



## AGENDA

Board of Natural Resources  
F.D. Roosevelt State Park  
Event Center  
1984 Group Camp Rd.  
Pine Mountain, GA 31822

Tuesday, June 23, 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 Richard Tisinger

### II. Board Committee Meetings

#### **Coastal Committee (Tab C)**

Nancy Addison, Chair

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

- a) Briefing on proposed amendment of Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks in state owned tidal waters. (Jill Andrews, Coastal Management Section Chief)

#### **Environmental Protection Committee (Tab D)**

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 Grant Programs, Chapter 391-3-21.09, Pertaining to the Regional Water Plan Seed Grant Program (Veronica Crow, Chief, Watershed Protection Branch)
- b) Briefing on Proposed Amendments to the Rules for Solid Waste Management, Chapter 391-3-4 (Sarah Visser, Chief, Land Protection Branch)

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

**Land Committee (Tab E)**

Mark Hennessy, Chair

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

- a) Approval of adding mitigation credit language of approximately 8,458+ acres conveyed by donation by the Georgia Department of Transportation (DOT), in Long, Jeff Davis, and Montgomery counties.
- b) Acquisition (purchase) of 2,900± acres from the Conservation Fund, 1st Phase of the Charlton County Project, Charlton County.

**State Parks and Historic Sites Committee (Tab F)**

Harley Yancey, Chair

Members: Bodine Sinyard (Vice Chair), Addison, Dellinger, DePriest, Garcia, Hennessy, Johnson, Jones, Lambert, Layton, Peavy

- a) Adoption of a New Agreement Between the Department of Natural Resources and the North Georgia Mountains Authority Regarding Operation of Specific Facilities. (Ellen Graham, Chief of Resource Management)

**Wildlife Resources Committee (Tab G)**

Steve Hufstetler, Chair

Members: Hatfield (Vice Chair), Andrews, DePriest, Garcia, Hennessy, Hodge, Johnson, Layton, Peavy, Reynolds, Sinyard

- a) Action on Proposed Amendments to Subject 391-4-2, Hunting Regulations, pertaining to Hunting on Wildlife Management Areas (Tina Johannsen, Assistant Chief Game Management)

### **III. Board Meeting**

#### **Approval of Minutes**

- a) Minutes of the Board of Natural Resources meeting on May 19, 2026 (Tab A)

#### **EPD Director's Report**

- a) Remarks

#### **DNR Commissioner's Report**

- a) Commissioner's Report
- b) Division Updates
- c) DNR Capital Outlay Status Report (Tab B)
- d) DNR Weekly Updates sent via email

#### **Report of the Environmental Protection Committee**

Ray Lambert, Chair

- a) Action on Proposed Amendments to the Rules for Grant Programs, Chapter 391-3-21.09, Pertaining to the Regional Water Plan Seed Grant Program (Veronica Crow, Chief, Watershed Protection Branch)

#### **Report of the Land Committee**

Mark Hennessy, Chair

- a) Approval of adding mitigation credit language of approximately 8,458+ acres conveyed by donation by the Georgia Department of Transportation (DOT), in Long, Jeff Davis, and Montgomery counties.
- b) Acquisition (purchase) of 2,900± acres from the Conservation Fund, 1st Phase of the Charlton County Project, Charlton County.

### **Report of the State Parks and Historic Sites Committee**

Harley Yancey, Chair

- a) Adoption of a New Agreement Between the Department of Natural Resources and the North Georgia Mountains Authority Regarding Operation of Specific Facilities. (Ellen Graham, Chief of Resource Management)

### **Report of the Wildlife Resources Committee**

Steve Hufstetler, Chair

- b) Action on Proposed Amendments to Subject 391-4-2, Hunting Regulations, pertaining to Hunting on Wildlife Management Areas (Tina Johannsen, Assistant Chief Game Management)

### **Other Business**

## **IV. Adjourn**

**The next Board of Natural Resources meeting will be held on Tuesday, August 25, 2026, at 9:00 a.m. in the DNR Board Room at 2 MLK Jr. Dr. SE, Atlanta, GA 30334, East Tower, Suite 1252.**

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### **Live Stream Link:**

Join Zoom Meeting

<https://us06web.zoom.us/j/82908105919?pwd=FfNQ1ElmUAr11zJCym9UclNfn8cCo4.1>

Meeting ID: 829 0810 5919

Passcode: 645114

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

**Tuesday, May 19, 2026**  
**9:00 a.m.**

**Board Members**

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

**Guests**

Mike Worley, Georgia Wildlife Federation  
Bryan Tolar, Tolar Capitol Partners  
Lyndy Rogers, Georgia Natural Resources Foundation

**Staff Members**

Walter Rabon, Commissioner  
Thomas Barnard  
Trevor Santos  
Taylor Fisher  
Kate Iannuzzi  
Haley Chafin  
Jeff Cown  
Anna Truscynski  
Katie Bloomfield  
James McLaughlin  
Kathy Knowlton  
Carolyn Belcher  
Jared Flowers  
Angie Johnson  
Andre McLendon  
Doug Haymans  
Jill Andrews  
Josh Noble  
Chris Harper  
Thom Litts  
Sonja Daniels  
Mikayla West  
James Boylan  
Anna Aponte  
Chris Hodge  
Casey Jones  
Megan Gray  
Beth Findlay  
Brian Kent  
Debi Kirkland  
Jason Metzger  
Stacy Shelton  
Chuck Mueller  
Veronica Craw  
Jim Cooley  
DeAnna Oser

The May 19, 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 Pastor Todd Rainwater to deliver a moment of inspiration.

Chairman Denney presented Colonel Mike England with a Resolution honoring his faithful service to the State of Georgia.

**A motion was made by Mr. Johnson, seconded by Mr. Lambert and carried unanimously that the Board adopt the Resolution Honoring Colonel Mike England, Director of the Law Enforcement Division.**

Chairman Denney called on State Representative Victor Anderson who presented a Resolution to the Parks and Historic Sites Division.

Chairman Denney presented the Rock Howard Conservation Award to Mr. David Ward, former Environmental Protection Division employee, who accepted the award on behalf of Mr. Harold Reheis.

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

Chairman Denney called the May 19, 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 April 28, 2026.

**A motion was made by Mr. Sinyard, seconded by Mr. Johnson and carried unanimously to approve the minutes of the Board of Natural Resources meeting on April 28, 2026.**

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

Director Jeff Cown reported on ongoing drought and water supply conditions, noting that EPD has received one request for additional water use restrictions and continues to monitor conditions as the summer season approaches. He also provided an air quality update, reporting several PM2.5 exceedances attributed to wildfire smoke in South Georgia and two ozone exceedances associated with metropolitan emissions and warm temperatures.

Director Cown informed the Committee that a recent storm caused damage to several EPD vehicles at the Tifton office but resulted in no injuries or damage to the office building. He also highlighted EPD's activities during Air Quality Awareness Week and noted Governor Kemp's proclamation recognizing the Air Protection Branch for its efforts to improve air quality in Georgia.

Director Cown concluded his report by recognizing Debi Kirkland for 35 years of state service and presented her with an award in appreciation of her contributions to EPD and DNR.

Chairman Denney called on Commissioner Rabon for his report.

Commissioner Rabon recognized members of the inaugural Commissioner's Advisory Council and thanked them for their efforts in strengthening employee communication and developing recommendations on cross-divisional issues. He noted the Council's role in establishing bylaws and creating a framework for ongoing employee engagement.

Commissioner Rabon provided a legislative update, highlighting several recently enacted bills affecting the Department. This included legislation creating a new saltwater fishing endorsement to improve angler data collection, expanded tools for feral hog management, penalties for vessel abandonment on public waterways, and enhanced retirement benefits for POST-certified law enforcement officers. He also noted that a special legislative session had been scheduled for June 17 and that the Department would continue monitoring developments.

Commissioner Rabon recognized State Employee Appreciation Week and thanked DNR employees for their service. He highlighted departmental appreciation events held across the state, including activities hosted at Fort Yargo State Park. He also announced upcoming grant cycles for the Georgia Outdoor Stewardship Program and Land and Water Conservation Fund and encouraged communities and partner organizations to participate.

The Commissioner announced the launch of the Vince Dooley Battlefield Trust Fund Program, which will provide grant funding to support the protection and preservation of historically significant battlefields in Georgia. He also highlighted the Department's participation in the Global Accessibility Awareness Day Resource Fair through the Outdoors Beyond Barriers program.

Commissioner Rabon recognized the renaming of the DNR Employee and Retiree Golf Tournament in honor of Joe Yeager and thanked Hard Labor Creek State Park for hosting the event.

The Commissioner provided an update on the 41st Game Warden Academy recruitment process, noting that the Law Enforcement Division received 213 applications for the upcoming class. He also reported that Georgia had experienced 14 drownings and four boating fatalities to date in 2026 and emphasized the importance of boating safety, education, and enforcement. He highlighted National Safe Boating Week outreach efforts and invited Board members to participate in ride-alongs with game wardens during summer boating patrols.

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

Director Haymans reported that NOAA Fisheries approved Georgia’s Exempted Fishing Permit for red snapper, allowing a 62-day recreational season from July 1 through August 31. The permit requires private recreational anglers to preregister, and report catches through a mandatory reporting system designed to improve harvest data collection.

Director Haymans noted that the permit represents a significant increase in fishing opportunities compared to recent years and recognized staff for their efforts in securing approval. He also provided an update on a legal challenge to the permit and answered questions from the Board.

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

Director Chris Harper recognized Wildlife Resources Division staff for their support of recent wildfire response efforts and highlighted the success of the Trout Fishing with Mom program, which served families during Mother’s Day weekend and resulted in more than 200 trout being caught.

Director Harper also provided updates on conservation efforts for the federally threatened trispot darter and the National Archery in the Schools Program, which now serves nearly 500 Georgia schools and approximately 20,000 students statewide.

Assistant Director Thom Litts recognized Sanja Daniels for 30 years of service to the Wildlife Resources Division.

Commissioner Rabon concluded his report.

Chairman Denney called Ray Lambert for a report of the Environmental Protection Committee.

**A motion was made by Mr. Garica, seconded by Mr. Johnson, and carried unanimously that the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to the Miscellaneous Changes and Updates.**

(Resolution attached hereto and made a part thereof)

Chairman Denney called on Kate Iannuzzi, Deputy Executive Counsel, to present the Sale of General Obligation Bonds pursuant to the FY 2023-2024 and FY 2026-2027 General Appropriations Acts.

Ms. Iannuzzi presented a resolution requesting the sale of general obligation bonds to fund Department projects authorized in the Fiscal Year 2023–2024 and Fiscal Year 2026–2027 General Appropriations Acts. The projects total approximately \$25.7 million, including \$3.8 million in federally taxable bonds for eligible projects at state facilities operated by private entities.

**A motion was made by Mr. Garcia, seconded by Ms. Addison and carried unanimously that the Board approve the Sale of General Obligation Bonds pursuant to the FY 2023-2024 and FY 2026-2027 General Appropriations Acts.**

Chairman Denney announced that the next Board meeting will be held Tuesday, June 23<sup>rd</sup> at F.D. Roosevelt State Park.

There being no further business, the meeting was adjourned.

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Patrick Denney, Chairman

ATTEST:

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Dan Garcia, Secretary

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

**Monday, May 18, 2026  
2:00 p.m.**

**Committee Members**

Nancy Addison, Chair  
Randy Dellinger  
Charles DePriest  
Joe Hatfield  
Mark Hennessy  
Bill Jones  
Ray Lambert  
Mike Peavy  
Patrick Denney, Board Chair, Ex-Officio

**Board Members**

Jeff Andrews  
Bodine Sinyard  
Lesley Reynolds

The May 18, 2026, meeting of the Coastal Committee was called to order by Nancy Addison, Chairwoman of the Coastal Committee.

Chairwoman Addison called on Doug Haymans, Director of the Coastal Resources Division (CRD), for a briefing on proposed amendments to red drum regulations.

Director Haymans provided an overview of the management framework for red drum, explaining the roles of the South Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission (ASMFC). He stated that the ASMFC manages red drum in state waters and that recent stock assessment results require management action by Georgia and other southeastern states.

Director Haymans then called on Dr. Jared Flowers, Research and Surveys Program Supervisor, to present a briefing in advance of rule-making.

Dr. Flowers reported that the 2024 ASMFC benchmark stock assessment determined the southern red drum stock, which includes South Carolina, Georgia, and Florida, is overfished and experiencing overfishing. He explained that ASMFC has directed states to reduce fishing mortality

and that Georgia must implement regulatory changes to comply with the interstate management plan.

Dr. Flowers reviewed the history of red drum management in Georgia and summarized the stock assessment findings, management targets, and reduction requirements. He stated that Coastal Resources Division evaluated multiple bag and slot limit combinations and solicited input from anglers, charter captains, and stakeholders through advisory panel meetings, public town halls, and an online survey.

Dr. Flowers reported that the Division received 754 survey responses and reviewed several regulatory options with the public. Based on stock assessment projections and public input, the Division recommends reducing the daily creel and possession limit from five fish to three fish per person and modifying the slot limit from 14–23 inches to 15–24 inches. He stated that the proposed changes would achieve the required reduction in fishing mortality while providing a precautionary approach to stock recovery.

Committee members discussed the timeline for future stock assessments, potential environmental factors affecting red drum populations, enforcement considerations, and additional management tools that could be utilized if future conservation measures become necessary.

Chairwoman Addisons stated two people had signed up to address the committee on this item.

Susan Inman, representing One Hundred Miles, addressed the Committee and expressed support for updating Georgia's red drum regulations. She encouraged consideration of additional conservation measures to accelerate stock recovery and align Georgia's regulations more closely with neighboring states.

Mark Munn addressed the Committee and shared observations from his experience as a recreational angler. He expressed concern regarding the decline in red drum abundance and encouraged the Committee to consider stronger conservation measures to support long-term fishery recovery.

Chairwoman Addison thanked the Coastal Resources Division for their work on this issue.

Chairwoman Addison called on Jill Andrews, Chief of the Coastal Management Section, to provide a presentation on recreational docks.

Ms. Andrews explained that she was not presenting draft rules for consideration, but rather an update on progress made since the Board's 2024 briefing. She stated that CRD has spent the past two years gathering stakeholder and public input to identify opportunities for greater clarity, consistency, and flexibility in dock regulation while maintaining protection of coastal resources.

Ms. Andrews provided a refresher on the regulatory framework governing private recreational docks exempt from the Coastal Marshlands Protection Act (CMPA). She noted that since 1992 Georgia law has recognized the right of qualifying waterfront property owners to obtain reasonable access to adjacent waterways without undergoing the full CMPA permitting process. In 2008, the legislature expanded this exemption to include multifamily docks serving up to four lots.

Ms. Andrews explained that although these docks are exempt from CMPA permitting requirements, they are still located over state-owned tidal water bottoms and public trust resources, which remain subject to state oversight. She reviewed the state's authority to regulate these areas through the Protection of Tidewaters Act and Title 50, as well as the delegation of authority from Governor Harris in 1994 allowing DNR to administer revocable licenses for structures occupying state-owned tidal water bottoms.

She stated that CRD has administered revocable licenses since 1994 and that these licenses authorize use of state-owned water bottoms without conveying ownership or permanent rights.

Ms. Andrews reviewed the history of the Programmatic General Permit (PGP), under which CRD issued dock permits on behalf of the U.S. Army Corps of Engineers while simultaneously issuing state revocable licenses. The PGP established standards and criteria for dock construction and was renewed every five years through coordination among federal and state agencies. She noted that the Army Corps elected not to renew the PGP in 2022 and resumed direct permitting responsibilities for private docks. CRD subsequently adopted the PGP standards as an internal Standard Operating Procedure (SOP), prompting the need for formal rulemaking.

Ms. Andrews stated that CRD evaluates approximately 150 to 200 private dock applications annually, making docks one of the Division's most visible regulatory activities. She emphasized that operating under an internal SOP rather than formally adopted rules presents challenges for enforcement, consistency, and transparency.

She discussed legal precedent supporting DNR's authority to regulate docks, including the 1995 Georgia Supreme Court decision in *Dorroh v. McCarthy*, which affirmed the Department's authority to manage riparian access and allocate use of state waterways.

Ms. Andrews explained that after the 2024 briefing, CRD revisited the initial draft rules and undertook additional review, including evaluation of the SOP, existing CMPA rules, regulatory approaches in neighboring states, scientific research, and stakeholder feedback.

She reviewed current CMPA standards for community docks and marinas and noted that many of the existing SOP standards align with those requirements. CRD also examined dock regulations in neighboring states and found Georgia's current standards to be comparatively flexible, particularly when compared to South Carolina.

Ms. Andrews discussed scientific research conducted in Georgia and elsewhere regarding dock impacts on marsh ecosystems. She noted that research identified fixed walkways located over vegetated marshlands as the dock feature with the greatest environmental impact, documenting reductions in marsh density and biomass beneath walkways. Additional studies reviewed by CRD examined impacts to marsh-dependent bird species. However, she emphasized that the research did not conclude that docks and marsh ecosystems are incompatible but rather identified measurable impacts that should be considered.

Ms. Andrews described the stakeholder committee established following the Board's recommendation in 2024. The committee included local officials, property owners, environmental organizations, consultants, engineers, and dock builders. The group met for approximately one year and reviewed the draft rule, scientific research, and operational concerns.

She reported that the committee reached consensus on several issues, including the need for clearer standards, greater predictability, improved enforcement tools, and flexibility for unique site conditions. The committee initially supported a requirement for dock builders to obtain a general contractor's license, although that consensus was later withdrawn. Significant disagreements remained regarding dimensional standards for fixed walkways and the extent of allowable flexibility, and a minority report was ultimately submitted.

Ms. Andrews also summarized extensive public engagement efforts, including public hearings, written comment periods, a town hall meeting, and open stakeholder meetings. Public comments consistently focused on flexibility for unique circumstances, reconstruction standards, siting criteria, appeals procedures, environmental protections, and walkway dimensions.

She noted that public opinion was particularly divided on walkway length, with some stakeholders advocating for expanded access and others emphasizing environmental protection and minimization of habitat fragmentation.

