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The Rules of the Department of Natural Resources, Chapter 391-3-1, Air Quality Control are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such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)(a)7., "Excess Emissions," is amended to read as follows:

7. Excess Emissions.

(i) Excess emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excess emissions is minimized.

(ii) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).

(iii) The provisions of this subparagraph 7. shall apply only to those sources which are not subject to any requirement under ~~section~~paragraph (8) of this Rule (i.e. Rule 391-3-1-.02) or any requirement of 40 CFR, Part 60, as amended concerning New Source Performance Standards.

Rule 391-3-1-.02(2)(a)11., "Startup and Shutdown Emissions for SIP-Approved Rules," is amended to read as follows:

11. Startup, ~~and~~ Shutdown, and Malfunction Emissions for SIP-Approved Rules

(i) Upon the effective date of EPA's final approval of GA Rules Chapter 391-3-1-.02(2)(a)11. as published in the Federal Register, the provisions of subparagraph 11.~~(ii)~~ apply in lieu of GA Rule ~~Chapter~~ 391-3-1-.02(2)(a)7.

(ii) The provisions of this subparagraph 11.~~(ii)~~ shall apply to all sources subject to emission limitations and standards in 391-3-1-.02(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu), (vv), (yy), (ccc), (ddd), (eee), (fff), (hhh), (jjj), (kkk), (lll), (mmm), (nnn), (rrr), (vvv), (yyy), (zzz), (aaaa).~~ The provisions of this subparagraph~~

~~11.(ii) shall also apply to emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or 391-3-1-.03(8) unless startup and shutdown emissions have already been specifically addressed via a federally enforceable permit.~~

~~(I) Compliance Options~~

~~I. Compliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)11.(ii) shall be achieved by either Option A or B below:~~

~~A. Complying with the applicable emission limitations and standards at all times, including startup and shutdown; or~~

~~B. Complying with the applicable emission limitations and standards for emissions resulting from normal operations, and complying with applicable alternative work practice standards in subparagraphs (I)III., and either (I)IV., (I)V., or (I)VI. to address emissions resulting from startup and/or shutdown.~~

~~II. Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup or shutdown are prohibited and are violations of this Chapter (391-3-1).~~

~~III. The owner or operator of a source that chooses to comply with alternative work practice standards for startup and shutdown shall maintain the following documentation for five years in a form suitable for inspection and submission to the Division. Required monitoring data (during all periods of operation) and the following documentation shall be maintained:~~

~~A. Contemporaneous operating logs or other relevant evidence that document:~~

~~(A) The date, time and duration of each period of startup or shutdown where an alternative work practice standard was the method of compliance;~~

~~(B) Any actions taken during each period of startup and shutdown, including which option ((ii)(I)IV., (ii)(I)V., or (ii)(I)VI.) is followed; and~~

~~(C) Manufacturer's specifications and instructions, fire prevention protocols, and safety protocols relied upon to demonstrate compliance with any alternative work practice standard and records documenting implementation of such.~~

~~IV. General Alternative Work Practice Standards Option. Process equipment and air pollution control devices used for compliance with applicable rules in paragraph 391-3-1-.02(2)11.(ii), shall be operated in a manner consistent with good air pollution control practice for minimizing emissions as follows:~~

~~A. General Work Practice Standard Part 1~~

~~Applicable air pollution control devices shall be started as expeditiously as possible, providing for process and control device limitations and providing for safety constraints for protection of personnel and equipment and fire prevention and safety protocols such as provided by Black Liquor Recovery Boiler Advisory Committee (BLRBAC) or National Fire Protection Association (NFPA) codes. Documentation of such implementation of manufacturing specifications, fire protocols, and safety protocols shall be maintained, and;~~

~~B. General Work Practice Standard Part 2~~

~~During startup and shutdown periods, the owner or operator of a source shall comply with alternative work practice standards (A) through (M) below, as applicable, for fuel burning sources and pollution control devices installed by the owner or operator to meet an emission limitation referenced in paragraph 391-3-1-.02(2)(a) 11.(ii), as applicable:~~

~~(A) Baghouses shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols, unless the inlet gas temperature is below the dewpoint, outside the manufacturer's recommended operating temperature range, or if the pressure differential across the baghouse exceeds the manufacturer's recommended maximum pressure differential.~~

~~(B) Biofilters shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols.~~

~~(C) Carbon Adsorption Beds shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols.~~

