

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch

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Judson H. Turner, Director

Gwendolyn Keyes Fleming
Regional Administrator
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-3104

Re: Certification of 110(a) Infrastructure Elements for the 2010 1-Hour NO₂ NAAQS

Dear Ms. Fleming:

With this letter, the Georgia Environmental Protection Division (EPD) certifies that Georgia's current State Implementation Plan (SIP) contains the Section 110(a) elements of the Clean Air Act (CAA) that meet the requirements of the 1-hour NO₂ National Ambient Air Quality Standards (NAAQS) as determined in 2010.

Section 110(a)(1) of the CAA requires states to submit plans to provide for the implementation, maintenance, and enforcement of any new or revised NAAQS. The details of this plan are specified in 110(a)(2). States are required to include in these SIPs specific infrastructure elements that provide assurances that the State will have the resources and authorities to establish the basic programs to implement, maintain, and enforce the new or revised standards. The specific elements of Section 110(a)(2) are listed below:

- Enforceable Emission Limitations and Other Control Measures [§110(a)(2)(A)]
- Air Quality Monitoring, Compilation, Data Analysis, and Reporting [§110(a)(2)(B)]
- Enforcement and Stationary Source Permitting [§110(a)(2)(C)]
- Interstate Transport [§110(a)(2)(D)]
- Resources, Conflict of Interest, and Emergency Backstop [§110(a)(2)(E)]
- Stationary Source Emissions Monitoring and Reporting [§110(a)(2)(F)]
- Emergency Powers and Contingency Plans [§110(a)(2)(G)]
- SIP Revision for Revised Air Quality Standards or New Attainment Methods [§110(a)(2)(H)]
- SIP Revisions for New Nonattainment Areas [§110(a)(2)(I)]
- Consultation and Public Notification [§110(a)(2)(J)]
- Air Quality Modeling and Reporting [§110(a)(2)(K)]
- Major Stationary Source Permitting Fees [§110(a)(2)(L)]
- Consultation with Local Entities [§110(a)(2)(M)]

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The attachment contains details of each of these requirements as found in the SIP. Georgia's current SIP and all subsequent revisions affected by this certification as detailed in the attachment have been prepared in accordance with 40 CFR 51 and have previously met all applicable state and federal public notice, hearing, and comment requirements. All references cited as EPA's authority for each element have been submitted previously to EPA. Element 110(a)(2)(D)(i)(I) cannot be addressed until EPA determines Georgia's significant contribution, per the November 19, 2012 EPA memo from Gina McCarthy, Assistant Administrator. Element §110(a)(2)(I) is specific to a nonattainment area plan or revision. Nonattainment area plans are required under Part D of the CAA, which provides for a different schedule; therefore, §110(a)(2)(I) is not required to be addressed by this submission.

This submittal includes one paper copy of each of this document and a compact disk with an electronic version of the document. The electronic version is an exact duplicate of the paper copy. Documentation for the public hearing is also included. No comments were received during the public hearing or comment period.

Should you or your staff have any questions, please feel free to contact Jimmy Johnston at 404-363-7014.

Sincerely,

Judson H. Turner
Director

JHT:JJ:JK:klc

Enclosure

c: Scott Davis (with enclosure)
EPA Region 4

James Capp (w/out enclosure)
EPD, Air Protection Branch

Attachment A

§ 110(a)(2) Infrastructure SIP Elements

Enforceable Emission Limitations and Other Control Measures **[§110(a)(2)(A)]**

Section 110(a)(2)(A) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance”.

Georgia Authority:

- Georgia Rules for Air Quality 391-3-1-.01 – “Definitions. Amended.”
- Georgia Rules for Air Quality 391-3-1-.02 – “Provisions. Amended.”
- Georgia Rules for Air Quality 391-3-1-.03 – “Permits. Amended.”

The Georgia Rules for Air Quality currently meet all CAA requirements for the 2010 NO₂ NAAQS and were subject to State and Federal (40 CFR 51.102) public participation requirements. They were previously submitted to EPA according to the provisions of 40 CFR Part 51.

