



August 15, 2019

MEMORANDUM

TO: Board of Natural Resources

FROM: Richard E. Dunn, Director
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to the Rules for Air Quality Control,
Chapter 391-3-1

I request the Board's consideration of the following rule revisions:

Rules for Air Quality Control, Chapter 391-3-1

Rule 391-3-1-.01, "Definitions," is being revised to update the definitions of "Volatile organic compound," also known as VOC, and "Procedures for Testing and Monitoring Sources of Air Pollutants," also known as PTM.

Rule 391-3-1-.02(2)(zz), "Gasoline Dispensing Facilities--Stage II," is being removed in its entirety from the Georgia Rules for Air Quality Control due to Stage II vapor recovery systems no longer providing an environmental benefit after federal vehicle requirements for onboard vapor recovery systems were implemented. Onboard vapor recovery systems serve the same purpose as Stage II vapor recovery systems.

Rule 391-3-1-.02(2)(ppp), "Commercial and Industrial Solid Waste Incineration Units," is being revised as requested by EPA.

Rule 391-3-1-.02(5), "Open Burning," is being revised to be consistent with other language included in this rule.

Rule 391-3-1-.02(8), "New Source Performance Standards," is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(8), “Permit Requirements,” is being revised to reflect the correct status of the five counties (Barrow, Carroll, Hall, Spalding, and Walton) in subparagraph 391-3-1-.03(8)(e)1. that are subject to subparagraph 391-3-1-.03(8)(c)15., which were not part of the former nonattainment area. Multiple subparagraphs are being revised to use consistent formatting.

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is being revised to reflect that the provisions of the Non-Attainment Area New Source Review (NAA NSR) Rule are no longer required as the area has been re-designated to attainment and EPA has revoked the 1-hour ozone standard.

Please find enclosed for your review and consideration:

	Page No.
➤ Synopsis and Statement of Rationale for the proposed amendments to Rules for Air Quality Control;	B-3
➤ Notice of Public Hearing issued May 23, 2019;	B-8
➤ Memorandum summarizing comments on the proposed revisions;	B-10
➤ Memorandum regarding the economic impacts of the proposed amendments on small businesses and the regulated community;	B-12
➤ Proposed amendments to the Rules for Air Quality Control showing deletions with strikeouts and additions with <u>underlines</u> ; and	B-15
➤ A proposed resolution for adopting the amendments to the rules.	B-72

I recommend adoption of the proposed amendments as presented.

RED:LW

Attachments

**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 “Volatile organic compound,” also known as VOC, and “Procedures for Testing and Monitoring Sources of Air Pollutants,” also known as PTM.

Main Features: The definition of “Volatile organic compound” in subparagraph (llll) is being updated to add cis-1,1,1,4,4,4- hexafluorobut-2-ene (HFO–1336mzz-Z) to the list of organic compounds having negligible photochemical reactivity. The definition of “Procedures for Testing and Monitoring Sources of Air Pollutants” in subparagraph (nnnn) is being revised to reference the most recent version of the PTM dated March 31, 2019. Procedures are being updated to reflect revised testing and monitoring requirements for Sewage Sludge Incineration Units to provide consistency between 2.130.3(a) and 2.130.4(f).

Rule 391-3-1-.02(2)(zz), “Gasoline Dispensing Facilities--Stage II,” is being amended.

Purpose: This rule is being removed in its entirety from the Georgia Rules for Air Quality Control due to Stage II vapor recovery systems no longer providing an environmental benefit after federal vehicle requirements for onboard vapor recovery systems were implemented. Onboard vapor recovery systems serve the same purpose as Stage II vapor recovery systems.

Main Features: Subparagraph 391-3-1-.02(2)(zz) is being removed in its entirety from the Georgia Rules for Air Quality Control and will be reserved.

Rule 391-3-1-.02(2)(ppp), “Commercial and Industrial Solid Waste Incineration Units,” is being amended.

Purpose: This rule is being revised as requested by EPA.

Main Features: Subparagraphs 391-3-1-.02(2)(ppp)2.(i)(I), (II), (VI), (IX)L, (XI), and (XIII) are being revised as requested by EPA. Subparagraph 391-3-1-.02(2)(ppp)3. is being revised to incorporate CISWI Technical Amendments signed on March 18, 2019.

Rule 391-3-1-.02(5), “Open Burning,” is being amended.

Purpose: This rule is being revised to be consistent with other language included in this rule.

Main Features: Subparagraph 391-3-1-.02(5)(a)13.(viii) is being revised to match language in subparagraph 391-3-1-.02(5)(b)4.(i). Subparagraph 391-3-1-.02(5)(f)2. is being revised to use consistent formatting.

Rule 391-3-1-.02(8), “New Source Performance Standards,” is being amended.

Purpose: This rule is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Main Features: Subparagraphs (8)(b)1. for General Provisions and (8)(b)82. for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007, are being revised to reflect the latest amendment dates of the incorporated Federal rules.

Subparagraph (8)(b)90. for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015, is being added.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is being amended.

Purpose: This rule is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Main Features: Subparagraphs (9)(b)15. for General Provisions; (9)(b)43. for Petroleum Refineries; (9)(b)44. for Off-Site Waste and Recovery Operations; (9)(b)78. for Portland Cement Manufacturing Industry; (9)(b)81. for Manufacture of Amino/Phenolic Resins; (9)(b)87. for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units; (9)(b)122. for Industrial, Commercial, and Institutional Boilers and Process Heaters; and (9)(b)139. for Coal- and Oil-Fired Electric Utility Steam Generating Units, are all being revised to reflect the latest titles and amendment dates of the incorporated Federal rules.

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

Purpose: This rule is being revised to reflect the correct status of the five counties that were not part of the former nonattainment area. Previously, five counties (Barrow, Carroll, Hall, Spalding, and Walton) were moved from subparagraph 391-3-1-.03(8)(c)14. to subparagraph 391-3-1-.03(8)(c)15. Therefore, subparagraph 391-3-1-.03(8)(e)1. is being revised to reflect the

correct status of the five counties subject to subparagraph 391-3-1-.03(8)(c)15.

Main Features: Previously 391-3-1-.03(8)(c) was revised to update the Non-Attainment Area New Source Review (NAA NSR) provisions to reflect improvements in the air quality of the Atlanta Metro Area and U.S. EPA's revocation of the 1-hour ozone standard for which the Atlanta area was re-designated to attainment. Subparagraph 391-3-1-.03(8)(e)1. is being revised to reflect the correct status of the five counties subject to subparagraph 391-3-1-.03(8)(c)15. Multiple subparagraphs are being revised to use consistent formatting.

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

Purpose: The Non-Attainment Area New Source Review (NAA NSR) Rule was added to the Georgia Rules in 1992 after the Atlanta Metro Area was designated as serious nonattainment for the 1-hour ozone standard. The NAA NSR Rule was amended to define a major source as a source that emits or has the potential-to-emit at least 50 tpy of NOx or VOCs. In 2004, that definition was changed to 25 tpy. U.S. EPA has since revoked the 1-hour ozone standard, and air quality in the Atlanta Metro Area has improved. Emission Reduction Credits only apply to facilities located in nonattainment areas and therefore the Emission Reduction Credits rule must be revised because the provisions of the NAA NSR Rule are no longer required.

Main Features: This rule is being revised because the provisions of the NAA NSR Rule are no longer required and Emission Reduction Credits are only available in ozone nonattainment areas. Subparagraph 391-3-1-.03(13)(a)1. is being removed because the 13 formerly severe counties (Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale) are being moved from subparagraph 391-3-1-.03(13)(a)1. to subparagraph 391-3-1-.03(13)(a)2. Five counties (Barrow, Carroll, Hall, Spalding, and Walton) from subparagraph 391-3-1-.03(13)(a)2. are being moved to subparagraph 391-3-1-.03(13)(a)3.

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 revise the definition of “Volatile organic compound” in order to be consistent with EPA’s definition of “Volatile Organic Compound” as identified in the Code of Federal Regulations, and to update the definition of “Procedures for Testing and Monitoring Sources of Air Pollutants” (PTM) to reference the most recent version of the PTM dated March 31, 2019.

Rule 391-3-1-.02(2)(zz) – Gas Dispensing Facilities--Stage II.

The basis of this rule is to specify Stage II vapor recovery control requirements for gasoline dispensing facilities. The purpose of this revision is to remove the rule in its entirety from the Georgia Rules for Air Quality Control. Subparagraph (zz) will be reserved. This rule is being removed due to Stage II vapor recovery systems no longer providing an environmental benefit after federal vehicle requirements for onboard refueling vapor recovery systems were implemented. Onboard vapor recovery systems serve the same purpose as Stage II vapor recovery systems, and the two systems are incompatible with each other, greatly reducing the emission benefits of Stage II. Removal of the rule also provides regulatory relief.

