



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

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DATE: October 31, 2022

ACTION: Notice of Intent to Amend Soil Amendment Rules

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 will accept written comments regarding proposed amendments to its existing Soil Amendment Rules, GA. Comp. R. & Regs. r. 40-31-1-.01 to 40-31-1-.07, and the adoption of Subjects 40-31-2 and 40-31-3 (collectively, the “Soil Amendment Rules”). **The Department will accept written comments from Monday, October 31, 2022, until the close of business (4:30 p.m. ET) on Thursday, December 1, 2022.**

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

Synopsis:

After consideration of public comments provided in response to the draft Soil Amendment Rules published on July 15, 2022, the Department now proposes to amend and adopt the Soil Amendment Rules as provided in this revised proposal. The Department seeks to amend and adopt the Soil Amendment Rules to better reflect the cumulative changes to the Georgia Soil Amendment Act of 1976, O.C.G.A. § 2-12-70, *et seq.*, made by Ga. L. 2019, HB 512; Ga. L. 2020, HB 1057; and Ga. L. 2021, SB 260.

Proposed changes (a) add and refine defined terms to clarify concepts and limit redundancy with regulations of the Georgia Environmental Protection Division, (b) tailor existing, generally applicable requirements, (c) implement additional registration, use, and recordkeeping requirements for industrial by-product derived soil amendments, and (d) implement requirements for site specific nutrient management plans at sites applying industrial byproduct-derived soil amendments.

The Department expects the amended Soil Amendment Rules to be effective upon adoption.

Proposed Additional Requirements Relative to Industrial By-Product Derived Soil Amendments:

Proposed Subject 40-31-2 adopts supplemental registration, use, and recordkeeping requirements related to industrial by-product derived soil amendments in accordance with O.C.G.A. § 2-12-80(1)(B).

Proposed changes:

- Remove rules in Subject 40-31-1 that only relate to industrial by-product derived soil amendments and relocate each to the new Subject 40-31-2, which specifically relates to industrial by-product derived soil amendments.
- Introduce additional regulations related to industrial by-product derived soil amendments intended to fix informational and operational gaps. These include:
 - Additional information submitted to register industrial by-products as soil amendments including material source and representative analysis of components. Rule 40-31-2-.02.
 - 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 by-product derived soil amendments and parties applying 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:

Subject 40-31-2 requires 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 Subject 40-31-3 requiring nutrient management plans where industrial by-product derived soil amendments will be applied.
- Rules in the proposed Subject state 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 soil. 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.

Generally Applicable Requirements and Defined Terms Amendments:

Proposed amendments to Subject 40-31-1 add and refine defined terms to clarify concepts and limit redundancy with regulations of the Georgia Environmental Protection Division and tailor existing, generally applicable requirements.

Proposed changes:

- Make minor wording and other modifications to pre-existing, generally applicable requirements. Rules 40-31-1-.02, 40-31-1-.03, and 40-31-1-.05.

- Further develop requirements for prospective registrants to prove specific use claims, or in the absence of those claims, usefulness and value of proposed products using research literature. Rule 40-31-1-.04.
- Clarify tonnage report calculation methods. Rule 40-31-1-.06.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from Monday, October 31, 2022, until the close of business (4:30 p.m. ET) on Thursday, December 1, 2022. Public comments and the adoption of the amended Soil Amendment Rules will be considered at 1 p.m. on Monday, December 5, 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.