Ms. Andrews outlined several recommendations currently under consideration for the next draft of the proposed rule. These include additional definitions to improve clarity, requirements for electrical permits and lighting to address safety concerns, provisions for protection of marine species during construction and operation, and elimination of the previously proposed requirement for a general contractor's license.

She stated that CRD is also considering increasing the maximum size of fixed decks not located over vegetated marshlands from 300 square feet to 400 square feet to align more closely with CMPA standards.

Ms. Andrews further discussed potential variance provisions to address unique site conditions, including circumstances involving larger vessels, unusual lot configurations, navigation issues, or water depth constraints.

She explained that the most significant unresolved issue remains fixed walkway dimensions. Current standards allow walkways up to 1,000 feet in length, six feet in width, and 3,000 square feet in total area. She noted that a 1,000-foot walkway limited to 3,000 square feet results in a three-foot-wide structure, creating concerns about constructability and safe access. CRD is evaluating options that would provide flexibility while maintaining environmental protections.

Ms. Andrews concluded by stating that CRD hopes to present proposed dock rules to the Board later in the summer and potentially seek approval in the fall.

Chairwoman Addison commended Ms. Andrews for the presentation and noted the complexity of the issue.

Chairwoman Addisons stated two people had signed up to address the committee on this item.

Courtney Reich, Coastal Director for the Georgia Conservancy, addressed the Board and expressed appreciation for CRD's extensive stakeholder outreach. Ms. Reich stated that Georgia has successfully protected its coastal marshlands through the Coastal Marshlands Protection Act and the revocable license program and noted that Georgia contains approximately one-third of the salt marsh along the eastern seaboard. She encouraged the Board to remain vigilant in protecting coastal marshes and supported maintaining current dock standards. Ms. Reich cited concerns regarding habitat protection, storm resilience, debris removal costs following major storms, and the need to prevent erosion of public trust protections.

Megan Desrosiers, Chief Executive Officer of One Hundred Miles, also addressed the Board. Ms. Desrosiers expressed support for maintaining existing dock standards and emphasized the importance of balancing private access with public accountability. She stated that scientific evidence demonstrates cumulative impacts from dock construction on habitat and marsh-dependent bird species and argued that Georgia's standards are already consistent with neighboring states. Ms. Desrosiers encouraged the Board to focus on improving dock inventory data and understanding cumulative impacts rather than expanding allowable dock dimensions or creating variance processes.

Director Doug Haymans thanked Ms. Andrews and staff for their work and requested feedback from Board members regarding the direction of the proposed rules.

Bill Jones stated that he had received significant feedback regarding walkway width and the 3,000-square-foot limitation. He referenced DNR's Outdoors Beyond Barriers initiative and expressed concern that narrow walkways restrict access for elderly individuals and those with mobility impairments. Mr. Jones advocated for allowing six-foot-wide walkways throughout the entire permitted length of a dock and cited Corps of Engineers data indicating that cumulative marsh shading from docks remains a very small percentage of total marsh acreage.

Director Haymans agreed that facilitating public enjoyment of Georgia's natural resources is an important consideration and questioned whether the environmental impacts associated with wider walkways would be significant.

Member Mark Hennessy asked for clarification regarding CRD's proposed variance process. Director Haymans explained that staff had discussed a potential ten percent variance, which could allow limited flexibility beyond the 1,000-foot maximum length under certain circumstances.

Mike Peavy stated that six-foot-wide walkways are important both for accessibility and practical use, particularly for transporting equipment and supplies to boats. He expressed support for wider walkways.

Bodine Sinyard also expressed support for six-foot-wide walkways, citing both accessibility and structural stability. He stated that a practical, common-sense approach should balance public access with protection of marsh resources.

Director Haymans discussed the proposed electrical permit requirements and recounted a fatal electrocution incident involving a young dock worker as justification for requiring verification that electrical work is permitted and inspected by local authorities.

Mr. Jones asked about the effects of sea level rise on marsh acreage. Director Haymans responded that current research generally indicates a net loss of marsh habitat across the southeastern United States as marshes struggle to keep pace with rising sea levels.

Several Board members reiterated support for accessibility considerations, particularly for elderly individuals and persons with disabilities.

Discussion also focused on enforcement challenges, contractor accountability, and the potential role of local governments in inspections. Director Haymans noted that CRD currently lacks sufficient resources to inspect dock construction and emphasized the importance of formal rules that would allow citations and stronger enforcement tools. He also discussed the possibility of assigning greater accountability to dock builders when violations occur.

Additional discussion addressed permit costs, inspection fees, and the economic significance of dock construction in coastal counties. Director Haymans observed that private recreational dock applications currently do not require a fee despite substantial staff time devoted to processing applications.

Chairman Addison thanked staff, stakeholders, and Board members for their comments and input. She noted that accessibility concerns, particularly regarding six-foot-wide walkways, were important considerations and stated that the discussion would assist CRD as it continues development of the proposed dock rules.

There being no further business, the meeting was adjourned.

**Minutes  
Environmental Protection Committee  
DNR Boardroom  
2 MLK Jr. Drive, SE  
Suite 1252, East Tower**

**Tuesday, May 19, 2026  
9:00 a.m.**

**Committee Members**

Ray Lambert, Chair  
Duncan Johnson, Vice Chair  
Nancy Addison  
Jeff Andrews  
Dan Garcia  
Steve Hufstetler  
Bill Jones  
Brent Layton  
Lesley Reynolds  
Bodine Sinyard  
Patrick Denney, Board Chair, Ex-Officio

**Board Members**

Randy Dellinger  
Charles DePriest  
Joe Hatfield  
Mark Hennessy  
Mike Peavy  
Harley Yancey

The May 19, 2026, meeting of the Environmental Protection Committee was called to order by Chairman Patrick Denney.

Chairman Denney called on Ray Lambert, Chairman of the Environmental Protection Committee. Chairman Lambert called on James Boylan, Chief of the Air Protection Branch, to present the proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1, pertaining to miscellaneous changes and updates.

James Boylan presented proposed amendments to the Georgia Rules for Air Quality Control and requested Board adoption of the annual miscellaneous rule updates. He explained that the updates are intended to incorporate new and revised U.S. Environmental Protection Agency regulations, remove obsolete requirements, align state rules with federal regulations, and update references.

Mr. Boylan outlined the proposed changes, including updates to volatile organic liquid handling and storage requirements; revisions to ambient air quality standards to incorporate the 2024 secondary standards for sulfur oxides; updates to certain New Source Performance

Standards and Emission Standards for Hazardous Air Pollutants; revisions to combustion equipment exemptions for clarity and correction of typographical errors; and updates to permit fee provisions. He noted that Fiscal Year 2027 emission and permit fees remain unchanged from Fiscal Year 2026.

Mr. Boylan reported that the Environmental Protection Committee received a briefing on March 24, 2026. A public hearing and the public comment period concluded on April 24, 2026, with no comments received.

Mr. Boylan requested favorable consideration.

**A motion was made by Mr. Garcia, seconded by Mr. Johnson and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Miscellaneous Changes and Updates.**

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, May 19, 2026**  
**9:00 a.m.**

**Committee Members**

Steve Hufstetler, Chair  
Joe Hatfield, Vice Chair  
Jeff Andrews  
Charles DePriest  
Dan Garcia  
Mark Hennessy  
Duncan Johnson  
Brent Layton  
Mike Peavy  
Lesley Reynolds  
Bodine Sinyard  
Patrick Denney, Board Chair, Ex-Officio

**Board Members**

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, Chair of the Wildlife Resources Committee, who called on Trina Morris, Wildlife Conservation Section Program Manager, to present a public scoping on Proposed Amendments to Subject 391-4-10, Protection of Endangered, Threatened, Rare or Unusual Species.

Ms. Morris provided an overview of the proposed update to Georgia's protected species list. Staff recommend adding 44 species, changing the status of 66 species, and updating the names of 76 species to reflect current taxonomy. Proposed additions and status changes will align with federal Endangered Species Act classifications where required by law.

Ms. Morris highlighted the salt marsh sparrow as an example of a species recommended for listing as threatened due to significant population declines. She noted that extensive data

collection and a range-wide conservation strategy are already in place, and that state listing would support proactive conservation efforts before federal listing becomes necessary.

Ms. Morris outlined the public review process, including release of a draft species list in June, a 30-day public comment period, review of nominations and recommendations in July, presentation of a revised rule to the Board in August, a formal public comment period in September, and final recommendations to the Board in October.

In response to a question regarding habitat protection, Ms. Morris noted that habitat loss is often the primary factor affecting species recovery, though some species also face challenges such as disease. She emphasized that habitat conservation remains one of the most effective tools for species recovery.

There being no further business, the meeting was adjourned.

DNR CAPITAL OUTLAY STATUS REPORT - MAY 2026

Date Updated: 5/15/2025

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	\$ 308,800	\$ 7,400	100%	0%	Awaiting Funding
Franklin D. Roosevelt State Park	PHS	Dowdell's Knob Gate	FY-25 Park Pass	\$ 63,939	\$ 20,520	N/A	0%	Equipment ordered / scheduling
Franklin D. Roosevelt State Park	PHS	Little White House Historic Bldg. Improvements (Design)	BONDS FY-24 (DNR-164)	\$ 183,700	\$ 30,790	45%	0%	DD set received. Contractor tracking to start electrical work 6/1
Franklin D. Roosevelt State Park	PHS	Liberty Bell Pool Upgrades	Fy-25 Park Pass FY-26 GOSP Grant	\$ 609,167	\$ 70,800	100%	0%	Starting after Labor Day, contractor met with on site
General Coffee State Park	PHS	Paving Improvements	FY-26 Park Pass	\$ 700,000		0%	0%	Scoping
George L. Smith State Park	PHS	Campground Renovations	Pass BONDS FY-23 (DNR-164)	\$ 4,712,441	\$ 4,207,352	100%	100%	Complete
George L. Smith State Park	PHS	Mill House Repairs	BONDS FY-26 (DNR-178)	\$ 52,382	\$ 21,582		75%	Pricing to remove the equipment
George L. Smith State Park	PHS	Yurt Village	FY-25 State Appropriations (DNR-167)	\$ 1,474,078	\$ 365,287	100%	30%	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%	Underway
George T. Bagby State Park	PHS	Kitchen Renovation & Site Improvements	FY25 Amended Funds	\$ 300,000	\$ 27,564	100%	95%	CO for additional pavers
Hamburg State Park	PHS	Ground Water Well	BONDS FY-24 (DNR-169)	\$ 27,500	\$ 7,250	40%	0%	Engineering Underway
Hofwyl-Broadfield State Park	PHS	ADA Trail Access and Museum Renovation	FY-26 GOSP Grant	\$ 3,720,000				
Hofwyl-Broadfield State Park	PHS	Repair subfloor damage to residences	FY-26 PARK PASS DOAS INSURANCE	\$ 441,226	\$ 53,230	N/A	20%	under construction
Indian Springs State Park	PHS	Yurt Village	AFY-23 Funds FY-24 E&G Funds	\$ 2,988,141	\$ 2,558,384	100%	100%	Complete
Jack Hill State Park	PHS	Manager Roof, Painting	FY-26 Park Pass	\$ 50,000	\$ -	0%	0%	Pricing
Kolomoki Mounds State Park	PHS	Campsites E & P upgrades design	BONDS FY-24 (DNR-169)	\$ 9,000		100%	0%	Dwgs received 5/8
Laura S. Walker State Park	PHS	Exterior Renovations for Group Shelter 3 & 4	FY-26 PARK PASS	\$ 217,289		N/A	40%	Under Construction
Laura S. Walker State Park	PHS	Geo-Database/Sewer Assessment	FY26 PARK PASS FUNDS	\$ 24,800	\$ -	30%	0%	Assessment Underway
Magnolia Springs State Park	PHS	Conceptual Planning	FY-26 PARK PASS	\$ 24,324	\$ -	5%	0%	Underway
Sylvania Welcome Center	PHS	New Campground (Design)	BONDS FY-24 (DNR-169)	\$ 107,500	\$ 21,500	10%	15%	Design Underway
SAM Shortline	PHS	Site Improvements	DOT Grant	\$ 234,500	\$ 137,960	85%	0%	Design complete / permitting
Sapelo Island	PHS	Reynolds Mansion Improvements (MEP) / Bike Rack	AFY-23 Funds FY-23 PARK RECEIPTS FY-26 CASH BONDS (DNR-179)	\$ 3,117,100	\$ 1,241,446	100%	75%	MEP/Electrical Complete, FFIFA 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	\$ 1,332,816	100%	30%	Under construction
Providence Canyon State Park	PHS	Day-Use area observation tower and erosion mitigation	BONDS FY-24 (DNR-169)	\$ 169,000	\$ 28,800	35%	0%	Underway, meeting w/ design team 5/1 to review progress
Providence Canyon State Park	PHS	ADA and Trail Improvements	FY-26 GOSP Grant	\$ 620,776		10%	0%	Design Underway
Reed Bingham State Park	PHS	Trail Improvements	RTP Grant / Parks	\$ 876,526	\$ -	0%	0%	Awaiting Grant to be approved
Stephen C. Foster State Park	PHS	Cabin Replacement	FY-27 State Appropriations FY-26 State Appropriations GOSP Grant	\$ 6,367,096	\$ 777,712	100%	15%	Under Construction
Stephen C. Foster State Park	PHS	Boat Basin Bulkhead & Various Docks	BONDS FY-25 (DNR#172) FY-26 Park Pass	\$ 1,836,691	\$ 328,222	100%	85%	Under construction
Stephen C. Foster State Park	PHS	New Visitor Center	BONDS FY-27 (TBD) FY-26 Park Pass	\$ 5,250,000		0%	0%	Scoping
Chattahoochee Bend State Park	PHS	Linen Facility	FY-25 CASH BONDS (DNR-178)	\$ 1,000,000	\$ 477,812	100%	70%	Under Construction
Cloudland Canyon	PHS	Cottage Renovations 6-15 (Design)	FY-25 Park Pass BONDS FY-27 (TBD)	\$ 5,335,947	\$ 80,810	25%	0%	DD set received, prime tracking for complete docs mid June
Cloudland Canyon	PHS	Visitor Center Construction	FY-24 State Funds BONDS FY-23 (DNR-169)	\$ 7,384,492	\$ 3,474,508	100%	45%	Under Construction
Dams	PHS	Dam Repairs - Vogel	BONDS FY-22 (DNR-160) BOND FY-23 (DNR-163)	\$ 3,725,073	\$ 1,209,254	100%	45%	for gate valve, dam 30%, trail 60%
Don Carter State Park	PHS	Install new distribution box	FY26 PARK PASS FUNDS	\$ 25,520		N/A	0%	Install Scheduled 4-20-2026
Fort Yargo State Park	PHS	Dock Replacement	FY-26 Amended Funds	\$ 80,000		0%	0%	Scoping
Fort Yargo State Park	PHS	Trail Improvements	RTP Grant / Parks	\$ 538,000	\$ -	0%	0%	Awaiting Grant to be approved
Hamburg State Park	PHS	Filtration System	BONDS FY-23 (DNR-169)	\$ 27,500	\$ -	50%	0%	Design Underway
Hard Labor Creek State Park	PHS	New Sod at Golf Course	FY-26 PARK PASS	\$ 31,177	\$ -	N/A	20%	Underway
Mistletoe State Park	PHS	Beach House	FY-26 PARK PASS	\$ 52,536	\$ -	N/A	5%	Underway
Mistletoe State Park	PHS	Shoreline Rehab	FY-26 PARK PASS	\$ 84,415	\$ -	N/A	5%	Scheduling
Stoppoy Floyd State Park	PHS	Bridge Repair	FY-26 AMENDED FUNDS	\$ 400,000	\$ -	N/A	5%	Scheduling
Smithgall Woods	PHS	Roof Replacement	FY-26 Park Pass	\$ 83,750	\$ -	N/A	0%	Developing WOP
Tallulah Gorge State Park	PHS	Lake Access Improvements	FY-24 Park Receipts FY-26 PARK PASS	\$ 1,140,759	\$ 339,771	100%	30%	Underway
Tallulah Gorge State Park	PHS	Accessible path and Overlook	BONDS FY-24 (DNR-167) FY-28 PARK PASS	\$ 159,500	\$ 21,694	15%	0%	Design Underway
Tugaloo State Park	PHS	Comfort Station #4 Wastewater System	FY26 PARK PASS FUNDS	\$ 86,500		40%	25%	PO Awarded-Tanks Ordered.
Tugaloo State Park	PHS	ADA Ramp & Rails at Cottage #13	LWCF BONDS FY-24 (DNR#164) BONDS FY-26 (DNR#178)	\$ 206,606	\$ 76,397	100%	100%	Complete
Various State Park Locations	PHS	Various Park Projects (Supplemental)	FY22 Amended Funds BOND FY-24 (DNR-169) FY-25 State Appropriations WRD Grant Funding	\$ 3,846,233	\$ -	0%	0%	Scoping/Tracking
Victoria Bryant State Park	PHS	Highland Walk Golf Course Irrigation repairs	BONDS FY-24 (DNR-169)	\$ 269,979	\$ 81,766		85%	Sprinkler Head Replacement CO underway
Various Park Sites	PHS	Category I Dam Inspections	BONDS FY-24 (DNR-169)	\$ 19,700	\$ -	0%	N/A	Scheduling
Watson Mill State Park	PHS	Comfort Station Replacement	BONDS FY-27 (TBD)	\$ 750,000		0%	0%	Developing WOP
Various Sites Statewide	PHS	Campground Renovations (Skidaway or Blackrock)	BONDS FY-27 (TBD)	\$ 2,512,500		0%	0%	Scoping
Alapaha WMA	WRD	Mobile Home	Funding TBD			0%	N/A	Working on WOP
Albany WMA	WRD	Paving Improvements	FY26 EPD FUNDS FY26 WRD FUNDS FY26 PARKS FUNDS	\$ 164,914	\$ -	0%	100%	Complete
Ceylon WMA	WRD	Maintenance Shop and Mobile Home	WRD GRANT FUNDING			0%	N/A	Working on WOP
Dawson - Steve Cooke Fish Hatchery	WRD	Repair pond leaks	FY-26 WRD FUNDS	\$ 915,241	\$ 485,572	N/A	0%	Starts June 1st
Fish Hatchery Improvements	WRD	Bowen's Mill Hatchery Improvements	BONDS FY-23 (DNR-164) FY-23 E&C Funds Wildlife Endowment Funds	\$ 6,149,402	\$ 5,059,162	100%	95%	Working on kettle screens and gangways