Rule 391-3-1-.02(2)(ppp) – Commercial and Industrial Solid Waste Incineration Units.

The basis of this rule is to specify emission limitations and standards for commercial and industrial solid waste incineration units. The purpose of this revision is to make revisions requested by EPA and to incorporate CISWI Technical Amendments signed on March 18, 2019.

Rule 391-3-1-.02(5) – Open Burning.

The basis of this rule is to specify limitations on open burning. The purpose of this revision is to ensure that the provisions of each subparagraph correlate with each other by adding language to subparagraph (5)(a)13.(viii) to be consistent with the use of “whenever feasible” in subparagraph (5)(b)4.(i). The language in the current state of subparagraph (5)(a)13.(viii) restricts air curtain destructor use that does not correspond with the contingency of subparagraph (5)(b)4.(i).

Rule 391-3-1-.02(8) – New Source Performance Standards.

The basis of this rule is to adopt the Federal New Source Performance Standards (NSPS) by reference. The purpose of this revision is to include the latest amendment dates and all associated changes into the Georgia rules.

Rule 391-3-1-.02(9) – Emission Standards for Hazardous Air Pollutants.

The basis of this rule is to adopt the National Emission Standards for Hazardous Air Pollutants (NESHAP) by reference. The purpose of this revision is to include the latest amendment dates and all associated changes into the Georgia rules.

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

The basis of this rule is to provide permitting requirements for nonattainment areas in Georgia. The purpose of this revision is to reflect the correct status of the five counties (Barrow, Carroll, Hall, Spalding, and Walton) subject to subparagraph 391-3-1-.03(8)(c)15. that were not part of the former nonattainment area.

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 nonattainment areas. The purpose of this revision is to move the thirteen formerly severe counties from subparagraph 391-3-1-.03(13)(a)1. to subparagraph 391-3-1-.03(13)(a)2. and move five counties (Barrow, Carroll, Hall, Spalding, and Walton) from subparagraph 391-3-1-.03(13)(a)2. to subparagraph 391-3-1-.03(13)(a)3. The rule is being revised because the provisions of the NAA NSR Rule are no longer required as the area has been re-designated and EPA has revoked the 1-hour ozone standard.

The proposed rule revisions are required to comply with federal requirements or are administrative in nature. They are in no way any more restrictive than the federal requirements and do not incur any additional costs to the regulated industry or public.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS
TO GEORGIA'S RULES FOR AIR QUALITY CONTROL
CHAPTER 391-3-1**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that (1) the amendments to rule 391-3-1-.01 are required to comply with Section 110(a) of the Federal Clean Air Act, (2) the amendments to rule 391-3-1-.02 are required to comply with Sections 110(a), 111(c)(1), 111(d), and 112(l) of the Federal Clean Air Act and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Section 110 of the Federal Clean Air Act, and (3) the amendments to rule 391-3-1-.03 are required to comply with Sections 161 and Section 172 of the Federal Clean Air Act. The proposed Air Rule Amendments are described below:

Rule 391-3-1-.01, "Definitions," is being revised to update the definitions of "Volatile organic compound," also known as VOC, and "Procedures for Testing and Monitoring Sources of Air Pollutants," also known as PTM. With the exception of 391-3-1-.01(nnnn), Rule 391-3-1-.01 will be submitted as a SIP revision to EPA.

Rule 391-3-1-.02(2)(zz), "Gasoline Dispensing Facilities--Stage II," is being removed in its entirety from the Georgia Rules for Air Quality Control due to Stage II vapor recovery systems no longer providing an environmental benefit after federal vehicle requirements for onboard vapor recovery systems were implemented. The removal of Rule 391-3-1-.02(2)(zz) was submitted as a SIP revision to EPA on January 22, 2015 and approved by EPA on September 25, 2015 in the Federal Register (80 FR 57729).

Rule 391-3-1-.02(2)(ppp), "Commercial and Industrial Solid Waste Incineration Units," (CISWI) is being revised as requested by EPA.

Rule 391-3-1-.02(5), "Open Burning," is being revised to be consistent with other language included in this rule.

Rule 391-3-1-.02(8), "New Source Performance Standards," is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.02(9), "Emission Standards for Hazardous Air Pollutants," is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(8), “Permit Requirements,” is being revised to reflect the correct status of the five counties (Barrow, Carroll, Hall, Spalding, and Walton) in subparagraph 391-3-1-.03(8)(e)1. that are subject to subparagraph 391-3-1-.03(8)(c)15., which were not part of the former nonattainment area. Multiple subparagraphs are being revised to use consistent formatting. Rule 391-3-1-.03(8) will be submitted as a SIP revision to EPA.

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is being revised to reflect that the provisions of the Non-Attainment Area New Source Review (NAA NSR) Rule are no longer required as the area has been re-designated to attainment and EPA has revoked the 1-hour ozone standard. Rule 391-3-1-.03(13) will be submitted as a SIP revision to EPA.

This notice, together with an exact copy of the proposed Air Rule Amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <https://epd.georgia.gov/chapter-391-3-1-air-quality-control> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. Copies may also be requested by contacting James Boylan, 404-363-7014 or Elisabeth Munsey, 404-363-7131 at the Air Protection Branch or the Environmental Protection Division Director’s Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air Rule Amendments, a public hearing will be held at 2:00 p.m. on June 25, 2019, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Oral statements should be concise. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record.

Written comments are welcomed. To ensure their inclusion in EPD’s package for the Board of Natural Resources, written comments should be received by close of business on July 2, 2019. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air Rule Amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on August 27, 2019, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air Rule Amendments are proposed for adoption pursuant to authority contained in the Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact Elisabeth Munsey, 404-363-7131 at the Air Protection Branch.

August 8, 2019

MEMORANDUM

To: Richard E. Dunn, Director
Environmental Protection Division

From: Karen Hays, 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

On May 23, 2019, 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-.01, “Definitions,”** is being revised to update the definitions of “Volatile organic compound,” also known as VOC, and “Procedures for Testing and Monitoring Sources of Air Pollutants,” also known as PTM.
- **Rule 391-3-1-.02(2)(zz), “Gasoline Dispensing Facilities--Stage II,”** is being removed in its entirety from the Georgia Rules for Air Quality Control due to Stage II vapor recovery systems no longer providing an environmental benefit after federal vehicle requirements for onboard vapor recovery systems were implemented. Onboard vapor recovery systems serve the same purpose as Stage II vapor recovery systems.
- **Rule 391-3-1-.02(2)(ppp), “Commercial and Industrial Solid Waste Incineration Units,” (CISWI)** is being revised as requested by EPA.
- **Rule 391-3-1-.02(5), “Open Burning,”** is being revised to be consistent with other language included in this rule.
- **Rule 391-3-1-.02(8), “New Source Performance Standards,”** is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

- **Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,”** is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.
- **Rule 391-3-1-.03(8), “Permit Requirements,”** is being revised to reflect the correct status of the five counties (Barrow, Carroll, Hall, Spalding, and Walton) in subparagraph 391-3-1-.03(8)(e)1. that are subject to subparagraph 391-3-1-.03(8)(c)15., which were not part of the former nonattainment area. Multiple subparagraphs are being revised to use consistent formatting.
- **Rule 391-3-1-.03(13), “Emission Reduction Credits,”** is being revised to reflect that the provisions of the Non-Attainment Area New Source Review (NAA NSR) Rule are no longer required as the area has been re-designated to attainment and EPA has revoked the 1-hour ozone standard.

A public hearing was held at 2:00 p.m. on June 25, 2019, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. The public comment period ended July 2, 2019. No comments were received for this rule revision.

KH:LW

August 8, 2019

MEMORANDUM

TO: Richard E. Dunn, Director
Environmental Protection Division

FROM: Karen Hays, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Air Quality Control,
Chapter 391-3-1

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

- a. Establishing different requirements or reporting requirements or timetables for small businesses;
- b. Clarifying, consolidating or simplifying the compliance and reporting requirements under the rules for small businesses;
- c. Establishing performance rather than design standards for small businesses; or
- d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Air Quality Control, Chapter 391-3-1 (Air Rules). The proposed rule amendments include the following:

Rule 391-3-1-.01, “Definitions,” is being revised to update the definitions of “Volatile organic compound,” also known as VOC, and “Procedures for Testing and Monitoring Sources of Air Pollutants,” also known as PTM.

Rule 391-3-1-.02(2)(zz), “Gasoline Dispensing Facilities--Stage II,” is being removed in its entirety from the Georgia Rules for Air Quality Control due to Stage II vapor recovery systems

no longer providing an environmental benefit after federal vehicle requirements for onboard vapor recovery systems were implemented. Onboard vapor recovery systems serve the same purpose as Stage II vapor recovery systems.

