

Georgia Environmental Protection Division

Air Protection Branch

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Judson H. Turner, Director

Ms. Heather McTeer Toney
Regional Administrator
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-3104

Re: Withdrawal of Georgia Rule 391-3-1-.02(2)(ooo)

Dear Ms. Toney:

On July 11, 2002, the U.S. Environmental Protection Agency (EPA), published a direct final rule in the Federal Register incorporating into Georgia's State Implementation Plan (SIP), Georgia Rule 391-3-1-.02(2)(ooo) "Heavy-Duty Diesel Engine Requirements". This rule incorporated the December 8, 2000, requirements of the California Air Resources Board (CARB) for heavy-duty diesel engines [66 FR 5002] into the Georgia SIP for the purpose of avoiding possible "backsliding" in a former severe nonattainment area and potential significant increases in diesel exhaust emissions because of the lack of these test procedures in federal regulations for model years 2005 and 2006.

With this letter, the Georgia Environmental Protection Division (EPD) is requesting a revision of the Georgia SIP, consistent with §175A of the Clean Air Act. This proposed revision is the removal Georgia Rule 391-3-1-.02(2)(ooo) in a manner that is also consistent with the requirements of 110(l) and demonstrate that the removal of Georgia's Rule (ooo) will not interfere with attainment, reasonable further progress or any other requirement of the Clean Air Act.

Subsequent revisions to Rule 391-3-1-.02(2)(ooo) were submitted to EPA, also requesting action to approve and incorporate additional revisions into the SIP. The submittals were dated September 26, 2006, October 31, 2006, and March 4, 2008, but also contained changes to other various State Rules.

Since the revisions to Georgia Rule 391-3-1-.02(2)(ooo) have not yet been approved, and over time EPA's federal requirements have become more stringent than the submitted amendments, Georgia EPD formally requests withdrawal of revisions to Rule 391-3-1-.02(2)(ooo). The requested withdrawals are listed below within the following SIP submittals:

SIP Submittal Date	Revised Rule Portion	Hearing Date	Adoption Date	SOS File Date	Effective Date
09/26/2006	.02(2)(ooo)4.,6.,7.,8., and 10.	11/3/2004	12/07/2004	12/20/2004	01/09/2005
	.02(2)(ooo)1.,2.,5.,12., 13., 14., 15., and 16.	04/28/2005	06/28/2005	06/30/2005	07/20/2005
	.02(2)(ooo)11	03/02/2006	03/29/2006	03/29/2006	04/19/2006
10/31/2006	.02(2)(ooo)11	03/02/2006	03/29/2006	03/29/2006	04/19/2006
03/04/2008	.02(2)(ooo)2., 5., 12., 14.,	11/27/2007 and 12/18/2007	01/23/2008	02/07/2008	02/27/2008

Georgia EPD requests that these withdrawals occur simultaneously and in conjunction with its 110(l) submittal for the removal of Georgia Rule (ooo) because continued implementation of Georgia Rule 391-3-1-.02(2)(ooo) without the revisions (requiring 2005 and newer model year HDDE vehicles to be certified by CARB to meet the December 8, 2000, §1956.8, of the California Code of Regulations) may be construed as a violation of the identicality (i.e. "no third car") requirement in §177 of the Clean Air Act.

Supporting documentation for the 110(l) rule removal for Georgia Rule 391-3-1-.02(2)(ooo) can be found in Attachment A. Should you or your staff have any questions, please feel free to contact Jim Boylan at (404) 363-7014.

Sincerely,

Judson H. Turner
Director

JHT:EM

c: Scott Martin, EPA Region 4
Lynorae Benjamin, EPA Region 4
Keith Bentley, Branch Chief, EPD Air Protection Branch