~~(D) Condensers shall be operated, except as specified by the manufacturer or as required by fire prevention or safety protocols.~~

~~(E) Cyclones shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by fire prevention or safety protocols.~~

~~(F) Electrostatic precipitators (ESP) shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by fire prevention or safety protocols.~~

~~(G) Exhaust streams routed from one process to another process for thermal incineration, the control process shall be operated except as specified by the manufacturer or as required by fire prevention or safety protocols.~~

~~(H) Fuel burning sources shall burn, during startup and shutdown periods, a "clean fuel" as listed in item 5b. of Table 3 to 40 CFR Part 63 Subpart DDDDD, or the cleanest fuel the unit is permitted to burn, as practicable. Particulate matter, sulfur dioxide, and acid gas control equipment need not operate while associated fuel burning equipment is firing natural gas, propane, distillate oil, or combinations thereof exclusively during startup or shutdown.~~

~~(I) Selective catalytic reduction (SCR) shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols, if the catalyst inlet temperature is greater than 600°F, or as specified by manufacturer.~~

~~(J) Selective non-catalytic reduction (SNCR) shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols, when the reaction zone temperature is above 1600°F, or as specified by manufacturer.~~

~~(K) Scrubbers shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols.~~

~~(L) Sorbent injection systems (e.g. carbon, zeolite, lime, trona etc.), shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols, when the exhaust gas stream temperature at the point of injection is greater than 300°F and exhaust gas velocity at the injection point exceeds 25 feet per second based on measurement or operating parameters.~~

~~(M) Thermal oxidizer devices (including, but not limited to, catalytic, regenerative, and recuperative systems) shall be operated, except as required by the manufacturer or in documented fire prevention or safety protocols.~~

~~V. Similar Process Equipment Alternative Work Practice Standards Option. In lieu of following the General Alternative Work Practice Standards Option in paragraph (ii)(I)IV. above, the owner or operator of a source may follow the startup and shutdown work practice standards in Federal rules included in 40 CFR Part 60 or 40 CFR Part 63 that address compliance during startup and shutdown operations for subject equipment or equipment that would be subject to the Federal rule except for rule applicability exemptions (e.g. construction date), provided that the rule contains specific work practice standards for startup and shutdown periods. These rules are adopted by Georgia as 391-3-1-.02(8) and (9). For example, coal-fired utilities may use 40 CFR 63 Subpart UUUUU (MATS rule) startup and shutdown work practice standard to comply with Georgia Rules 391-3-1-.02(2)(b) and (d).~~

~~VI. In lieu of following the startup and shutdown alternative work practices in subparagraphs (ii)(I)IV. or (ii)(I)V. above, the owner or operator of a source may comply with a source specific alternative work practice standard for startup and shutdown periods that has been incorporated into a federally enforceable operating permit. Any application to incorporate such work practice standards shall include, at a minimum, the following considerations:~~

~~A. The request is specific to the source and control device, if applicable;~~

~~B. Demonstration that compliance with the emissions limitation during startup or shutdown is infeasible, impracticable or unsafe;~~

~~C. The proposed alternative work practice standard is designed to minimize emissions during startup or shutdown periods, to the extent practicable;~~

~~D. The proposed alternative work practice standard should require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures; and~~

~~E. The proposed alternative work practice standard includes provisions for monitoring and/or recordkeeping of the operator's actions during startup and shutdown to ensure practical enforceability of the proposed work practices.~~

~~F. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in 391-3-1-.03. The public notice requirements specified in 391-3-1-.03(2)(i) shall be followed for all proposed alternative work practice standards in non-Title V permits. Public notice requirements specified in 391-3-1-.03(10)(e)8. and 391-3-1-.03(10)(f)1. shall be followed for all proposed alternative work practice standards in Title V permits.~~

(iii) Sources that are unable to comply with an applicable emission limitation or standard during periods of startup or shutdown may submit a request for an alternative emission limitation (AEL) to apply during startup and shutdown.

(I) The AEL request shall satisfy the following criteria:

I. Be specific to the source and the source's specific control strategies;

II. Demonstrate that it is technically infeasible, considering the specific control strategy, to comply with the applicable SIP emission limitation during startup or shutdown periods; and

III. Include an analysis of the potential worst-case emissions that could occur during startup and shutdown based on the applicable AEL.