DNR CAPITAL OUTLAY STATUS REPORT - MAY 2026

Date Updated: 5/15/2025

Project Name	Funding Source	Description	FY-26 CASH BONDS (DNR-183)	BONDS FY-26 (DNR-178)	FY-25 State Appropriations	WRD Grant Funding	BOND FY-24 (DNR-169)	FY-25 State Appropriations	WRD Grant Funding	BOND FY-22 (DNR-160)	BOND FY-23 (DNR-164)	FY-23 Funds	FY-24 Funds	FY-25 Funds	FY-26 Funds	Amount	Amount	%	%	Status
Flat Creek PFA	WRD	Flat Creek Public Fishing Area MRR Funds		\$ 500,000												\$ 19,472	\$ 0	0%	95%	Under construction
Go Fish Education Center	WRD	New aquarium acrylic panels		\$ 291,679												\$ 214,760	\$ 0	N/A	95%	Under construction Pumpers and ozone compressors are ordered
Sapelo Island	WRD	Boathouse & Hoist Improvements		\$ 1,232,000												\$ 486,276	\$ 0	100%	20%	Underway/no progress
Sapelo Island	WRD	McKinley House and Marsh House Renovations		\$ 196,723												\$ -	\$ 0	N/A	100%	Complete
Sapelo Island	WRD	Paving Improvements		\$ 5,000,000												\$ -	\$ 0	N/A	0%	Scoping/Pricing
Summerville Trout Hatchery	WRD	Hatchery Improvements		\$ 3,000,000												\$ -	\$ 0	0%	0%	Scoping, meeting scheduled for 5/20
Altamaha WMA	WRD	Butler House (DOAS Cash-Out)		\$ 874,200												\$ -	\$ 0	0%	0%	Scoping
Sapelo Island	WRD	Cabretta Bridge Repair		\$ 798,500												\$ 466,633	\$ 0	N/A	30%	Under construction
Sapelo Island	WRD	Ferry Design/Procurement		\$ 6,294,000												\$ 380,471	\$ 0	100%	0%	Purchasing/Evaluating
Sapelo Island	WRD	Dean's Creek Nature Trail		\$ 635,598												\$ 534,610	\$ 0	90%	0%	Under construction
Sapelo Island	WRD	Sapelo Nanny Goat Pavilion		\$ 1,242,261												\$ 31,175	\$ 0	100%	0%	Additional Funding req'd, working with LWCF
Sapelo Island	WRD	Long Tabby Shoreline Design		\$ 24,160												\$ 6,280	\$ 0	80%	0%	Underway
Sapelo Island	WRD	UGAMI Campus Shoreline Design		\$ 39,760												\$ 21,400	\$ 0	80%	0%	Underway
Sapelo Island	WRD	Hoq Hammock Water System Improvements		\$ 9,500												\$ -	\$ 0	25%	0%	Report Underway
Sapelo Island	WRD	Visitor Center Expansion & Exhibits (Design)		\$ 197,500												\$ 43,656	\$ 0	20%	0%	Design Underway
Tuckahoe Wildlife Management Area	WRD	Campground		\$ 1,823,737												\$ 3,500	\$ 0	100%	0%	Waiting for erosion plan approval
River Bend WMA	WRD	Retriever Training Facility		\$ 2,500,000												\$ -	\$ 0	0%	0%	Scoping
Wildlife Resources Division	WRD	Coastal Housing/Infrastructure (Buck Shoals)		\$ 1,000,000												\$ -	\$ 0	0%	0%	Underway
Charlie Elliott WEC	WRD	Animal Care Facility & Open Air Pavilion		\$ 5,925,318												\$ 5,705,023	\$ 0	100%	97%	the expensive testing required for Pile placement.
Charlie Elliott WEC	WRD	Sporting Clay Planning		\$ 6,500												\$ -	\$ 0	45%	0%	Concept Underway
Chattahoochee WMA	WRD	Check Station		\$ 119,985												\$ 27,052	\$ 0	N/A	100%	Complete
McDuffie PFA	WRD	McDuffie Hurricane Helene Storm Damage		\$ 116,750												\$ -	\$ 0	N/A	40%	PO Revised, Scheduling
McDuffie PFA	WRD	Grits Mill Demolition														\$ -	\$ 0	0%	N/A	Scheduling
McDuffie PFA	WRD	Cabin Demo														\$ -	\$ 0	0%	N/A	Underway
Various DNR Locations	WRD	Shooting Range Renovations (Wilson Shoals)		\$ 2,055,856												\$ 673,864	\$ 0	N/A	20%	Under Construction
Wildlife Resources Division	WRD	Facilities MRR Funds		\$ 105,157												\$ -	\$ 0	0%	0%	Scoping/Tracking
Di-Lane WMA	WRD	Improvements		\$ 50,000												\$ 49,277	\$ 0	0%	0%	Scoping
Wildlife Resources Division	WRD	FY25 - WRD Surplus Funds		\$ 500,000												\$ -	\$ 0	0%	N/A	Tracking
Wildlife Resources Division	WRD	Various Boat Docks		\$ 994,294												\$ 486,860	\$ 0	100%	30%	Paradise, LO complete
Various Sites Statewide	WRD	Boat Ramp Repairs & Maintenance		\$ 500,000												\$ -	\$ 0	0%	0%	Scoping
Various Sites Statewide	WRD	Facility & Infrastructure Improvements (McDuffie, Ocmulgee, Bowens M)		\$ 752,500												\$ -	\$ 0	0%	0%	Scoping
Various Sites Statewide	WRD	Hatchery Residence Replacement		\$ 650,000												\$ -	\$ 0	0%	0%	Scoping
Georgia Veterans	NGMA	Lake Blackshear Villas		\$ 15,520,255												\$ 11,068,537	\$ 0	100%	80%	Under construction, punch dates scheduled
Georgia Veterans	NGMA	Lake Blackshear Conference Center Renovations		\$ 4,950,658												\$ 6,886	\$ 0	100%	10%	Underway
Georgia Veterans	NGMA	Lake Blackshear - Pickleball Courts		\$ 440,529												\$ 37,042	\$ 0	100%	35%	Underway
Little Ocmulgee SP	NGMA	Little Ocmulgee State Park Dam Evaluation & Repair		\$ 812,320												\$ 102,750	\$ 0	N/A	0%	Scheduling a pre-con meeting
Little Ocmulgee SP	NGMA	Little Ocmulgee State Park & Lodge (CCC Annex Reno/Site Improvement)		\$ 5,580,502												\$ 239,906	\$ 0	95%	0%	Submitting for permit, getting pricing from 2nd contractor, pricing received from 1st
Amicalola Falls SP	NGMA	Amicalola Day Use Improvements		\$ 120,200												\$ 85,850	\$ 0	70%	0%	Design Underway, Fall Start
Amicalola Falls SP	NGMA	Amicalola East Ridge Trail Renovation		\$ 1,258,557												\$ 485,344	\$ 0	100%	40%	Under Construction, CO 2 work started
Amicalola Falls SP	NGMA	Amicalola Falls Lodge Interior Improvements		\$ 1,705,688												\$ 327,119	\$ 0	100%	5%	Start site completion rates being reevaluated due to Phase 1 complete minus punch comment resolution, Phase 2 approx. halfway complete
Brasstown Valley Resort	NGMA	Brasstown Resort Interior Improvements		\$ 7,427,893												\$ 1,469,486	\$ 0	100%	30%	complete
Unicoi State Park	NGMA	Renovations at Unicoi State Park & Lodge (Supplemental)		\$ 1,217,630												\$ 1,082,338	\$ 0	0%	0%	Tracking
Unicoi State Park	NGMA	Infrastructure improvements and renovations to Unicoi State Park & Lodge		\$ 1,750,000												\$ -	\$ 0	0%	0%	Scoping
LED Sinclair	LED	LED Boat House (Sinclair)		\$ 595,608												\$ -	\$ 0	100%	15%	Shop drawing underway for approval
EPD - Brunswick District Office	EPD	Office Expansion and renovations		\$ 1,250,000												\$ -	\$ 0	0%	0%	Scoping
EPD - Macon Office	EPD	Macon Office Renovations		\$ 1,200,000												\$ 270,034	\$ 0	100%	35%	Under construction
DNR Region 2 HQ	DNR	HQ2		\$ 14,425,780												\$ 549,143	\$ 0	100%	0%	Awarding Contract
Various Sites Statewide	DNR	Replacement of gangways		\$ 1,500,000												\$ -	\$ 0	0%	0%	Developing WOP
CRD HQ	CRD	MRR Funds (Bukhead)		\$ 250,000												\$ 6,700	\$ 0	5%	0%	CRD Managed



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

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

June 23, 2026

MEMORANDUM

TO: Board of Natural Resources

FROM: Doug Haymans

SUBJECT: Briefing on proposed amendment of Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks in state owned tidal waters

Included for your consideration is a proposed amendment of Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks located over state owned tidal water bottoms by amending Rules 391-2-1-.01 through 391-2-1-.08 and creating new Rule 391-2-1-.09. Versions of these rules were submitted for your consideration in 2016, 2017 and again in 2024 but, most recently, final action was postponed in order to convene a stakeholder advisory committee. This package resumes the rulemaking process and reflects considerable input from stakeholders and the public.

Specifically, amendments to Subject 391-2-1, Rules 391-2-1-.01 through 391-2-1-.09 will establish an orderly and equitable process for issuing revocable licenses for the construction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and (7.1). Additionally, these Rules institute a process for inspecting and enforcing standards for private docks in tidal waters.

I respectfully submit the following information in support of a request for approval to initiate rulemaking:

- Public Notice Page A 2
- Background and Synopsis Page 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
- Exact Copy Version Page A 7 - 23

DH/ja

Attachments



COASTAL RESOURCES DIVISION

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

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

June 24, 2026

NOTICE OF PROPOSED REGULATION CHANGES

TO: All Interested Persons and Parties

FROM: Doug Haymans

SUBJECT: Notice of proposed amendments to Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks located over state-owned tidal water bottoms.

Notice is hereby given that, pursuant to authority set forth below, the Georgia Department of Natural Resources proposes to amend Subject 391-2-1 of the Rules of the Department of Natural Resources to establish rules for private docks located over state-owned tidal water bottoms by amending Rules 391-2-1-.01 through 391-2-1-.08 and creating new Rule 391-2-1-.09. This is a notice of the proposed amended rules to reflect the deliberations of the Coastal Committee of the Board of Natural Resources at its meeting on April 28, 2026.

The amended and new rules are being promulgated under the authority of the Official Code of Georgia, Annotated Title 50-16-61. Subject 391-2-1 is being amended to establish an orderly and equitable process for issuing revocable licenses for the construction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and O.C.G.A. § 12-5-295 (7.1). Additionally, these Rules institute a process for inspecting and enforcing standards for private docks in tidal waters.

Written public comments must be postmarked by July 24, 2026 and emailed comments will be accepted through 4:30 PM on July 24, 2026. Comments should be legible, concise, and limited to the proposed rule change. Following the comment period, the Board of Natural Resources will consider the proposed rule on Tuesday, August 25, 2026, at 9:00 AM in the DNR Boardroom at 2 Martin Luther King, Jr. Drive, SE Suite 1252 East, Atlanta, GA 30334.

Mail or email comments to: Jill Andrews, Coastal Resources Division  
One Conservation Way, Brunswick, GA 31520  
Email: [crd.comments@dnr.ga.gov](mailto:crd.comments@dnr.ga.gov)

Additional information is available at [www.CoastalGaDNR.org](http://www.CoastalGaDNR.org). Click on the “Public Notices” tab.

**BACKGROUND AND SYNOPSIS  
GEORGIA DEPARTMENT OF NATURAL RESOURCES  
COASTAL RESOURCES DIVISION  
RELATING TO  
PRIVATE DOCKS, SUBJECT 391-2-1**

**Background**

The Georgia General Assembly has long recognized that the state’s coastal marshlands and tidewaters are vital natural resources essential to protecting the health, safety, and welfare of Georgia’s citizens. Through enactment of the Coastal Marshlands Protection Act of 1970 (CMPA) and the Protection of Tidewaters Act (PTA), the General Assembly declared that management of coastal marshlands and tidal waterways is a matter of statewide concern and properly subject to regulation under the police power of the state.

The PTA further affirms that the State of Georgia holds title to the beds of all tidewaters within its jurisdiction, except where title can be traced to a valid Crown or state grant expressly conveying such lands. Pursuant to O.C.G.A. § 50-16-61, the Governor has custody and control over state-owned tidal water bottoms unless otherwise provided by the General Assembly. Effective September 8, 2023, the Commissioner of Natural Resources, or the Commissioner’s designee, was authorized to act on Governor Kemp’s behalf regarding requests to utilize these lands, including the granting, denial, modification, and revocation of revocable licenses for the use of tidal water bottoms.

Private recreational docks located over state-owned tidal water bottoms (“private docks”) are structures constructed to provide waterfront property owners access to navigable waterways for private, water-dependent recreational use. Private docks are exempt from the CMPA when they meet the conditions set forth in O.C.G.A. § 12-5-295(7) and (7.1). Since the mid-1990s, the Department has administered a revocable licensing program for private docks while also issuing permits on behalf of the U.S. Army Corps of Engineers (“Corps”) pursuant to a Programmatic General Permit (PGP).

Under the joint permitting framework, revocable licenses and corresponding permits were issued when proposed docks met the standards and criteria established by the PGP. These standards governed dock size, placement, extension into waterways, and related factors intended to minimize impacts to natural resources, navigation, and public access.

The most recent PGP expired in July 2022 and was not renewed by the Corps. As a result, applicants seeking authorization for private docks are now required to obtain both a separate Corps permit and a state revocable license. Following dissolution of the joint permitting process, the Department no longer had the benefit of formalized standards previously provided through the PGP. In August 2022, the Department implemented a Standard Operating Procedure (SOP) that largely mirrored the former PGP standards and became the interim basis for issuing revocable licenses while formal rulemaking proceeded.

In January 2024, the Department briefed the Board on proposed rules intended to codify the 2022 SOP. In response to public input, the Department paused the rulemaking process and convened a stakeholder committee composed of citizens and representatives from the marine regulatory, consulting, and construction industries. The committee participated in facilitated discussions from July 2024 through May 2025, resulting in both a consensus document and a minority report. Following completion of the committee’s work, the Department hosted a public town hall meeting to present findings and gather additional public input. In May 2026, the Department briefed the Board on the results of these efforts and received guidance to further align private dock standards with related statewide initiatives.

The proposed 2026 rules continue to reflect the framework established by the 2022 SOP while incorporating feedback received through the Department’s extensive public engagement process over the past two years. The proposed rules remain grounded in decades of Department practice and are intended to ensure the fair, equitable, and consistent issuance of revocable licenses for the construction, maintenance, reconstruction, and modification of private docks.

The proposed rules establish definitions and clearly describe eligibility criteria and standards for the construction, maintenance, and modification of private docks. The rules provide that private docks may serve only waterfront residential properties, including either a single riparian lot (“single-family dock”) or up to four adjoining riparian lots (“multi-family dock”), and may not unreasonably interfere with navigation or access by adjacent property owners or the public.

Key provisions require docks to be constructed within extended property lines or Department-established dock corridors and prohibit encroachment beyond ten feet from such lines or corridors unless otherwise authorized. Docks generally may not extend more than 40 feet or one-quarter of the width of a waterway, whichever is less, unless a variance is granted. The proposed rules also establish limits for walkway dimensions, fixed decks, and floating docks; authorize features such as roofs, floating watercraft lifts, mooring dolphins, catwalks, and boat hoists; and establish parameters governing their size and number. Variances may be granted by the department under specified conditions, including requests for additional walkway length, larger or additional boat hoists, or greater encroachment into a waterway.

Existing docks may continue to be maintained or modified in accordance with the proposed rules. Certain maintenance activities may require issuance of a new or updated revocable license. Modifications that alter an existing structure must comply with standards applicable to new docks and require a new revocable license. Existing private docks damaged by storms, collisions, or similar destructive events may be rebuilt within their original footprint.

### **Purpose**

The proposed rules establish an orderly and equitable process for issuing revocable licenses for the construction, reconstruction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and (7.1). Additionally, these rules institute a process for inspecting and enforcing standards for private docks in tidal waters.

## **Main Features**

The rules will establish the following:

1. Eligibility to apply for a revocable license for the construction, maintenance or modification of a private dock;
2. Standards and conditions upon which the department may issue a revocable license for the construction, maintenance or modification of a private dock; and
3. A process for inspecting and enforcing standards for private docks in tidal waters.

## **Differences**

Subject 391-2-1, Rules 391-2-1-.01 through 391-2-1-.08 were previously repealed in May 2013. The proposed amendments provide for definitions, eligibility, and process by which revocable licenses for the construction, maintenance or modification of private docks located over state-owned tidal water bottoms may be issued or enforced.

Subject 391-2-1, Rule 391-2-1-.09 is a new rule and there are no differences.

## **Date, Time, and Place of Board Action:**

Board Action: Tuesday, August 25, 2026, 9:00AM, in the DNR Boardroom at 2 Martin Luther King, Jr. Drive, SE Suite 1252 East, Atlanta, GA 30334.

## **Public Participation Plan**

Subject 391-2-1, Private docks. As the Rule could potentially impact many waterfront property owners in coastal Georgia, the Public Participation Plan included affected persons from across the coast as well as a stakeholder process.

- July 2024 – May 2025 – Private Recreational Dock Rulemaking Stakeholder Committee convened.
- May 13, 2025 – Private Recreational Dock Town Hall meeting in Brunswick.
- May 18, 2026 – Board briefing and private dock rules status update.
- June 23, 2026 – Brief Board of Natural Resources on revised proposed Rules.
- June 24, 2026 – Written comment period opened.
- July 24, 2026 – Written comment period closed.
- August 25, 2026 – Board of Natural Resources final action on proposed Rules.



