certification without repetition of training requirements. The Division may recognize the certification of a discipline granted by another State, Tribe or Territory with which the Division has a written reciprocal agreement. Any person may apply to have their certification approved by the Division if their certification has been licensed, certified or permitted by another State, Tribe or Territory with which the Division has a written reciprocal agreement.

(b) Persons seeking certification by reciprocity shall also submit to the Division the following:

1. A completed application to the Division on forms provided by the Division with all the appropriate information included and signed by the applicant.

2. A copy of the certification issued by the reciprocating state, tribe or territory.

3. One (1) current 1 1/4 inch × 1 1/4 inch color passport photograph of the applicant with the applicant's name and original signature on the back of the picture.

4. A fee in the amount of $150.00 for each discipline. Fees shall be submitted electronically or in the form of a check or money order and made payable to the Environmental Protection Division - Lead Renovation Fees.

(5) Suspension, Revocation, and Modification.

(a) The Director may investigate the actions of any certified person or renovation firm and may suspend, revoke or modify the certification of a person or renovation firm in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedures Act," when it is found that the person or renovation firm has:

1. Obtained training documentation through fraudulent means.

2. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.

3. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.

4. Performed work requiring certification at a job site without having proof of certification.

5. Permitted the duplication, alteration or use of the person's own certificate by another.

6. Performed work for which certification is required, but for which appropriate certification has not been received.

7. Failed to comply with the appropriate work practice standards for lead-based paint activities as specified in Rule 391-3-24-.10.

8. Failed to comply with Federal, State, or local lead-based paint statutes or regulations.

9. Performed work at a job site with persons who are not certified or trained.

10. Misrepresented facts in a renovation firm's letter of application.

11. Failed to maintain required records.

(b) When certification of a person or renovation firm is revoked, the person or renovation firm shall not be eligible for recertification for a period of five (5) years from the date of revocation.

Rule 391-3-24-.10. Standards for Conducting Renovation Activities

(1) Renovator responsibilities. Certified renovators are responsible for ensuring compliance with all renovations to which they are assigned. A certified renovator:

(a) Must perform all of the tasks described in this Rule and must either perform or direct workers who perform all of the tasks described in this Rule.

(b) Must provide training to workers on the work practices they will be using in performing their assigned tasks.

(c) Must be physically present at the work site when the signs required by this Rule are being posted, while the work area containment required by this Rule is being established, and while the work area cleaning required by this Rule is being performed.

(d) Must regularly direct work being performed by other individuals to ensure that the work practices are being followed, including maintaining the integrity of the containment barriers and ensuring that dust or debris does not spread beyond the work area.

(e) Must be available, either on-site or by telephone, at all times that renovations are being conducted.

(f) When requested by the party contracting for renovation services, must use an acceptable test kit to determine whether components to be affected by the renovation contain lead-based paint.

(g) Must have with them at the work site, copies of their Division issued renovator certificate.

(h) Must prepare the records required by Rule 391-3-24-.11.

(2) Dust sampling technician responsibilities. When performing optional dust ~~clearance~~ sampling, a certified dust sampling technician:

(a) Must collect dust samples in accordance with Rule 391-3-24-.06, must send the collected samples to a laboratory recognized by EPA under TSCA section 405(b), and must compare the results to the dust-lead action ~~clearance~~ levels in accordance with Rule 391-3-24-.07.

(b) Must have with them at the work site, copies of their Division issued dust sampling technician certificate.

(3) Standards for renovation activities. Renovations must be performed by certified renovation firms using at least one (1) certified renovator while conducting renovations. The responsibilities of certified firms and certified renovators are set forth in Rule 391-3-24-.10.

(a) Occupant protection. Firms must post signs clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area. To the extent practicable, these signs must be in the primary language of the occupants. These signs must be posted before beginning the renovation and must remain in place and readable until the renovation and the post-renovation cleaning verification has been completed. If warning signs have been posted in accordance with Rule 391-3-24-.08 additional signs are not required by this Section.

(b) Containing the work area. Before beginning the renovation, the firm must isolate the work area so that no dust or debris leaves the work area while the renovation is being performed. In addition, the firm must maintain the integrity of the containment by ensuring that any plastic or other impermeable materials are not torn or displaced, and taking any other steps necessary to ensure that no dust or debris leaves the work area while the renovation is being performed. The firm must also ensure that containment is installed in such a manner that it does not interfere with occupant and worker egress in an emergency.

1. Interior renovations. The firm must:

(i) Remove all objects from the work area, including furniture, rugs, and window coverings, or cover them with plastic sheeting or other impermeable material with all seams and edges taped or otherwise sealed.

(ii) Close and cover all ducts opening in the work area with taped-down plastic sheeting or other impermeable material.

(iii) Close windows and doors in the work area. Doors must be covered with plastic sheeting or other impermeable material. Doors used as an entrance to the work area must be covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

(iv) Cover the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater.

(v) Use precautions to ensure that all personnel, tools, and other items, including the exteriors of containers of waste, are free of dust and debris before leaving the work area.

2. Exterior renovations. The firm must:

(i) Close all doors and windows within 20 feet of the renovation. On multi-story buildings, close all doors and windows within 20 feet of the renovation on the same floor as the renovation, and close all doors and windows on all floors below that are the same horizontal distance from the renovation.

(ii) Ensure that doors within the work area that will be used while the job is being performed are covered with plastic sheeting or other impermeable material in a manner that allows workers to pass through while confining dust and debris to the work area.

(iii) Cover the ground with plastic sheeting or other disposable impermeable material extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering.

(iv) In certain situations, the renovation firm must take extra precautions in containing the work area to ensure that dust and debris from the renovation does not contaminate other buildings or other areas of the property or migrate to adjacent properties.

(c) Prohibited and restricted practices. The work practices listed below shall be prohibited or restricted during a renovation as follows:

1. Open-flame burning or torching of lead-based paint is prohibited.

2. The use of machines that disturb lead-based paint through high-speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting, is prohibited unless such machines are used with HEPA exhaust control.

3. Operating a heat gun on lead-based paint is permitted only at temperatures below 1100 degrees Fahrenheit.

(d) Waste from renovations.

1. Waste from renovation activities must be contained to prevent releases of dust and debris before the waste is removed from the work area for storage or disposal. If a chute is used to remove waste from the work area, it must be covered.

2. At the conclusion of each work day and at the conclusion of the renovation, waste that has been collected from renovation activities must be stored under containment, in an enclosure, or behind a barrier that prevents release of dust and debris out of the work area and prevents access to dust and debris.

3. When the firm transports waste from renovation activities, the firm must contain the waste to prevent release of dust and debris.

(e) Cleaning the work area. After the renovation has been completed, the firm must clean the work area until no dust, debris or residue remains.

1. Interior and exterior renovations. The firm must:

(i) Collect all paint chips and debris and, without dispersing any of it, seal this material in a heavy-duty bag, and

(ii) Remove the protective sheeting. Mist the sheeting before folding it, fold the dirty side inward, and either tape shut to seal or seal in heavy-duty bags. Sheeting used to isolate contaminated rooms from non-contaminated rooms must remain in place until after the cleaning and removal of other sheeting. Dispose of the sheeting as waste.