Air Quality Monitoring, Compilation, Data Analysis, and Reporting **[§110(a)(2)(B)]**

Section 110(a)(2)(B) of the CAA requires that Georgia’s State Implementation Plan for the 2010 NO₂ NAAQS “provide for establishment and operation of devices, methods, systems, and procedures to:

- (i) monitor, compile, and analyze data on ambient air quality, and**
- (ii) upon request, make such data available to the Administrator.”**

Monitoring Network:

Georgia EPD produces an annual ambient monitoring network plan and periodic network assessment in accordance with 40 CFR 58.10. The purpose of the annual ambient monitoring network plan is two-fold. First, the plan confirms that the network continues to meet the State and Local Air Monitoring Stations (SLAMS) criteria established by federal regulations and that the information in the state and federal monitoring records properly classifies each monitoring station. Second, the plan serves as a directory of existing State and Local Air Monitoring

Stations (SLAMS), Photochemical Assessment Monitoring Stations (PAMS), Speciation Trends Network (STN) and Supplemental Speciation sites, National Air Toxics Trends Station (NATTS), Special Purpose Monitoring (SPM), Georgia Air Toxics Network, Acid Rain sites, and the meteorological parameters performed at each location. Georgia's previous Ambient Monitoring plan has been approved. GA EPD submitted the 2012 Ambient Air Monitoring Plan to EPA on June 19, 2012. EPA approved the plan on October 16, 2012, with two minor exceptions, one of which requires additional information for the near-road NO₂ monitoring requirement. As of this submittal, EPD continues to work with EPA to meet the monitoring requirements set forth in the 2012 (and subsequent) annual monitoring network plans or information relevant to the development of the State's NO₂ monitoring network prior to the January 1, 2014 required start-up date of the NO₂ near-road monitoring network.

Georgia Authority:

- Georgia's authority to monitor ambient air quality is found in the Georgia Air Quality Act Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- The Air Planning Agreement (APA) between EPA and the State of Georgia documents and affirms the obligation to operate an ambient monitoring network that complies with applicable federal regulation(s).
- No specific statutory or regulatory authority is necessary to authorize data analysis or the submission of such data to EPA. Federal grant requirements, the APA, and the underlying Federal regulations establish the obligation to provide data to EPA.
- Georgia has and will continue to submit data to EPA's Air Quality System.

Enforcement and Stationary Source Permitting [§110(a)(2)(C)]

Section 110(a)(2)(C) of the CAA requires that Georgia's SIP for the 2010 NO₂ NAAQS "include a program to provide for enforcement of measures in (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required in parts C and D."

Georgia Authority - Enforcement: Georgia EPD's Enforcement Program covers mobile and stationary sources, consumer products, and fuels.

- Georgia's enforcement authority is found in Georgia Air Quality Act Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- The Air Planning Agreement.
- Georgia Rule 391-3-1-.07 – "Inspections and Investigations. Amended."
- Georgia Rule 391-3-1-.09 – "Enforcement. Amended."

Georgia Authority – Stationary Source Permitting:

- Georgia’s permitting authority is found in Georgia Air Quality Act Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- Georgia Rules for Air Quality 391-3-1-.02. - “Provisions. Amended.” This includes PSD requirements under Georgia Rules for Air Quality 391-3-1-.02(7).
- Georgia Rules for Air Quality 391-3-1-.03. – “Permits. Amended.” This includes Nonattainment New Source Review requirements under Georgia Rules for Air Quality 391-3-1-.03(8)(c) and (g).

Part D programs are required for areas that are designated nonattainment for a NAAQS. Since there are no NO₂ nonattainment areas in Georgia, a Part D permit program is not required.

Other EPA infrastructure guidance states that “States need to have in place a PSD program that applies to all regulated NSR pollutants, including GHG.” On September 8, 2011, U.S. EPA approved revisions to Georgia’s PSD program to incorporate provisions related to GHGs and to EPA’s May 16, 2008, NSR PM_{2.5} Rule (76 FR 55572). The 10/20/2010 PSD rule changes (for PM_{2.5}) were adopted by the DNR Board on 6/27/2012, and were submitted to EPA for approval on 7/26/2012. EPA proposed partial approval of this submittal on 1/14/2013.

Interstate Transport [§110(a)(2)(D)] of the Clean Air Act

Section 110(a)(2)(D)(i) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “contain adequate provisions-

(i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will-

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or

(II) interfere with measures required to be included in the applicable implementation plan for any other State under Part C to prevent significant deterioration of air quality or to protect visibility.”

Georgia Authority: for Subsection (2)(D)(i)(I)

Section 110(a)(2)(D)(i)(I) is also known as the good neighbor provision of the CAA in that upwind States are responsible for the effects of their pollution on downwind States. Under this section of the Act, States are responsible for reducing their “significant contribution” to those downwind nonattainment or maintenance areas. The August 21, 2012 decision by The U.S. Court of Appeals for the District of Columbia Circuit to vacate the 2011 Cross-State Air

Pollution Rule (CSAPR) (EME Homer City Generation, L.P. v. EPA, No. 11-1302) clarified that only EPA can determine “significant contribution” and that “a SIP cannot be deemed to lack a required submission or be deemed deficient for failing to implement the good neighbor obligation until after EPA has defined the State’s good neighbor obligation”. Once EPA determines Georgia’s significant contribution to nonattainment or maintenance areas in downwind States, then EPA may require Georgia to submit a SIP revision under Section 110(k)(5) or submit a new SIP under Section 110(a)(1) of the CAA.