IV. The frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable;

V. All practicable steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality;

VI. The facility is operated at all times in a manner consistent with good practice for minimizing emissions and that the source uses best efforts regarding planning, design, and operating procedures; and

VII. The owner or operator's actions during startup and shutdown periods are documented by signed, contemporaneous operating logs or other relevant evidence.

(iv) The Division shall determine if the AEL request meets the criteria specified in (iii)(I)I. through (iii)(I)VII. The AEL shall be established in a permit issued under Ga. Comp. R. & Regs. 391-3-1-.03 and will become effective upon final EPA approval of a request by the Division to incorporate the alternative emission limitation or standard into the SIP.

(v) Sources that are unable to comply with an applicable emission limitation or standard during periods of foreseeable malfunctions may submit an AEL request.

(I) The AEL request shall satisfy the following criteria:

I. Be specific to the source and the source's specific control strategies;

II. Demonstrate that it is technically infeasible, considering the specific control strategy, to comply with the applicable emission limitation during foreseeable malfunction periods;

III. Demonstrate that the malfunction type is foreseeable and can be considered a normal mode of operation appropriate for a specifically designed AEL; and

IV. Include an analysis of the potential worst-case emissions that could occur during foreseeable malfunction periods based on the applicable AEL.

V. The frequency and duration of operation in foreseeable malfunction mode is minimized to the greatest extent practicable;

VI. All practicable steps are taken to minimize the impact of emissions during foreseeable malfunction mode on ambient air quality;

VII. At all times, the facility is operated in a manner consistent with good practice for minimizing emissions and that the source uses best efforts regarding planning, design, and operating procedures; and

VIII. The owner or operator's actions during foreseeable malfunction periods are documented by signed, contemporaneous operating logs or other relevant evidence.

(vi) The Division shall determine if the AEL request meets the criteria specified in (v)(I)I. through (v)(I)VIII. The AEL shall be established in a permit issued under Ga. Comp. R. & Regs. 391-3-1-.03 and will become effective upon final EPA approval of a request by the Division to incorporate the alternative emission limitation or standard into the SIP.

(vii) Subparagraph 391-3-1-.02(2)(a)11. does not apply to emission limitations or standards in paragraphs 391-3-1-.02(8) or 391-3-1-.02(9).

(~~iii~~viii) If federal legislation, a federal court, or a subsequent final agency action renders unenforceable by the EPA, in whole or in part, the EPA's SSM SIP Call, subparagraph 391-3-1-.02(2)(a)11. shall be void to the same extent that the SSM SIP Call is unenforceable by the EPA as of the effective date of the Federal Register notice of vacatur.~~Paragraph 391-3-1-.02(2)(a)11.(ii) becomes void if the June 12, 2015 publication (80 FR 33839) *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend*~~

~~*Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction* is:~~

~~(I) Declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit, the District of Columbia Circuit, or the United States Supreme Court; or~~

~~(II) Withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.~~

Rule 391-3-1-.02(2)(a)12., "Malfunction Emissions," is amended to read as follows:

~~12. Malfunction Emissions~~

~~(i) Upon the effective date of EPA's final approval of GA Rule Chapter 391-3-1-.02(2)(a)12.(i) and (ii) as published in the Federal Register, the provisions of this paragraph 12. shall apply in lieu of paragraph 7. to all sources subject to emission limitations and standards in 391-3-1-.02(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu), (vv), (yy), (ccc), (ddd), (eee), (fff), (hhh), (jjj), (kkk), (lll), (mmm), (nnn), (rrr), (vvv), (yyy), (zzz), (aaaa). This paragraph 12. also applies to emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or 391-3-1-.03(8) unless malfunction emissions have already been specifically addressed via a federally enforceable permit.~~

~~(ii) Compliance Options~~

~~(I) Compliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)12.(i) shall be achieved by either:~~

~~I. Complying with the applicable emission limitations and standards at all times, including periods of malfunction or~~

~~II. Complying with the applicable emission limitations and standards for emissions resulting from normal operation, and complying with a source specific malfunction work practice standard approved into a federally enforceable air quality operating permit to address emissions resulting from malfunction.~~

~~(II) Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during malfunction are prohibited and are violations of this Chapter (391-3-1).~~

~~(III) The owner or operator of a source that chooses to comply with a source specific malfunction work practice standard approved into a federally enforceable operating permit shall maintain the following documentation for five years in a form suitable for inspection and~~

~~submission to the Division. Required monitoring data (during all periods of operation) and the following documentation shall be maintained:~~