Rule 391-3-1-.02(2)(ppp), “Commercial and Industrial Solid Waste Incineration Units,” (CISWI) is being revised as requested by EPA.

Rule 391-3-1-.02(5), “Open Burning,” is being revised to be consistent with other language included in this rule.

Rule 391-3-1-.02(8), “New Source Performance Standards,” is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(8), “Permit Requirements,” is being revised to reflect the correct status of the five counties (Barrow, Carroll, Hall, Spalding, and Walton) in subparagraph 391-3-1-.03(8)(e)1. that are subject to subparagraph 391-3-1-.03(8)(c)15., which were not part of the former nonattainment area. Multiple subparagraphs are being revised to use consistent formatting.

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is being revised to reflect that the provisions of the Non-Attainment Area New Source Review (NAA NSR) Rule are no longer required as the area has been re-designated to attainment and EPA has revoked the 1-hour ozone standard.

In consideration of the four actions required in the State statute for the proposed changes to the Air Rules, we offer the following comments on the proposed rule amendments:

1. Different compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes.
2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes.
3. Performance rather than design standards for small businesses:
This issue is not germane for the proposed rule changes.
4. Exemptions for small businesses:
This issue is not germane for the proposed rule changes.

In addition, the Administrative Procedures Act requires that “...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule.”

The proposed rules are required to comply with federal requirements or are administrative in nature. Therefore, they do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

KH:LW

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 391-3-1.01, “Definitions,” is amended to read as follows:

(III) “Volatile organic compound” (also denoted as VOC) means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the Administrator of the U.S. Environmental Protection Agency designates as having negligible photochemical reactivity, including: carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane; 1,1,1-trichloroethane (methyl chloroform); methylene chloride (dichloromethane); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃); t-butyl acetate; 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300), propylene

carbonate, dimethyl carbonate, *trans*-1,3,3,3-tetrafluoropropene; HCF₂OCF₂H (HFE-134); HCF₂OCF₂OCF₂H (HFE-236cal2); HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13); HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol (AMP); 1,1,2,2-Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane; cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z); and perfluorocarbon compounds which fall into these classes:

1. Cyclic, branched, or linear, completely fluorinated alkanes;
2. Cyclic, branched, or linear, completed fluorinated ethers, with no unsaturations;
3. Cyclic, branched, or linear, completely fluorinated tertiary-amines with no unsaturations;
4. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine; and
5. VOC may be measured by the referenced method, an equivalent method, an alternate method or by procedures specified under 40 CFR Part 60. A referenced method, an equivalent method, or an alternate method, however, may also measure non-reactive organic compounds. In such cases, an owner or operator may exclude the non-reactive organic compound when determining compliance with a standard.

(nnnn) “Procedures for Testing and Monitoring Sources of Air Pollutants” or “PTM” means the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants** dated ~~February 6, 2018~~ March 31, 2019.

Rule 391-3-1-.02(2)(zz), “Gasoline Dispensing Facilities--Stage II,” is amended to read as follows:

(zz) Gasoline Dispensing Facilities--Stage II.[reserved]

- ~~1. After January 1, 1993, no person may construct or reconstruct a gasoline dispensing facility unless the gasoline dispensing facility is equipped and operating with a vapor recovery system to recover the displacement vapors from the vehicle’s gasoline storage tank.~~
- ~~2. The requirements of this subsection shall not apply to facilities used exclusively for the fueling of implements of husbandry or individual dispensers used exclusively for the initial fueling and/or re-fueling of vehicles equipped with onboard refueling vapor recovery (ORVR) equipment. Furthermore, the gasoline volume dispensed into vehicles equipped with ORVR shall not be considered in any determination of applicability of this subsection.~~
- ~~3. For the purpose of this subsection, the following definitions shall apply:~~
 - ~~(i) “Approved Stage II vapor recovery system” means a Stage II vapor recovery system that has demonstrated 95 percent by weight or greater VOC control efficiency by:~~

~~(I) Stage II gasoline vapor recovery system properly certified under the CARB vapor recovery certification procedures effective on or before March 31, 2001, or a Stage II gasoline vapor recovery system properly certified under the CARB enhanced vapor recovery certification procedures effective April 1, 2001; mixing of equipment components certified under separate certification procedures may be allowed when supported by manufacturer or independent third-party certification that the configuration meets or exceeds the applicable performance standards and has received prior written approval from the Division; or~~

~~(II) Tested and approved by the Department using appropriate CARB test procedures and methods; or equivalent test procedures and methods approved by the Environmental Protection Division and EPA, and conducted by the Division or by a third party approved by the Division.~~

~~(ii) "Average monthly throughput rate" means the average of the gallons pumped monthly for the most recent two-year period of operation excluding any inactive period. If a facility has not been in operation for two years or does not have access to records for the most recent two years of operation, the Division shall determine the length of time to determine the average of the gallons pumped monthly.~~

~~(iii) "CARB" means the California Air Resources Board, Sacramento, CA 96812.~~

~~(iv) "Division" means the Environmental Protection Division of the Georgia Department of Natural Resources.~~

~~(v) "Fill Cap" means a cap that fits over the stationary gasoline storage tank riser which contains the submerged fill pipe and that is used to prevent contaminants from entering the tank and as a secondary measure to prevent the release of gasoline vapors.~~

~~(vi) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.~~

~~(vii) "Gasoline Dispensing Facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.~~

~~(viii) "Independent small business marketer of gasoline" means an owner engaged in the marketing of gasoline who receives more than 50 percent of his annual income from refining or marketing of gasoline, unless such a person:~~

~~(I) Is a refiner; or~~

~~(II) Controls, is controlled by, or is under common control with, a refiner; or~~

~~(III) Is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner, unless the sole affiliation referred to herein is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person.~~

~~(ix) “Operator” means any person who operates a facility utilizing gasoline dispensing equipment and receives income from sale of gasoline at such facility.~~

~~(x) “Owner” means the person who owns the gasoline dispensing equipment which transfers gasoline from a stationary gasoline storage tank, which shall include but not be limited to the gasoline dispensers, hoses, nozzles, breakaways, and vapor piping.~~

~~(xi) “Reconstruction” means the replacement of any stationary gasoline storage tank and/or the replacement of all gasoline dispensers.~~

~~(xii) “Refiner” means a person engaged in producing gasoline, kerosene, distillate fuel oils, lubricants, or other products through distillation of petroleum or through the redistillation, cracking, or reforming of unfinished petroleum derivatives, and whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) is 65,000 barrels per day or greater.~~

~~(xiii) “Stage II controls” means a gasoline vapor recovery system which recovers vapors during the refueling of motor vehicles.~~

~~(xiv) “Vapor cap” means the cap that fits over the stationary gasoline storage tank riser which carries vapors from the storage tank to the delivery vessels during the transfer of gasoline in two-point Stage I vapor recovery systems and that is used to prevent contaminants from entering the storage tank and as a secondary measure to prevent the loss of gasoline vapors.~~

~~4. Once a gasoline dispensing facility becomes subject to this rule, it will continue to be subject even if the gasoline throughput rate falls below the applicability threshold until the facility decommissions its approved Stage II vapor recovery system as specified under paragraph 21. of this subsection.~~

~~5. After the compliance date specified in paragraph 7. of this subsection, no person may transfer or cause or allow the transfer of gasoline from stationary storage tanks at gasoline dispensing facilities subject to regulation under 391-3-1-.02(2)(zz) to any vehicle gasoline tank unless the gasoline dispensing facility is equipped with an approved vapor recovery system to recover the displaced vapors from the vehicle’s gasoline tank. Beginning on May 1, 2014, gasoline dispensing facilities subject to regulation under 391-3-1-.02(2)(zz) may decommission its approved Stage II vapor recovery system as specified under paragraph 21. of this subsection. Once a facility has decommissioned its Stage II vapor recovery system, it is no longer required to recover the displaced vapors from vehicle gasoline tanks.~~

~~6. The requirements contained in this subsection shall apply to all gasoline dispensing facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.~~

~~7. The compliance date for existing gasoline dispensing facilities required to install Stage II controls shall be as follows:~~

~~(i) Facilities which began construction or reconstruction after November 15, 1990, must comply by no later than May 15, 1993.~~

~~(ii) Facilities constructed before November 15, 1990, which are not owned by independent small business marketers and which have an average monthly throughput rate of 100,000 gallons or more of gasoline per month, must comply by no later than November 15, 1993.~~

~~(iii) Facilities constructed before November 15, 1990, which are not owned by independent small business marketers and which have an average monthly throughput rate between 10,000 and 100,000 gallons of gasoline per month, must comply by no later than November 15, 1994.~~