2. Additional cleaning for interior renovations. The firm must clean all objects and surfaces in the work area and within 2 feet of the work area in the following manner, cleaning from higher to lower:

(i) Walls. Clean walls starting at the ceiling and working down to the floor by either vacuuming with a HEPA vacuum or wiping with a damp cloth, and

(ii) Remaining surfaces. Thoroughly vacuum all remaining surfaces and objects in the work area, including furniture and fixtures, with a HEPA vacuum. The HEPA vacuum must be equipped with a beater bar when vacuuming carpets and rugs, and

(iii) Wipe all remaining surfaces and objects in the work area, except for carpeted or upholstered surfaces, with a damp cloth. Mop uncarpeted floors thoroughly, using a mopping method that keeps the wash water separate from the rinse water, such as the 2-bucket mopping method, or using a wet mopping system.

(4) Standards for post-renovation cleaning verification

(a) Interiors.

1. A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present. If dust, debris or residue is present, these conditions must be removed by re-cleaning and another visual inspection must be performed.

2. After a successful visual inspection, a certified renovator must:

(i) Verify that each windowsill in the work area has been adequately cleaned, using the following procedure.

(1) Wipe the windowsill and window trough with a wet disposable cleaning cloth that is damp to the touch. If the cloth matches or is lighter than the cleaning verification card, the windowsill and window trough have been adequately cleaned.

(2) If the cloth does not match and is darker than the cleaning verification card, re-clean the windowsill and window trough as directed in this Section, then either use a new cloth or fold the used cloth in such a way that an unused surface is exposed, and wipe the surface again. If the cloth matches or is lighter than the cleaning verification card, the windowsill and window trough have been adequately cleaned.

(3) If the cloth does not match and is darker than the cleaning verification card, wait for 1 hour or until the surface has dried completely, whichever is longer.

(4) After waiting for the windowsill and window trough to dry, wipe the windowsill and window trough with a dry disposable cleaning cloth. After this wipe, the windowsill and window trough have been adequately cleaned.

(ii) Wipe uncarpeted floors and countertops within the work area with a wet disposable cleaning cloth. Floors must be wiped using an application device with a long handle and a head to which the cloth is attached. The cloth must remain damp at all times while it is being used to wipe the surface for post-renovation cleaning verification. If the surface within the work area is greater than 40 square feet, the surface within the work area must be divided into roughly equal sections that are each less than 40 square feet. Wipe each such section separately with a new wet disposable cleaning cloth. If the cloth used to wipe each section of the surface within the work area matches or is lighter than the cleaning verification card, the surface has been adequately cleaned.

(1) If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card, re-clean that section of the surface as directed in this Section, then use a new wet disposable cleaning cloth to wipe that section again. If the cloth matches or is lighter than the cleaning verification card, that section of the surface has been adequately cleaned.

(2) If the cloth used to wipe a particular surface section does not match and is darker than the cleaning verification card after the surface has been re-cleaned, wait for 1 hour or until the entire surface within the work area has dried completely, whichever is longer.

(3) After waiting for the entire surface within the work area to dry, wipe each section of the surface that has not yet achieved post-renovation cleaning verification with a dry disposable cleaning cloth. After this wipe, that section of the surface has been adequately cleaned.

3. When the work area passes the post-renovation cleaning verification, remove the warning signs.

(b) Exteriors. A certified renovator must perform a visual inspection to determine whether dust, debris or residue is still present on surfaces in and below the work area, including windowsills and the ground. If dust, debris or residue is present, these conditions must be eliminated and another visual inspection must be performed. When the area passes the visual inspection, remove the warning signs.

(5) Optional dust ~~clearance~~ testing. Cleaning verification need not be performed if the contract between the renovation firm and the person contracting for the renovation or another Federal, State, Territorial, Tribal, or local law or regulation requires:

(a) The renovation firm to perform dust ~~clearance~~ sampling at the conclusion of a renovation covered by this subpart.

(b) The dust ~~clearance~~ samples are required to be collected by a certified inspector, risk assessor or dust sampling technician.

(c) The renovation firm is required to re-clean the work area until the dust ~~clearance~~ sample results are below the <u>dust-lead action levels</u> ~~clearance standards~~ in Rule 391-3-24-.07.

(6) Activities conducted after post-renovation cleaning verification. Activities that do not disturb lead-based paint, such as applying paint to walls that have already been prepared, are not regulated by this subpart if they are conducted after post-renovation cleaning verification has been performed.

Rule 391-3-24-.11. Recordkeeping and Reporting Requirements for Renovation Activities

(1) Firms performing renovations must retain and, if requested, make available to the Division all records necessary to demonstrate compliance with this section for a period of three (3) years following completion of the renovation. This three (3) year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable federal, State or Tribal laws or regulations.

(2) Records that must be retained pursuant to this Section shall include (where applicable):

(a) Records or reports certifying that a determination had been made that lead-based paint was not present on the components affected by the renovation, as described in this ~~r~~Rule. These records or reports include:

1. Reports prepared by a certified inspector or certified risk assessor.

2. Records prepared by a certified renovator after using EPA-recognized test kits, including an identification of the manufacturer and model of any test kits used, a description of the components that were tested including their locations, and the result of each test kit used.

(b) Signed and dated acknowledgments of receipt of pre-renovation notification records as described in Rule 391-3-24-.08.

(c) Certifications of attempted delivery as described in Rule 391-3-24-.08.

(d) Certificates of mailing as described in Rule 391-3-24-.08.

(e) Records of notification activities performed regarding common area renovations and renovations in child-occupied facilities, as described in Rule 391-3-24-.08.

(f) Documentation of compliance with the requirements of Rule 391-3-24-.10, including documentation that a certified renovator was assigned to the project, that the certified renovator provided on-the-job training for workers used on the project, that the certified renovator performed or directed workers who performed all of the tasks described in Rule 391-3-24-.10, and that the certified renovator performed the post-renovation cleaning verification described in Rule 391-3-24-.10. If the renovation firm was unable to comply with all of the requirements of this rule due to an emergency as defined in Rule 391-3-24-.10, the firm must document the nature of the emergency and the provisions of the ~~r~~Rule that were not followed. This documentation must include a copy of the certified renovator's training certificate, and a certification by the certified renovator assigned to the project that:

1. Training was provided to workers (topics must be identified for each worker).

2. Warning signs were posted at the entrances to the work area.

3. If test kits were used, that the specified brand of kits was used at the specified locations and that the results were as specified.

4. The work area was contained by:

(i) Removing or covering all objects in the work area (interiors).

(ii) Closing and covering all HVAC ducts in the work area (interiors).

(iii) Closing all windows in the work area (interiors) or closing all windows in and within 20 feet of the work area (exteriors).

(iv) Closing and sealing all doors in the work area (interiors) or closing and sealing all doors in and within 20 feet of the work area (exteriors).

(v) Covering doors in the work area that were being used to allow passage but prevent spread of dust and debris outside the work area.

(vi) Covering the floor surface, including installed carpet, with taped-down plastic sheeting or other impermeable material in the work area 6 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to contain the dust, whichever is greater (interiors) or covering the ground with plastic sheeting or other disposable impermeable material anchored to the building extending 10 feet beyond the perimeter of surfaces undergoing renovation or a sufficient distance to collect falling paint debris, whichever is greater, unless the property line prevents 10 feet of such ground covering, weighted down by heavy objects (exteriors).

(vii) Installing (if necessary) vertical containment to prevent migration of dust and debris to adjacent property (exteriors).

5. Waste was contained on-site and remained contained while being transported off-site.

6. The work area was properly cleaned after the renovation by:

(i) Picking up all chips and debris, misting protective sheeting, folding it dirty side inward, and taping it and placing it in a secured container for removal.

(ii) Cleaning the work area surfaces and objects using a HEPA vacuum and/or wet cloths or mops (interiors).

7. The certified renovator performed the post-renovation cleaning verification (the results of which must be briefly described, including the number of wet and dry cloths used).

