

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
AIR QUALITY CONTROL, CHAPTER 391-3-1

The Rules of the Department of Natural Resources, Chapter 391-3-1, Air Quality Control are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-1-.02(2)(ggg), “Existing Municipal Solid Waste Landfills,” is amended to read as follows:

(ggg) Existing Municipal Solid Waste Landfills.

1. The provisions of subparagraphs 1. through 3. of this subsection apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subsection are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

2. Definitions of all Terms used, but not defined in this subsection, have the meaning given them in 40 CFR Part 60 Subpart WWW, as amended. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or 40 CFR Part 60 Subparts A and B.

(i) The word “Administrator” as used in regulations adopted in this subsection shall mean the Director of the Georgia Environmental Protection Division.

3. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR 60 Subpart Cc for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of paragraph 1. of this subsection shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart WWW, as amended, which is hereby incorporated and adopted by reference with the exceptions as follows:

(i) Standards for air emissions from municipal solid waste landfills. The provisions of 40 CFR 60.752 apply as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.752(a)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.752(b) through 40 CFR 60.759 on the basis of the design capacity exemption in 40 CFR 60.752(a) results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

(II) In lieu of 40 CFR 60.752(b)(2)(i)(B), the following provision applies:

The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 through 40 CFR 60.758 proposed by the owner or operator. In addition, the collection and control system design plan must specify: (1) the date by which contracts for control system/process modifications shall be awarded, (which shall be no later than 20 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); (2) the date by which on-site construction or installation of the air pollution control devices(s) or process changes will begin (which shall be no later than 24 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); and (3) the date by which the construction or installation of the air pollution control devices(s) or process changes will be complete.

(III) In lieu of 40 CFR 60.752(c)(1) and (c)(2) which establishes the date that a landfill is subject to 40 CFR Parts 70 and 71, the following date applies:

I. June 23, 1997.

(ii) Operational standards for collection and control systems. The provisions of 40 CFR 60.753 apply as stated therein.

(iii) Test methods and procedures. The provisions of 40 CFR 60.754 apply as stated therein with the exception of 40 CFR 60.754(c), which does not apply.

(iv) Compliance provisions. The provisions of 40 CFR 60.755 apply as stated therein.

(v) Monitoring of operations. The provisions of 40 CFR 60.756 apply as stated therein.

(vi) Reporting requirements. The provisions of 40 CFR 60.757 apply as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.757(a)(1), (a)(1)(i) and (a)(1)(ii), the following provision applies:

The initial design capacity report shall be submitted by October 1, 1997.

(II) In lieu of 40 CFR 60.757(b)(1)(i), (i)(A) and (i)(B), the following provision applies:

The initial NMOC emission rate report shall be submitted by October 1, 1997 and may be combined with the initial design capacity report required in 40 CFR 60.757(a). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and 40 CFR 60.757(b)(3).

(vii) Recordkeeping requirements. The provisions of 40 CFR 60.758 apply as stated therein.

(viii) Specifications for active collection systems. The provisions of 40 CFR 60.759 apply as stated therein.

4. Subparagraphs 1. through 3. are applicable PRIOR to the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).

5. Subparagraphs 6. through 8. are applicable AFTER the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).

6. The provisions of subparagraphs 6. through 8. of this subparagraph apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification on or before July 17, 2014 and has either accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

7. Definitions of all Terms used, but not defined in subparagraphs 6. through 8., have the meaning given them in 40 CFR Part 60 Subpart Cf. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or 40 CFR Part 60 Subparts A and B.

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in subparagraphs 6. through 8. shall mean the Director of the Georgia Environmental Protection Division. For 40 CFR 60.30f(c), 40 CFR 60.35f(a)(5) and 40 CFR 60.38f(j) the word "Administrator" shall mean the Administrator of the EPA.

8. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR Part 60 Subpart Cf for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of subparagraph 6. shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart Cf, as amended on March 26, 2020, which is hereby incorporated and adopted by reference with the exceptions as follows:

- (i) The requirements of the State to incorporate the provisions into an approvable state plan, and
- (ii) The provisions of 60.30f.

