

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

Rule 391-3-1-.01, “Definitions,” is being amended.

Purpose: This rule is being revised to update the definitions of “Banking” and “Emission reduction credit.” In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, emission reduction credits are no longer usable. Wording has also been revised for consistency.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone National Ambient Air Quality Standards (NAAQS); therefore, subparagraph 391-3-1-.01(oooo) is being revised to remove “use or” because emission reduction credits are no longer necessary. Subparagraph 391-3-1-.01(pppp) is being revised to change “section” to “paragraph” for consistency.

Rule 391-3-1-.02(1), “General Requirement,” is being amended.

Purpose: This rule is being revised to change “nonattainment” to “non-attainment” for consistency.

Main Features: The word “nonattainment” in subparagraph 391-3-1-.02(1)(d) is being hyphenated for consistency.

Rule 391-3-1-.02(2)(nnn), “NO_x Emissions from Large Stationary Gas Turbines,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require emission offsets for sources of NO_x and VOC emissions in the Atlanta area. An exemption for certain stationary gas turbines has been added. Wording has also been revised for consistency.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, subparagraph 391-3-1-.02(2)(nnn)4. is being removed and replaced with an exemption for certain stationary gas turbines that are subject to NO_x emission limits established between April 1, 2000, and

February 21, 2023. References to “subsection” are being revised to “subparagraph,” and references to “paragraph” are being revised to “subparagraph” for consistency.

Subparagraph (a), “Specific Monitoring and Reporting Requirements for Particular Sources,” of Rule 391-3-1-.02(6), “Source Monitoring,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require emission statements for sources of NOx and VOC emissions in the Atlanta area. Wording has also been revised for consistency.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, subparagraph 391-3-1-.02(6)(a)4. is being revised to remove the emission statements requirements. References to “paragraph(s)” are being revised to “subparagraph(s),” references to “subsection” are being revised to “subparagraph,” and references to “section” are being revised to “paragraph” for consistency.

Rule 391-3-1-.03(1), “Construction (SIP) Permit,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NOx and VOC emissions in the Atlanta area, so this construction permit application requirement regarding Emission Reduction Credits is no longer relevant.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, the phrase “information regarding any Emission Reduction Credits on which the applicant intends to rely” in subparagraph 391-3-1-.03(1)(b) is being removed.

Subparagraph (j), “Construction Permit Exemption for Pollution Control Projects,” of Rule 391-3-1-.03(6), “Exemptions,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S.

EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NO_x and VOC emissions in the Atlanta area.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, the phrase “or the non-attainment new source review permitting requirements of subparagraph 391-3-1-.03(8)(c)” in subparagraph 391-3-1-.03(6)(j) is being removed.

Rule 391-3-1-.03(8), “Permit Requirements,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NO_x and VOC emissions in the Atlanta area. Wording has also been revised for consistency.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, the phrase “attain (as expeditiously as practicable)” in subparagraph 391-3-1-.03(8)(a) is being removed, and subparagraphs 391-3-1-.03(8)(c), 391-3-1-.03(8)(d), 391-3-1-.03(8)(e), and 391-3-1-.03(8)(g) are being removed. Subparagraph 391-3-1-.03(8)(f) is being relabeled as 391-3-1-.03(8)(c). A reference to “section” is being revised to “paragraph,” and a reference to “paragraph” is being revised to “subparagraph” for consistency.

Subparagraph (k) of Rule 391-3-1-.03(9), “Permit Fees,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NO_x and VOC emissions in the Atlanta area.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, “Nonattainment New Source Review Permit per 391-3-1-.03(8)(c)” in the “Permit Type” table in subparagraph 391-3-1-.03(9)(k) is being removed, and the phrases “or Nonattainment NSR” in subparagraph 391-3-1-.03(9)(k)4. are being removed.

Subparagraph (c), “Permit Applications,” of Rule 391-3-1-.03(10), “Title V Operating Permits,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NO_x and VOC emissions in the Atlanta area.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, the phrase “or Rule 391-3-1-.03(8)(c)” in subparagraph 391-3-1-.03(10)(c)1.(ii) is being removed.

Subparagraph (b)7., “Coating and/or Gluing Operations,” of Rule 391-3-1-.03(11), “Permit by Rule,” is being amended.

Purpose: This rule is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NO_x and VOC emissions in the Atlanta area. Wording has also been revised for consistency.

Main Features: The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, the phrases “ozone non-attainment counties” and “ozone non-attainment” in subparagraph 391-3-1-.03(11)(b)7.(ii)(IV) are being removed, and the counties “Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale” are being added. References to “paragraphs” are being revised to ‘subparagraphs,’ a reference to “subsection” is being revised to “subparagraph,” and references to “section” are being revised to “subparagraph” for consistency.

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is being amended.

Purpose: This rule is being revised to remove wording that allows or refers to the use of emission reduction credits. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, federal statutes and rules no longer require non-attainment new source review for sources of NO_x and VOC emissions in the Atlanta area, so emission reduction credits are no

longer necessary. Wording has also been revised for consistency and to correct grammatical errors.