~~(iv) Multiple facilities owned by a single independent small business marketer and which have an average monthly throughput rate of more than 50,000 gallons of gasoline per month, the following schedule applies:~~

~~(I) no less than 33 percent of such facilities must comply by no later than November 15, 1993.~~

~~(II) no less than 66 percent of such facilities must comply by no later than November 15, 1994.~~

~~(III) all or 100 percent of such facilities must comply by no later than November 15, 1995.~~

~~(v) A single facility owned by a single independent small business marketer of gasoline and which has an average monthly volume throughput rate of more than 50,000 gallons of gasoline per month, must comply no later than November 15, 1994.~~

8. ~~The following facilities are exempted from Stage II requirements:~~

~~(i) All gasoline dispensing facilities that dispense no more than 10,000 gallons of gasoline per month.~~

~~(ii) Any gasoline dispensing facility constructed or reconstructed prior to November 15, 1995 that dispenses up to and including 50,000 gallons and less per month and is owned by an independent small business marketer of gasoline.~~

~~(iii) Any new gasoline dispensing facility or gasoline dispensing facility having undergone reconstruction that commenced or recommenced dispensing of gasoline to motor vehicles after December 31, 2011.~~

9. ~~Stage II vapor recovery systems at each gasoline dispensing facility shall be certified as being properly installed and properly functioning. Certification, compliance testing, recertification, and decommissioning shall be made by a trained, qualified technician who has a thorough knowledge of the system. Tests shall be conducted in accordance with test procedures as approved by the Division. The fill cap and vapor cap must be removed when performing any test to determine vapor tightness for a vapor recovery system for certification, compliance testing, recertification, or decommissioning purposes.~~

~~10. Testing may be conducted by the Division or by an installation or testing company that meets the minimum criteria established by the Division for conducting such tests. In the case where a party other than the Division will be conducting the initially required certification testing, compliance testing, recertification, or decommissioning testing, the owner or operator shall notify the Division at least five days in advance as to when the testing will occur and what party will conduct the testing.~~

~~11. Compliance reporting and recertification testing of the vapor recovery system shall be required according to the following schedule:~~

~~(i) Compliance reporting shall be required within twelve months of the original certification test and annually thereafter. This report shall be submitted to the Division and shall include results of either:~~

~~(I) a vapor tightness test and other functional test(s) as required by the Division; or~~

~~(II) a procedure or procedures equivalent to (I) as approved by the Division.~~

~~(ii) Recertification will be required every five years or upon major system modification or replacement. This recertification shall include a leak check test and other functional tests that are required by the Division. A major system modification is considered to be replacing, repairing or upgrading 75 percent or more of a facility's Stage II vapor recovery system. The percent measure is based on the cost of a total system replacement at the time of replacement, repair or upgrading.~~

~~12. Facilities equipped with Stage II vapor controls shall be subject to annual compliance inspections and functional testing by the Environmental Protection Division personnel which include but are not limited to the following:~~

~~(i) Verification that all equipment is present and maintains a certified system configuration and is in proper working order.~~

~~(ii) Inspection of all Stage II related files to ensure that the facility has complied with maintenance requirements and other record keeping requirements such as inspection, compliance and volume reports.~~

~~(iii) Observation of the use of equipment by facility operators and the public. These inspections shall include dispensing units, processors and handling units and any other systems related equipment such as Stage I equipment.~~

~~(iv) A functional test of the required shut off or flow prohibiting mechanisms.~~

~~(v) A Dynamic Back pressure test (DBT); if applicable to the system.~~

~~(vi) Other compliance tests as deemed necessary by the Division.~~

~~(vii) Verification that the facility has complied with the Leak Test (LT) and the Liquid Blockage Test (LBT) requirements.~~

~~(viii) Inspection for labels, signs and/or other public information.~~

~~13. Each owner or operator shall ensure that at least one facility representative receives training and instruction in the operation and maintenance of the specific Stage II vapor recovery system in use at the facility. Such training shall be provided by the qualified instructor on the specific Stage II equipment. The trained facility representative shall instruct other appropriate facility employees as to the purpose and operating procedures of the system. Training shall include, but is not limited to, the following:~~

~~(i) Purposes and effects of the Stage II vapor control program;~~

~~(ii) Equipment operation and function specific to the facility's system;~~

~~(iii) Maintenance schedules and requirements for the facility's equipment;~~

~~(iv) Equipment manufacturer contacts (names, addresses and phone numbers) for parts and service.~~

~~14. Each owner or operator shall post operating instructions conspicuously on the front of each gasoline dispenser using the Stage II vapor recovery system. These instructions shall, at a minimum, include:~~

~~(i) A clear description of how to correctly dispense gasoline using the system;~~

~~(ii) A warning to not attempt continued refueling after automatic shutoff of the system (an indication that the vehicle fuel tank is full); and~~

~~(iii) A telephone number to be used to report to the station owner or company repair representative any problems experienced with the system.~~

~~15. The owner or operator shall maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and free of defects that could impair the effectiveness of the system. For the purposes of this paragraph, the following is a list of equipment defects in Stage II vapor recovery systems that substantially impair the effectiveness of the systems in reducing refueling vapor emissions:~~

~~(i) Absence or disconnection of any component that is a part of the approved system;~~

~~(ii) A vapor hose that is crimped or flattened such that the vapor passage is blocked, or the pressure drop through the vapor hose exceeds by a factor of 2 or more the value as certified in the approved system;~~

~~(iii) A nozzle boot that is torn in one or both of the following ways:~~

~~(I) A triangular shaped or similar tear more than 1/2 inch on a side, or a hole more than 1/2 inch in diameter; or~~

~~(II) A slit more than 1 inch in length;~~

~~(iv) A faceplate or flexible cone on a balance nozzle or a nozzle in a vacuum assist type system, that is damaged such that the capability to achieve a seal with a fill pipe interface is affected for at least 1/4 of the circumference of the faceplate (accumulated);~~

~~(v) A nozzle shutoff mechanism that malfunctions in any manner;~~

~~(vi) Vapor return lines, including such components as swivels, anti-recirculation valves, and underground piping, that malfunction or are blocked, or are restricted such that the pressure drop through the line exceeds by a factor of 2 or more the value as certified in the approved system;~~

~~(vii) A vapor processing unit that is inoperative;~~

~~(viii) A vacuum producing device that is inoperative;~~

~~(ix) Pressure/vacuum relief valves, vapor check valves, or dry breaks that are inoperative;~~

~~(x) Any equipment defect that is identified by the Division as substantially impairing the effectiveness of the system in reducing refueling vapor emissions; or~~

~~(xi) Any leaks.~~

~~16. Upon identification of any of the defects as described above, the owner or operator shall tag "out of order" all dispensing equipment for which vapor recovery has been impaired. The tagged equipment shall be rendered inoperable and the tag(s) shall not be removed until the defective equipment has been repaired, replaced, or adjusted as necessary. The Division shall be promptly notified by U.S. Mail as to the corrective actions taken by the company's repair representative with regards to major repairs. Hoses, nozzles, nozzle boots and other routine repairs are exempted from this notification.~~

~~17. The owner or operator shall inspect all nozzles and nozzle boots or faceplates on a daily basis.~~

~~18. Owners or operators of facilities subject to Stage II vapor control shall maintain, at the facility, any applicable permits or licenses to operate the facility or specific system current at all times. All required records shall be made readily available for the Division's inspection. Certification and test results which verify that the Stage II vapor recovery system meets the requirements shall be maintained for five years or until it is decommissioned, whichever is less.~~

~~19. The following records shall be maintained for two years or until the Stage II vapor recovery system is decommissioned, whichever is less:~~

- ~~(i) Maintenance records including any repaired or replacement parts and a description of the problems.~~
- ~~(ii) Compliance records including warnings or notices of violation issued by the Division.~~
- ~~(iii) Gasoline throughput records which will allow the average monthly gasoline throughput rate to be continuously determined.~~
- ~~(iv) Inspection results including self-inspection weekly summaries.~~
- ~~(v) Records of operator employee training for current employees.~~

~~20. Record disposal may be approved by the Division upon a written request by the owner or operator of the facility. Approval may be granted on a case by case basis considering volume of records, number of times the records have been inspected by the Division; and the value of maintaining the records. In no case, shall the time be extended beyond the requirements of this subsection.~~

~~21. Owners or operators of gasoline dispensing facilities subject to the Stage II vapor recovery control requirements shall fully decommission their Stage II vapor recovery systems in accordance with the provisions of this subsection.~~

~~(i) Beginning May 1, 2014, owners or operators of gasoline dispensing facilities with Stage II vapor recovery systems may commence decommissioning of those systems. Decommissioning of the Stage II vapor recovery systems shall be completed no later than April 30, 2016.~~

~~(ii) An existing Stage II vapor recovery system shall be decommissioned only in accordance with the requirements in this Subparagraph.~~

