



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: August 11, 2022

ACTION: Notice of Intent to Amend Soil Amendment Rules – **Extension of Public Comment Period**

PUBLIC COMMENT PERIOD EXTENDED

In light of significant public interest and comments already received, and to best encourage full public engagement in the Rules amendment process, the Georgia Department of Agriculture will extend the period during which it receives public comments on its proposed amendments to the Soil Amendment Rules as stated below. The text of the proposed amendments to the Soil Amendment Rules and the comparison to the current Soil Amendment Rules remain unchanged from their initial publication on July 15, 2022.

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. § 50-13-4 and O.C.G.A. § 2-12-80, notice is hereby given that the Georgia Department of Agriculture (the “Department”) will be accepting written comments regarding proposed amendments to its Soil Amendment Rules, GA. Comp. R. & Regs. r. 40-31-1-.01 to 40-31-1-.07 (the “Soil Amendment Rules”). The Department originally provided Notice it would accept written comments from July 15, 2022, to close of business (4:30 p.m. ET) on August 15, 2022. **The Department will now accept written comments, submitted as provided for herein, through the close of business (4:30 p.m. ET) on September 12, 2022. Comments already submitted need not be resubmitted.**

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

Synopsis:

The Department is proposing to amend the Soil Amendment Rules to better reflect the operational realities of soil amendment generation, transportation, and application in local communities, as well as recordkeeping for each of those processes. The Department expects the amended Soil Amendment Rules to be effective upon adoption.

Requirements Relative to Industrial By-Product Derived Soil Amendments:

The proposed amendments clarify generally applicable requirements as compared to requirements specifically applicable to soil amendments derived from industrial by-products, in accordance with O.C.G.A. § 2-12-80(1)(B).

Proposed changes:

- Remove Rules and provisions in Subject 40-31-1 that only relate to industrial byproduct derived soil amendments; adopt a new Subject specifically for requirements relating to industrial byproduct derived soil amendments. Subject 40-31-2.
- Introduce additional regulations related to industrial byproduct derived soil amendments intended to reflect informational and operational gaps. These include:
 - The introduction of product control contractors and additional guidelines surrounding application, distribution, storage, and recordkeeping. Rules 40-31-1-.01(30); 40-31-2-.03.
 - The adoption of supplemental restrictions and prohibitions related to the distribution, transportation, storage, and application of industrial byproduct derived soil amendments. Rule 40-31-2-.04.
 - The reiteration and clarification of recordkeeping requirements applicable to registrants and related parties distributing industrial byproduct derived soil amendments. Rule 40-31-2-.05.
 - The introduction of limits on certain elements in soil amendment composition and application. Rule 40-31-2-.06.

Site-Specific Nutrient Management Plans:

The proposed amendments require site-specific nutrient management plans for sites where industrial by-product derived soil amendments are stored or applied in accordance with O.C.G.A. § 2-12-80(1)(B).

Proposed changes:

- Adoption of a new Subject requiring nutrient management plans where industrial byproduct derived soil amendments will be applied. Rule 40-31-3-.01.
- Additional Rules in the proposed Subject clarify requirements for nutrient management plans, including:
 - Required components generally. Rule 40-31-3-.02.
 - Required maps of application sites. Rule 40-31-3-.03.
 - Standards and testing required for site soils. Rule 40-31-3-.04.
 - Consideration of soil amendment composition in nutrient management planning. Rule 40-31-3-.05.
 - Specification of application method and potential for additional monitoring requirements. Rules 40-31-2-.06 & .07.

Other Proposed Changes:

Proposed amendments also refine defined terms (Rule 40-31-1-.01) and implementation of requirements related to all soil amendments. (Rules 40-31-01-.02 to -.06).

EXTENDED COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department originally provided Notice on July 15, 2022, that it would accept written comments from July 15, 2022, to close of business (4:30 p.m. ET) on August 15, 2022. **The Department will now accept written comments, submitted as provided for herein, through the close of business (4:30 p.m. ET) on September 12, 2022.** Public comments and the adoption of the amended Soil Amendment Rules will be considered at 1 p.m. on Friday, September 16,

2022, in Room 201 of the Georgia Department of Agriculture, 19 M.L.K. Jr. Drive SW, Atlanta, Georgia 30334. Please submit written comments to:

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Interested persons may call or submit a written request to obtain a copy of the proposed rule changes. A copy of the synopsis and the proposed rule changes may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.