Main Features:

The entire state is designated as Attainment/Unclassified for the ozone NAAQS; therefore, subparagraph 391-3-1-.03(13)(a) is being revised to remove “and use” and add the word “and”; subparagraph 391-3-1-.03(13)(f) is being removed and marked as reserved; subparagraph 391-3-1-.03(13)(h)1. is being revised to remove “use,”; subparagraph 391-3-1-.03(13)(h)1.(ii) is being removed and marked as reserved; subparagraph 391-3-1-.03(13)(h)1.(iv) is being revised to change “an” to “a”; and subparagraph 391-3-1-.03(13)(h)2. is being revised to remove “use,”. References to “section” are being revised to “paragraph,” and references to “subsection” are being revised to “subparagraph” for consistency.

STATEMENT OF RATIONALE
Rules for Air Quality Control

Rule 391-3-1-.01 – Definitions.

The basis of this rule is to provide definitions for terms used in the Georgia Rules for Air Quality Control, Chapter 391-3-1. The purpose of this revision is to update the definition of “Banking” as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard and, therefore, emission reduction credits are no longer usable. The purpose of the revision is also to update language in the definition of “Emission reduction credit” for consistency.

Rule 391-3-1-.02(1) – General Requirement.

The basis of this rule is to specify the general requirements with which facilities must comply. The purpose of this revision is to hyphenate “nonattainment” for consistency.

Rule 391-3-1-.02(2)(nnn) – NOx Emissions from Large Stationary Gas Turbines.

The basis of this rule is to establish NOx emission limits for stationary gas turbines with nameplate capacities greater than 25 megawatts (MWe). The purpose of this revision is to remove the rule in subparagraph 391-3-1-.02(2)(nnn)4. and replace it with an exemption for certain stationary gas turbines that are subject to NOx emission limits established between specified dates as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard. The purpose of the revision is also to update language for consistency.

Rule 391-3-1-.02(6) – Source Monitoring.

The basis of this rule is to specify monitoring and reporting requirements for certain sources. The purpose of this revision is to remove the emission statements requirements in subparagraph 391-3-1-.02(6)(a)4. as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard. The purpose of the revision is also to update language for consistency.

Rule 391-3-1-.03(1) – Construction (SIP) Permit.

The basis of this rule is to specify the requirement for a construction permit. The purpose of this revision is to remove Emission Reduction Credits from the list of information to be included in a construction permit in subparagraph 391-3-1-.03(1)(b) as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard.

Rule 391-3-1-.03(6) – Exemptions.

The basis of this rule is to provide exemptions from the requirements to obtain an air quality construction or operating permit. The purpose of this revision of subparagraph 391-3-1-.03(6)(j) is to remove a reference to subparagraph 391-3-1-.03(8)(c) since that rule has been deleted as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard.

Rule 391-3-1-.03(8) – Permit Requirements.

The basis of this rule is to provide permitting requirements for non-attainment areas in Georgia. The purpose of this revision that removes subparagraphs 391-3-1-.03(8)(c), (8)(d), (8)(e), and (8)(g) is to remove the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard. The purpose of the revision is also to update language for consistency.

Rule 391-3-1-.03(9) – Permit Fees.

The basis of this rule is to specify permit fee requirements for stationary sources. The purpose of this revision of subparagraph 391-3-1-.03(9)(k) is to remove references to non-attainment new source review permits, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard.

Rule 391-3-1-.03(10) – Title V Operating Permits.

The basis of this rule is to implement the Title V permitting program. The purpose of this revision of subparagraph 391-3-1-.03(10)(c)1.(ii) is to remove a reference to subparagraph 391-3-1-.03(8)(c) since that rule has been deleted as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard.

Rule 391-3-1-.03(11) – Permit by Rule.

The basis of this rule is to specify permit by rule standards for different source types. The purpose of this revision of subparagraph 391-3-1-.03(11)(b)7.(ii)(IV) is to remove references to ozone non-attainment counties as part of the removal of the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard. The purpose of the revision is also to update language for consistency.

Rule 391-3-1-.03(13) – Emission Reduction Credits.

The basis of this rule is to allow for the creation, banking, transfer, and use of NO_x and VOC Emission Reduction Credits in ozone non-attainment areas. The purpose of this revision, which removes references to using emission reduction credits, removes subparagraph (f), and removes

subparagraph (h)1.(ii), is to remove the ozone non-attainment new source review permitting requirements for the Atlanta Area, as this area has been redesignated from non-attainment to attainment for the ozone ambient air quality standard. The purpose of the revision is also to update language for consistency.

These revisions are in no way any more restrictive than the federal requirements, will reduce the administrative burden to the Environmental Protection Division, will reduce costs to major industrial sources and utilities that wish to locate or expand in these areas, and will remove unnecessary and burdensome permitting requirements on sources in the former non-attainment area.