(3) When the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, the renovation firm must provide information pertaining to compliance with this subpart to the following persons:

(a) The owner of the building; and, if different,

(b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(4) When performing renovations in common areas of multi-unit target housing, renovation firms must post the information required by this subpart or instructions on how interested occupants can obtain a copy of this information. This information must be posted in areas where it is likely to be seen by the occupants of all of the affected units.

(5) The information, required to be provided in this section, may be provided by completing the sample form titled "Sample Renovation Recordkeeping Checklist" or a similar form containing the test kit information, and the training and work practice compliance information required by this Rule.

(6) If dust ~~clearance~~ sampling is performed in lieu of cleaning verification as permitted by Rule 391-3-24-.10, the renovation firm must provide, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is earlier, a copy of the dust sampling report to:

(a) The owner of the building; and, if different,

(b) An adult occupant of the residential dwelling, if the renovation took place within a residential dwelling, or an adult representative of the child-occupied facility, if the renovation took place within a child-occupied facility.

(c) When performing renovations in common areas of multi-unit target housing, renovation firms must post these dust sampling reports or information on how interested occupants of the housing being renovated can obtain a copy of the report. This information must be posted in areas where it is ~~they are~~ likely to be seen by the occupants of all of the affected units.

Rule 391-3-24-.12. Lead-Based Paint Hazard Management Program Fees

(1) Persons, individuals and firms who must pay fees. Fees in accordance with this Rule must be paid by:

(a) Training programs.

1. All training providers applying to the Division for the accreditation and re-accreditation of training programs in one or more of the following disciplines: lead supervisor, lead inspector, lead risk assessor, lead project designer, lead work, renovator, or dust sampling technician.

2. All training providers applying for reciprocity as allowed in Rule 391-3-24-.04 ~~of this Rule~~.

(b) Firms. All lead and renovation firms applying to the Division for certification and re-certification to conduct renovations and lead-based paint activities.

(c) Individuals. All individuals applying to the Division for certification and re-certification to conduct renovations and lead-based paint activities.

~~(2) Lost or replacement certificate. A $25 fee will be charged for the replacement of a firm or individual certificate.~~

(2) ~~(3)~~ The fee schedule for lead-based paint and renovation activities is found in Table 1 of this section.

TABLE 1		
Training Provider Accreditation	**Initial Accreditation**	**Annual Reaccreditation**
Initial Training Provider Course Accreditation of the following disciplines: Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker, Renovator or Dust Sampling Technician Courses	$400/ 8 hour day of training	$300 per course/ year
Refresher Training Provider Course Accreditation of the following disciplines: Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker, Renovator or Dust Sampling Technician Course	$400/ 8 hour day of training	$300 per course/ year
Reciprocity Accreditation of Training Provider courses of the following disciplines:	$300/ 8 hour day of training	$300/ course/ year

Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Work, Renovator or Dust Sampling Technical Course		
Lead Firm Certification	Initial Certification	Re-certification
Lead Abatement Firm	$350/ year	$350/ year
Renovation Firm	$125 (1-year certification) or $300 (3-year certification)	$125/ year or $300/ 3 years
Individual Lead Discipline Certifications	Certification	Recertification
Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Worker	$150/ year	$150/year
Joint Lead Inspector/Lead Risk Assessor	$250/year	$250/year
Renovator	$150 (3-year certification)	$150/ 3 years
Dust Sampling Technician	$150/1-year certification or $275/ 2-year certification	$150/1-year certification or $275/ 2-year certification
Project Notification or Permit	Project Notification Fee	Notice Requirements
Lead abatement projects	$50 plus 2% of project cost	15 days before project start
Emergency Notification: Lead Abatement	$50	As soon as possible.

Authority: O.C.G.A. Section 31-41-1, et seq., as amended.

A RESOLUTION

Adopting Amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24

WHEREAS, the Board adopted, under the authority of Georgia Lead Poisoning Prevention Act of 1994, et seq., the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24, which became effective on December 9, 2010, and were last amended effective on April 7, 2022; and

WHEREAS, the United States Environmental Protection Agency (EPA) requires that the various Rules for Lead-Based Paint Hazard Management, Subject 391-3-24, be modified, as to their coverage and requirements, in order for EPD to retain Federal approval under the Toxic Substances Control Act (TSCA) Section 402(a); and

WHEREAS, the proposal for the amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24, has been prepared by staff of the Environmental Protection Division and presented to this Board; and

WHEREAS, amendments to the Rules for Lead-Based Paint Hazard Management Subject 391-3-24, will revise various portions of Rule 391-3-24-.01 "Scope and Applicability", Rule 391-3-24-.03 "Definitions", Rule 391-3-24-.04 "Accreditation of Training Programs", Rule 391-3-24-.05 "Certification of Persons and Firms Conducting Lead-Based Paint Activities", Rule 391-3-24-.06 "Standards for Conducting Lead-Based Paint Activities", Rule 391-3-24-.07 "Lead Clearance Levels", Rule 391-3-24-.09. "Certification of Persons and Firms Conducting Renovation Activities", Rule 391-3-24-.10 "Standards for Conducting Renovation Activities", Rule 391-3-24-.11 "Recordkeeping and Reporting Requirements for Renovation Activities", and Rule 391-3-24-.12 "Lead-Based Paint Hazard Management Program Fees"; and

WHEREAS, on June 25, 2026, a public notice for the proposed rule amendments was posted on EPD's website and sent electronically to individuals subscribed to EPD's Rulemaking Notification List, which invited public comment, announced a public hearing to be held on July 29, 2026, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and

WHEREAS, no public comments were received in response to the notice or the hearing; and

WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and

WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Lead Poisoning Prevention Act of

1994.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24, as attached hereto and incorporated herein by reference.

Adopted this 22 Day of September 2026.

Respectfully submitted by:	ATTEST:
______________________________	______________________________
Patrick Denney, Chairman Georgia Board of Natural Resources	Dan Garcia, Secretary Georgia Board of Natural Resources

September 22, 2026

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Walter Rabon, Commissioner WR

SUBJECT: Acquisition (purchase) of 124.32± acres from the Howell Family Lands, LLC, Sheffield WMA – Howell 115 Project, Paulding County.

Comments
The Department is seeking approval to acquire 124.32± acres in Paulding County for conservation and recreational purposes.

Owner	**Acres**	**Total**
Howell Family Lands, LLC	124.32±	$360,528.00

For your review, we are enclosing:
(1) Summary
(2) Resolution

We have presented all available information pertaining to this purchase to the Chairman, Land Committee, and to the member of the Board within whose district this project is located.

Discussion and Conclusion
This 124.32± acre acquisition in Paulding County will protect land adjacent to Sheffield WMA. These parcels protect Raccoon Creek and will provide new outdoor recreational opportunities in Paulding County. The acquisition also offers the opportunity for montane longleaf pine restoration and riparian buffer protection. Upon acquisition the property will be managed as part of Sheffield Wildlife Management Area. The Department will manage the tract to provide public hunting, fishing and other outdoor recreation opportunities.

With Board approval we intend to take this project to State Properties Commission (SPC) and if approved we will close December 2026.

The Department will acquire the property with Stone Mountain Industrial funds, a Knoblock Family Foundation grant and a federal U.S. Fish and Wildlife Service (USFWS) Pittman-Robertson (PR) grant. As a condition of receiving multiple funds, an affidavit will be recorded against the tract stating it may not be disposed of in any manner or used for purposes inconsistent with the programs it was acquired for without the prior approval of the USFWS, Stone Mountain, or Knoblock Family Foundation.