~~I. Contemporaneous operating logs or other relevant evidence that document:~~

~~A. The date, time and duration of each period of malfunction where an approved source specific malfunction work practice standard was the method of compliance;~~

~~B. Any actions taken during each period of malfunction; and~~

~~C. Manufacturer's specifications and instructions, fire prevention protocols, and safety protocols relied upon to demonstrate compliance with any source specific malfunction work practice standard and records documenting implementation of the manufacturer specifications and fire prevention safety protocols.~~

~~(IV) The owner or operator of a source may comply with a source specific malfunction work practice standard for malfunction periods that has been incorporated into a federally enforceable operating permit. The request shall also include, as a minimum the following considerations:~~

~~I. The work practice standard shall minimize emissions during the malfunction event and be designed to minimize the malfunction duration.~~

~~II. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in 391-3-1-.03. The public notice requirements specified in 391-3-1-.03(2)(i) shall be followed for all proposed alternative work practice standards in non-Title V permits. Public notice requirements specified in 391-3-1-.03(10)(e)8. and 391-3-1-.03(10)(f)1. shall be followed for all proposed alternative work practice standards in Title V permits.~~

~~III. At all times, the source shall be operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures. The owner or operator's actions during malfunction periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.~~

~~IV. Failure to implement or follow the source specific malfunction work practice standard during a malfunction shall be a violation of the Georgia Rules for Air Quality Control 391-3-1-.03(2)(g).~~

~~V. Any source that has a permit without a malfunction work practice standard limit will be required to comply with the applicable emission limit.~~

~~VI. Facilities that follow an approved source specific malfunction work practice standard during a malfunction that has been addressed in the source specific malfunction work practice standard shall be deemed in compliance.~~

~~- Any application requesting a source specific malfunction work practice standard shall also include the following considerations:~~

~~A. The request is specific to the source and control device, if applicable;~~

~~B. Demonstration that compliance with the emissions limitation during malfunction is infeasible, impracticable or unsafe;~~

~~C. The proposed alternative work practice standard(s) is designed to minimize emissions during malfunction periods, to the extent practicable;~~

~~D. The proposed alternative work practice standard should require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures; and~~

~~E. The proposed alternative work practice standard includes provisions for monitoring and/or recordkeeping of the operator's actions during malfunctions to ensure practical enforceability of the proposed work practices.~~

~~(V) Malfunctions that are not specifically included in an approved source specific work practice, or are the result of poor maintenance, poor operation, or otherwise reasonably preventable control equipment or process failure, are prohibited and shall be considered violations and reported in accordance with 391-3-1-.02(6)(b)1.(iv), if the malfunction continues for 4 hours or more.~~

~~(VI) Unless otherwise defined in 391-3-1-.02 or in an air quality operating permit, malfunction is defined as follows:~~

~~"Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner that results in excessive emissions. Excessive emissions during periods of routine startup and shutdown of process equipment are not considered a malfunction. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition, within the control of the emission source, are not considered malfunctions.~~

~~(iii) Paragraphs 391-3-1-.02(2)(a)12.(i) and (ii) become void if the June 12, 2015 publication (80 FR 33839) *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction* is:~~

~~(I) Declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit, the District of Columbia Circuit, or the United States Supreme Court; or~~

~~(II) Withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United~~

~~States Environmental Protection Agency, Congress, or Presidential Executive Order.~~

Rule 391-3-1-.02(2)(a)13., "Startup, Shutdown, and Malfunction Emissions for Certain Rules," is amended to read as follows:

~~13. Startup, Shutdown, and Malfunction Emissions for Certain Rules~~

~~(i) Upon the effective date of EPA's final approval of GA Rule Chapter 391-3-1-.02(2)(a)11. and/or 12. as published in the Federal Register, the provisions of this paragraph 13. shall apply in lieu of paragraph 7. to all sources subject to emission limitations and standards in 391-3-1-.02(2)(zz), (ggg), (iii), (ppp), (qqq), (sss), (uuu), and (www).~~

~~(I) Excessive emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excessive emissions is minimized.~~

~~(II) Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).~~

~~(III) The provisions of this subparagraph 13.(i) shall not apply to emissions in excess of any requirement under section 391-3-1-.02(8) or (9) of this Rule (i.e. any requirement of 40 CFR Part 60, 40 CFR Part 61, or 40 CFR Part 63).~~

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