(iii) In lieu of 40 CFR 60.33f(d)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.33f through 40 CFR 60.40f on the basis of the design capacity exemption in 40 CFR 60.31f results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, due to reconstruction or modification, that was commenced after July 17, 2014, then the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

(iv) In lieu of 40 CFR 60.38f(d)(2), the following provision applies:

(I) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.34f through 40 CFR 60.39f proposed by the owner or operator. In addition, the collection and control system design plan must specify:

I. The date by which contracts for control system/process modifications shall be awarded, which shall be no later than 20 months after the date the NMOC emissions rate is first reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring;

II. The date by which on-site construction or installation of the air pollution control device(s) or process changes will begin which shall be no later than 24 months after the date the NMOC emissions rate is first reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring; and

III. The date by which the construction or installation of the air pollution control device(s) or process changes will be complete.

(II) Operational standards for collection and control systems. The provisions of 40 CFR 60.34f apply as stated therein.

(III) Test methods and procedures. The provisions of 40 CFR 60.35f apply as stated therein.

(IV) Compliance provisions. The provisions of 40 CFR 60.36f apply as stated therein.

(V) Monitoring of operations. The provisions of 40 CFR 60.37f apply as stated therein.

(VI) Reporting requirements. The provisions of 40 CFR 60.38f apply as stated therein. Except as provided in 7.(i) and 8.(iv).

(VII) Recordkeeping requirements. The provisions of 40 CFR 60.39f apply as stated therein.

(VIII) Specifications for active collection systems. The provisions of 40 CFR 60.40f apply as stated therein.

Rule 391-3-1-.02(2)(ppp), “Commercial and Industrial Solid Waste Incineration Units,” is amended to read as follows:

(ppp) Commercial and Industrial Solid Waste Incineration Units.

1. The provisions of this subparagraph apply to each commercial and industrial solid waste incinerator (CISWI) unit that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013 (hereinafter referred to as “existing CISWI unit”).

(i) For the purposes of this subparagraph, a “CISWI unit” means any unit that meets the definition of “Commercial and industrial solid waste incineration (CISWI) unit” in 40 CFR Part 60, Subpart DDDD. The types of CISWI units include the following: incinerators; air curtain incinerators; small, remote incinerators; waste-burning kilns; and energy recovery units. Physical or operational changes made at an existing CISWI unit solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing CISWI unit to the requirements of Georgia rule 391-3-1-.02(8)(b)75.

(ii) The following units are exempt from the requirements of this subparagraph:

(I) This subparagraph exempts the types of units described in subparagraphs I. through XI., but some units are required to provide notifications. 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.

I. Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2875 are not subject to this subpart if you meet the two requirements specified in subparagraphs I.A. and B.

A. Notify the Administrator that the unit meets these criteria.

B. Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/ or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

II. Municipal waste combustion units. Incineration units that are subject to 40 CFR Part 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); 40 CFR Part 60, Subpart Eb (Standards of Performance for Large Municipal Waste Combustors); 40 CFR Part 60, Subpart Cb (Emission Guidelines and Compliance Time for Large Municipal Combustors); 40 CFR Part 60, Subpart AAAA (Standards of Performance for Small Municipal Waste Combustion Units); or 40 CFR Part 60, Subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units).

III. Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or 40 CFR Part 60, Subpart Ce (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).

IV. Small power production facilities as specified below.

A. The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

C. You submit documentation to the Director and notify the EPA Administrator that the qualifying small power production facility is combusting homogenous waste.

D. You maintain the records specified in 40 CFR 60.2740(v).

V. Cogeneration facilities as specified below.

A. The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

C. You submit documentation to the Director and notify the EPA Administrator that the qualifying cogeneration facility is combusting homogenous waste.

D. You maintain the records specified in 40 CFR 60.2740(w).

VI. Hazardous waste combustion units. Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

VII. Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

VIII. Air curtain incinerators. Air curtain incinerators that burn only the materials listed in paragraphs VIII.A. through C. of this section are only required to meet the requirements under “Air Curtain Incinerators” (40 CFR 60.2810 through 60.2870).

A. 100 percent wood waste.

B. 100 percent clean lumber.

C. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

IX. Sewage treatment plants. Incineration units regulated under Subpart O of 40 CFR Part 60 (Standards of Performance for Sewage Treatment Plants).

X. Sewage sludge incineration units. Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to 40 CFR Part 60, Subpart LLLL (Standards of Performance for Sewage Sludge Incineration Units) or 40 CFR Part 60, Subpart MMMM (Emission Guidelines for Sewage Sludge Incineration Units).