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404.656.3500 | FAX 404.656.0770 | WWW.GADNR.ORG

Recommendation

We recommend adoption of the attached Resolution.

WR: bw

Enclosures (2)

SUMMARY STATEMENT

PROJECT:	Sheffield WMA
TRACT:	Howell 115
LOCATION:	Paulding County
THIS ACQUISITION:	124.32 ± acres

SOURCE OF FUNDING:

Knobloch Family Foundation	$90,000.00
Stone Mountain Industrial	$150,000.00
USFWS Pittman-Robertson Grant	$120,528.00
Total Purchase Price	**$360,528.00**

As a condition of receiving federal and private funds, an affidavit will be recorded against this property stating it may not be disposed of in any manner or used for purposes inconsistent with the U.S. Fish and Wildlife Pittman-Robertson Grant, Stone Mountain Industrial funds, and Knoblock Family Foundation grant

HISTORY OF NEGOTIATION: The Department entered a purchase option with Howell Family Lands, LLC on February 27, 2026.

NOMINATION: Wildlife Resources Division

KNOWN RIGHTS OUTSTANDING: None

VENDOR RESERVES: None

BENEFITS OF ACQUISITION: The acquisition opens the tract for public recreation such as hunting, wildlife viewing, hiking, observing nature.

ENVIRONMENTAL EFFECTS REPORT: A study was made and all conditions and guidelines under the Georgia Environmental Policy Act have been evaluated. It has been determined that this acquisition will have no significant adverse effect on the environment.

RELATIONSHIP TO DNR'S FIVE YEAR STRATEGIC PLAN: This property fits into our Strategic Plan, because it will encourage new audiences to enjoy the outdoors and increases opportunities for access to our natural resources.

FIVE YEAR OPERATIONAL: The following operating budget for the property represents the estimated cost for the proposed acquisition only.

FY 2027 – $270
FY 2028 – $20
FY 2029 – $270
FY 2030 – $270
FY 2031 – $20

Total 5-Year Operating Budget Estimate = $850

APPRAISAL SUMMARIES:

DATE	APPRAISALS	ACRES	TOTAL
6/15/2026	Odom Real Estate Appraisal, Inc.	124±	$440,000.00 ($3,548.39 per acre)
3/27/2026	Metro Appraisals.	124±	$535,00.00 ($4,314.52 per acre)
OPTION:	Howell Family Lands, LLC	124±	$360,528.00 ($2,900.00 per acre)

TERMINATION DATE: December 17, 2026

LATEST CLOSING DATE: December 31, 2026

COORDINATION: Wildlife Resources Division

RESOLUTION

RECOMMENDING ACQUISITION BY NEGOTIATED PURCHASE OF THE FOLLOWING NAMED PROPERTY, MORE PARTICULARLY IDENTIFIED AS THE 124.32± ACRES THE HOWELL 115 TRACT ON THE ATTACHED “EXHIBIT A”, FOR CONSERVATION AND RELATED PURPOSES.

CONSERVATION AND RELATED PURPOSES DEFINED

Conservation and related purposes as herein used include recreational, historical, archaeological, fish and wildlife, and other related uses of land and water resources.

Property To Be Acquired:

Project	**Property Owner**
Howell 115	Howell Family Lands, LLC

WHEREAS, the Georgia Department of Natural Resources is responsible for the conservation and wise utilization of the State's natural resources; and

WHEREAS, the Georgia Department of Natural Resources' staff has studied the subject property and found its conservation and related values are indeed of statewide significance and that the acquisition and appropriate development of this property would contribute greatly to meeting the conservation needs of Georgia’s natural resources and thus recommends the preservation of the subject property through acquisition or other appropriate action; and

WHEREAS, As a condition of receiving multiple funds, an affidavit will be recorded against the tract stating it may not be disposed of in any manner or used for purposes inconsistent with the programs it was acquired for without the prior approval of the USFWS, Stone Mountain Industrial funds, and Knoblock Family Foundation grant.; and

NOW, THEREFORE, BE IT RESOLVED THAT the Georgia Board of Natural Resources concurs in the findings of the Georgia Department of Natural Resources staff and recommends that the Commissioner of the Georgia Department of Natural Resources seek the approval of the State Properties Commission to acquire by negotiated purchase and develop the subject property, for conservation and/or related purposes generally in accordance with applicable laws, policies, and procedures.

Adopted this 22rd day of September 2026.

Respectfully submitted by:

____

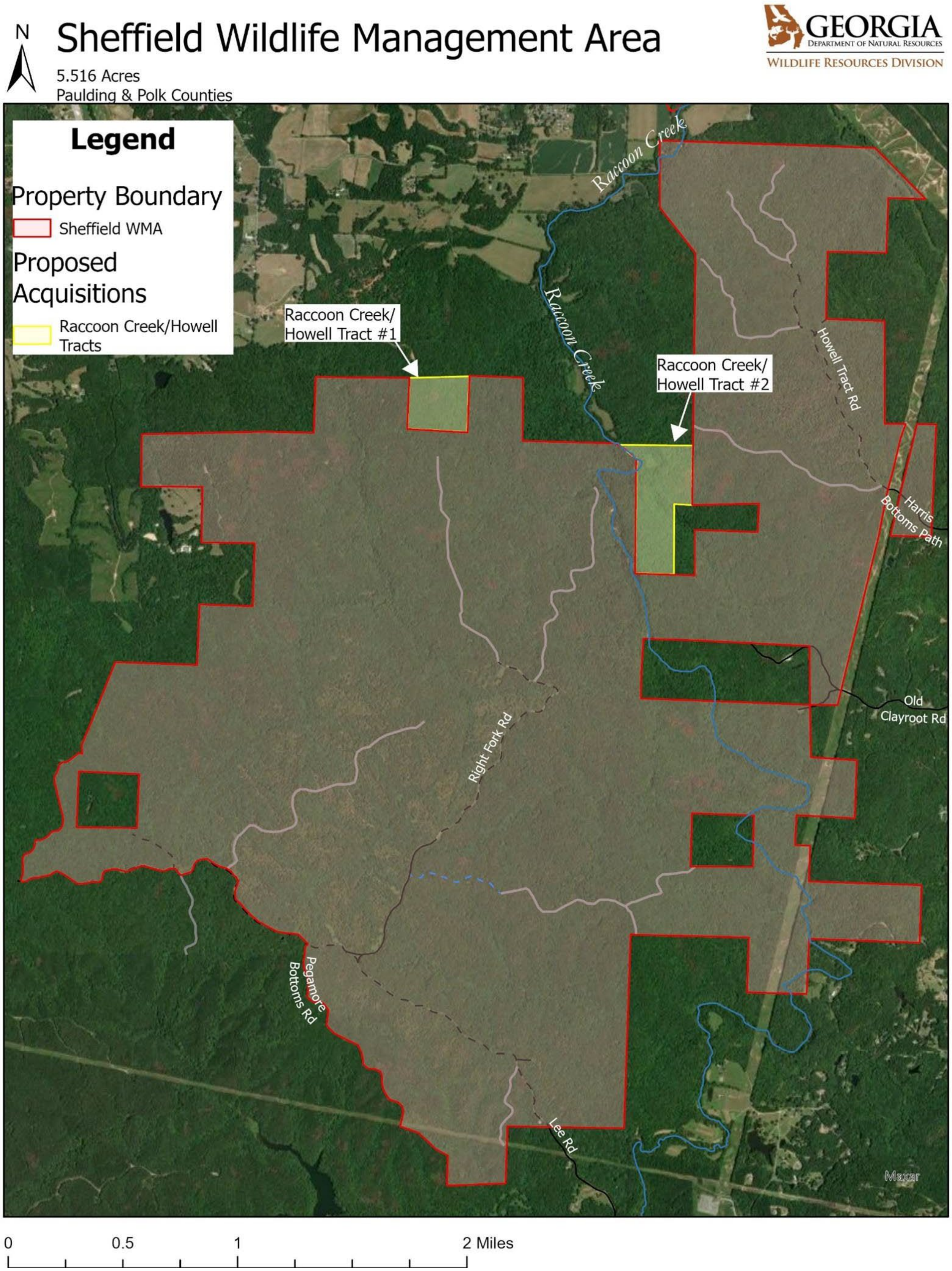
Patrick Denney, Chairman
Georgia Board of Natural Resources