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

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

June 23, 2026

**MEMORANDUM**

**TO:** Board of Natural Resources

**FROM:** Doug Haymans

**SUBJECT:** Economic Impact of Proposed Amendments to Subject 391-2-1, Private docks, on Small Businesses

The Administrative Procedures Act requires that during the formation and adoption of any rule attempts shall be made to reduce the economic impact of the rule 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 Coastal Resources Division has determined that the proposed subject will have no negative economic impact on small businesses. This subject codifies standards and conditions that are consistent with what is currently required by the Department of Natural Resources regarding private docks located over state-owned tidal water bottoms.

DH/ja

**Private Docks**

**Subject 391-2-1**

**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-2  
COASTAL RESOURCES**

**SUBJECT 391-2-1  
PRIVATE DOCKS**

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Modification of Revocable License; Penalties

## **Subject 391-2-1**

## **Private Docks**

### **391-2-1-.01 Purpose**

These rules establish an orderly and equitable process for issuing revocable licenses for the construction, reconstruction, modification, and maintenance of private docks in state-owned tidal water bottoms which meet the exemptions in O.C.G.A. § 12-5-295 (7) and (7.1). Additionally, these rules institute a process for inspecting and enforcing standards for private docks in tidal water bottoms.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.02 Definitions**

For the purpose of Subject 391-2-1, the following definitions shall apply:

- (1) "Applicant" means any person who is a riparian owner and who requests a revocable license for a private dock in state-owned tidal water bottoms.
- (2) "Catwalk" means a pile supported platform used exclusively to access a boat hoist.
- (3) "Channel" means the physical pathway where a waterway flows, as defined by beds and banks that direct the flow of water in a particular direction, has substantial water at high tides but may be shallow or muddy at low tide and is not stagnant.
- (4) "Construction" means the physical building or installation of a new dock in, on or over tidal water bottoms.
- (5) "The Department of Natural Resources" also "the department" means the Coastal Resources Division of the Georgia Department of Natural Resources.

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(6) “Dock corridor” means the equitable apportionment of state-owned tidal water bottoms by the department to provide reasonable access to a waterway by riparian owners.

(7) “Extended property line” means the straight-line extension of an upland side lot line toward a waterway.

(8) “Fixed deck” means a platform constructed on pilings channelward of a fixed walkway.

(9) “Fixed walkway” means a pile supported platform leading from the upland toward a waterway and terminating at a pierhead, fixed deck, boat hoist or gangway.

(10) “Floating dock” means a floating platform that is used for mooring vessels; usually supported by pilings.

(11) “Floating watercraft lift” means a free-floating structure, not supported by pilings, that is used for the on-top storage of watercraft (i.e., above waterline) and is not used for additional mooring space or any other purpose; also known as drive-on docks, run-up floats, modular floats, or boat lifts.

(12) “Licensee” means a person or persons who has received a revocable license from the department for a private dock.

(13) “Maintenance” means repairs within the physical footprint of an existing, serviceable private dock, as determined by the department.

(14) “Mean high water” also “MHW” means the average of all the high-water heights observed over the National Tidal Datum Epoch.

(15) “Mean low water” also “MLW” means the average of all the low water heights observed over the National Tidal Datum Epoch.

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(16) “Modification” means any addition to, change to the footprint of, or reconfiguration of an existing or licensed private dock.

(17) "Person" means any individual, partnership, firm, corporation, association, or other entity.

(18) “Pierhead” means a fixed, pile supported platform.

(19) “Ponded area/mudflat” means generally unvegetated areas within tidal water bottoms that may be covered by tidewater but that do not have channels; not a waterway.

(20) “Private dock” means a structure built onto or over state-owned tidal water bottoms that is used for recreational fishing and other water-dependent recreational activities, is not available to the public, does not have enclosures, and does not create a navigation hazard; provided, however, that a private dock meets the single family dock exemption in O.C.G.A. § 12-5-295(7) or the multi-family dock exemption in O.C.G.A. § 12-5-295(7.1).

(21) “Reconstruction” means the rebuilding of all or part of a private dock in the original footprint.

(22) “Revocable license” means permission granted by the department to utilize state-owned tidal water bottoms for the construction, reconstruction, modification, or maintenance of a private dock located over state-owned tidal water bottoms which may be revoked by the department, is not coupled with an interest, may be subject to conditions, and is not transferrable.

(23) “Riparian” means upland property that abuts state-owned tidal water bottoms, inclusive of a waterway.

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(24) “Scaled drawing” means a representation of a real object or space where all dimensions are proportionally reduced or enlarged by a specific ratio, called the scale, ensuring the drawing maintains the exact shape and relationships of the original.

(25) “Serviceable” means usable as is or with only minor board-for-board maintenance, but not so degraded as to essentially require reconstruction, as determined by the department.

(26) “Upland” means lands that are neither tidal water bottoms nor wetlands.

(27) “Waterway” means a tributary, creek or river which has a defined channel.

(28) “Walkway extension” means a pile supported platform leading from an existing fixed walkway or fixed deck toward a body of water.

(29) “Variance” means an authorized exception to the standards in Subject 391-2-1 granted under certain circumstances.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.03 Issuance of a Revocable License**

(1) Applicants for a revocable license must submit to the department a complete application for the construction, reconstruction, modification, and maintenance of a private dock, on forms created by the department, which must include scaled drawings, all information as required by the department, and evidence that adjacent property owners were appropriately notified of the application. Scaled drawings prepared by a registered land surveyor, professional engineer, or licensed architect may be

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required only when the department has determined that unique circumstances or site conditions warrant.

(2) The department will issue a revocable license for a private dock to authorize the construction, reconstruction, modification, and maintenance of a single-family or multi-family private dock located over state-owned tidal water bottoms provided:

(a) The applicant is riparian to the waterway to be accessed by the private dock, meaning the waterway is within extended property lines or a dock corridor determined and allocated by the department.

(b) A revocable license shall only be issued to the owner(s) of the riparian parcel(s) to be served by the private dock.

(c) New private docks are limited to one per riparian parcel or, in the case of a multi-family dock, along shared riparian property lines.

(d) Private docks shall access waterways with a defined channel and not ponded areas/mudflats.

(e) Private docks are for water dependent, recreational activities, only.

(f) Private docks must not restrict the reasonable navigation or public use of State lands and waters.

(g) Private docks must be constructed in a manner that does not restrict water flow.

(h) Applicants for a multi-family dock have entered into a binding covenant that runs with the land, in favor of the state, which covenant prohibits the building of any future private docks on their

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lots unless the multi-family dock is removed or is approved by the department to be converted to a single-family private dock.

(i) Any citations, administrative orders, or other violations issued to the applicant have been resolved, or the applicant has entered into a compliance agreement which directs the applicant to apply for a revocable license.

(j) All provisions of Subject 391-2-1 have been met.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.04 Standards and Conditions of New Private Docks**

A new private dock must conform to the following standards:

(1) A private dock must be designed and constructed per the following:

(a) Single-family dock: All components of the single-family dock must be 10 feet or more from extended property lines or dock corridor lines on both sides of the proposed structure and be at least 20 feet from any adjacent dock or structure. The department may require an alternative alignment or dock corridor if site characteristics warrant.

(b) Multi-family dock: All components of the multi-family dock must be 10 feet or more from the extended property lines or dock corridor lines abutting property owned by a person not being served by the multi-family dock and be at least 20 feet from any adjacent dock or structure. The department may require an alternative alignment or dock corridor if site characteristics warrant.

(2) A private dock must terminate at the first waterway measuring 20 feet wide or greater at MHW. A waterway that is less than 20 feet

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wide at MHW may be spanned by a fixed walkway, provided no pilings are placed in the waterway and the bottom of the span is at least six feet above MHW, or higher as determined by the department to be necessary for safe navigation.

(3) No portion of the private dock may extend more than 40 feet into a waterway past MLW, or more than one-quarter of the waterway width at MLW, whichever is less, unless a variance is granted. If a waterway goes dry, vegetation lines within the subject waterway must be used.

(4) One fixed walkway, up to 1,000 linear feet in length and up to six feet wide, may provide access from the upland, and must be built at a height to clear all vegetation, but not more than six feet above MHW. Handrails and supports must be illustrated on scaled drawings. No walkway extensions are permissible on new private docks.

(5) A private dock to a waterway measuring less than 20 feet wide at MHW is limited to only a fixed walkway and a "L" or "T" shaped pierhead, up to six feet wide by 14 feet long, provided the pierhead does not extend into the channel at MLW. A pierhead may not be wholly or partially enclosed. However, it may be roofed per Rule 391-2-1-.04 (11) unless the pierhead is located over vegetation. Vessels may not be stored over the waterway or vegetation.

(6) A private dock to a waterway 20 feet wide or greater may have a fixed deck with a maximum area of 400 square feet, including gangway landings and cantilevered components, and may not be located over vegetation. Fixed deck(s) may be roofed per Rule 391-2-1-.04 (11) and partially enclosed where the lower three feet consists of a single layer of woven screen wire or wainscot and the upper section is open or finished in woven screen wire.

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(7) One boat hoist per riparian lot served by the dock, up to 16 feet by 30 feet, measured piling to piling, with one adjacent catwalk measuring up to three feet by 30 feet, is permissible and may be roofed per Rule 391-2-1-.04 (11), unless a variance for larger or additional hoist(s) is granted. Davits are not considered boat hoists but must be indicated on the scaled drawing.

(8) Floating docks should be pile supported, shall not rest on the water bottom at MLW or must be cradled and must not be located over vegetation. Gangways accessing a floating dock(s) do not count toward the maximum area but must be indicated on the scaled drawing.

(a) Single family dock: The maximum area of a floating dock(s) is 600 square feet.

(b) Multi-family dock: The maximum area of a floating dock(s) is 1,000 square feet.

(9) Floating watercraft lifts do not count toward the maximum allowed for floating docks area only if:

(a) the lift is not supported by piles

(b) the lift is secured to cleats or existing pilings supporting the main private dock;

(c) the lift is not located channelward of a floating dock;

(d) the lift does not extend further into the waterway than any other component of the private dock; or

(e) the lift does not encroach within 10 feet of an extended property or dock corridor line or within 20 feet of an adjacent dock or structure.

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(10) Mooring piles/dolphins used exclusively for mooring vessels in association with a floating dock may be approved upon satisfactory justification of need from the applicant but must not be located further into the waterway than other dock components and must not encroach within 10 feet of an extended property line or dock corridor or within 20 feet of an adjacent dock or structure.

(11) Roofs over pierheads, fixed decks or boat hoists may not exceed 12 feet above the decking at the lowest deck height and overhangs (eaves) may not extend more than 18 inches. The use of a roof for storage or as a second story is prohibited and stairs accessing a roof are prohibited. Roofs do not count toward the total area of structures but must be indicated on the scaled drawing.

(12) Utilities to be extended to the private dock, including electrical and water, must be described in the application. Applicant must provide proof of application for a local electrical permit before a revocable license is issued.

(13) Lighting on the private dock must be described in the application and must be minimal in nature, downcast, and the light source capped and shielded. No light from the private dock may be directed toward another structure or property. Any navigational safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, must also be described.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.05 Reconstruction and Modification of Existing Private Docks**

(1) Existing private docks may be modified or reconstructed upon issuance of a new revocable license, provided that one of the following criteria are met:

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(a) The existing private dock, in its present configuration, has been confirmed by the department to have been constructed prior to the effective date of Subject 391-2-1 and no unauthorized additions or modifications have been made;

(b) The existing private dock is determined by the department to be compliant with previous state authorizations and/or licenses; or

(c) The owner of an existing non-compliant private dock has entered into a consent order/agreement with the department set forth in Rule 391-2-1-.09.

(2) Reconstruction of existing, serviceable dock components is permissible in the original footprint and configuration. Reconstruction of dock components deemed not serviceable by the department must adhere to the standards for new private docks set forth in Rule 391-2-1-.04.

(3) Modifications to existing or licensed private docks must adhere to the standards set forth in Rule 391-2-1-.04.

(4) A walkway extension leading from the channelward-most portion of an existing, serviceable fixed walkway or fixed deck, for the sole purpose of extending further into the same waterway due to demonstrable shifts in MLW since initial private dock construction, natural shoaling, or other reasonable factors as determined by the department, is allowed provided the walkway extension does not exceed six feet in width and is of minimal length. Handrails are allowed. The walkway extension must not be partially or wholly enclosed or covered.

Authority: O.C.G.A. § 50-16-61.

**391-2-1-.06 Maintenance of Existing Private Docks**

Licensees must maintain private docks within their existing footprint. Before starting any maintenance, the licensee must notify the department to determine serviceability and requirements for a new revocable license. If the department deems the private dock or its parts are unserviceable, it cannot be maintained; however, it may be reconstructed or modified according to Rule 391-2-1-.05.

(1) Board-for-board maintenance using only hand tools will not require a new revocable license, provided the requirements of Rule 391-2-1-.08(1) have been met.

(2) Maintenance activities involving the use of heavy machinery, a barge, or a crane, or that involve the installation or replacement of pilings, will require a new revocable license.

(3) Private docks rendered not serviceable by forces of nature, such as storms, or other events, such as fire or boat strikes, may be maintained or rebuilt in the original footprint with a new revocable license if the licensee provides acceptable proof that the dock was serviceable prior to the damage and was in compliance with all previous authorizations or licenses.

Authority: O.C.G.A. § 50-16-61.

**391-2-1-.07 Variances**

New or modified private single family and multi-family docks must be constructed according to the standards described in Rule 391-2-1-.04. However, variances may be granted by the department as described in this paragraph, provided the applicant or licensee provides justification and demonstrates, in a manner satisfactory to the department, why the standard(s) cannot be met. The decision as

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to whether a variance will be granted is at the sole discretion of the department.

(1) The department may grant a variance allowing the length of the fixed walkway on a new private dock to exceed 1,000 feet for the sole purpose of accessing the waterway nearest to the upland. Such walkway exceedance shall not exceed ten percent of the standard allowable length (i.e., 100 feet) and must constitute the shortest route to the waterway, as determined by the department.

(2) A variance for larger or additional boat hoists with catwalks may be approved upon proof of need, including boat registrations or bills of sale demonstrating the size or number of vessels owned by the applicant or licensees. Variances for larger or additional hoists based on proof of kayaks, canoes, paddleboards or other similar watercraft will not be approved, regardless of whether they are motorized or registered.

(3) A variance for further extension into the waterway may be granted up to one-third of the waterway measured at MLW, upon justification provided by the applicant and if there is no reasonable objection by adjacent property owners.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.08 General Conditions of Revocable Licenses for Private Docks**

(1) The revocable license is not transferable with the change of ownership interests in the riparian property(s) at which the private dock will be or has been constructed, reconstructed, modified or maintained. Transfer of riparian ownership or assignment of riparian rights requires issuance of a new revocable license upon submittal of proof of ownership on a form created by the department.

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(2) The licensee must maintain the private dock in serviceable condition after construction, reconstruction, modification, and maintenance.

(3) All equipment used within vegetated marshlands for the construction, reconstruction, modification, and maintenance of a private dock must be operated from a single row of construction mats, or other low impact equipment approved by the department, located on one side of and in immediate proximity to the private dock.

(4) The private dock must not be used at any time for business or commercial purposes. Prohibited uses include, but are not limited to, leasing private dock space, mooring commercial vessels of any type, or utilization of the private dock in any tour boat or charter boat activities.

(5) The private dock must not be used for human habitation. Toilets or fueling facilities are not allowed on the structures. There shall be no fuel or sewage discharged from the private dock.

(6) The licensee must take all proper steps to ensure the integrity of the structure and the safety of moored boats from damage.

(7) The State of Georgia shall not be responsible for any damage caused to the private dock or moored vessels.

(8) The licensee must not moor a vessel(s) at the private dock in such a manner as to cause an unreasonable encroachment into the waterway or to interfere with navigation.

(9) All information and supporting documents contained in an application for a revocable license shall be made a part of the revocable license, if granted, and conformance to such information

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and supporting documents shall be a condition of the revocable license. No change or deviation from any such information and supporting documents shall be permitted without prior notification and written approval by the department or issuance of a new revocable license.

(10) The issuance of a revocable license does not resolve actual or potential disputes regarding ownership of rights in or over the property at which the private dock is or will be located and shall not be construed as recognizing or denying any such rights or interests.

(11) The issuance of a revocable license does not relieve a licensee from the responsibility to obtain any other federal, state, or local permits or authorizations which may be required for the private dock or any of its components, including without limitation, any required county or municipal building permit or permit for utilities, prior to beginning construction, reconstruction, modification, and maintenance.

(12) At least 10 days prior to construction, reconstruction, modification, or maintenance, the licensee must submit a construction notification form to the department.

(13) A copy of the revocable license issued to a licensee must be prominently displayed on the upland site of the proposed or existing private dock during construction, reconstruction, modification, and maintenance.

(14) Compliance with best practices to include those for the protection of manatees and other protected species is required. Any unattended free flowing fresh water along the private dock is prohibited.

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(15) Licensee may be required by the department to, at their own expense, relocate or remove any portion of an existing private dock that impedes navigation as a result of natural meanders to waterways.

(16) Licensee must promptly remove and properly dispose of all debris that originates from, or is generated by, the private dock.

(17) Licensee may be responsible for additional special conditions placed upon the revocable license, as determined by the department.

Authority: O.C.G.A. § 50-16-61.

### **391-2-1-.09 Inspections; Revocation, Suspension or Modification of Revocable License; Penalties**

(1) Private docks are subject to compliance inspections by department staff without prior notice. An as-built post-construction survey may be required; such survey shall comply with the Georgia Plat Act, O.C.G.A. §15-6-67 *et seq.*

(2) The department may revoke, suspend, modify or deny any revocable license for failure or refusal to comply with any provision of Subject 391-2-1 or the specific conditions and requirements of the revocable license.

(3) Any person, including a property owner or private dock builder, who causes or permits violation of Subject 391-2-1 that results in construction, reconstruction, modification, and maintenance of a private dock in a manner that is inconsistent with a current revocable license or without first obtaining a revocable license from the department as set forth in this rule is subject to enforcement action by the department which may include

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revocation, suspension, or modification of an existing revocable license; timely removal of the unauthorized structure; restoration of jurisdictional coastal marshlands; and implementation of a consent order/agreement.