XI. Other solid waste incineration units. Incineration units that are subject to 40 CFR Part 60, Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units) or 40 CFR Part 60, Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

2. Each existing CISWI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units), as amended on March 2023, ~~June 2023~~, ~~2016~~23, which are hereby incorporated and adopted by reference.

(i) For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart DDDD, the following provisions are hereby incorporated and adopted by reference:

(I) 40 CFR 60.2575 through 40 CFR 60.2615, Increments of Progress except that in 40 CFR 60.2580, “table 1 of this subpart” is replaced with “391-3-1-.02(2)(ppp)6.”; and in 40 CFR 60.2595, “for that increment of progress in table 1 of this subpart” is replaced with “in 391-3-1-.02(2)(ppp)6.”.

(II) 40 CFR 60.2620 through 40 CFR 60.2630, Waste Management Plan except that in 40 CFR 60.2625, “table 1 of this subpart for submittal of the final control plan” is replaced with “391-3-1-.02(2)(ppp)6.”.

(III) 40 CFR 60.2635 through 40 CFR 60.2665, Operator Training and Qualification.

(IV) 40 CFR 60.2670 through 60.2680, Emission Limitations and Operating Limits.

(V) 40 CFR 60.2690 through 60.2695, Performance Testing.

(VI) 40 CFR 60.2700 through 60.2706, Initial Compliance Requirements except that in 40 CFR 60.2705(a), “table 1 of this subpart” is replaced with “391-3-1-.02(2)(ppp)6.”.

(VII) 40 CFR 60.2710 through 60.2725, Continuous Compliance Requirements.

(VIII) 40 CFR 60.2730 through 60.2735, Monitoring.

(IX) 40 CFR 60.2740 through 60.2800, Recordkeeping and Reporting with the exception of the following:

I. In 40 CFR 60.2755, “table 1 of this subpart for submittal of the final control plan” is replaced with “391-3-1-.02(2)(ppp)6.”.

II. In lieu of 40 CFR 60.2795(b)(1)&(2):

A. Within 60 days after the date of completing each performance test as required by this subparagraph, each owner or operator must submit the results of the performance test required by this subparagraph to the Director. Performance test results required to be submitted to EPA must follow provision 40 CFR 60.2795(b)(1).

B. Within 60 days after the date of completing each CEMS performance evaluation test, as defined in this subparagraph and required by this subparagraph, each owner or operator must submit the relative accuracy test audit (RATA) data, to the Director. RATA data required to be submitted to EPA must follow provision 40 CFR 60.2795(b)(2).

(X) 40 CFR 60.2805, Title V Operating Permits.

(XI) 40 CFR 60.2810 through 60.2870, Air Curtain Incinerators except that in 40 CFR 60.2820, “table 1 of this subpart” is replaced with “391-3-1-.02(2)(ppp)6.”; and in 40 CFR 60.2835, “for that increment of progress in table 1 of this subpart” is replaced with “391-3-1-.02(2)(ppp)6.”.

(XII) 40 CFR 60.2875, Definitions.

(XIII) 40 CFR Part 60 Subpart DDDD Tables 2 through 9 except that in Table 5, in the Due Date column for the Waste Management Plan report, “table 1 for the submittal of the final control plan” is replaced with “391-3-1-.02(2)(ppp)6.”.

3. The owner of an existing CISWI unit must contact EPA with respect to the authorities specified in 40 CFR Part 60.2542.

4. Each Existing CISWI unit is subject to the permitting requirements of 391-3-1-.03(10) “Title V Operating Permits”.

5. Definitions of all terms used, but not defined in this subparagraph, shall have the meaning given to them in 40 CFR Part 60, Subpart DDDD, as amended. Terms not defined therein shall

have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subparagraph the following definitions also apply:

(i) Except as noted, the word “Administrator” as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (ppp)3. the word “Administrator” shall mean the Administrator of the EPA.

(ii) The term “Air Curtain Incinerator” as used in regulations adopted in this subparagraph shall mean an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(iii) The term “You” means the owner or operator of a CISWI unit subject to this rule.

6. In keeping with subparagraph (ppp)2., owners and operators of existing CISWI units must comply with Georgia’s state plan for existing CISWI units, which is required by 40 CFR Part 60, Subpart DDDD. The owner operator of each existing CISWI unit shall comply with the requirements of 391-3-1-.02(2)(ppp)2. upon approval of Georgia’s state plan for existing CISWI units by EPA.

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.