ATTEST:

____

Dan Garcia, Secretary
Georgia Board of Natural Resources

EXHIBIT A



N
Sheffield Wildlife Management Area
5.516 Acres
Paulding & Polk Counties
GEORGIA
Department of Natural Resources
Wildlife Resources Division
Legend
Property Boundary
Sheffield WMA
Proposed Acquisitions
Raccoon Creek/Howell Tracts
Raccoon Creek/ Howell Tract #1
Raccoon Creek/ Howell Tract #2
Raccoon Creek
Howell Tract Rd
Harris Bottoms Path
Old Clayroot Rd
Right Fork Rd
Pegamore Bottoms Rd
Lee Rd
Maxar
0
0.5
1
2 Miles

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
WALTER RABON, COMMISSIONER

September 22, 2026

M EMORANDUM

TO: Members, Board of Natural Resources

FROM: Walter Rabon, Commissioner WR

SUBJECT: Proposed Amendment to Boring-Kirkman Conservation Easement

Comments

The Department seeks the Board's authorization to amend the Conservation Easement it entered into with Lindsay Boring and Katherine Kirkman in December 2009 over 80.6$^{+/-}$ acres in Baker County. The tract was sold to Joseph Johnson and David Palmer in June 2023.

For your review we are providing:
(1) Resolution
(2) General Location Map

Discussion and Conclusion

This proposed amendment addresses permitted construction activities as described in D.3 Reserved Rights in the Conservation Easement (CE) document. Amending the CE is permitted under K.4 General Provisions so long as the amendment is consistent with the purposes of the Conservation Easement and results in equal or greater protection of the conservation values of the Property.

The original CE (Exhibit A) designates four building envelopes; two potential maintenance shed envelopes and two residential structure/house sites (Figure 1). The Grantor is permitted to construct one single story residential structure no greater than 2,000 ft^2, a screen house, and one maintenance shed of not more than 400 ft^2 (D.3 Reserved Rights). Per the CE, the maintenance shed will have no other improvements associated with it. These structures may be constructed in up to three different envelopes.

The Grantor requests an amendment to the CE to build a combination residential structure and maintenance shed. The proposed building dimensions for this Pole Barn Structure are within CE guidelines for square footage and height (see Exhibit B). The Grantor also requests amending the CE to allow the structure to be built in the northeastern "maintenance shed" site instead of the previously delineated residential structure/house sites (Figure 2). This amendment would result in greater protection of the Property's conservation values because:

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- This proposed location is nearest the main entrance to the Property and minimizes impacts by placing the structure in the Property corner near the entrance rather than in a more central building envelope.
- This amendment would place both permitted structures (residence and maintenance shed) in one envelope, rather than two; thus minimizing impacts to conservation values by having one combined structure in only one envelope. Because of this consolidation, unused envelopes would be eliminated (Figure 2) and reclassified as Upland Pine or Mixed Pine/Hardwood and managed according to forest management practices as described in D.4 Reserved Rights.
- The square footage of the proposed combined structure is 1,728 ft^2, less than the permitted 2,000 ft^2 for the residential structure alone.
- This general location is already designated as a building envelope for a shed and is in an existing food plot. Consequently, very few or no trees would need to be cut for construction and impacts to native groundcover are limited.
- This location does not require the more extensive road and timber work that would be necessary to place the residence in the residential structure/house site envelope on the south end of the property near the creek.

No adverse impact of any interest of the Department has been identified.

<u>Recommendation:</u>

We recommend adoption of the attached Resolution.

Enclosures (2)

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RESOLUTION

RECOMMENDING ENTERING INTO AN AMENDMENT TO THE EXISTING CONSERVATION EASEMENT ON THE FOLLOWING NAMED PROPERTY, MORE PARTICULARY ON THE ATTACHED EXHIBIT "A", FOR RECREATION AND RELATED PURPOSES.

RECREATION AND RELATED PURPOSES DEFINED

Recreation and related purposes as herein used include recreational, historical, archaeological, fish and wildlife, and other related uses of land and water resources.

Property Subject to Conservation Easement and Amendment:

Project	**Property Owner**
Ichawaynotchaway	**Joseph Johnson & David Palmer** **Boring – Kirkman Conservation Easement** **(80.6 acres, Baker County)**

WHEREAS, the Georgia Department of Natural Resources is responsible for the conservation and wise utilization of the State's natural resources; and

WHEREAS, the State of Georgia entered into a conservation easement with Lindsay Boring and Katherine Kirkman in December 2009 to preserve the property; and

WHEREAS, the Georgia Department of Natural Resources' staff has examined the proposed amendment to the conservation easement and has no objection; and

WHEREAS, the amendment to the conservation easement will improve management of the tract and provide greater protection of the property's conservation values.

NOW, THEREFORE, BE IT RESOLVED THAT the Georgia Board of Natural Resources concurs in the findings of the Georgia Department of Natural Resources staff and recommends that the Commissioner of Natural Resources seek the approval of the State Properties Commission to amend the conservation easement and develop the subject property for recreation and/or related purposes all in accordance with applicable laws, policies, and procedures.

Adopted this 22nd day of September 2022.

____
Patrick Denney, Chairman
Georgia Board of Natural Resources

ATTEST:

____
Dan Garcia, Secretary
Georgia Board of Natural Resources

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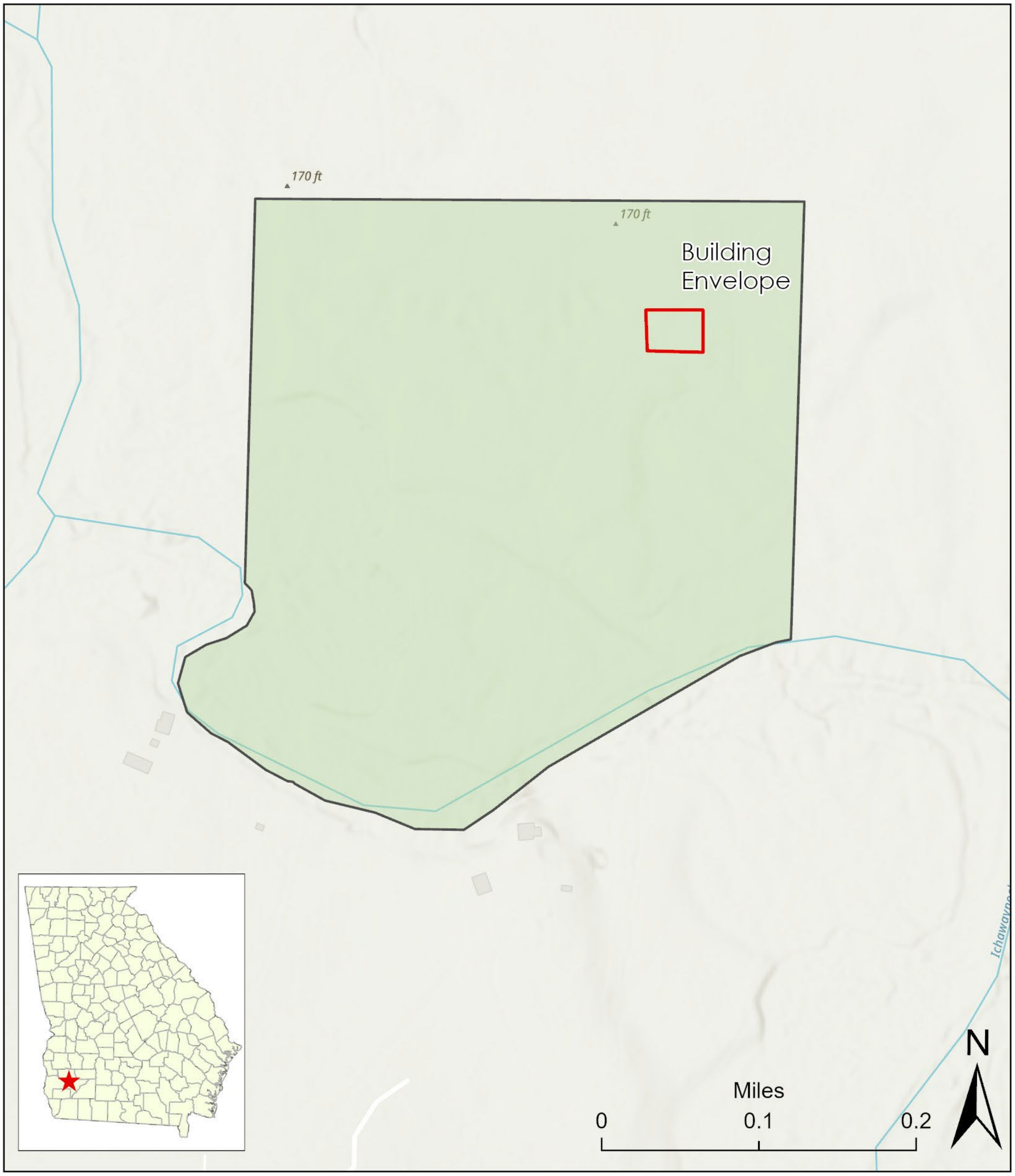
Boring-Kirkman CE

Baker County



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September 22, 2026

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Walter Rabon, Commissioner WR

SUBJECT: Granting of a Revocable License Agreement and Permanent Easement of up to 2.53± acres by the State Properties Commission and General Assembly to Friends of Northeast Georgia, Inc at Tallulah Gorge WMA, Habersham County.

Comments
The Department requests a revocable license agreement (RLA) and permanent easement (PE) be granted to Friends of Northeast Georgia, Inc.

For your review, we are enclosing:
(1) Resolution
(2) General Location Map

We have presented all available information pertaining to this easement request to the Chairman, Land Committee, and to the member of the Board within whose district this project is located.

Discussion and Conclusion
Friends of Northeast Georgia has requested a RLA and PE of up to 2.53± acres to construct and maintain a trail in conformance with generally accepted design standards along a portion of the abandoned Tallulah Falls Railroad. This area is not Heritage Preserve dedicated; therefore, a change of use is not necessary. The provision of the trail for the public to hike on and get outdoors is a benefit for the Department's goal of getting people outdoors and experiencing nature while also encouraging visitation to the WMA.

Construction and maintenance of the trail requires an RLA be issued by the State Properties Commission (SPC) and a PE be granted by the General Assembly (GA). Since the construction of a hiking trail will benefit the Department, we recommend the RLA and PE be issued at no cost.

Recommendation
We recommend adoption of the attached Resolution.

WR:bw
Enclosures (1)

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404.656.3500 | FAX 404.656.0770 | WWW.GADNR.ORG

RESOLUTION

GRANTING OF A REVOCABLE LICENSE AGREEMENT AND PERMANENT EASEMENT OF UP TO 2.53± ACRES BY THE STATE PROPERTIES COMMISSION AND GENERAL ASSEMBLY TO FRIENDS OF NORTHEAST GEORGIA, INC AT TALLULAH GORGE WMA. SUBJECT PROPERTY MORE ACCURATELY DEFINED IN ATTACHED "EXHIBIT A".

Property To Be Licensed and Easement To Be Granted:

Project	**Licensee/Grantee**
Tallulah Gorge WMA	**Friends of Northeast Georgia, Inc** **(up to 2.53± acres, Habersham County)**

WHEREAS, Friends of Northeast Georgia, Inc requested a revocable license and permanent easement to construct and maintain a trail affecting Tallulah Gorge WMA; and

WHEREAS, on the favorable action of the Board of Natural Resources, the State Properties Commission is empowered to issue a revocable license agreement and seek legislative approval to grant a permanent easement over up to 2.53± acres to Friends of Northeast Georgia; and

WHEREAS, the revocable license and permanent easement area is not Heritage Preserve designated; and

WHEREAS, The construction of a hiking trail will benefit the Department we recommend the RLA and PE be issued at no cost.; and

WHEREAS, the Georgia Department of Natural Resources' staff has examined the proposal and has no objection

NOW, THEREFORE, BE IT RESOLVED THAT the Georgia Board of Natural Resources concurs in the findings of the Georgia Department of Natural Resources staff and recommends that the Commissioner of Natural Resources seek the approval of the State Properties Commission and the General Assembly for the grant of a revocable license agreement and permanent easement generally in accordance with applicable laws, policies, and procedures.

Adopted this 22nd day of September 2026.

Respectfully submitted by:

____
Patrick Denney, Chairman
Georgia Board of Natural Resources

ATTEST:

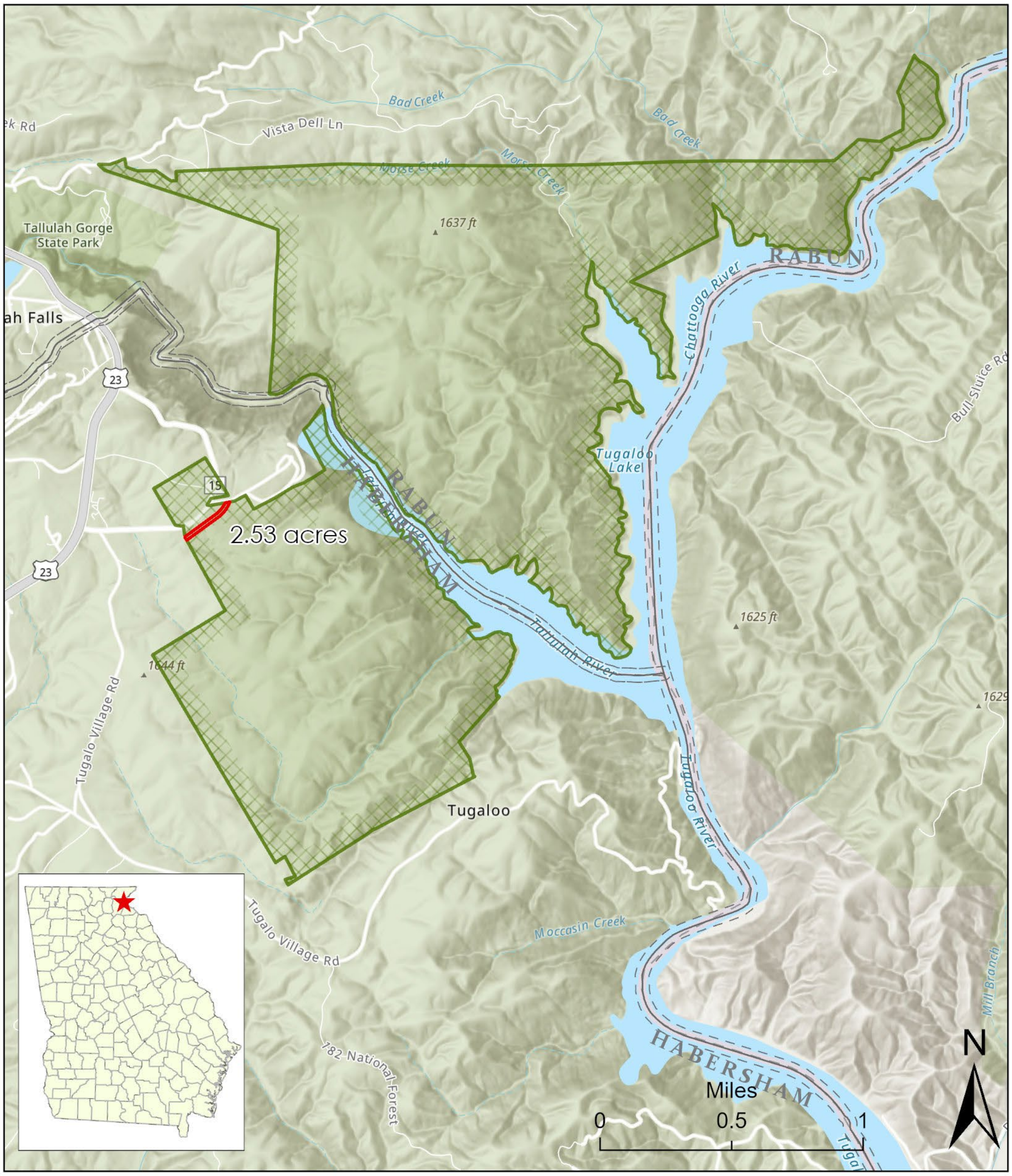
____
Dan Garcia, Secretary
Georgia Board of Natural Resources

EXHIBIT A

Tallulah Gorge WMA Trail Easement

Habersham County

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
WILDLIFE RESOURCES DIVISION



GEORGIA
DEPARTMENT OF NATURAL RESOURCES
WALTER RABON, COMMISSIONER

September 22, 2026

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Walter Rabon, Commissioner WR

SUBJECT: Requesting approval via Executive Order to demolish the Fort Yargo State Park Primitive Tipi and the Green, Red, Yellow, and Blue Cabin Clusters with associated pavilion/tipi structures in Barrow County.

Comments

The Department seeks the Board's authorization to demolish the following structures at Fort Yargo State Park.

- Primitive Tipi (BLLIP #89590)
- Green Cabin Cluster and associated pavilion/tipi structures (BLLIP #23364, BLLIP #23365, BLLIP #23366, BLLIP #23367, BLLIP #23385, BLLIP #23384, and BLLIP #23057).
- Red Cabin Cluster and associated pavilion/tipi structures (BLLIP#23372, BLLIP #23374, BLLIP#23375, BLLIP #23373, BLLIP #23378, BLLIP #23379, and BLLIP #23380).
- Blue Cabin Cluster and associated pavilion/tipi structures (BLLIP #23368. BLLIP #23369, BLLIP #23370, BLLIP #23371, BLLIP #23381, BLLIP #23382, and BLLIP #23383).
- Yellow Cabin Cluster and associated pavilion/ tipi structures (BLLIP #23360, BLLIP #23361, BLLIP #23362, BLLIP #23363, BLLIP #23058, BLLIP #23059, and BLLIP #23060).

For your review, we are enclosing:

(1) Resolution
(2) Executive Order

We have presented all available information pertaining to this Agreement to the Chairman, Land Committee, and to the member of the Board within whose district this particular project is located.

Discussion and Conclusion

The 55-year-old cabin clusters and associated pavilion/tipi structures has significantly deteriorated and does not maintain continuity with the newly redesigned and modernized Fort Yargo Visitor Center. The demolition of the structures will address the concerns meeting the current Americans with Disability Act, accessibility requirements and correct camper safety concerns. Structures of historical significance and/or 2,000 square feet and larger require an executive order authorizing their removal. The Office of the State Archaeologist determined the structure is eligible for historic listing, so demolition would have a negative impact on the Georgia/National Register of Historic Places. To commemorate Will-A-Way's historic significance, the park will create an onsite, visual storyboard and timeline, as well as preserve the four existing Orange cabins, pool pavilion, arts and crafts building, original dining hall and current med lodge. The structures are over 50 years old, so an executive order is required. Subject to receiving the executive order, the Department will comply with OCGA 12-3-55 (e) to document the structure's historic characteristics prior to demolition.

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Recommendation

We recommend adoption of the attached Resolution.

WR: bw

Enclosures (2)

RESOLUTION

RECOMMENDING APPROVAL TO REMOVE THE PRIMITIVE TIPI AND THE GREEN, RED, YELLOW, AND BLUE CABIN CLUSTERS WITH ASSOCIATED PAVILION/TIPI STRUCTURES AT FORT YARGO STATE PARK VIA EXECUTIVE ORDER FROM THE FOLLOWING NAMED PROPERTY, MORE PARTICULARLY IDENTIFIED ON THE ATTACHED "EXHIBIT A".

Project	Location
Fort Yargo State Park	
(Primitive Tipi: BLLIP # 89590 - 100 SQFT	**Barrow County**
Green Cabins and associated tipis/pavilions:	
BLLIP #23364, BLLIP #23365,	
BLLIP #23366, BLLIP #23367- each 1,675 SQFT;	
BLLIP #23385 – 908 SQFT; BLLIP # 23384 – 616 SQFT;	
BLLIP # 23057 – 616 SQFT	
Red Cabins and associated tipis/pavilions:	
BLLIP#23372, BLLIP #23374, BLLIP#23375,	
BLLIP #23373 - each 1,675 SQFT; BLLIP #23378 - 616 SQFT;	
BLLIP #23379 – 908 SQFT; BLLIP #23380 – 616 SQFT	
Yellow Cabins and associated tipis/pavilions:	
BLLIP #23360, BLLIP #23361, BLLIP #23362,	
BLLIP #23363 – each 1,675 SQFT; BLLIP #23058 – 616 SQFT;	
BLLIP #23059 – 908 SQFT; BLLIP #23060 – 616 SQFT	
Blue Cabins and associated tipis/pavilions	
BLLIP #23368. BLLIP #23369, BLLIP #23370,	
BLLIP #23371, - each 1,675 SQFT; BLLIP #23381- 616 SQFT;	
BLLIP #23382 – 908 SQFT; BLLIP #23383 – 616 SQFT)	

WHEREAS, the Georgia Department of Natural Resources is responsible for the conservation and wise utilization of the State's natural resources and facilities used to manage them; and

WHEREAS, the Office of the State Archaeologist determined that removing the historic cabin clusters and tipi/pavilion structures would impact the Georgia/National Register of Historic Places; and

WHEREAS, the age of the structures requires an Executive Order be issued for demolition since the buildings are over 50 years old; and

WHEREAS, the Department will seek approval to remove said structures via EXECUTIVE ORDER detailed on "EXHIBIT B"; and

WHEREAS, the Georgia Department of Natural Resources recommends the removal of the buildings due to significant deficiencies that compromise safety, functionality, and compliance with current standards; and

WHEREAS, the Department will comply with OCGA 12-3-55 (e) to document the cabins' historic characteristics prior to demolition; and

NOW, THEREFORE, BE IT RESOLVED THAT the Georgia Board of Natural Resources concurs in the findings of the Georgia Department of Natural Resources staff and authorizes the Commissioner to request the Governor of the State of Georgia to execute the proposed Executive Order authorizing the demolition of the Primitive Tipi and the Green, Red, Yellow, and Blue Cabin Clusters with associated pavilion/tipi structures and the appropriate disposal of the debris.