~~(I) The entire existing Stage II vapor recovery system shall be fully decommissioned prior to the Stage II system no longer being operated and maintained as required by this rule and the terms and conditions of the system's currently applicable CARB Executive Order and Approval Letters.~~

~~(II) The gasoline dispensers connected to the Stage II vapor recovery system shall be taken out of service prior to the start of decommissioning and shall not be brought back into service to dispense gasoline until the requirements in this Subparagraph have been met.~~

~~(III) If the Stage II vapor recovery system has any liquid collection points and liquid is present, the liquid must be removed and disposed of properly. If the liquid collection point has a tube leading back to the submersible pump, the tube must be disconnected at the submersible pump, and the tube sealed properly so that it is vapor tight. A plug must be installed in the vacuum pump to seal the vacuum port. As an alternative to sealing the tube, the tube may be removed completely as long as the opening for the tube in the liquid collection point is sealed so that it is~~

~~vapor tight. The liquid collection point cap shall create a vapor tight seal when placed on the liquid collection point.~~

~~(IV) If the Stage II vapor recovery system includes a vapor pump for each fueling position, the vapor pump shall be disabled or removed.~~

~~(V) If the Stage II vapor recovery system includes a centrally located vacuum pump, the vacuum pumping mechanism shall be removed. After removing the vacuum generating mechanism, the vapor piping that was attached to the vapor pump must be sealed so that it is vapor tight.~~

~~(VI) The below grade vapor piping shall be disconnected from the dispenser at a point that is at or below the level of the base of the dispenser. The below grade vapor piping shall be properly sealed so that it is vapor tight.~~

~~(VII) The lower end of the vapor piping inside of each dispenser cabinet shall be sealed so that it is vapor tight.~~

~~(VIII) The vapor recovery piping connection at the storage tank shall be disconnected if it can be disconnected without excavation. If the vapor recovery piping is disconnected at the storage tank, the dispenser and tank side of the vapor piping shall be sealed so that it is vapor tight.~~

~~(IX) A rubber cap held in place by a hose clamp shall not be used to seal the vapor piping for any of the requirements in this subparagraph.~~

~~(X) If Stage II vapor recovery system operating instructions are posted on dispensers, the operating instructions shall be removed.~~

~~(iii) Within 30 calendar days of meeting the requirements in Subparagraph 21.(ii), a pressure decay test and tie tank test shall be conducted to insure that the Stage I vapor recovery system is vapor tight and the storage tank vents are still functional. The pressure decay test shall be conducted in accordance with and meet the performance requirements in the CARB test procedure TP-201.3 "Determination of 2-Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities" adopted on April 12, 1996, and amended on March 17, 1999. The tie tank test shall be conducted in accordance with and meet the performance requirements in the CARB test procedure TP201.3C "Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks" (Tie Tank Test) adopted on March 17, 1999.~~

~~(iv) The gasoline dispensing facility owner or operator shall notify the Division a minimum of five business days, as defined by the Division, prior to the testing required for the decommissioning of the Stage II vapor recovery system as specified by Subparagraph 21.(iii). The owner or operator shall use and complete the notification form provided by the Division.~~

~~(v) The gasoline dispensing facility owner or operator shall submit a complete test report containing the results of the testing required by Subparagraph 21.(iii) within 30 days of the test~~

~~date to the Division. The test report form shall be provided by the Division and must be used and completed in its entirety by the owner or operator. The report shall include results of all tests conducted for decommissioning of the Stage II vapor recovery system.~~

~~(vi) The gasoline dispensing facility owner or operator shall maintain the following records on-site for two years after decommissioning:~~

~~(I) Contracts and invoices associated with decommissioning of the Stage II vapor recovery system.~~

~~(II) Contracts, invoices, and test results for required testing for decommissioning of the Stage II vapor recovery system.~~

~~(vii) A gasoline dispensing facility is considered fully decommissioned once the following conditions have been met:~~

~~(I) All of the requirements in Subparagraph 21.(ii) have been met;~~

~~(II) All tests required in Subparagraph 21.(iii) have been conducted and performance requirements met; and~~

~~(III) Test report(s) as required in Subparagraph 21.(v) have been submitted to and approved by the Division.~~

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 June 23, 2016, 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 inwith the exception of~~ 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.”~~and Table 1 which do not apply to an existing CISWI unit.~~

(II) 40 CFR 60.2620 through 40 CFR 60.2630, Waste Management Plan ~~except that inwith the exception of~~ 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.”~~which does not apply to an existing CISWI unit.~~

(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 inwith the exception of~~ 40 CFR 60.2705(a), “table 1 of this subpart” is replaced with “391-3-1-.02(2)(ppp)6.”~~which does not apply to an existing CISWI unit.~~

(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.”~~which does not apply to an existing CISWI unit.~~

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 inwith the exception of~~ 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.” which do not apply to affected Air Curtain Incinerators.~~

(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 following subparagraphs ~~(i) through (x) authorities~~ as specified in 40 CFR Parts 60.2542 ~~and 60.2030(e).~~

~~(i) Approval of alternatives to the emission limitations in table 1 of 40 CFR Part 60, Subpart CCCC and operating limits established under 40 CFR 60.2110;~~

~~(ii) Approval of major alternatives to test methods;~~

~~(iii) Approval of major alternatives to monitoring;~~

~~(iv) Approval of major alternatives to recordkeeping and reporting;~~

~~(v) The requirements in 40 CFR 60.2115;~~

~~(vi) The requirements in 40 CFR 60.2100(b)(2);~~

~~(vii) Approval of alternative opacity emission limits in 40 CFR 60.2105 under provisions 40 CFR 60.11(e)(6) through (8);~~

~~(viii) Performance test and data reduction waivers under provisions 40 CFR 60.2125(j), 60.8(b)(4) and (5);~~

~~(ix) Determination of whether a qualifying small power production facility or cogeneration facility under provisions 40 CFR 60.2020(e) or (f) is combusting homogenous waste; and~~

~~(x) Approval of an alternative to any electronic reporting to the EPA required by 40 CFR Part 60, Subpart DDDD.~~

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.

Rule 391-3-1-.02(5), “Open Burning,” is amended to read as follows:

(5) Open Burning.

(a) No person shall cause, suffer, allow, or permit open burning in any area of the State except as follows:

1. Reduction of leaves on the premises on which they fall by the person in control of the premises, unless prohibited by local ordinance and/or regulation.
2. Carrying out recognized agricultural procedures necessary for production or harvesting of crops, if the agricultural tract, lot, or parcel is less than or equal to five acres.
3. Burning over any agricultural tract, lot, or parcel greater than five acres for purposes of any existing, expanded, or new agricultural operations as such term is defined by O.C.G.A. Section 1-3-3, provided that such burning is consistent with the requirements of the Federal Act and is limited to vegetative material.
4. The “prescribed burning” of any land by the owners or the owner’s designee.
5. For recreational purposes or cooking food for immediate human consumption.
6. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
7. Acquired structure burns provided that an Authorization to Burn certificate has been issued by the Division.

8. Disposal of vegetative debris from storm damage.
9. For weed abatement, disease, and pest prevention.
10. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
11. Open burning for the purpose of land clearing or construction or right-of-way maintenance provided the following conditions are met:
 - (i) Prevailing winds at the time of the burning are away from the major portion of the area's population;
 - (ii) The location of the burning is at least 1,000 feet from any occupied structure, or lesser distance if approved by the Division;
 - (iii) The amount of dirt on or in the material being burned is minimized;
 - (iv) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned; and
 - (v) No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a 9-acre area at one time.
12. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.
13. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor provided the following conditions are met:
 - (i) Authorization for such open burning is received from the fire department, if required, having local jurisdiction over the open burning location prior to initiation of any open burning at such location;
 - (ii) The location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval by the Division;
 - (iii) No more than one air curtain destructor is operated within a ten (10) acre area at one time or there must be at least 1000 feet between any two air curtain destructors;
 - (iv) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;
 - (v) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated

materials are not used to start or maintain the operation of the air curtain destructor;

(vi) The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;

(vii) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and

(viii) ~~Whenever feasible, the~~ air curtain destructor ~~cannot~~should not be fired before 10:00 a.m. and the fire ~~must~~should be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

(b) Specific County Restrictions.

1. In the counties of Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be:

(i) exceptions numbered 2, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and

(ii) exception number 3 under subparagraph (a) above.

2. In the counties of Banks, Barrow, Bibb, Butts, Catoosa, Chattooga, Clarke, Columbia, Crawford, Dawson, Floyd, Gordon, Haralson, Heard, Houston, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Peach, Pickens, Pike, Polk, Putnam, Richmond, Troup, Twiggs, Upson, and Walker the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be:

(i) exceptions numbered 2, 4, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and

(ii) exception number 3 under subparagraph (a) above.