(4) Any person violating any provision of Subject 391-2-1 shall be guilty of a misdemeanor and upon conviction thereof, shall be punished for a misdemeanor.

Authority: O.C.G.A. § 50-16-61.



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

**Jeffrey W. Cown, Director**

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**EPD Director's Office**

2 Martin Luther King, Jr. Drive  
Suite 1456, East Tower  
Atlanta, Georgia 30334  
404-656-4713

June 11, 2026

### **MEMORANDUM**

TO: Board of Natural Resources

FROM: Jeffrey W. Cown, Director  
Environmental Protection Division

SUBJECT: Action on Proposed Grant Criteria for Regional Water Plan Seed Grants, Chapter 391-3-21, Grant Programs

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I request the Board's consideration of updates to the grant criteria for the Regional Water Plan Seed Grant program. The proposed amendments are to Chapter 391-3-21, Grant Programs, and specifically to the rule noted below. These amendments are consistent with the Fair and Open Grants Act, O.C.G.A. §§ 28-5-120 et seq.

I recommend the Board approve the attached program descriptions as presented. If approved, the descriptions will be filed with the Secretary of State's office to comply with the Fair and Open Grants Act.

### **Rule 391-3-21-.09 Regional Water Plan Seed Grant Program**

Under the authority of O.C.G.A. Secs. 12-5-520 et seq. and the State Water Plan, EPD established a Regional Water Plan Seed Grant program that provides funds to eligible recipients in Georgia to support and incentivize local governments and other appropriate water users as they undertake implementation of management practices or recommendations identified in the State's Regional Water Plans. Amendments to the grant criteria for this program include:

- Changing the title of the grant from "Regional Water Plan Seed Grant Program" to "Regional Water Plan Grant Program";
- Moving subparagraph (3)(a) to subparagraph (4)(b), as that provision is a term for the grant, and renumbering subsequent subparagraphs;
- Removing a specific reference to "data and information needs" in subparagraph (4)(a), as that reference is no longer needed;
- Updating language used in subparagraph (4)(c) regarding pre-application meetings;

- Removing the cash match requirement in subparagraph (4)(d), changing the reimbursement amount from 60 to 90 percent, and reducing the minimum total project match requirement amount from 40 to 10 percent;
- Updating the eligible activities for the grant in subparagraph (4)(e);
- Updating the language in paragraph (5) to clarify the selection process for awarding grants;
- Removing redundant language in subparagraph (5)(d);
- Updating the criteria for Council collaboration in subparagraph (5)(f);
- Clarifying the criteria regarding demonstration of additional environmental benefits in subparagraph (5)(h);
- Removing the language referencing negative scoring implications of indirect costs as match in subparagraph (5)(i);
- Removing the reference to a Quality Assurance Project Plan in subparagraph (5)(j), as that Plan is no longer applicable;
- Revising the criteria for a project to be awarded additional points awarded in paragraph (6); and
- Updating the methods for submitting applications in paragraph (7).

The total available grant award funds for SFY 2027 are \$300,000. These funds will represent 90% of the total project cost. Grant recipients will be required to provide the remaining 10% of project costs in the way of match.

A competitive process for selecting projects is used for this grant program. Projects are selected based on the criteria set forth below. Generally, all projects will conform to all applicable requirements of O.C.G.A. §12-5-33(b) and O.C.G.A. § 12-5-520 et seq. and will be consistent with the policies and implementation actions in the Georgia Comprehensive State-wide Water Management Plan. Selected projects will also have been endorsed by the applicable Regional Water Planning Councils. EPD reviews all projects and suggests first time prospective applicants schedule and participate in a pre-application meeting with EPD staff to ensure the application satisfies the general requirements and criteria for the grant award.

For the SFY 2027 cycle, the grant announcement period will begin in July 2026, and the deadline for applications will be October 31, 2026. Subsequent grant announcements and awards will be based upon available funding.

**DEPARTMENT OF NATURAL RESOURCES**  
**ENVIRONMENTAL PROTECTION DIVISION**  
**GRANT PROGRAMS, CHAPTER 391-3-21**

**391-3-21-.09 Regional Water Plan Seed Grant Program**

(1) Statutory Basis: O.C.G.A. Secs. 28-5-120 et seq. and Secs. 12-5-520 et seq.

(2) General Scope and Purpose of the Grant Program: The purpose of the grant program is to provide funds to eligible recipients in Georgia to support and incentivize local governments and other appropriate water users as they undertake implementation activities identified in the applicable Regional Water Plans.

(3) Eligible Recipients of the Grant: Eligible recipients of the Regional Water Plan Seed Grant funds include local, regional and State units of government, local authorities which operate local government service delivery programs, regional commissions, resource conservation and development councils, local school systems, State college and universities, and State agencies. Local governments must have Qualified Local Government status as of the date of application, in compliance with the requirements of the Georgia Planning Act of 1989 and Service Delivery Strategy Law of 1997.

~~(a) Applications will include a letter of endorsement signed by the Council Chair or their authorized signatory from the relevant Regional Water Planning Council or Councils that at a minimum describes how the project is consistent with the Council's implementation priorities and the vision and goals articulated in their Regional Water Plan(s).~~

(4) General Terms and Conditions of the Grant: The general terms and conditions of the grant are:

~~(a) Regional Water Plan Seed Grant projects must specifically identify the Regional Water Plan(s) and management practice(s) or other recommendation(s) from each plan (including data and information needs) that the project is designed to address.~~

(b) Applications will include a letter of endorsement signed by the Council Chair or their authorized signatory from the relevant Regional Water Planning Council or Councils that at a minimum describes how the project is consistent with the Council's implementation priorities and the vision and goals articulated in their Regional Water Plan(s).

(bc) Prospective applicants must schedule and participate in a project development pre-application meeting with Division staff to ensure the application satisfies the general requirements as well as more specific criteria. Project development pre-application meetings are not required but are strongly encouraged, especially for first-time applicants. Pre-application meetings with Division staff ensure the application satisfies the general requirements as well as more specific criteria.

(ed) Maximum reimbursement for a Regional Water Plan Seed Grant project is 60-90 percent of the total project cost. Therefore, each recipient must provide matching funds for a minimum of 40

~~10 percent of the total project cost. Of the required 40 percent match, a minimum of 10 percent of the total project cost must be in the form of a cash match. The cash match must be expended to pay for specific elements of the project budget and may not include indirect costs, equipment operation costs, or in-kind services.~~

~~(de) Types of activities that are eligible include:~~

- ~~i. undertaking programs to address critical information and/or data needs identified in the Regional Water Plan(s);~~
- ~~ii. tracking and analyzing available monitoring data and reporting on water resource conditions identified in the Regional Water Plan(s);~~
- ~~iii. preparing and distributing technical guidance that address management practices in two or more water planning regions;~~
- i. undertaking programs to address long-term water needs through enhanced water conservation;
- ii. promoting agricultural, forestry, rural, and urban best management practices to improve water quality;
- iii. evaluating additional or alternate to existing surface water and/or groundwater supply sources;
- iv. developing and/or updating local utility master plans for water, wastewater and stormwater;
- ~~iv. providing technical assistance to support implementation of Regional Water Plan(s) management practices; or~~
- v. undertaking other specific implementation activities identified in the Regional Water Plan(s).

~~(ef) Regional Water Plan Seed-Grant projects must conform to all applicable requirements of O.C.G.A. §12-5-33(b) and O.C.G.A. § 12-5-520 et seq. and must be consistent with the policies and implementation actions in the Georgia Comprehensive State-wide Water Management Plan.~~

~~(5) Criteria for the Award: The Regional Water Plan Seed-Grant funds are limited and are contingent upon available funding. Each project proposal will be evaluated by the Division to determine if the proposed project is an eligible activity, and all eligible project proposals will be ranked evaluated and selected for funding based on the selection criteria below. The Division funds projects starting with the highest ranking score first and will continue awarding funds to those qualifying applications until the total amount funded reaches the total available amount. The Division reserves the right to coordinate with applicants as needed to modify project scopes and budgets to allow for modified project funding.~~

(a) Project proposals must specifically identify the Regional Water Plan or Plans and management practice(s) or other recommendation(s) from each plan that the project is designed to implement;

- i. Projects that are located within the Metro Water District, or applicants who are located within the Metro Water District, are eligible to apply for a seed-grant if all of the following apply:
  1. The project will provide benefits in one or more of the neighboring Water Planning Council regions,
  2. The project addresses implementation of one or more management practices or other recommendations from the Regional Water Plans for those regions, and
  3. The application is endorsed by the neighboring Water Planning Council(s) in those regions.
- ii. If the project addresses data or information needs, the applicant must 1) specify the connections between the data to be collected and specific management practice(s) or other recommendation(s)

in the Regional Water Plan(s) and 2) demonstrate how the data to be collected will be applied or integrated in the Regional Water Plan(s) or plan implementation.

(b) Project proposals must be consistent with the implementation priorities and the vision and goals articulated in the applicable Regional Water Plan(s). To ensure this consistency, proposals must demonstrate significant coordination between the applicant, Council(s), and the Division during preparation of the application and throughout the awarded project;

(c) Project proposals must demonstrate the state, regional and/or local benefits of the project including but not limited to enhancing water supply or water quality improvements that also provide water supply benefits;

(d) Project proposals must demonstrate how the project will enable continued and new implementation of Regional Water Plan management practices or other Regional Water Plan recommendations;

~~i. Applications that do not clearly demonstrate this will not be considered for funding.~~

(e) Project proposals must demonstrate how the effectiveness of the project will be evaluated (i.e., measure of success), and numerical measures should be used where appropriate;

(f) Project proposals should demonstrate collaboration with ~~multiple~~ one or more Regional Water Planning Councils, cooperating partnerships, and/or multi-governmental agencies and local implementing actors;

(g) Project proposals should demonstrate coordination with other water management projects and activities within the watershed as well as projects conducted across jurisdictional boundaries;

(h) Project proposals should demonstrate any additional environmental benefits that are expected to result from the project ~~including but not limited to protection of in-stream flows, water conservation, air quality and energy conservation;~~

(i) Project proposals should demonstrate cost effectiveness of both grant and match funds. Cost effectiveness is defined as having the largest possible impact with the funds available;

~~i. Project proposals utilizing indirect costs as a sole source of match will not score as well due to a reduction of cost effectiveness.~~

(j) If a project proposal includes water quality monitoring, ~~a Quality Assurance Project Plan (QAPP) will be required. If the data will be submitted to the Division for listing or delisting purposes,~~ a Sampling and Quality Assurance Plan (SQAP) will ~~instead~~ be required. The requirements for a SQAP are contained in EPD's Guidance On Submitting Water Quality Data For Use By The Georgia Environmental Protection Division In 305(b)/303(d) Listing Assessments (SQAP), which can be found on the Division's website.

(k) Project applicants who have received grant funds in past years but have *NOT* demonstrated successful administration of previous Section 319(h), Section 106, Section 604(b) or other grant funded projects may receive a reduction in points during project review. Successful administration

includes but is not limited to: completing all project activities during the contract period, meeting all required deadlines, completing the project on time and on budget, expending all grant funds requested on project activities, and providing adequate documentation as requested by the Division.

(6) Additional points may also be awarded to projects that demonstrate:

(a) A match commitment of ~~50~~30 percent of total project cost or higher; ~~or~~

(b) ~~A cash match commitment of 20 percent of total project cost or higher.~~ A match commitment from a source other than the lead organization; or

(c) Project proposals that demonstrate collaboration with multiple Regional Water Planning Councils.

(7) Directions and Deadlines for Applying: Applicants interested in applying for a Regional Water Plan ~~Seed~~ Grant should contact the Division's Grants Regional Water Planning Unit or visit the Division's website for specific application assistance. Any project proposal that does not satisfy all grant criteria or does not follow the Division's application requirements may not be reviewed or considered for funding.

Applications should be submitted to:  
~~Georgia Department of Natural Resources  
 Environmental Protection Division  
 Watershed Protection Branch  
 ATTN: Grants Unit  
 2 Martin Luther King Jr. Dr.  
 Suite 1462 East  
 Atlanta, GA 30334~~

Applications must be submitted online through the Division's grant administration portal. No paper or email applications will be considered for funding.

Additional grant information, application materials, assistance preparing an application and staff contact information may be found at the Division's website, [www.epd.georgia.gov](http://www.epd.georgia.gov).

**Deadline for submitting proposals:** Applications for grant award will be solicited via advertisement on the web address above no later than July of each year; applications will be due no later than October; and selections will be made no later than February. Specific application timeframes will be available via the website above.

Authority: O.C.G.A. Secs. 28-5-120 et seq. and Secs. 12-5-520 et seq.



June 11, 2026

**MEMORANDUM**

**TO:** Board of Natural Resources

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

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

The purpose of this briefing is to coordinate with the Environmental Protection Committee and to seek input from all members of the Board on EPD's proposed amendments to the Rules for Solid Waste Management, Subject 391-3-4 ("Rules").

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).

The Division will solicit public input and hold a public hearing and expects to present the amendments to the Rules to the Board for action at its September 2026 meeting.

Please find enclosed for your review and consideration:

- |   | <u>Page No.</u> |
|---|-----------------|
| ➤ Synopsis and Statement of Rationale for the proposed Amendments to the Rules for Solid Waste Management                                       | B-2             |
| ➤ Proposed Amendments to the Rules for Solid Waste Management showing deletions with <del>strikeouts</del> and additions with <u>underlines</u> | B-5             |

Thank you for your attention to these proposed amendments.

**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), replaces 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:** Adds 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). It also removes 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;
- 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; and

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.

**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. The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).

(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 along 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 fluctuation, 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 hydrogeological 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  $1 \times 10^{-5}$  cm/sec or an approved alternative which meets or exceeds 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  $1 \times 10^{-7}$  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(34)(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. The written verification must conform to the requirements set forth in O.C.G.A. 12-8-24(g).

(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 developed and adopted by the host local government. The 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).

(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.

<b>Compost Quantity<sup>1</sup> (tons/yr)</b>	<b>Frequency</b>
1 - 6,200	Once per quarter
6,201 - 17,500	Once every two months
Greater than 17,500	Once per month

<sup>1</sup>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) <sup>1</sup>**

Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2,800

<sup>1</sup> 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.*



**ENVIRONMENTAL PROTECTION DIVISION**

**Jeffrey W. Cown, Director**

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404-656-4713

June 11, 2026

**MEMORANDUM**

**TO:** Board of Natural Resources *JWC*

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

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

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The purpose of this briefing is to coordinate with the Environmental Protection Committee and to seek input from all members of the Board on EPD's proposed amendments to the Rules for Lead-Based Paint Hazard Management, Subject 391-3-24 ("Rules").

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 5µg/ft<sup>2</sup>, for window sills from 100 to 40µg/ft<sup>2</sup>, and for troughs from 400 to 100 µg/ft<sup>2</sup>; 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.

Memorandum  
Board of Natural Resources  
June 11, 2026

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.

The Division will hold a public hearing and expects to present the above amendments to the Board for action at the September 2026 meeting.

Please find enclosed for your review and consideration:

	<u>Page No.</u>
➤ Synopsis and Statement of Rationale for the proposed amendments to the Rules for Lead-Based Paint Hazard Management	C-3
➤ Proposed Amendments to the Rules for Lead-Based Paint Hazard Management showing deletions with <del>strikeouts</del> and additions with <u>underlines</u>	C-8

Thank you for your attention to these proposed rule changes.

**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  $\mu\text{g}/\text{ft}^2$  for floors, 100 to 40  $\mu\text{g}/\text{ft}^2$  for window sills, and 400 to 100  $\mu\text{g}/\text{ft}^2$  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  $\mu\text{g}/\text{ft}^2$  for floors, 100 to 40  $\mu\text{g}/\text{ft}^2$  for window sills, and 400 to 100  $\mu\text{g}/\text{ft}^2$  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.

**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/cm<sup>2</sup>) 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 an 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/cm<sup>2</sup>) 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. 31-41-1 et 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 contracts or other documentation, which provides 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/cm<sup>2</sup>) 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/cm<sup>2</sup>) 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 ( $\mu\text{g}/\text{ft}^2$ ), on floors or equal to or exceeding 100 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ), 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  $\mu\text{g}/\text{dl}$  (micrograms of lead per deciliter of whole blood) for a single venous test or of 15-19  $\mu\text{g}/\text{dl}$  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/cm<sup>2</sup>), 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~~(8588)~~.

(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/cm<sup>2</sup>), 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 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 (2) of this ~~section~~ Rule 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 ~~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~~ Wwipe 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 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 ( $\mu\text{g}/\text{ft}^2$ ) for floors and equal to or greater than 100 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) 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  $\mu\text{g}/\text{ft}^2$  for floors, 40  $\mu\text{g}/\text{ft}^2$  for interior window sills, and 100  $\mu\text{g}/\text{ft}^2$  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)**

<b>Surface/ Medium</b>	<b>Level (µg/ft<sup>2</sup>) (Equal to or less than)</b>
Bare and carpeted floors	<u>5</u> 10 µg/ft <sup>2</sup>

Interior Window Sills	<del>40-100</del> $\mu\text{g}/\text{ft}^2$
Window Troughs	<del>100 400</del> $\mu\text{g}/\text{ft}^2$
Exterior Concrete	800 $\mu\text{g}/\text{ft}^2$

**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 conducts 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 dust-lead action levels ~~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 ~~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 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.

<b>TABLE 1</b>		
<b>Training Provider Accreditation</b>	<b>Initial Accreditation</b>	<b>Annual Reaccreditation</b>
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: Lead Supervisor, Lead Inspector, Lead Risk Assessor, Lead Project Designer, Lead Work, Renovator or Dust Sampling Technical Course	\$300/ 8 hour day of training	\$300/ course/ year
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.

June 23, 2026

**MEMORANDUM**

TO: Members, Board of Natural Resources

FROM: Walter Rabon, Commissioner

SUBJECT: Request for approval of adding mitigation credit language of approximately 8,458± acres conveyed by donation by the Georgia Department of Transportation (DOT), in Long, Jeff Davis, and Montgomery counties.