In addition, the November 19, 2012 EPA memo from Gina McCarthy, Assistant Administrator, cited the court decision that “a SIP cannot be deemed deficient for failing to meet the good neighbor obligation before EPA quantifies the obligation.”

As of the submission of this document, EPA has yet to determine Georgia’s significant contribution of NO₂, in regards to the 2010 NO₂ NAAQS, to any downwind State. It is also important to note that there are currently no areas designated as nonattainment or maintenance under the 2010 NO₂ NAAQS. Therefore, no revision to Georgia’s SIP is necessary at the time to incorporate this element of Section 110(a) of the CAA.

Georgia Authority: for Subsection (2)(D)(i)(II)

- PSD requirements under Georgia Rules for Air Quality 391-3-1-.02(7).

All new major sources and major modifications in Georgia, including major sources of Nitrogen Oxides, are currently subject to Prevention of Significant Deterioration (PSD) under Georgia Rule for Air Quality 391-3-1-.02(7). Please see the discussion for §110(a)(2)(C) for the current state of the PSD program. Additionally, there are no nonattainment areas subject to Nonattainment New Source Review for the 2010 NO₂ NAAQS.

Georgia has developed and implemented a Regional Haze State Implementation Plan to protect visibility. Georgia has three Class I areas: the Cohutta Wilderness Area, the Okefenokee Wilderness Area and the Wolf Island Wilderness Area. Of these three areas, IMPROVE monitors are located at the Cohutta Wilderness Area and Okefenokee Wilderness Area. Georgia’s Regional Haze SIP revision addresses visibility improvement in these areas and those affected in downwind states and also demonstrates that oxides of nitrogen are not significant contributors to visibility impairment.

On June 28, 2012, EPA promulgated a limited approval of Georgia’s Regional Haze State Implementation plan. The limited approval of the SIP was due to the disapproval of Georgia’s Best Available Retrofit Technology (BART) approach, which relied on the Clean Air Interstate Rule (CAIR) to satisfy BART for Electric Generating Units (EGUs) for SO₂ and NO_x. The disapproval was promulgated June 7, 2012, and included a Federal Implementation Plan (FIP) to meet BART for EGUs in Georgia, requiring no further action from Georgia to meet the BART requirement.

Section 110(a)(2)(D)(ii) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS contain adequate provisions “insuring compliance with the applicable requirements of sections 126 and 115 of this title (relating to interstate and international pollution abatement).”

Georgia Authority: for Subsection (2)(D)(ii)

- Georgia Air Quality Act Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- PSD regulation under Georgia Rule for Air Quality 391-3-1-.02(7).
- Permitting regulations under Georgia Rule for Air Quality 391-3-1-.03.
- In addition, nothing in Georgia’s statutory or regulatory authority prohibits or otherwise interferes with Georgia’s ability to exercise sections 126 and 115 of the CAA.

All PSD requirements have either been approved by EPA for Georgia or have been submitted for approval to EPA.

**Resources, Conflict of Interest, and Emergency Backstop
[§110(a)(2)(E)]**

Section 110(a)(2)(E)(i) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “provide

(i) necessary assurances that the State...will have adequate personnel funding, and authority under State...law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such plan),

(ii) requirements that the State comply with the requirements respecting State boards under Section 128, and

(iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision.”

Georgia Authority: (i)

- This is accomplished through the CAA Section 105 grant process, Georgia Air Quality Act Article 1: Air Quality (O.C.G.A. 12-9-10), and Georgia Rule for Air Quality 391-3-1-.03(9) [Georgia Air Permit Fee System].

Georgia Authority: (ii)

- Georgia’s authority is found in Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9, et seq. Section 12-9-5(a) is the specific provision that complies with CAA 128.
- Georgia Rules for Air Quality 391-3-1-.01 – “Definitions. Amended.”
- Georgia Rules for Air Quality 391-3-1-.02 – “Provisions. Amended.”
- Georgia Rules for Air Quality 391-3-1-.03 – “Permits. Amended.”

Georgia Authority: (iii)

Georgia does not rely on localities for specific SIP implementation.

