

October 6, 2016

**MEMORANDUM**

To: Richard E. Dunn, Director  
Environmental Protection Division

From: Karen Hays, Chief  
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding  
Proposed Revisions to Air Quality Rules, Chapter 391-3-1

On September 1, 2016, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1. The proposed changes included the following rules:

- **Rule 391-3-1-.02(2)(a)11., “Startup and Shutdown Emissions for SIP-Approved Rules,”** is being added to address process equipment and air pollution control equipment limitations by including the option of complying with alternative work practice standards during periods of startup and shutdown.
- **Rule 391-3-1-.02(2)(a)12., “Malfunction Emissions,”** is being added to allow compliance with source-specific alternative work practice standards during periods of malfunctions.
- **Rule 391-3-1-.02(2)(a)13., “Startup, Shutdown, and Malfunction Emissions for Certain Rules,”** is being added to retain the language of the Excess Emission Rule. It describes requirements for minimizing excess emissions during periods of startup, shutdown and malfunction (SSM) for Rules not adopted into the SIP.

A public hearing was held at 1:00 p.m. on October 3, 2016, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. The public comment period ended October 4, 2016. EPD received two sets of written comments during the public comment period that ended October 4, 2016 from environmental organizations including one joint submittal. EPD’s responses are attached.

KH:TH

**Responses to Comments Received on the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1 pertaining to Startup, Shutdown and Malfunction Emissions****September 1, 2016 through October 4, 2016**

On September 1, 2016, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on Georgia's proposed amendments to the Rules for Air Quality Control, Chapter 391-3-1 pertaining to Startup, Shutdown and Malfunction (SSM) Emissions. No comments were received during the public hearing on October 3, 2016. Two sets of written comments were received from environmental organizations. These comments are summarized and followed by EPD's responses below.

**Comment:** One commenter expressed concern about crafting a solution to an air release that occurred in the local community in 2014. "Relaxing of the rules, proposed under Rule 391-3-1-.02(2), Emission Limitations and Standards – Startup, Shutdown and Malfunction Emissions, does not appear to further this goal [no impacts to health or the economic welfare of the community], but rather make it more likely."

**EPD Response:** The revised rule is no less stringent than the existing rule and contains alternative standards that will provide straightforward and enforceable requirements that apply during periods of startup, shutdown, and malfunction.

**Comment:** The commenter expressed concern about "The language of the Proposed Rule 391-3-1-.02(2)..." and its ambiguity, concerning the phrases "as expeditiously as possible" and the words, "impracticable" and "practicable". The commenter specifically suggested replacing the word "should" with "shall" in the following sentence, "The proposed alternative work practice standard shall require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures."

**EPD Response:** In the language cited, the word "should" appears in the source-specific alternative work practice standard option – subparagraph 11.(ii)(I)VI. Any work practice standard developed under this option must be approved by EPD and vetted through a public and U.S. EPA comment period. The phrasing was developed from EPA's own wording of the seven criteria listed in the May 22, 2015 SSM SIP Call. In addition, the phrasing "as expeditiously as possible" is also derived from EPA's own wording in the federal Boiler MACT rules (40 CFR Part 63 Subpart DDDDD) startup and shutdown work practice standards.

**Comments (joint submittal):** The commenters state that "EPD has utterly ignored both our comments and those of EPA, producing a version of the Proposed SIP Revision that is functionally identical to the previous version. The minor changes that EPD did make to its proposal either have no functional effect or even further obscure already vague language..." The commenter restated their comments submitted during the initial comment period for this rulemaking. The commenter also resubmitted their August 5, 2016 comment letter.

**EPD Response:** EPD considered and responded to all comments on the proposed amendments to Chapter 391-3-1 received during the initial comment period that closed on August 5, 2016, including those submitted by these commenters. EPD's responses to the comments are found in the August 11, 2016 memorandum "Responses to Comments Received During the Public Comment Period (July 5 – August 5, 2016) Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1 pertaining to Startup, Shutdown and Malfunction Emissions" (available online at <http://epd.georgia.gov/sites/epd.georgia.gov/files/391-3-1%20SSM.pdf>). Based on some of the comments received during the initial public comment period, EPD revised the proposed amendments, solicited public comment, and held another hearing. For all other comments submitted during the initial period that did not result in revisions of the proposed amendments, including those re-submitted by the commenter during this second public comment period, EPD's position is unchanged.