**Comments**

The Department requests approval of adding mitigation credit language of approximately 8,458± acres conveyed by donation by the Georgia Department of Transportation (DOT), in Long, Jeff Davis, and Montgomery counties.

<b><u>Owner</u></b>	<b><u>Acres</u></b>
Georgia Department of Transportation	8,458±

For your review, we are enclosing:

- (1) Summary
- (2) Resolution

We have presented all available information pertaining to this donation request to the Chairman, Land Committee, and to the member of the Board within whose district this project is located.

**Discussion and Conclusion**

Since 2021, the Department has worked with DOT to acquire approximately 13,843.5 acres of property across eleven counties. The Board previously approved acceptance of these donated properties; however, at that time, we were not aware that approximately 8,458 acres would require the inclusion of mitigation credit language in the deeds. DOT has recently determined that mitigation credit language must be added to the deeds for Townsend WMA and Bullard WMA tracts. DOT will retain all wetland and stream mitigation credits derived from the tracts, and their use will be subject to restrictive covenants for wetland.

The Department recommends approval to add mitigation credit language and to seek authorization from the State Properties Commission.

**Recommendation**

We recommend adoption of the attached Resolution.

MW:bw

Enclosures (1)

A-1

**RESOLUTION**

RECOMMENDING APPROVAL TO ADD MITIGATION CREDIT LANGUAGE TO THE DEEDS TO THE FOLLOWING NAMED PROPERTIES, MORE PARTICULARLY IDENTIFIED ON THE ATTACHED “EXHIBIT A”, FOR CONSERVATION AND RELATED PURPOSES.

Properties To Add Mitigation Credit Language:

<b><u>Project</u></b>	<b><u>Property Owner</u></b>
<b>Townsend WMA</b>	<b>Georgia Department of Transportation 6,960± acres, Long County (Board Pile Ridge and Long County Pine Island)</b>
<b>Bullard Creek WMA</b>	<b>491± acres, Jeff Davis County</b>
<b>Bullard Creek WMA</b>	<b>1,007± acres, Montgomery County</b>

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 properties and found their conservation and related values are indeed of statewide significance and that the development and management of these properties would contribute greatly to meeting the conservation needs of Georgia's natural resources and thus recommends the continued conservation of the subject properties; and

WHEREAS, DOT has recently determined that mitigation credit language must be added to the deeds for the subject properties; and

WHEREAS, the subject properties were previously conveyed, or are scheduled to be conveyed to the Department by the Georgia Department of Transportation (DOT), and the DOT will retain all wetland and stream mitigation credits derived from the tracts, and their use will be subject to restrictive covenants for wetland; 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 add mitigation credit language to the deeds for the subject properties acquired from the Georgia Department of Transportation and manage the subject properties for conservation and/or related purposes generally in accordance with applicable laws, policies, and procedures.

Adopted this 23<sup>rd</sup> day of June 2026.

Respectfully submitted by:

\_\_\_\_\_  
Patrick Denney, Chairman  
Georgia Board of Natural Resources

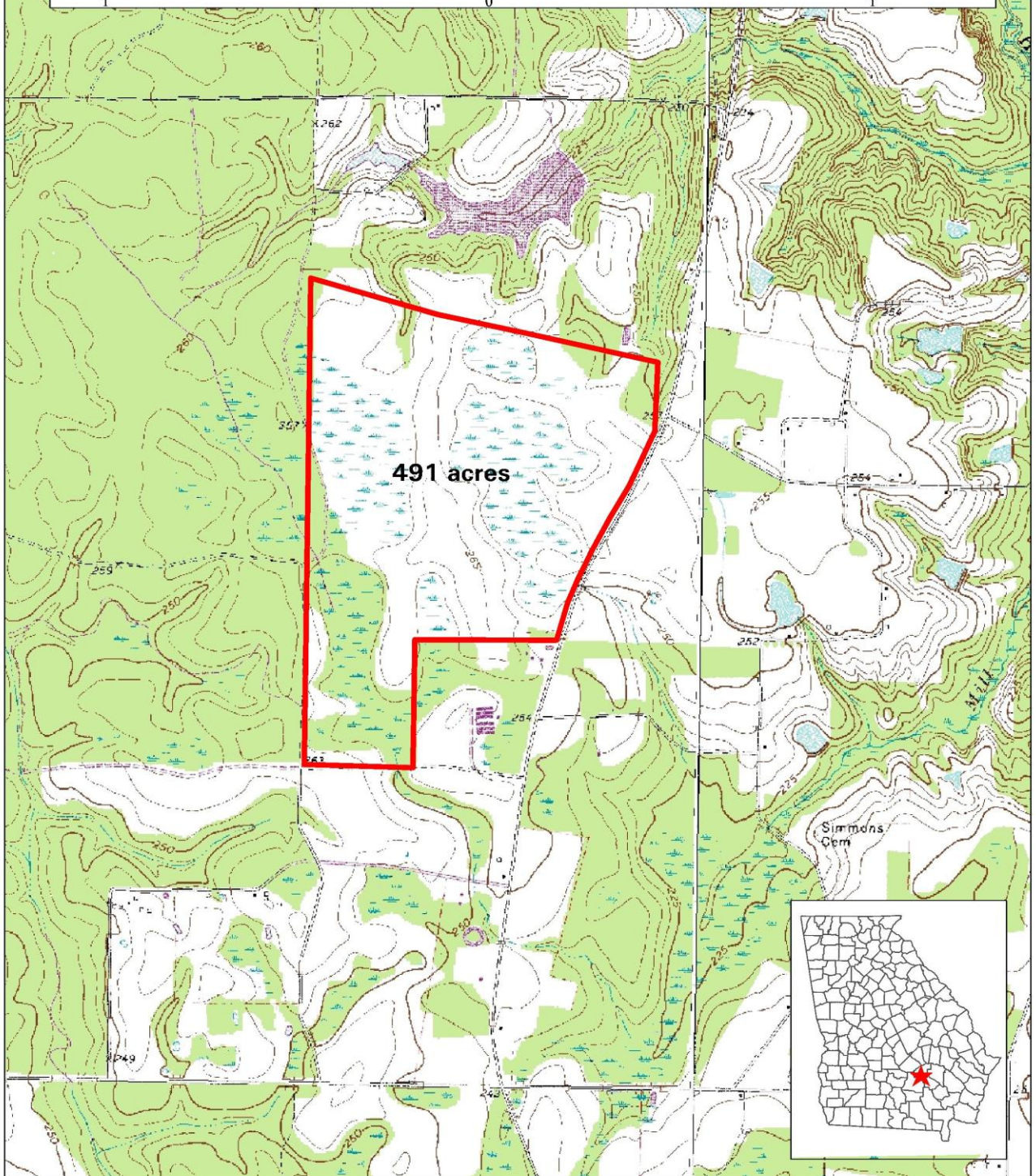
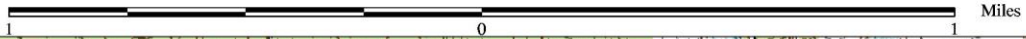
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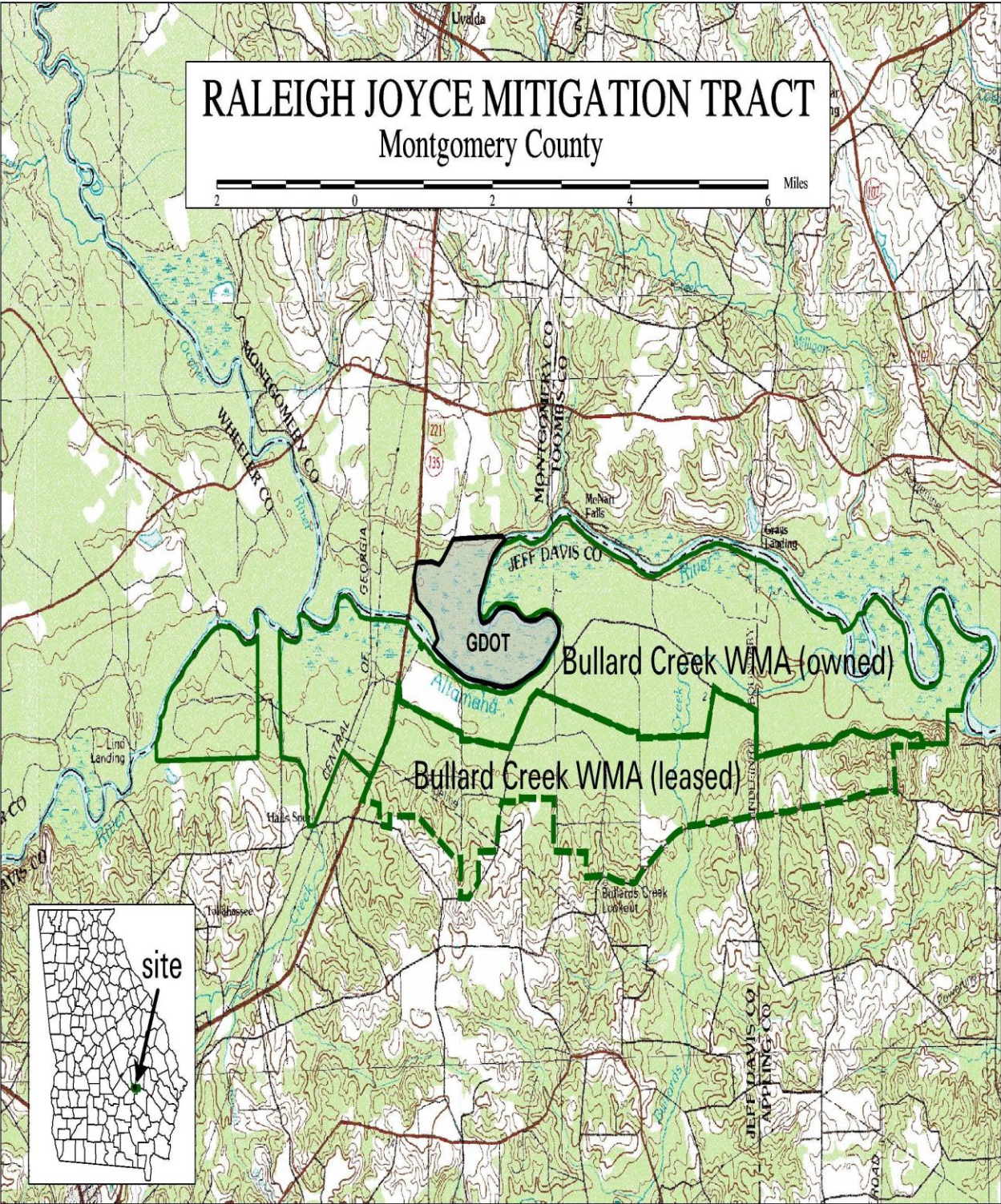
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Dan Garcia, Secretary  
Georgia Board of Natural Resources



# BULLARD CREEK WMA BILL PRESTON TRACT

Jeff Davis County







**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES  
WALTER RABON, COMMISSIONER

June 23, 2026

MEMORANDUM

TO: Members, Board of Natural Resources

FROM: Walter Rabon, Commissioner

SUBJECT: Acquisition (purchase) of 2,900± acres from the Conservation Fund, 1<sup>st</sup> Phase of the Charlton County Project, Charlton County.

Comments

The Department is seeking approval to acquire 2,900± acres in Charlton County for conservation and recreational purposes.

<u>Owner</u>	<u>Acres</u>	<u>Total</u>
The Conservation Fund	2,900±	\$8,230,316.00

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 2,900± acre acquisition in Charlton County will protect land along Trail Ridge near the Okefenokee National Wildlife Refuge. The tract provides critical habitat adjacent to the Okefenokee swamp and will provide new outdoor recreational opportunities in Charlton County. The acquisition also offers the opportunity for longleaf pine restoration and wetland restoration, along with expansion of fire buffer areas next to the swamp. The recent wildfires in this area highlight the need for this management. Upon acquisition the property will be managed as the Alachua Trail Wildlife Management Area along with an additional 3,833 acres that is due to be sold to the Okefenokee National Wildlife Refuge. The Department will manage both tracts to provide public hunting, fishing and other outdoor recreation opportunities. At the time of conveyance, the Conservation Fund will place a deed restriction on the property that prohibits any future mining or mineral extraction activities.

With Board approval we intend to take this project to State Properties Commission (SPC) and if approved we will close August 2026. This tract represents the 1<sup>st</sup> phase of a 3,964± acres project. We will return to the Board for approval of the second phase of this project totaling 1,064± acres for anticipated closing in March 2027.

B-1

The Department will acquire the property with Georgia Outdoor Stewardship Grant (GOSA) funds 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 and GOSA Board of Trustees.

**Recommendation**

We recommend adoption of the attached Resolution.

WR: bw

Enclosures (2)

SUMMARY STATEMENT

PROJECT: TCF Charlton County

TRACT: The Conservation Fund. 1<sup>st</sup> Phase Tract

LOCATION: Charlton County

THIS ACQUISITION: 2,900± acres

SOURCE OF FUNDING:

GOSA Grant	\$7,000,000.00
USFWS Pittman-Robertson Grant	\$1,230,316.00
<b>Total Purchase Price</b>	<b>\$8,230,316.00</b>

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 and Georgia Outdoor Stewardship Grant funds.

HISTORY OF NEGOTIATION: The Department entered a purchase option with the Conservation Fund on May 5, 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 2026 - \$63,100  
FY 2027 - \$12,050  
FY 2028 - \$12,050  
FY 2029 - \$12,050  
FY 2030 - \$12,050

**Total 5-Year Operating Budget Estimate = \$111,300**

APPRAISAL SUMMARIES:

<u>DATE</u>	<u>APPRAISALS</u>	<u>ACRES</u>	<u>TOTAL</u>
4/22/2026	Odom Real Estate Appraisal, Inc.	3,964±	\$11,300,000 (\$2,850.66 per acre)
2/2/2026	Zac Ryan Appraisal Services, Inc.	3,984±	\$9,960,000 (\$2,500.00 per acre)
OPTION:	The Conservation Fund	3,964±	\$11,250,000.00 (\$2,838.04 per acre)
	1 <sup>st</sup> Phase	2,900±	\$8,230,316.00 (\$2,838.04 per acre)

1<sup>st</sup> PHASE TERMINATION DATE: September 16, 2026

1<sup>st</sup> PHASE LATEST CLOSING DATE: September 30, 2026

COORDINATION: Wildlife Resources Division

**RESOLUTION**

RECOMMENDING ACQUISITION BY NEGOTIATED PURCHASE OF THE FOLLOWING NAMED PROPERTY, MORE PARTICULARLY IDENTIFIED AS THE 2,900± ACRES 1<sup>ST</sup> PHASE TCF CHARLTON COUNTY 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**  
TCF Charton County 1<sup>ST</sup> Phase

**Property Owner**  
the Conservation Fund

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, At the time of conveyance, the Conservation Fund will place a deed restriction on the property that prohibits any future mining or mineral extraction activities; 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 and GOSA Board of Trustees.; 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 23<sup>rd</sup> day of June 2026.

Respectfully submitted by:

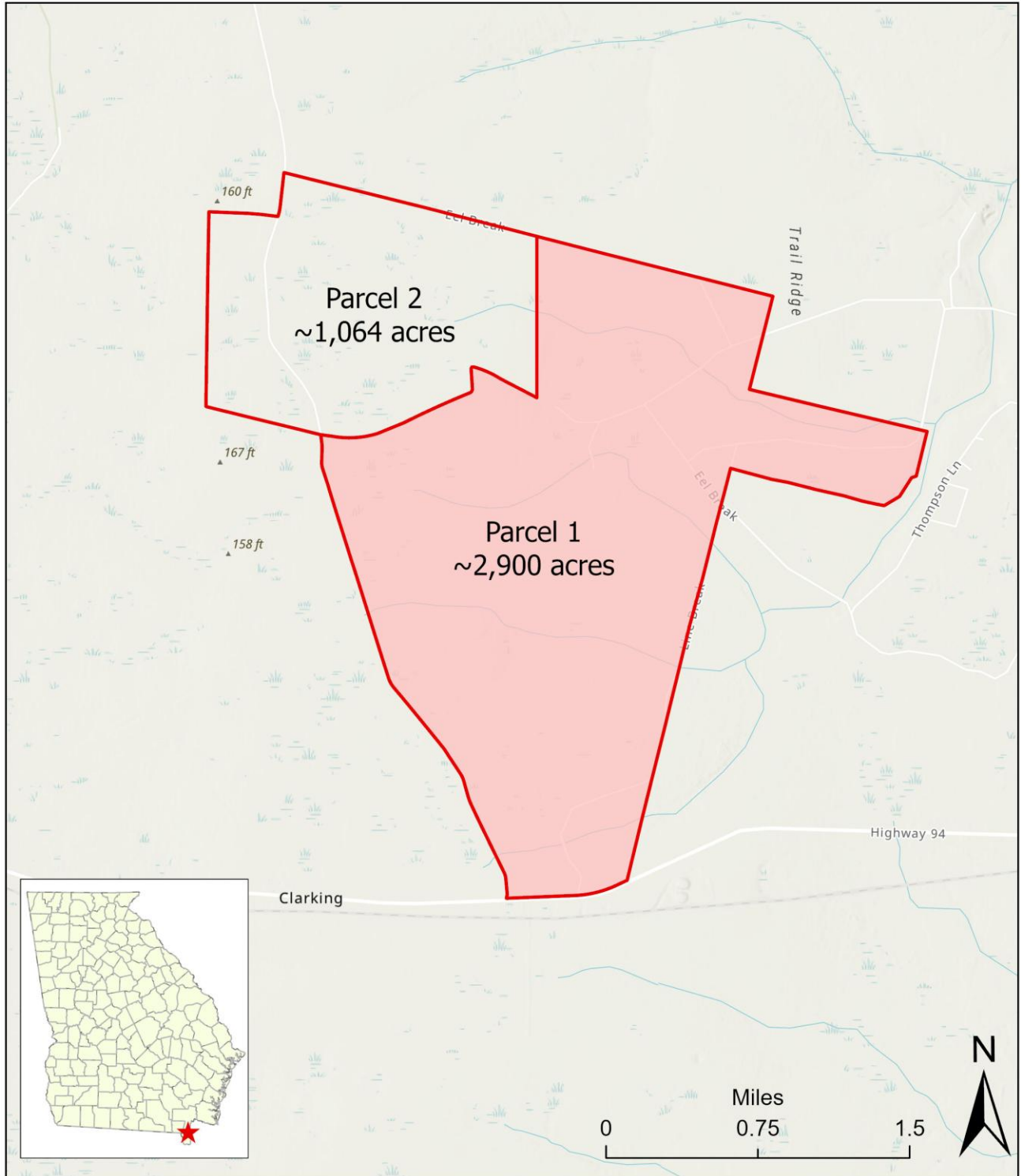
\_\_\_\_\_  
Patrick Denney, Chairman  
Georgia Board of Natural Resources

ATTEST:

\_\_\_\_\_  
Dan Garcia, Secretary  
Georgia Board of Natural Resources

EXHIBIT A

TCF Charlton  
Charlton County



## Memorandum

**Date:** June 23, 2026

**To:** Board of Natural Resources

**From:** Angie Johnson, Director State Parks and Historic Sites Division

**Subject:** Adoption of a New Agreement Between the Department of Natural Resources and the North Georgia Mountains Authority Regarding Operation of Specific Facilities

The Georgia Department of Natural Resources has partnered with the North Georgia Mountains Authority for years to oversee operations of several properties within the State Parks and Historic Sites System. An agreement between the Department and the Authority was approved by this Board in May 2017. However, updates to the agreement are needed to clarify the partnership, outline exceptions and establish a long-term vision of a unified approach to the management of DNR public venues and facilities. A new agreement between the Department and the Authority has been drafted and is attached for your review and approval.