There are several specific elements that must be identified to satisfy the requirements of Section 110(a)(2)(E):

- In accordance with 40 CFR Part 51, Subpart M, Georgia EPD will develop, implement, and enforce the SIP as a whole.
- In accordance with 40 CFR 51, Subpart O, a description of the resources available to the EPD to carry out the SIP was included with Georgia’s Title V Permit Program plan submitted on November 12, 1993.
- In accordance with 40 CFR 51, Subpart L, a legal opinion from the Georgia’s Attorney General regarding the EPD’s legal authority was also included with Georgia’s Title V Permit Program plan submitted on November 12, 1993.
- Georgia complies with Clean Air Act Section 128.
- Georgia retains responsibility for ensuring adequate implementation of Georgia’s obligations with respect to the 2010 NO₂ NAAQS.

Stationary Source Emissions Monitoring and Reporting [§110(a)(2)(F)]

Section 110(a)(2)(F) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “require, as may be prescribed by the Administrator-

- (i) Installation, maintenance, and replacement of equipment, and implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions,**
- (ii) Periodic reports on the nature and amounts of emissions and emissions-related data, and**

(iii) Correlation of such reports by the State agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.”

Georgia Authority:

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- Georgia Rule for Air Quality 391-3-1-.02(3) – “Sampling.”
- Georgia Rule for Air Quality 391-3-1-.02(6) – “Source Monitoring.”
- Georgia Rule for Air Quality 391-3-1-.02(7) – “Prevention of Significant Deterioration of Air Quality.”
- Georgia Rule for Air Quality 391-3-1-.02(8) – “New Source Performance Standards.”
- Georgia Rule for Air Quality 391-3-1-.02(9) – “Emission Standards for Hazardous Air Pollutants.”
- Georgia Rule for Air Quality 391-3-1-.02(11) – “Compliance Assurance Monitoring.”
- Georgia Rule for Air Quality 391-3-1-.03 – “Permits. Amended.”

EPD has met and will consistently meet the emissions reporting requirements of 40 CFR Part 51, including the Air Emissions Reporting Requirements (AERR).

Emergency Powers and Contingency Plans [§110(a)(2)(G)]

Section 110(a)(2)(G) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “provide for authority comparable to that in Section 303 and adequate contingency plans to implement such authority.”

Section 303 provides legal authority to the U.S. EPA to halt the emission of air pollutants that present an imminent and substantial endangerment to public health or welfare or the environment. U.S. EPA is authorized to either bring a lawsuit in federal court or, if such civil action cannot assure prompt protection of public health or welfare, to issue such orders as may be necessary to protect public health or welfare or the environment.

The requirement for states to provide adequate contingency plans to implement such authority is intended to establish emergency episode plans for responding to elevated pollutant levels in urban areas. Emergency episode plans are required in areas that record ambient pollutant concentrations in excess of threshold levels specified in 40 CFR Part 51.150.

Section 303 of the CAA authorizes the Administrator to take certain emergency actions if pollution levels in an area constitute “an imminent and substantial endangerment to public health or welfare, or the environment.” Section 110(a)(2)(G) of the CAA requires that SIPs must provide for the authority comparable to that in Section 303 and must include adequate contingency plans to implement such authority. Pursuant to these provisions, EPA promulgated 40 CFR 51.16 (36 FR 24002, November 21, 1971), which established “significant harm levels” for five criteria pollutants – SO₂, inhalable particulate matter (PM₁₀), NO₂, CO, and ozone. Part 51.16 was eventually restructured as Subpart H and Appendix L of Part 51 (51 FR 40668, November 7, 1986). The requirement to submit an emergency plan for SO₂, PM₁₀, NO₂, CO, and ozone is based on a priority classification scheme under 40 CFR Part 51 Subpart H. Georgia currently has emergency provisions specifically for NO₂ as identified below.

Georgia Authority:

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- Georgia Rule for Air Quality 391-3-1-.04 – “Air Pollution Episodes.”
- January 1972 SIP: “Implementation Plan for Attainment of State and National Ambient Air Standards” – Air Quality Control Branch, Georgia Department of Public Health (primarily pages 169-266).

SIP Revision for Revised Air Quality Standards or New Attainment Methods [§110(a)(2)(H)]

Section 110(a)(2)(H) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “provide for revision of such plan-

- from time to time as necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and**
- except as provided in (3)(C), whenever the Administrator finds on the basis of information available to EPA that the plan is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements established under this chapter.”**

Georgia Authority:

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- The Air Planning Agreement.
- Georgia EPD is required by 12-9-6(b)(12) of the Georgia Air Quality Act to submit SIP revisions whenever revised air quality standards are promulgated by U.S. EPA.