Adopted this 22nd day of September 2026.

Respectfully submitted by:

____

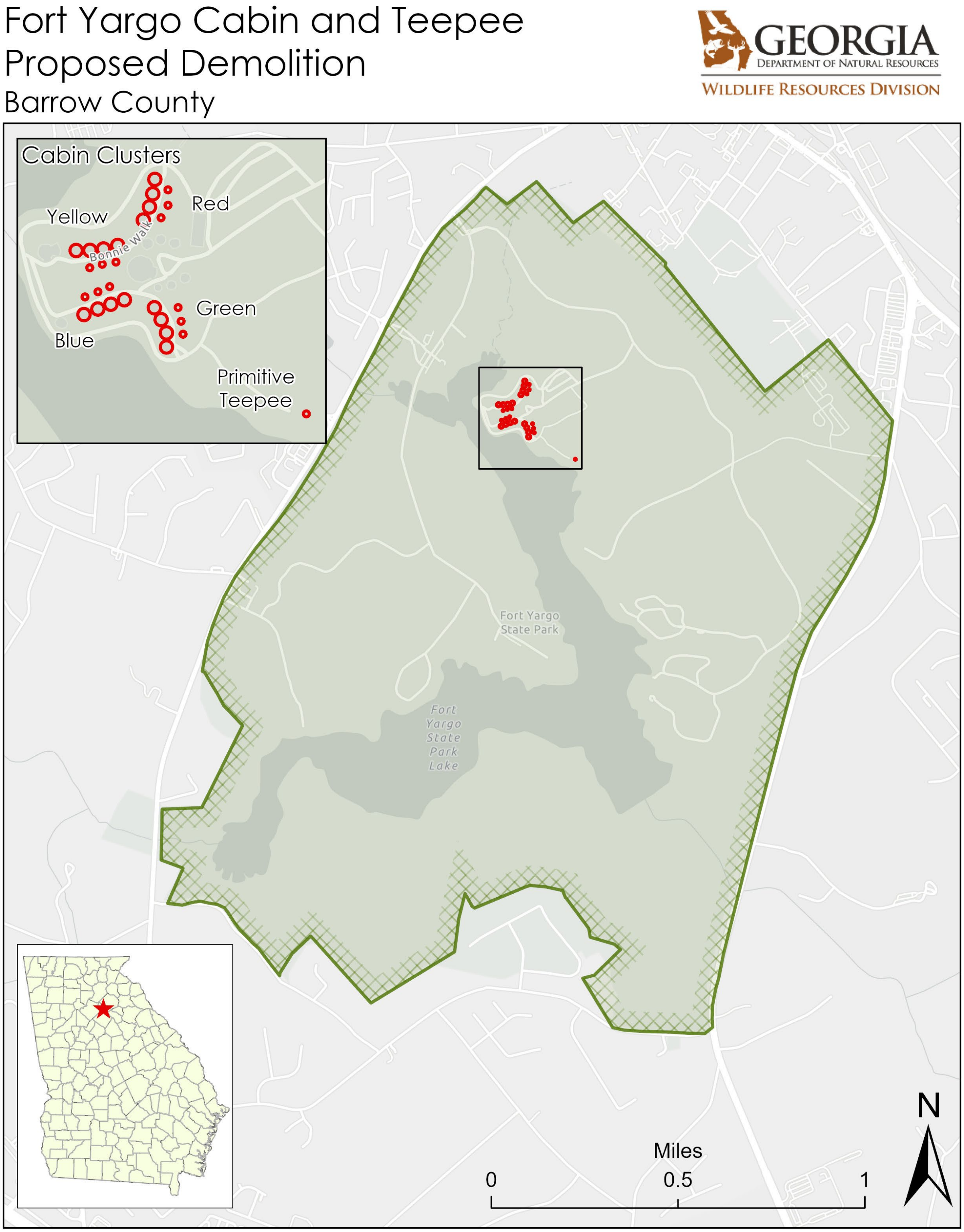
Patrick Denney, Chairman
Georgia Board of Natural Resources

ATTEST:

____

Dan Garcia, Secretary
Georgia Board of Natural Resources

EXHIBIT A



Fort Yargo Cabin and Teepee
Proposed Demolition
Barrow County
GEORGIA
DEPARTMENT OF NATURAL RESOURCES
WILDLIFE RESOURCES DIVISION
Cabin Clusters
Yellow
Red
Bonnie Walk
Green
Blue
Primitive
Teepee
Fort Yargo
State Park
Fort
Yargo
State
Park
Lake
Miles
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EXHIBIT B

EXECUTIVE ORDER

BY THE GOVERNOR:

WHEREAS: the Department of Natural Resources operates the facility in Barrow County known as Fort Yargo State Park for recreation and conservation purposes; and

WHEREAS: said property contains structures known as the Primitive Tipi (BLLIP #89590 – 100 SQFT); the Red Cabin Cluster with associated pavilion/tipis (BLLIP#23372, BLLIP #23374, BLLIP#23375, BLLIP #23373 - each 1,675 SQFT; BLLIP #23378 - 616 SQFT; BLLIP #23379 – 908 SQFT; BLLIP #23380 – 616 SQFT); the Yellow Cabin Cluster with associated pavilion/tipis (BLLIP #23360, BLLIP #23361, BLLIP #23362, BLLIP #23363 – each 1,675 SQFT; BLLIP #23058 – 616 SQFT; BLLIP #23059 – 908 SQFT; BLLIP #23060 – 616 SQFT); the Blue Cabin Cluster with associated pavilion/tipis (BLLIP #23368. BLLIP #23369, BLLIP #23370, BLLIP #23371, - each 1,675 SQFT; BLLIP #23381- 616 SQFT; BLLIP #23382 – 908 SQFT; BLLIP #23383 – 616 SQFT); and the Green Cabin Cluster with associated pavilion/tipis (BLLIP #23364, BLLIP #23365, BLLIP #23366, BLLIP #23367- each 1,675 SQFT; BLLIP #23385 – 908 SQFT; BLLIP # 23384 – 616 SQFT; BLLIP # 23057 – 616 SQFT) ;and

WHEREAS: the Office of the State Archaeologist determined the structures are eligible as historic and would impact the Georgia/National Register of Historic Places if removed; and

WHEREAS: the Department's staff agree that the structures are no longer needed for Department operations, in poor condition, and beyond reasonable repair; and

WHEREAS: the Board of Natural Resources approved the removal of the structures on September 22, 2026; and

WHEREAS: the structures have been declared to have no value to the Department.

NOW, THEREFORE, PURSUANT TO THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA BY VIRTUE OF THE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA, ANNOTATED 50-16-61, IT IS HEREBY

ORDERED: The Department of Natural Resources is hereby authorized and directed to provide for the razing, demolition and disposal of said structures under the terms and conditions which are deemed to be in the best interests of the State of Georgia, in accordance with applicable laws, policies, and procedures, including any requirements under Code Section 12-3-55 regarding historic properties that may pertain to the structures.

This ______ day of _____________ 2026.

____
Brian Kemp
Governor

ATTEST:

____
Executive Secretary