Please do not hesitate to contact me if you have questions or need more information.

**AGREEMENT between the DEPARTMENT OF NATURAL RESOURCES of the State of Georgia (“DNR”), and the NORTH GEORGIA MOUNTAINS AUTHORITY**

**STATE OF GEORGIA**

**COUNTY OF FULTON**

**AGREEMENT PERTAINING TO OPERATION OF SPECIFIC FACILITIES**

This AGREEMENT is made and entered into this \_\_\_\_\_th day of \_\_\_\_\_, 2026, between the DEPARTMENT OF NATURAL RESOURCES of the State of Georgia (“DNR”), and the NORTH GEORGIA MOUNTAINS AUTHORITY, a public corporation and instrumentality of the State of Georgia (“NGMA”). This Agreement hereby supersedes and replaces in its entirety the Prior Agreement, which was entered into on June 25<sup>th</sup>, 2003, and superseded and replaced in its entirety by the Second Prior Agreement entered into the 24<sup>th</sup> of May, 2017. The Second Prior Agreement is null and void and of no further force and effect. Upon execution by both parties of this Agreement, all provisions of, rights granted and covenants made in this Second Prior Agreement are hereby waived, released and superseded in their entirety and shall have no further force and effect. This Agreement will replace the Second Prior Agreement in its entirety.

**WITNESSETH**

WHEREAS, DNR and NGMA are both empowered by law to acquire, establish and operate public parks and recreational areas, including lodges, hotels and other tourist facilities, and they are further empowered to enter into intergovernmental contracts with one another for such purposes, GA. Const. 1983, ART. IX, Sec. II, Par. IV; O.C.G.A. §§ 12-3-3, 12-3-291, 12-3-32, 12-3-294; and

WHEREAS, both DNR and NGMA are engaged in the provision of lodging, conference facilities, and golf course operation; and

WHEREAS, DNR has custody of various facilities owned by the State of Georgia located in Towns, Union, Crisp, White, Dawson, Wheeler, Telfair and Taliaferro Counties; and

WHEREAS, NGMA has custody of various facilities either owned or leased by the North Georgia Mountains Authority that are located in Rabun, Taliaferro, and Habersham Counties; and

WHEREAS, NGMA has by resolution determined and made public its intent to exercise its powers in the said counties; and

WHEREAS, NGMA has the expertise, skill and knowledge to develop (design, construct, equip, and operate) tourist, and other recreational facilities; and

WHEREAS, at its meeting on \_\_\_\_\_, the Board of Natural Resources authorized DNR to enter into this Agreement; and

WHEREAS, at its meeting on \_\_\_\_\_, the Members of the NGMA likewise authorized the execution of this Agreement.

NOW THEREFORE, all parties do agree in and for their mutual benefit that:

**1.**

**Basic Division of Responsibilities**

- 1.1 NGMA shall exclusively occupy, develop (design, construct, and equip) and use (maintain, repair, improve and operate) the project sites listed in the Attachment A which is attached hereto and incorporated herein by reference. NGMA shall perform its responsibilities hereunder by retaining an operator with expertise in the industry, including but not limited to the Parks, Recreation and Historic Sites Division. All NGMA properties, in their entirety, shall operate according to the same standards of care as DNR properties.
- 1.2 DNR shall exclusively occupy, develop (design, construct, and equip) and use (maintain, repair, improve and operate) the project sites listed in the Attachment B which is attached hereto and incorporated herein by reference. DNR shall perform its responsibility hereunder by operating the facilities through the Parks, Recreation and Historic Sites Division.

**2.**

**Basic Powers**

- 2.1 Contracts and Other Powers. In carrying out their respective responsibilities NGMA and DNR each shall have the sole and exclusive right, without prior approval of the other, to enter into any contract in its own name pursuant to such terms, as it shall decide. DNR and NGMA may each exercise all of its powers conferred by law with respect to its project, the same as if the real property were owned, or leased by it (or, in the case of DNR, by the State of Georgia) subject, however, to this Agreement and its restraints of law.
- 2.2 Limitations of Power. The rights, responsibilities and privileges hereby granted to DNR and NGMA are to be used and enjoyed at the sole risk and responsibility of each respective party. Neither has power to create a debt or obligation of the other. No debt or other undertaking of NGMA shall be a debt or undertaking of the State of Georgia, its officers and employees.
- 2.3 NGMA Power to Apply State G.O. Bonds. NGMA may act where appropriate for DNR in contracting with Georgia State Financing and Investment Commission with respect for the proper application of proceeds of general obligation bonds of the State of Georgia, which are made available for the project sites listed in the Attachments.
- 2.4 Protection of GSFIC. NGMA shall be subject to the jurisdiction, powers and duties of Georgia State Financing and Investment Commission with respect to the application and

disposition of proceeds of general obligation debt issued for the purpose of financing the project sites listed in the Attachments. NGMA shall take no action which impairs the issuance or status of State of Georgia's general obligation debt for the purpose of financing projects as authorized and requested in corresponding resolutions of the Board of Natural Resources and Georgia State Financing and Investment Commission.

### 3.

#### Property

- 3.1 Ownership of Property Not to Change. All improvements to the premises of the project sites in Attachment A and all property, real and personal, purchased for it with state funds or proceeds of general obligation debt of the state shall remain the property of the State of Georgia. Personal property of NGMA purchased with its revenues shall remain its property and not the property of the State of Georgia or any third person.
- 3.2 Addition to Premises. The Chairman of the NGMA and the Commissioner of DNR are hereby authorized to add to the premises of the project sites listed in Attachment A any other real property in the custody of the DNR by amendment to this Agreement, provided such inclusion is for purposes consistent with this Agreement.
- 3.3 No Encroachments. Unless DNR otherwise agrees all facilities constructed on the project sites listed in Attachment A shall be constructed wholly within the lot lines of the premises and shall be a self-contained complete unit, and shall not be tied to or have any physical connections with any structures located on other property, except for such connections as may be necessary to provide utilities, ground level ingress and egress and the like.
- 3.4 Nature of Use and Occupancy; Negation of Property Interest. This agreement creates no rights, titles or interest in property, real or personal. Upon termination of this Agreement, all rights of the NGMA (and persons whomsoever claiming by, under or through NGMA) in regard to the use and occupancy of the premises listed in the Attachments shall wholly cease and all real property and all personal property and fixtures purchased with State funds or proceeds of State General Obligation debt shall be the absolute property of the state with custody in the DNR without further act or conveyance, and without liability to make compensation therefore to NGMA or to anyone whatsoever, and shall be free and discharged from all and every contract right, lien, encumbrance, claim and charge of any character created or attempted to be created by NGMA or other acting by or through at any time.
- 3.5 Inspection. For purposes of inspecting the premises of the project sites listed in the Attachments, NGMA and DNR shall each permit the other, without notice, to enter in and on the premises occupied and in use by the other during all hours, but without inconvenience to the other.

- 3.6 Vacation of Premises. Neither party shall linger upon the premises of the other following termination or expiration of the rights under this Agreement but shall promptly vacate the premises. Any holding over or continued use or occupancy of the premises after termination or expiration of this agreement without express consent shall create a tenancy at sufferance and the offending party shall vacate immediately without requirement of further notice. There shall be no renewal or extension of this Agreement by operation of law.

#### 4.

#### Revenue and Its Application

- 4.1 Revenue Sufficiency.
- (a) NGMA shall develop and operate the sites listed in Attachment A with the goal of serving the recreational needs of the citizens of Georgia and producing revenues sufficient for such purposes. DNR shall develop and operate the sites listed in Attachment B with the same goal.
- (b) At the sites listed in Attachment A, revenues may be established so as to allow appropriate reserves for operation, start-up costs for new undertakings and other contingencies.
- 4.2 NGMA Retention of Revenues. All revenues and receipts of the sites listed in Attachment A shall be credited to the account of NGMA unless otherwise required by law. In consideration of the performance of its obligations hereunder, and for the benefit of the State of Georgia, its citizens, and parties hereto, NGMA may retain all net revenues from the sites listed in Attachment A and may deposit, use and expend the same in the performance of its powers and duties hereunder as NGMA may determine to be necessary or desirable. All ParkPass revenues shall be transmitted to the Parks, Recreation and Historic Sites Division for re-distribution.
- 4.3 Staff Reimbursements. NGMA shall reimburse DNR annually for all costs relative to salaries and benefits for NGMA staff carried on the DNR payroll.
- 4.4 Payment Respecting G.O. Bond Debt. Subject only to its obligations to carry out its public function as set forth in Part 2 of Article 6 of Chapter 3 of Title 12 of the Official Code of Georgia, Annotated (the "NGMA Act"), NGMA shall pay to DNR the amount of the money necessary to retire the general obligation debt previously and hereafter issued for the purpose of any development so authorized by resolution of the Board of Natural Resources. Particularly, NGMA shall pay DNR before the end of each fiscal year of the State of Georgia the amount of money equal to the debt service (principal and interest) required to be paid by the State in connection with such general obligation bonds. In a fiscal year in which revenues are not sufficient for such purpose, the deficiency shall

carry forward into the next year, and payments shall be made annually until debt service is fully recouped. DNR may elect to not seek reimbursement for the annual GO Bond payment.

- 4.5 Reimbursement. DNR shall reimburse NGMA for the operational expenses not covered by site generated revenues at Little Ocmulgee Park, Lodge, and Golf Course.
- 4.6 Annual ParkPass Allocations. Annual ParkPass allocations will be awarded to NGMA based on overall system projected revenue earnings for the fiscal year. These allocations will be determined as part of the Park Operations budgeting process. When additional funds are available, DNR may work with NGMA to complete projects beneficial to sites listed in Attachments A and B.
- 4.7 Bank Loan Debt. NGMA shall reimburse DNR annually for any established bank loan payments which are associated with DNR facilities covered under this master agreement. Reimbursements will occur prior to the end of the fiscal year.

## 5.

### General Management

- 5.1 No Beneficiaries. There are no third-party beneficiaries of this agreement.
- 5.2 Term. This Agreement shall become effective upon its execution by the parties, and shall continue in full force through December 31<sup>st</sup>, 2036, and shall be binding upon the parties, their successors and assigns.
- 5.3 Captions. The captions of this Agreement are for reference only and are not to be construed in its interpretation.
- 5.4 Time of Essence. Time is of the essence of this Agreement.
- 5.5 No Implicit Waiver. No failure of NGMA or DNR to exercise any rights or power given to it under this Agreement, or to insist upon strict compliance with the provisions of this Agreement, and no custom or practice of NGMA or DNR at variance with the provisions of this Agreement, shall constitute a waiver of right to demand exact and strict compliance with the terms and conditions of this Agreement.
- 5.6 No Joint Venture. Nothing contained in this Agreement shall make or be construed to make DNR and NGMA partners in, or joint ventures with each other, nor shall anything contained in this Agreement render, or be construed to render either DNR or NGMA liable to a third party for the debts or obligations of the other.
- 5.7 Survival Clause. If any provision of the Agreement or any portion thereof is found by any court of competent jurisdiction to be void, invalid, unenforceable, or contrary to

public policy, then any remaining portions of such provisions and all other provisions of this Agreement shall survive and be applied, and any invalid portion shall be construed or reformed to preserve as much of the original words, terms, purpose and intent as shall be permitted by law.

- 5.8 Execution In Original Counterparts. This Agreement is executed in two (2) counterparts, which are separately numbered, but each of which is deemed an original of dignity with the other and which is deemed one and the same instrument as the other.
- 5.8.1 Amendments. The parties recognize and agree that it may be necessary or convenient for the parties to amend this Agreement so as to provide for the orderly implementation of all the undertakings described herein, and the parties agree to cooperate fully in connection with the creation of such amendments if and as necessary. However, no change, modification or amendment to this Agreement shall be effective until the same is accurately described in writing and executed by the parties hereto.
- 5.8.2 Termination for Convenience. This Agreement may be terminated 30 days after a resolution of termination considered and passed by either the Board of Natural Resources or the Members of the North Georgia Mountain Authority.

IN WITNESS WHEREOF, DNR and NGMA, acting pursuant to and in conformity with properly considered and adopted resolutions and by and through their duly authorized hereinafter named officers, have caused these present to be signed, sealed and delivered all as of the \_\_\_\_\_th day of \_\_\_\_\_, 2026.

DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_

Walter Rabon  
Commissioner of Natural Resources

Signed, sealed and delivered,  
As to DNR, in our presence:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Official Witness, Notary Public  
My Commission Expires \_\_\_\_\_

(Notary Public Seal Affixed Here)

NORTH GEORGIA MOUNTAINS AUTHORITY

By: \_\_\_\_\_

Patrick Denney, Chairman

Signed, sealed and delivered,  
As to NGMA, in our presence:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Official Witness, Notary Public  
My Commission Expires \_\_\_\_\_

(Notary Public Seal Affixed Here)

## Attachment "A"

Sites in the custody of and operated by the NGMA

1. Brasstown Valley Resort, Towns County
2. Georgia Veterans State Park and Lodge, Crisp County
3. Amicalola Falls State Park and Lodge, Dawson County
4. Unicoi State Park and Lodge, White County
5. Little Ocmulgee State Park and Lodge, Wheeler County
6. Walasi-yi Mountain Crossings Store and Hostel

Attachment "B"

Sites in the custody of the NGMA and operated by DNR/PRHS

1. Tallulah Gorge State Park, Rabun and Habersham Counties
2. Elementary School Site, A.H. Stephens State Park, Taliaferro County



WALTER RABON  
COMMISSIONER

CHRIS HARPER  
DIRECTOR

June 9, 2026

**MEMORANDUM**

TO: Members, Board of Natural Resources

FROM: Chris Harper

SUBJECT: **Action on Proposed Amendments to Hunting Regulations, Subject 391-4-2**

Enclosed for your review and favorable consideration are the proposed amendments to Subject 391-4-2 pertaining to hunting on public lands. Specifically these amendments include explicit prohibition of the use of drones to locate wildlife and feral hogs on department managed/owned lands, clarify rules related to quota hunts, fox and bobcat hunting, and night hunting restrictions for wildlife management areas, and set hunting regulations for the newly acquired Upatoi Ravines Natural Area in Talbot County.

These proposals were presented for discussion at the April meeting prior to public notice for comment. Comments received on these proposed regulations from the public were generally supportive and are summarized on pages 5-6. All public comments received during the commenting period can be found here: [Public comments May 2026](#). We plan to make a brief presentation at the DNR Board meeting on June 23, 2026, and will request Board adoption at that time.

Please do not hesitate to contact me if you have questions or need more information about any of the proposals in advance of our meeting. Thank you.

CH/klj

Attachments



WALTER RABON  
COMMISSIONER

CHRIS HARPER  
DIRECTOR

April 9, 2026

**MEMORANDUM**

TO: Members, Board of Natural Resources

FROM: Chris Harper

SUBJECT: **Proposed Rules – Economic Impact**

The Administrative Procedure Act requires that in the formation and adoption of any rules which will have an economic impact on the businesses in the State, attempts be made to reduce the economic impact of the rule on small businesses. These rules apply to businesses that are independently owned and operated, are not dominant in the field and employ 100 employees or less. The Wildlife Resources Division has determined that the proposed changes will have no negative economic impact on small businesses.

CH/klj

WALTER RABON  
COMMISSIONER

CHRIS HARPER  
DIRECTOR

April 29, 2026

**MEMORANDUM**

TO: INTERESTED PERSONS AND ORGANIZATIONS

FROM: Chris Harper

SUBJECT: **NOTICE AND SYNOPSIS OF PROPOSED RULE MAKING**

Notice is hereby given that, pursuant to authority contained in the Game and Fish Code (Official Code of Georgia Annotated, Secs. 12-3-9, 27-1-4, 27-3-4, 27-3-12, and 27-3-24), the Board of Natural Resources proposes to amend Department of Natural Resources rules governing the hunting of game animals, game birds, and feral hogs. The proposed rules (copy attached hereto), if adopted, will amend Subject 391-4-2, Hunting Regulations.

**SYNOPSIS AND MAIN FEATURES**

The purpose of hunting regulations is to manage Georgia's game birds and game animals according to sound principles of wildlife management and to meet public objectives for use of these renewable natural resources. Changes to the existing rules clarify issues related to hunting on WMAs, specifically to prohibit the use of drones to locate game and hogs, clarify rules related to quota hunts, fox and bobcat hunting, and night hunting restrictions for WMAs, and set hunting regulations for the newly acquired Upatoi Natural Area.

