



March 7, 2024

MEMORANDUM

To: Jeffrey W. Cown, Director
Environmental Protection Division

From: James Boylan, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding Proposed Revisions to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Existing Municipal Solid Waste Landfills and Commercial and Industrial Solid Waste Incineration Units

On January 5, 2024, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Air Quality Control, Chapter 391-3-1. The proposed changes included the following rules:

- **Rule 391-3-1-.02(2)(ggg), “Existing Municipal Solid Waste Landfills,”** is being revised to amend rule language to further clarify its application, add the latest amendment date of the incorporated Federal rule, and add missing language.
- **Rule 391-3-1-.02(2)(ppp), “Commercial and Industrial Solid Waste Incineration Units,”** is being revised to reflect the latest amendment date of the incorporated Federal rule.

A public hearing was held at 11:00 a.m. on February 6, 2024, via Zoom. Zoom is a free web conferencing platform that also allows participation by phone. The public comment period ended February 13, 2024. On February 5, 2024, EPD received written comments from the United States Environmental Protection Agency (EPA). A summary of the comments and EPD’s responses are attached. No changes to the proposed amendments are recommended based on the comments received.

JB:tv

Attachment: Responses to Comment

Responses to Comments Received on the Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1**January 5, 2024 through February 13, 2024**

On January 5, 2024, 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 Existing Municipal Solid Waste Landfills and Commercial and Industrial Solid Waste Incineration Units. No public comments were received at the public hearing on February 6, 2024. The public comment period ended on February 13, 2024. On February 5, 2024, EPD received written comments from the United States Environmental Protection Agency (EPA). A summary of the comments and EPD's responses have been summarized below.

EPA

Comment: Regarding the revisions to Rule 391-3-1-.02(2)(ppp), "Commercial and Industrial Solid Waste Incineration Units," the excerpt of subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I) states "Air curtain incinerators are exempt from the requirements in this subparagraph except for the provisions in 40 CFR 60.2805, 60.2860, and 60.2870."

Subparagraph 391-3-1-.02(2)(ppp)2.(i)(XI) correctly incorporates by reference the model rule for air curtain incinerator requirements subject to 40 CFR Part 60, Subpart DDDD, including 40 CFR §§ 60.2805 and 60.2810 - 60.2870. Under 40 CFR § 60.2810(b), air curtain incinerators are required to comply with § 60.2805 and §§ 60.2810 through 60.2870. Please consider removing the excerpt, as 391-3-1-.02(PPP)1.(ii)(I)VIII appears to capture the requirements for air curtain incinerators, including exemption criteria.

EPD Response: Georgia EPD agrees that subparagraph 391-3-1-.02(2)(ppp)2.(i)(XI) and subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I)VIII incorporate all of the necessary requirements for the State Plan and the requirements of air curtain incinerators. Specifically, subparagraph 391-3-1-.02(2)(ppp)2.(i)(XI) adopts and incorporates 40 CFR 60.2810 through 40 CFR 60.2870 by reference and subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I)VIII lists the requirements for air curtain incinerators including the exemption criteria.

Georgia EPD also agrees that subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I) is duplicative as it lists the exemptions allowed for air curtain incinerators. However, Georgia EPD feels that it is necessary to include subparagraph 391-3-1-.02(2)(ppp)1.(ii)(I) in order to explicitly emphasize that the exemptions for air curtain incinerators do not exclude a facility from the requirement in 40 CFR 60.2805 to apply for and obtain a Title V permit.