3. [reserved]

4. In counties listed in subsections 1 or 2 above whose total population, as listed in the latest census, exceeds 65,000, the only legal exceptions to the general prohibition against open burning during the months of January, February, March, April, October, November, and December are:

(i) exceptions numbered 1, 2, 4, 5, 6, 7, 10, 12, and 13 under subparagraph (a) above, provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour

before sunset and does not cause air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the state as is affected thereby; and

(ii) exception number 3 under subparagraph (a) above.

(c) **Except for a reasonable period** to get a fire started, no smoke the opacity of which is equal to or greater than 40 percent, shall be emitted from any source of open burning listed in subsections (a) and (b) above except as follows. Prescribed burning, agricultural burning and acquired structure burning are not subject to the 40 percent opacity standard in this paragraph.

(d) **The Director** may allow open burning prohibited under paragraphs (a) and (b), upon a determination that such open burning is necessary to protect the public health, safety or welfare of the people of the State of Georgia, or there are no reasonable alternatives to the open burning.

(e) **Prescribed burning** conducted under subparagraph (b)2. is subject to authorization by the Georgia Forestry Commission to include burning restrictions during periods that are conducive to the formation of ozone. Federal facilities which conduct prescribed burning in accordance with subparagraph (b)2. that are not required to obtain authorization from the Georgia Forestry Commission for such burning shall institute measures to ensure that prescribed burning is not conducted during periods conducive to the formation of ozone.

(f) **Definitions.**

1. "Prescribed burning" means the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplishes one or more planned land management objectives as specified in the Georgia Prescribed Burning Act (Georgia Code Title 12. Conservation and Natural Resources §12-6-146) or to mitigate catastrophic wildfires.

2. [~~R~~reserved.]

3. "Acquired structure burn" is the burning of a house, building or structure for the exclusive purpose of providing training to fire-fighting personnel or arson investigators.

Rule 391-3-1-.02(8), "New Source Performance Standards," is amended to read as follows:

(8) New Source Performance Standards.

(a) **General Requirement.** No person shall construct or operate any facility or source which fails to comply with the New Source Performance Standards contained in 40 Code of Federal Regulations (hereinafter, CFR), Part 60, as amended, including but not limited to (unless specifically excluded below), the subparts hereby adopted through incorporation by reference in paragraph (b) of this subsection.

(b) New Source Performance Standards.

1. General Provisions. For purposes of applying New Source Performance Standards, 40 CFR Part 60 Subpart A (excluding 60.4 and 60.9), as amended ~~June 23, 2017~~ November 26, 2018, is hereby incorporated and adopted by reference. The word “Administrator” as used in regulations adopted in this paragraph shall mean the Director of EPD.
2. Standards of Performance for Fossil-fuel Fired Steam Generators: 40 CFR Part 60 Subpart D, as amended February 16, 2012, is hereby incorporated and adopted by reference.
3. Standards of Performance for Electric Utility Steam Generating Units: 40 CFR Part 60 Subpart Da, as amended April 6, 2016, is hereby incorporated and adopted by reference.
4. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units: 40 CFR Part 60 Subpart Db, as amended February 16, 2012, is hereby incorporated and adopted by reference.
5. Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: 40 CFR Part 60 Subpart Dc, as amended February 16, 2012, is hereby incorporated and adopted by reference.
6. Standards of Performance for Incinerators: 40 CFR Part 60 Subpart E, as amended May 10, 2006, is hereby incorporated and adopted by reference.
7. Standards of Performance for Municipal Waste Combustors: 40 CFR Part 60 Subpart Ea, as amended October 17, 2000, is hereby incorporated and adopted by reference.
8. Standards of Performance for Portland Cement Plants: 40 CFR Part 60 Subpart F, as amended July 27, 2015, is hereby incorporated and adopted by reference.
9. Standards of Performance for Nitric Acid Plants: 40 CFR Part 60 Subpart G, as amended May 6, 2014, is hereby incorporated and adopted by reference.
10. Standards of Performance for Sulfuric Acid Plants: 40 CFR Part 60 Subpart H, as amended October 17, 2000, is hereby incorporated and adopted by reference.
11. Standards of Performance for Asphalt Concrete Plants: 40 CFR Part 60 Subpart I, as amended February 14, 1989, is hereby incorporated and adopted by reference.
12. Standards of Performance for Petroleum Refineries: 40 CFR Part 60 Subpart J, as amended December 1, 2015, is hereby incorporated and adopted by reference.
13. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978: 40 CFR Part 60 Subpart K, as amended October 17, 2000, is hereby incorporated and adopted by reference.

14. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984: 40 CFR Part 60 Subpart Ka, as amended December 14, 2000, is hereby incorporated and adopted by reference.

15. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984: 40 CFR Part 60 Subpart Kb, as amended October 15, 2003, is hereby incorporated and adopted by reference.

16. Standards of Performance for Secondary Lead Smelters: 40 CFR Part 60 Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.

17. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants: 40 CFR Part 60 Subpart M, as amended October 17, 2000, is hereby incorporated and adopted by reference.

18. Standards of Performance for Iron and Steel Plants: 40 CFR Part 60 Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.

19. Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983: 40 CFR Part 60 Subpart Na, as amended October 17, 2000, is hereby incorporated and adopted by reference.

20. Standards of Performance for Sewage Treatment Plants: 40 CFR Part 60 Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.

21. Standards of Performance for Primary Copper Smelters: 40 CFR Part 60 Subpart P, as amended October 17, 2000, is hereby incorporated and adopted by reference.

22. Standards of Performance for Primary Zinc Smelters: 40 CFR Part 60 Subpart Q, as amended February 14, 1989, is hereby incorporated and adopted by reference.

23. Standards of Performance for Primary Lead Smelters: 40 CFR Part 60 Subpart R, as amended February 14, 1989, is hereby incorporated and adopted by reference.

24. Standards of Performance for Primary Aluminum Reduction Plants: 40 CFR Part 60 Subpart S, as amended October 17, 2000, is hereby incorporated and adopted by reference.

25. Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants: 40 CFR Part 60 Subpart T, as amended August 19, 2015, is hereby incorporated and adopted by reference.

26. Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants: 40 CFR Part 60 Subpart U, as amended August 19, 2015, is hereby incorporated and adopted by reference.
27. Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: 40 CFR Part 60 Subpart V, as amended August 19, 2015, is hereby incorporated and adopted by reference.
28. Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants: 40 CFR Part 60 Subpart W, as amended August 19, 2015, is hereby incorporated and adopted by reference.
29. Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities: 40 CFR Part 60 Subpart X, as amended August 19, 2015, is hereby incorporated and adopted by reference.
30. Standards of Performance for Coal Preparation Plants: 40 CFR Part 60 Subpart Y, as amended October 8, 2009, is hereby incorporated and adopted by reference.
31. Standards of Performance for Ferroalloy Production Facilities: 40 CFR Part 60 Subpart Z, as amended October 17, 2000, is hereby incorporated and adopted by reference.
32. Standards of Performance for Steel Plants: Electric Arc Furnaces: 40 CFR Part 60 Subpart AA, as amended February 22, 2005, is hereby incorporated and adopted by reference.
33. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983: 40 CFR Part 60 Subpart AAa, as amended February 22, 2005, is hereby incorporated and adopted by reference.
34. Standards of Performance for Kraft Pulp Mills: 40 CFR Part 60 Subpart BB, as amended September 21, 2006, is hereby incorporated and adopted by reference.
35. Standards of Performance for Glass Manufacturing Plants: 40 CFR Part 60 Subpart CC, as amended October 17, 2000, is hereby incorporated and adopted by reference.
36. Standards of Performance for Grain Elevators: 40 CFR Part 60 Subpart DD, as amended October 17, 2000, is hereby incorporated and adopted by reference.
37. Standards of Performance for Surface Coating of Metal Furniture: 40 CFR Part 60 Subpart EE, as amended October 17, 2000, is hereby incorporated and adopted by reference.
38. Standards of Performance for Stationary Gas Turbines: 40 CFR Part 60 subpart GG, as amended June 30, 2016, is hereby incorporated and adopted by reference.
39. Standards of Performance for Lime Manufacturing Plants: 40 CFR Part 60 subpart HH, as amended October 17, 2000, is hereby incorporated and adopted by reference.