This notice and synopsis of the proposed rule, together with an exact copy of proposed rule, is being mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. Copies of all these documents are also available by electronic mail and are available for review on the Division web page ([www.gohuntgeorgia.com](http://www.gohuntgeorgia.com)). Please contact Marissa Mooneyham at (706) 557-3350 or [marissa.mooneyham@dnr.ga.gov](mailto:marissa.mooneyham@dnr.ga.gov) to request a copy.

The public may submit comments on these proposed amendments electronically by email through the Division website, by telephone (706-557-3350) or by submitting written statements, before close of business on May 31, 2026. Written statements should be mailed to the attention of Dr. Tina Johannsen at:

Department of Natural Resources  
Wildlife Resources Division  
Game Management Section  
2067 U.S. Highway 278, S.E.  
Social Circle, Georgia 30025

The Board of Natural Resources will consider the proposed amendments and related comments received on June 23, 2026, at 9:00 A.M. F.D. Roosevelt State Park, 2970 Georgia Highway 190, Pine Mountain, GA 31822. Please bring this notice to the attention of interested acquaintances.

CH/klj

Attachment: Proposed Amendments

**Public Participation Plan for  
Proposed Hunting Regulations Changes to Subject 391-4-2  
(Hunting on Wildlife Management Areas)**

Amendments to Subject 391-4-2, Hunting Regulations, are being considered. These amendments clarify issues related to hunting on WMAs – prohibit the use of drones to locate game and hogs, clarify rules related to quota hunts, fox and bobcat hunting, and night hunting restrictions for WMAs, and set hunting regulations for the newly acquired Upatoi Natural Area in Talbot County. Public input is an important component of the decision-making process. The plan for receiving and considering public input includes publicly noticing the proposed amendments and the acceptance and consideration of written, verbal, and electronic comments.

WRD staff will brief the Board of Natural Resources on the proposed amendments in draft form. The proposed amendments will be publicly noticed as required under the Administrative Procedure Act (APA), O.C.G.A. §50-13-4, will be forwarded to legislative counsel, and mailed to all persons who have requested in writing that they be placed on the mailing list and have tendered the actual cost of such mailing. All interested persons will be given an opportunity to submit written comments to WRD by mail or electronically. Following the public notice, the Board of Natural Resources will consider the proposed amendments and related comments received at its meeting on June 23, 2026, at 9:00 A.M. F.D. Roosevelt State Park, 2970 Georgia Highway 190, Pine Mountain, GA 31822.

**Schedule for Public Participation for  
Proposed Hunting Regulations Changes to Subject 391-4-2**

Description of Action	Action Date
Present proposed amendments to Board's Wildlife Resources' Committee	04/28/2026
APA notice distributed, posted on website and provided to legislative counsel	04/30/2026
Deadline for submitting comments on proposed amendments	05/31/2026
Final approval of amendments by Board of Natural Resources	06/23/2026

**Public Comment Summary**

No requests for a public hearing were received. In response to the public notice, 40 emails, no phone calls, and no letters were received.

**General Regulations on Wildlife Management Areas - 391-4-2-.60**

Prohibit use of drones for locating game and feral hogs	#
Support/Oppose	10/9
Consider allowing use of drones to recover downed game	4
Consider removing most/all existing restrictions on take of feral hogs and/or coyotes	6

**Big Game Regulations on WMAs - 391-4-2-.66**

<b>Prohibit deer archery and dog training during small game quota hunts</b>	<b>#</b>
Support/Oppose	4/0

**Small Game Regulations on WMAs - 391-4-2-.67**

<b>Quail season opening date</b>	<b>#</b>
Support/Oppose	4/0
<b>Restrictions on take of coyotes and feral hogs</b>	
Support/Oppose	4/5

**Provisional Regulations for Recently Acquired WMAs - 391-4-2-.72**

<b>Upatoi Ravines Natural Area – Talbot Co.</b>	<b>#</b>
Support/Oppose	4/2
Request for additional deer archery opportunity	1

SUBJECT	PROPOSAL	CURRENT REGULATION	NEW OR AMENDED LANGUAGE	JUSTIFICATION
<b>391-4-2-.60</b>	<b>General Regulations on Wildlife Management Areas</b>			
Use of drones	Explicitly prohibit the use of drones to pursue game or hogs	Not addressed	Unmanned aircraft systems may not be used to pursue wildlife or feral hogs on public lands	House-keeping change - O.C.G.A. 27-3-12 prohibits the use of "electronic communications equipment" to pursue "any wild animal, game bird, or game animal". This excludes feral hogs. Interest in locating hogs via drones has increased dramatically, and recent state legislation allows pursuit of hogs on private land with drones.
<b>391-4-2-.66</b>	<b>Big Game Regulations on Wildlife Management Areas</b>			
Quota hunts	Prohibit deer archery and dog training during drawn quota hunts for quail and rabbits	Not addressed	During small game quota hunts, hunting big game and training dogs is prohibited	House-keeping change - Archery deer hunting and some dog training activities are generally compatible with and therefore allowed during small game seasons. However, during quota quail and rabbit hunts, the volume of hunting parties with dogs increases the potential for conflicts with other users, who have ample alternative days to hunt. This change is also consistent with the existing prohibition on hunting other species during deer/bear quota hunts.
<b>391-4-2-.67</b>	<b>Small Game Regulations on Wildlife Management Areas</b>			
Quail hunting	Clarify quail season opening date	Not addressed	Non-quota quail hunting opens on the third Saturday in November.	House-keeping change - recently the statewide quail opener was moved to the 2nd Saturday in November from "the Saturday closest to November 11". Not opening sooner on WMAs will help maintain the timing and quality of existing quota hunts and available general hunts.

SUBJECT	PROPOSAL	CURRENT REGULATION	NEW OR AMENDED LANGUAGE	JUSTIFICATION
Incidental take of coyotes and hogs	Clarify restrictions on taking coyotes and hogs at night and with centerfire rifles	Sections 7 - 13 outline hunting for groups that include hogs and/or coyotes.	Coyotes but not hogs can be taken at night when hunting raccoons, possum, foxes, or bobcats.	House-keeping change - removes redundancy in Sections (7) and (10) to clarify that hunting hogs at night is prohibited and predators including coyotes may only be taken with a rifle at night if said rifle is not centerfire.
<b>391-4-2-.72</b>	<b>Provisional Regulations for Recently Acquired Wildlife Management Areas</b>			
Upatoi Ravines Natural Area - Talbot Co.	Set hunting seasons and bag limits for new public land	Not addressed.	Deer, turkey, and small game hunting.	This 9,000 acre property was recently acquired to protect rare plant communities and critical riparian areas along Upatoi Creek. Regulations are proposed for big and small game on the area.

**(STRIKETHROUGH VERSION)**

**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4  
WILDLIFE RESOURCES DIVISION**

**SUBJECT 391-4-2  
HUNTING REGULATIONS**

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391-4-2-.60	General Regulations on Wildlife Management Areas
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**Rule 391-4-2-.60. General Regulations on Wildlife Management Areas**

- (1) It is unlawful for any person to place bait or any wildlife food on a Wildlife Management Area (WMA).
- (2) It is unlawful for any person to consume or use alcoholic beverages on any WMA except in houses or at campsites on these areas; provided, however, that this provision does not apply to national forest lands.
- (3) The use of paintballs, paintball guns and related activities is prohibited on WMAs except on WMAs located on national forest lands.
- (4) Dogs entering WMAs must be kept on a leash or otherwise confined except when hunting or while training dogs during designated seasons and on designated areas. Dog owners are responsible for their dogs and any damage the dogs may do to wildlife not being legally hunted.
- (5) Except for Public Fishing Areas, fishing on WMAs is allowed in accordance with statewide seasons and limits, unless otherwise indicated or posted at the WMA check station.
- (6) U.S. Forest Service regulations shall apply on all WMAs located on National Forest lands.
- (7) It is unlawful for any person to unreasonably disturb or annoy others through abrasive, insulting or threatening words or actions, or physically harm or threaten any other person, or disobey any lawful order of a law enforcement official or act in a manner resulting in a breach of the peace.
- (8) Camping, pre-season scouting, hiking, picnicking, horse riding, canoeing, and other recreational uses are allowed year-round unless otherwise indicated or posted at the WMA check station or at a specific recreation site. The department may close specific sites as needed for management purposes by posting at the site.
- (9) It is unlawful for any unauthorized person to close or restrict access to roads, trails or other access features using motor vehicles, signage, or other methods. Roads, trails and other access features may be closed at the discretion of the department.
- (10) It is unlawful to shoot from a motor vehicle except that disabled hunters on a designated handicapped access road or hunters who have been issued a department Special Use Permit as specified in said permit may shoot from a vehicle provided such vehicle is stationary and not under power.
- (11) It shall be unlawful for any person to possess a loaded firearm in designated camping areas except as provided in O.C.G.A. § 16-11-126.

(12) O.C.G.A. § 27-3-1.1 prohibits loaded long guns being carried in a motor vehicle on WMAs except for provisions stated in (10) above. Handguns may be loaded only as provided in O.C.G.A. § 16-11-126. A firearm shall be considered loaded if a shell is in the chamber or magazine except that muzzle-loading firearms are considered loaded only if a cap is on the nipple or powder is present on the frizzen pan. Crossbows must be un-cocked while being transported in a vehicle on a WMA.

(13) Suppressed firearms may be used for hunting on WMAs.

(14) Buckshot may be used to hunt deer and bear when hunting seasons for those species are open on a WMA, unless otherwise specified in 391-4-2-.70, and during such seasons, feral hogs and coyotes may be taken incidentally.

(15) The use of centerfire rifles to hunt at night is prohibited on WMAs, state parks, voluntary public access areas, and federal lands unless otherwise specified in 391-4-2-.73.

(16) The use of unmanned aircraft systems as defined in O.C.G.A. § 6-1-4 to hunt wildlife, wild animals, or feral hogs on lands owned or managed by the department is prohibited.

**Authority: O.C.G.A. §§ 12-3-9, 27-1-4, 27-3-4, 27-3-12.**

#### **Rule 391-4-2-.66. Big Game Regulations on Wildlife Management Areas**

(1) Two (2) deer may be killed during any one bonus deer hunt.

However, on bonus hunts when antler restrictions are in effect, no more than one (1) of the two (2) deer allowed may be an antlered buck.

(2) On bonus deer hunts, hunters should not record deer on the harvest record nor enter it in the Georgia Game Check harvest reporting system, but deliver the deer on the date of kill to the Wildlife Resources Division check station on the area where department personnel will provide a single-use tag. On all other deer hunts, the hunter's deer harvest record must be completed and the harvest must be reported pursuant to Rule 391-4-2-.03.

(3) All deer hunts are either sex unless otherwise specified in 391-4-2-.70.

(4) A hunter shall harvest no more than 1 gobbler per season on any single wildlife management area, department-managed property, the Oconee National Forest outside of wildlife management areas or the

Chattahoochee National Forest outside of wildlife management areas, unless otherwise specified in 391-4-2-.70.

(5) Turkeys harvested on WMAs must be recorded on the hunter's harvest record and reported pursuant to Rule 391-4-2-.03.

(6) The head and hide of all bears killed during open seasons must be presented at the check station on same date as killed on hunt dates when the check station is staffed. If the check station is unstaffed, the hunter shall report the harvest pursuant to 391-4-2-.03.

(7) Sign in is required for all big game hunts unless otherwise specified in Rule 391-4-2-.70.

(8) Man-drives are prohibited during deer hunts. A man-drive is defined as an organized hunting technique involving three (3) or more hunters using a coordinated effort to drive animals from cover to another hunter for the purpose of shooting.

(9) During any quail or rabbit quota hunt, big game hunting and dog training are prohibited unless otherwise specified in Rule 391-4-2-.70.

**Authority: O.C.G.A. § 27-1-4.**

#### **Rule 391-4-2-.67. Small Game Regulations on Wildlife Management Areas**

(1) During small game hunts, hunters may hunt any small game in season subject to state seasons, regulations and bag limits except as may otherwise be provided in Rule 391-4-2-.70 and:

(a) The daily bag limit on fox squirrels is 1 per hunter.

(b) The daily bag limit on bobwhite quail is 3 per hunter, unless otherwise specified in Rule 391-4-2-.70.

(c) During a quota hunt for any species, only drawn hunters and their party members may hunt.

(d) Non-quota quail hunting opens on the third Saturday in November.

(2) Sign-in is not required for small game hunting (including migratory birds) unless otherwise provided in Rule 391-4-2-.70.

(3) Small game and furbearer hunting are not allowed during big game quota hunts unless otherwise provided in Rule 391-4-2-.70.

(4) Small game hunters hunting on dates concurrent with deer and bear primitive weapons or firearm hunts must wear fluorescent orange or pink as specified in Rule 391-4-2-.04, except for dove hunters hunting on managed dove fields, furbearer hunters hunting at night, and waterfowl hunters hunting on managed waterfowl impoundments or other water bodies.

- (5) Only waterfowl hunting can take place on managed impoundments during waterfowl hunting dates. Waterfowl on all other WMA locations may be taken any day of the waterfowl seasons whenever the area is open for small game hunting unless otherwise specified.
- (6) On quota waterfowl hunts, hunters must hunt from assigned areas. Shooting hours begin in accordance with applicable federal regulations and end at 12:00 noon except that on the last Saturday of the season, hunters may shoot until sunset.
- (7) No night hunting is allowed on any WMA except for raccoon, fox, opossum, or bobcat on open dates. Coyotes ~~and feral hogs~~ may be taken at night, with small game weapons, while hunting raccoon, fox, opossum, or bobcat. Centerfire weapons may not be used for hunting at night on WMAs.
- (8) Raccoon, opossum, fox and bobcat may be hunted within statewide seasons during small game and furbearer dates, unless otherwise specified.
- (9) Permitted alligator hunters may hunt during day or night on open small game and big game dates unless otherwise specified in Rule 391-4-2-.70.
- (10) Coyotes and feral hogs may be taken during all hunts but weapon types are restricted to only those weapons allowed for the game species in season. ~~Coyotes and feral hogs may be taken during small game season with any weapon legal for small game except that centerfire rifles may not be used, unless otherwise specified in Rule 391-4-2-.70.~~
- (11) Special coyote season:
- (a) May 16-May 31 on department managed WMAs unless otherwise specified in 391-4-2-.70. Not open on State Parks, Voluntary Public Access Areas, or federal lands unless otherwise specified in Rule 391-4-2-.70.
- (b) Hunters may use any weapon legal for small or big game unless otherwise specified in 391-4-2-.70.
- (c) Hunters and any person accompanying a hunter afield shall wear a total of at least 500 visible square inches of daylight fluorescent orange or daylight fluorescent pink material as an outer garment above the waistline.
- (d) Night hunting is prohibited.
- (e) Feral hogs may not be taken unless otherwise specified in 391-4-2-.70.

(f) Dogs may not be used to hunt hogs unless otherwise specified in 391-4-2-.70. Where allowed, hunting dogs must be marked with the hunter's name and a valid telephone number.

(g) Hogs must be killed immediately upon capture.

(12) Unless otherwise specified in 391-4-2-.70, small game may be taken on WMAs by permitted falconers at any time during the state falconry season pursuant to O.C.G.A. 27-3-15 except during any quota big game or small game hunts for which the falconer has not been drawn.

(13) Centerfire rifles may be used for fox and bobcat during daylight hours from December 1 through the last day of February only if a non-quota big game season is open on the area, unless otherwise specified in Rule 391-4-2-.70.

**Authority: O.C.G.A. §§ 27-1-4, 27-3-24.**

**Rule 391-4-2-.72. Provisional Regulations for Recently Acquired Wildlife Management Areas**

(1) Rules 391-4-2-.60 through 391-4-2-.68 apply to the wildlife management areas (WMA), herein, except as otherwise prescribed by the department.

(2) For the wildlife management areas herein, the department is authorized to prescribe hunt types, weapons restrictions, bag limits, antler restrictions, and any other special limitations, and to annually publish the same.

(3) Upatoi Ravines Natural Area

(a) Antlered bucks may be taken only if they have a minimum of 4 antler points 1 inch or longer on one side of the antlers or a minimum outside antler spread of fifteen (15) inches.

(b) Deer of either sex may be taken with archery equipment from the second Saturday in September through the last date of the statewide primitive weapons season.

(c) Firearms hunting for deer of either sex shall be limited to a quota of 75 hunters for each hunt:

(i) for 3 days beginning on the third Friday in November; and

(ii) for 3 days beginning on the second Friday in December.

(4) Small game may be hunted during statewide seasons except that hunting bobcat, fox, fox squirrels, and quail is prohibited.

(5) Turkey hunting shall be limited to a quota of 5 hunters for each hunt:

(a) for 7 days beginning on the third Saturday of April; and

(b) for 7 days beginning on the first Saturday of May.

(6) Special regulations:

(1) No May coyote season.

(2) Horses and all-terrain vehicles may not be used.

(3) Camping is prohibited.

Cochrans Creek WMA

~~(a) Deer may be hunted during the following dates as prescribed by the department:~~

~~1. From the 2nd Saturday in September through 29 days thereafter.~~

~~2. From the 1st Thursday after October 20 through 4 days thereafter.~~

~~3. From the 1st Wednesday after October 31 through 4 days thereafter.~~

~~4. From the 1st Thursday after Thanksgiving through 3 days thereafter.~~

~~5. From the 1st Monday after December 5 through the 2nd Sunday in January.~~

~~(b) Small game may be hunted during state small game seasons except during firearms deer hunts.~~

~~(c) Turkey may be hunted from the 1st Saturday after April 2 through May 15.~~

(4) Featherfield WMA

~~(a) Deer may be hunted during the state deer seasons using archery only.~~

~~(b) Dove may be hunted the first, second, and third Saturdays in September and thereafter any day during the state dove seasons.~~

~~(c) Small game, except bobwhite quail, may be hunted during state small game seasons.~~

~~(d) Turkey may be hunted during the first two Saturdays and Sundays after April 2.~~

**Authority: O.C.G.A. §§ 27-1-4, 27-3-15.**

**(EXACT COPY)**

**RULES  
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GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-4  
WILDLIFE RESOURCES DIVISION**

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Hunting Regulations

Subject 391-4-2

**Authority: O.C.G.A. §§ 27-1-4, 27-3-15.**