SIP Revisions for New Nonattainment Areas [§ 110(a)(2)(I)]

Section 110(a)(2)(I) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS provide “in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of Part D (relating to nonattainment areas).”

This requirement only applies when an area is designated as nonattainment with the NO₂ NAAQS and is only addressed when an attainment demonstration is required, as required by a separate provision and schedule as defined by the CAA. Therefore, no submission for this element is necessary.

Consultation and Public Notification [§110(a)(2)(J)]

Section 110(a)(2)(J) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “meet applicable requirements of Section 121 (relating to consultation), Section 127 (relating to public notification), and Part C (relating to prevention of significant deterioration of air quality and visibility protection).”

Georgia Authority:

Section 121 requires that states provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments, and any affected federal land manager in carrying out CAA requirements.

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.).
- Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).
- Georgia Rule 391-3-1-.02(7) as it relates to Class I areas.
- Georgia EPD commits to maintaining a process of consultation with parties designated under Section 121.

Specifically, 12-9-5(b)(17) of the Georgia Air Quality Act states that the DNR Board is to “establish satisfactory processes of consultation and cooperation with local governments or other designated organizations of elected officials or federal agencies for the purpose of planning, implementing, and determining requirements under this article to the extent required by the federal act.”

Section 127 requires the states to provide measures which will be effective to notify the public on a regular basis of instances or areas in which any air quality standard is exceeded during the preceding calendar year, to advise the public of the health hazards associated with such pollution, and to enhance public awareness of measures that can be taken to prevent such standards from being exceeded.

- Daily air quality forecasts may be disseminated to the public in Atlanta via electronic Georgia DOT billboards.
- The non-profit organization “Clean Air Campaign” disseminates statewide air quality information as well as ways to reduce air pollution.
- In addition, EPD’s Ambient Monitoring web page (www.georgiaair.org/amp) provides information regarding current and historical air quality across the state.
- Georgia EPD commits to maintaining a public information and education program that satisfies the requirements of Section 127.

Georgia Authority:

Meet applicable requirements of Part C (PSD and visibility protection).

- Georgia Rule for Air Quality 391-3-1-.02(1) – “General Requirements.”
- Georgia Rule for Air Quality 391-3-1-.02(7) – “Prevention of Significant Deterioration.”

Other EPA infrastructure guidance provides that “states remain obligated to adopt and submit a PSD program for EPA approval that applies to all regulated NSR pollutants, including GHG.” U.S. EPA has approved revisions to Georgia’s PSD program to incorporate provisions related to GHGs. Please see the discussion for §110(a)(2)(C) for the current state of the PSD program. There are no other applicable visibility protection obligations under Section 110(a)(2)(J) as a result of the 2010 NO₂ NAAQS.

Air Quality Modeling and Reporting [§ 110(a)(2)(K)]

Section 110(a)(2)(K) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “provide for-

(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

(ii) the submission, upon request, of data related to such air quality modeling to the Administrator.”

Georgia Authority: (i)

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)

- Other EPA infrastructure guidance provides that “EPA anticipates that the predominant type of air quality modeling to be conducted with respect to implementing the 2010 NO₂ NAAQS will be source-oriented dispersion modeling with models such as AERMOD.” EPD currently has personnel with training and experience to conduct source-oriented dispersion modeling with models such as AERMOD.

Georgia Authority: (ii)

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)
- Air quality modeling data is submitted as part of Georgia’s relevant SIP submissions and through federal grant commitments.

Major Stationary Source Permitting Fees [§ 110(a)(2)(L)]

Section 110(a)(2)(L) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover-

(i) the reasonable costs of reviewing and acting upon any application for such a permit, and

(ii) if the owner receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including court costs or costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator’s approval of a fee program under subchapter V of this chapter.”

Georgia Authority:

- Georgia Rule for Air Quality 391-3-1-.03(9) – “Permit Fees.” This rule incorporates the EPA-approved Title V fee program.

Consultation with Local Entities [§110(a)(2)(M)]

Section 110(a)(2)(M) of the CAA requires that Georgia’s SIP for the 2010 NO₂ NAAQS “provide for consultation and participation by local political subdivisions affected by the plan.”

The Georgia Environmental Protection Division is responsible for developing, implementing, and enforcing Georgia’s state air quality program.

Georgia Authority:

- The Georgia Air Quality Act: Article 1: Air Quality (O.C.G.A. Section 12-9, et seq.)