

50 ppm @ 15% O<sub>2</sub>, dry basis

- (iii) For stationary gas turbines permitted under 391-3-1-.03(1) on or after April 1, 2000:

6 ppm @ 15% O<sub>2</sub>, dry basis

2. The requirements of this subsection shall apply during the period May 1 through September 30 of each year.
3. Compliance Dates.
  - (i) Stationary gas turbines subject to paragraph 1.(i) or 1.(ii) above shall comply by May 1, 2003.
  - (ii) Stationary gas turbines subject to paragraph 1.(iii) above shall be in compliance upon startup.
4. The requirements contained in subparagraph 1.(iii) of this subsection shall not apply to individual units which are subject to 391-3-1-.03(8)(c)14 or 391-3-1-.03(8)(c)15.
5. By no later than May 1, 2003, the owner/operator of an affected unit may submit actual operating performance data on the affected unit, with the emission reduction technologies, as approved by the Director, in place and optimized on the affected unit, sufficient to allow the Director to determine if the NO<sub>x</sub> emission limits in subparagraphs 1.(i) or 1.(ii) are technically achievable taking into account the cost and feasibility of available control options. Based on the Director's review of the data provided, this rule may be modified.
6. The requirements contained in this subsection shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

(ooo) Heavy-Duty Diesel Engine Requirements.

1. For the purpose of this rule, the following definitions shall apply:
  - (i) "California Air Resources Board" or "CARB" means the governmental body for the state of California that regulates air emissions;
  - (ii) "Executive Order" means a document issued by the California Air Resources Board certifying that a specified engine family or model year vehicle has met all applicable requirements of Title 13 of the California Code of Regulations (CCR) for certification and sale in California;

- (iii) "Division" means the Environmental Protection Division of the Georgia Department of Natural Resources;
- (iv) "Heavy-duty diesel engine" means a diesel engine that is used to propel a motor vehicle with a Gross Vehicle Weight Rating of 14,001 pounds or greater;
- (v) "Heavy-duty motor vehicle" means a motor vehicle with a Gross Vehicle Weight Rating of 14,001 pounds or greater;
- (vi) "Model year" means the manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis;
- (vii) "Motor vehicle" means any self-propelled vehicle that is used for transporting persons or commodities on public roads;
- (viii) "New motor vehicle" means a motor vehicle, the equitable or legal title to which has never been transferred to an ultimate purchaser;
- (ix) "New motor vehicle engine" means a new engine in a motor vehicle;
- (x) "Ultimate purchaser" means, with respect to any new motor vehicle or new motor vehicle engine, the first person that in good faith purchases a new motor vehicle or new motor vehicle engine for purposes other than resale;
- (xi) "Ultra-small volume manufacturer" means any manufacturer with California sales less than or equal to 300 new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and heavy-duty engines per model year based on the average number of vehicles and engines sold by the manufacturer in the previous three consecutive model years;
- (xii) "Urban bus" means a passenger-carrying vehicle powered by a heavy heavy-duty diesel engine, or of a type normally powered by a heavy heavy-duty diesel engine, with a load capacity of fifteen (15) or more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in cash or token, rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for the collection of fares. Urban buses are also typically characterized by the absence of equipment and facilities for long distance travel, e.g., restrooms, large luggage compartments, and facilities for stowing carry-on luggage; and

- (xiii) "Emergency vehicle", "Gross Motor Vehicle Rating", "Heavy heavy-duty diesel engine", "Military tactical vehicle or equipment" and "Motor vehicle" shall all have the same meanings as these terms have under the heavy-duty diesel engine program adopted by the California Air Resources Board on December 8, 2000, as amended.
2. The Division hereby adopts and incorporates by reference the exhaust emission standards (and associated performance test procedures) for model year 2005 and subsequent model year heavy-duty diesel engines adopted by the California Air Resources Board on December 8, 2000, and any future rules governing heavy-duty diesel engines that such Board may adopt. These standards are found in section 1956.8 of Title 13 of the California Code of Regulations, which incorporates by reference the test procedures for determining compliance with the standards.
  3. No person who is a resident of this state or who operates an established place of business within this state, shall sell, lease, rent, import or deliver in this state; lease, purchase, acquire or receive in this state; or offer for sale, lease or rental in this state (or attempt or assist in any such prohibited action) any of the following types of motor vehicles or engines that are intended primarily for use or for registration in this state, unless the manufacturer of the engine has received an Executive Order:
    - (i) A 2005 or subsequent model year heavy-duty diesel engine;
    - (ii) A new motor vehicle equipped with a 2005 or subsequent model year heavy-duty diesel engine; or
    - (iii) A motor vehicle with a new 2005 or subsequent model year heavy-duty diesel engine.
  4. Notwithstanding subparagraph 3 above, the requirements of this rule shall not apply to:
    - (i) A model year 2005 or 2006 heavy-duty diesel engine manufactured by an ultra-small volume manufacturer or intended for use in an urban bus;
    - (ii) An engine if, following a technology review, the California Air Resources Board determines that it is inappropriate to require compliance for heavy-duty diesel engines of that particular model year and engine family;
    - (iii) A vehicle acquired by a resident of this state for the purpose of replacing a vehicle registered to such resident which was damaged or became inoperative beyond reasonable repair or was stolen while out of this state; provided that such replacement vehicle is acquired out of state at the time the previously owned vehicle was either damaged or became inoperative or was stolen;

- (iv) A vehicle transferred by inheritance, or by a decree of divorce, dissolution, or legal separation entered by a court of competent jurisdiction;
  - (v) A motor vehicle having a certificate of conformity issued pursuant to the Clean Air Act (42 U.S.C. Section 7401 et seq.) and originally registered in another state by a resident of that state who subsequently establishes residence in this state and who, upon registration of the vehicle in this state provides satisfactory evidence to the Georgia Department of Revenue and/or Georgia Department of Motor Vehicle Safety of the previous residence and registration;
  - (vi) An emergency vehicle;
  - (vii) A military tactical vehicle or equipment; or
  - (viii) Any other vehicles exempted by section 43656 of the California Health and Safety Code.
5. Any order or enforcement action taken by the California Air Resources Board to correct noncompliance with any heavy-duty diesel engine requirements adopted by such Board on December 8, 2000, shall be applicable to all such engines and motor vehicles subject to this rule that are sold, leased or rented; offered for sale, lease or rental; or registered in Georgia; except where the manufacturer demonstrates to the Division's satisfaction, within 21 days of issuance of such California Air Resources Board action, that this action is not applicable to such engines or vehicles in Georgia.
  6. Any voluntary or influenced emission-related recall campaign initiated by any manufacturer pursuant to sections 2113 through 2121 of Title 13 of the California Code of Regulations shall extend to all applicable engines and motor vehicles subject to this rule that are sold, leased or rented; offered for sale, lease or rental; or registered in Georgia; except where the manufacturer demonstrates to the Division's satisfaction, within 21 days of approval of the campaign by the California Air Resources Board, that this campaign is not applicable to such engines or vehicles in Georgia.
  7. A person who imports, sells, delivers, leases or rents an engine or motor vehicle that is subject to the requirements of this rule shall retain records concerning the transaction for at least 3 years following the transaction.
  8. For the purposes of determining compliance with this rule, commencing with the 2005 calendar year, each person that meets the requirements of subparagraph 7 above shall submit annually to the Division, within 60 days of the end of each calendar year, a report documenting the total sales and/or leases of engines and motor vehicles for each engine family over the calendar year in Georgia.
  9. Each subparagraph of this rule shall be deemed severable. If any subparagraph of this rule is held to be invalid, the remainder shall continue in full force and effect.