40. Standards of Performance for Lead-Acid Battery Manufacturing Plants: 40 CFR Part 60 subpart KK, as amended October 17, 2000, is hereby incorporated and adopted by reference.
41. Standards of Performance for Metallic Mineral Processing Plants: 40 CFR Part 60 Subpart LL, as amended October 17, 2000, is hereby incorporated and adopted by reference.
42. Standards of Performance for Automobile and Light-Duty Truck Coating Operations: 40 CFR Part 60 Subpart MM, as amended October 17, 2000, is hereby incorporated and adopted by reference.
43. Standards of Performance for Phosphate Rock Plants: 40 CFR Part 60 Subpart NN, as amended October 17, 2000, is hereby incorporated and adopted by reference.
44. Standards of Performance for Ammonium Sulfate Manufacture: 40 CFR Part 60 Subpart PP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
45. Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing: 40 CFR Part 60 Subpart QQ, as amended April 9, 2004, is hereby incorporated and adopted by reference.
46. Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations: 40 CFR Part 60 Subpart RR, as amended October 17, 2000, is hereby incorporated and adopted by reference.
47. Standards of Performance for Industrial Surface Coating: Large Appliances: 40 CFR Part 60 Subpart SS, as amended October 17, 2000, is hereby incorporated and adopted by reference.
48. Standards of Performance for Metal Coil Surface Coating: 40 CFR Part 60 Subpart TT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
49. Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture: 40 CFR Part 60 Subpart UU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
50. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006: 40 CFR Part 60 Subpart VV, as amended June 2, 2008, is hereby incorporated and adopted by reference.
51. Standards of Performance for Beverage Can Surface Coating Industry: 40 CFR Part 60 Subpart WW, as amended October 17, 2000, is hereby incorporated and adopted by reference.
52. Standards of Performance for Bulk Gasoline Terminals: 40 CFR Part 60 Subpart XX, as amended December 19, 2003, is hereby incorporated and adopted by reference.

53. Standards of Performance for Rubber Tire Manufacturing Industry: 40 CFR Part 60 Subpart BBB, as amended June 30, 2016, is hereby incorporated and adopted by reference.
54. Standards of Performance for Volatile Organic Compound (VOC) Emission from Polymer Manufacturing Industry: 40 CFR Part 60 Subpart DDD, as amended June 30, 2016, is hereby incorporated and adopted by reference.
55. Standards of Performance for Flexible Vinyl and Urethane Printing and Coating: 40 CFR Part 60 Subpart FFF, as amended October 17, 2000, is hereby incorporated and adopted by reference.
56. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006: 40 CFR Part 60 Subpart GGG, as amended June 2, 2008, is hereby incorporated and adopted by reference.
57. Standards of Performance for Synthetic Fiber Production Facilities: 40 CFR Part 60 Subpart HHH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
58. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes: 40 CFR Part 60 Subpart III, as amended June 30, 2016, is hereby incorporated and adopted by reference.
59. Standards of Performance for Petroleum Dry Cleaners: 40 CFR Part 60 Subpart JJJ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
60. Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants: 40 CFR Part 60 Subpart KKK, as amended August 16, 2012, is hereby incorporated and adopted by reference.
61. Standards of Performance for Onshore Natural Gas Processing: 40 CFR Part 60 Subpart LLL, as amended June 30, 2016, is hereby incorporated and adopted by reference.
62. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operation: 40 CFR Part 60 Subpart NNN, as amended June 30, 2016, is hereby incorporated and adopted by reference.
63. Standards of Performance for Nonmetallic Mineral Processing Plants: 40 CFR Part 60 Subpart OOO, as promulgated April 28, 2009, is hereby incorporated and adopted by reference.
64. Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants: 40 CFR Part 60 Subpart PPP, as amended October 17, 2000, is hereby incorporated and adopted by reference.

65. Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems: 40 CFR Part 60 Subpart QQQ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
66. Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Process: 40 CFR Part 60 Subpart RRR, as amended December 14, 2000, is hereby incorporated and adopted by reference.
67. Standards of Performance for Magnetic Tape Coating: 40 CFR Part 60 Subpart SSS, as amended February 12, 1999, is hereby incorporated and adopted by reference.
68. Standards of Performance for Plastic Parts for Business Machine Coatings: 40 CFR Part 60 Subpart TTT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
69. Standards of Performance for Calciners and Dryers in Mineral Industries: 40 CFR Part 60 Subpart UUU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
70. Standards of Performance for Polymeric Coating of Supporting Substrates Facilities: 40 CFR Part 60 Subpart VVV, as promulgated September 11, 1989, is hereby incorporated and adopted by reference.
71. Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994: 40 CFR Part 60 Subpart Eb, as amended May 10, 2006, is hereby incorporated and adopted by reference.
72. Standards of Performance for Municipal Solid Waste Landfills: 40 CFR Part 60 Subpart WWW, as amended September 21, 2006, is hereby incorporated and adopted by reference.
73. Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators: 40 CFR Part 60 Subpart Ec, as amended September 6, 2013, is hereby incorporated and adopted by reference.
74. Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001: 40 CFR Part 60 Subpart AAAA, as promulgated December 6, 2000, is hereby incorporated and adopted by reference.
75. Standards of Performance for Commercial and Industrial Solid Waste Incineration Units: 40 CFR Part 60 Subpart CCCC, as amended June 23, 2016, is hereby incorporated and adopted by reference.
76. Standards of Performance for Other Solid Waste Incinerator Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced On or After June 16, 2006: 40 CFR Part 60 Subpart EEEE, as amended November 24, 2006, is hereby incorporated and adopted by reference.

77. Standards of Performance for Stationary Compression Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart IIII, as amended July 7, 2016, is hereby incorporated and adopted by reference.
78. Standards of Performance for Stationary Combustion Turbines: 40 CFR Part 60 Subpart KKKK, as amended June 30, 2016, is hereby incorporated and adopted by reference.
79. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart JJJJ, as amended August 30, 2016, is hereby incorporated and adopted by reference.
80. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006: 40 CFR Part 60 Subpart VVa, as amended August 16, 2012, is hereby incorporated and adopted by reference.
81. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006: 40 CFR Part 60 Subpart GGGa, as amended June 2, 2008, is hereby incorporated and adopted by reference.
82. Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007: 40 CFR Part 60 Subpart Ja, as amended ~~July 13, 2016~~ November 26, 2018, is hereby incorporated and adopted by reference.
83. Standards of Performance for New Sewage Sludge Incineration Units: 40 CFR Part 60 Subpart LLLL, as promulgated March 21, 2011, is hereby incorporated and adopted by reference.
84. Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution: 40 CFR Part 60 Subpart OOOO, as amended June 30, 2016, is hereby incorporated and adopted by reference.
85. Standard of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013: 40 CFR Part 60 Subpart BBa, as promulgated April 4, 2014, is hereby incorporated and adopted by reference.
86. Standards of Performance for New Residential Wood Heaters: 40 CFR Part 60 Subpart AAA, as amended March 16, 2015, is hereby incorporated and adopted by reference.
87. Subpart PPPP - [reserved]
88. Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces: 40 CFR Part 60 Subpart QQQQ, as promulgated March 16, 2015, is hereby incorporated and adopted by reference.

89. Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014: 40 CFR Part 60 Subpart XXX, as promulgated August 29, 2016, is hereby incorporated and adopted by reference.

90. Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015: 40 CFR Part 60 Subpart OOOOa, as amended March 12, 2018, is hereby incorporated and adopted by reference.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is amended to read as follows:

(9) Emission Standards for Hazardous Air Pollutants.

(a) General Requirements. The provisions of this section shall apply to any stationary source and to the owner or operator of any stationary source for which a standard is prescribed under 40 Code of Federal Regulations (hereinafter CFR), Parts 61 and 63, including, but not limited to (unless specifically excluded below) the subparts hereby adopted through incorporation by reference in subsection (b) of this section. For purposes of applying emission standards for hazardous air pollutants, 40 CFR, Parts 61 and 63 (excluding 61.04 and 61.16), as amended, are hereby incorporated by reference. The word “Administrator” as used in regulations adopted in this section shall mean the Director of EPD.

(b) Emission Standards for Hazardous Air Pollutants.

1. Emission Standard for Beryllium: 40 CFR Part 61 Subpart C, as amended October 17, 2000, is hereby incorporated and adopted by reference.
2. Emission Standard for Beryllium Rocket Motor Firing: 40 CFR Part 61 Subpart D, as amended October 17, 2000, is hereby incorporated and adopted by reference.
3. Emission Standard for Mercury: 40 CFR Part 61 Subpart E, as amended October 17, 2000, is hereby incorporated and adopted by reference.
4. Emission Standard for Vinyl Chloride: 40 CFR Part 61 Subpart F, as amended October 17, 2000, is hereby incorporated and adopted by reference.
5. Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene: 40 CFR Part 61 Subpart J, as amended December 14, 2000, is hereby incorporated and adopted by reference.
6. Emission Standard for Benzene Emissions from Coke Byproduct Recovery Plants: 40 CFR Part 61 Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.
7. Emission Standard for Asbestos (Including Work Practices): 40 CFR Part 61 Subpart M, as amended July 20, 2004, is hereby incorporated and adopted by reference.

8. Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants: 40 CFR Part 61 Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.
9. Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters: 40 CFR Part 61 Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.
10. Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities: 40 CFR Part 61 Subpart P, as amended October 3, 1986, is hereby incorporated and adopted by reference.
11. Emission Standard for Equipment Leaks (Fugitive Emission Sources) [of VHAP]: 40 CFR Part 61 Subpart V, as amended December 14, 2000, is hereby incorporated and adopted by reference.
12. Emission Standard for Benzene Emissions from Benzene Storage Vessels: 40 CFR Part 61 Subpart Y, as amended December 14, 2000, is hereby incorporated and adopted by reference.
13. Emission Standard for Benzene Emissions from Benzene Transfer Operations: 40 CFR Part 61 Subpart BB, as amended December 14, 2000, is hereby incorporated and adopted by reference.
14. Emission Standard for Benzene Waste Operations: 40 CFR Part 61 Subpart FF, as amended December 4, 2003, is hereby incorporated and adopted by reference.
15. General Provisions. For purposes of applying Emission Standards for Hazardous Air Pollutants, 40 CFR Part 63 Subpart A, as amended ~~October 16, 2017~~ November 14, 2018, [excluding 63.13, and 63.15(a)(2)] is hereby incorporated and adopted by reference, subject to the following provisions:
 - (i) The definition of “Potential to Emit” in 40 CFR Part 63.2 shall be modified as follows:
 - (I) The phrase “is federally enforceable” shall read “is federally enforceable or enforceable as a practical matter.”
16. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Paragraph 112(g): 40 CFR Parts 63.40 through 63.44, as amended June 30, 1999, is hereby incorporated and adopted by reference, subject to the following provisions:
 - (i) Terms used in this paragraph shall have the meaning given to them in the Clean Air Act, 40 CFR 63 Subparts A and B, and the Georgia Air Quality Act.
 - (ii) The “Effective Date of Paragraph 112(g)(2)(B),” as defined in 40 CFR 63.41, shall be June 29, 1998.

(iii) The “Notice of MACT Approval,” as defined in 40 CFR 63.41, shall be the air construction permit issued by the Division.

(iv) The “Permitting Authority,” as defined in 40 CFR 63.41, shall be the Division.

(v) In lieu of the administrative procedures for review of the Notice of MACT Approval, as set forth in 40 CFR 63.43(f)(1) through (5), the Division will act in accordance with the permitting requirements as set forth in Chapter 391-3-1-.03 Permits, as amended, and administrative procedures for preconstruction review and approval established by the Division.

(vi) In lieu of the opportunity for public comment on the Notice of MACT Approval, as set forth in 40 CFR 63.43(h), the Division will provide opportunity for public comment on the Notice of MACT Approval pursuant to Chapter 391-3-1-.03(2)(i).

(vii) The Notice of MACT Approval shall become effective upon issuance of the air construction permit by the Division.

17. Requirements for Control Technology Determinations for Major Sources in Accordance with the Clean Air Act sections 112(j): 40 CFR 63, Subpart B, Sections 63.50 through 63.56, as amended July 11, 2005, is hereby incorporated and adopted by reference.

18. [reserved]

19. Compliance Extensions for Early Reductions: 40 CFR Part 63 Subpart D, as amended November 21, 1994, is hereby incorporated and adopted by reference.

20. Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry: 40 CFR Part 63 Subpart F, as amended December 21, 2006, is hereby incorporated and adopted by reference.

21. Emission Standards for Organic Hazardous Air Pollutants from Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater: 40 CFR Part 63 Subpart G, as amended December 22, 2008, is hereby incorporated and adopted by reference. Only procedures listed in 63.112(e) of 40 CFR Part 63 Subpart G, shall be used to comply with the emission standard in 63.112(a) unless otherwise specifically approved by the Director.

22. Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks: 40 CFR Part 63 Subpart H, as amended December 22, 2008, is hereby incorporated and adopted by reference.

23. Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks: 40 CFR Part 63 Subpart I, as amended June 23, 2003, is hereby incorporated and adopted by reference.

24. Emission Standards for Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart J, as amended July 10, 2002, is hereby incorporated and adopted by reference.
25. [reserved]
26. Emission Standards for Coke Oven Batteries: 40 CFR Part 63 Subpart L, as amended April 20, 2005, is hereby incorporated and adopted by reference.
27. Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: 40 CFR Part 63 Subpart M, as amended July 11, 2008, is hereby incorporated and adopted by reference.
28. Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks: 40 CFR Part 63 Subpart N, as amended April 21, 2015, is hereby incorporated and adopted by reference.
29. Ethylene Oxide Emissions Standards for Sterilization Facilities: 40 CFR Part 63 Subpart O, as amended December 19, 2005, is hereby incorporated and adopted by reference.
30. [reserved]
31. Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers: 40 CFR Part 63 Subpart Q, as amended April 7, 2006, is hereby incorporated and adopted by reference.
32. Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations): 40 CFR Part 63 Subpart R, as amended December 22, 2008, is hereby incorporated and adopted by reference.
33. Emission Standards for Pulp & Paper Industries: 40 CFR Part 63 Subpart S, as amended September 11, 2012, is hereby incorporated and adopted by reference.
34. Emission Standards for Halogenated Solvent Cleaning: 40 CFR Part 63 Subpart T, as amended May 3, 2007, is hereby incorporated and adopted by reference.
35. Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins: 40 CFR Part 63 Subpart U, as amended April 21, 2011, is hereby incorporated and adopted by reference.
36. [reserved]
37. Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production: 40 CFR Part 63 Subpart W, as amended April 20, 2006, is hereby incorporated and adopted by reference.

38. Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting: 40 CFR Part 63 Subpart X, as amended January 3, 2014, is hereby incorporated and adopted by reference.
39. Emission Standards for Marine Tank Vessel Loading Operations: 40 CFR Part 63 Subpart Y, as amended December 1, 2015, is hereby incorporated and adopted by reference.
40. [reserved]
41. Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants: 40 CFR Part 63 Subpart AA, as amended September 28, 2017, is hereby incorporated and adopted by reference.
42. Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants: 40 CFR Part 63 Subpart BB, as amended September 28, 2017, is hereby incorporated and adopted by reference.
43. Emission Standards for Hazardous Air Pollutants ~~From~~ Petroleum Refineries: 40 CFR Part 63 Subpart CC, as amended ~~July 13, 2016~~ November 26, 2018, is hereby incorporated and adopted by reference. Only procedures listed in 63.642(k) of 40 CFR 63, Subpart CC shall be used to comply with the emission standard in 63.642(g).
44. Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations: 40 CFR Part 63 Subpart DD, as amended ~~March 18, 2015~~ January 29, 2018, is hereby incorporated and adopted by reference.
45. Emission Standards for Magnetic Tape Manufacturing Operations: 40 CFR Part 63 Subpart EE, as amended June 23, 2003, is hereby incorporated and adopted by reference.
46. [reserved]
47. Emission Standards for Aerospace Manufacturing and Rework Facilities: 40 CFR Part 63 Subpart GG, as amended August 3, 2016, is hereby incorporated and adopted by reference.
48. Emission Standards for Hazardous Air Pollutants for Source Categories: Oil & Natural Gas Production Facilities: 40 CFR Part 63 Subpart HH, as amended August 16, 2012, is hereby incorporated and adopted by reference.
49. Emission Standards for Shipbuilding and Ship Repair (Surface Coating): 40 CFR Part 63 Subpart II, as amended November 21, 2011, is hereby incorporated and adopted by reference.
50. Emission Standards for Wood Furniture Manufacturing Operations: 40 CFR Part 63 Subpart JJ, as amended November 21, 2011, is hereby incorporated and adopted by reference.
51. Emission Standards for the Printing and Publishing Industry: 40 CFR Part 63 Subpart KK, as amended April 21, 2011, is hereby incorporated and adopted by reference.

52. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Aluminum Reduction Plants: 40 CFR Part 63 Subpart LL, as amended October 15, 2015, is hereby incorporated and adopted by reference.
53. Emission Standards for Hazardous Air Pollutants for Source Categories: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills: 40 CFR Part 63 Subpart MM, as amended October 11, 2017, is hereby incorporated and adopted by reference.
54. Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources: 40 CFR Part 63 Subpart NN, as amended July 29, 2015, is hereby incorporated and adopted by reference.
55. Emission Standards for Tanks--Level 1: 40 CFR Part 63 Subpart OO, as amended June 23, 2003, is hereby incorporated and adopted by reference.
56. Emission Standards for Containers: 40 CFR Part 63 Subpart PP, as amended June 23, 2003, is hereby incorporated and adopted by reference.
57. Emission Standards for Surface Impoundments: 40 CFR Part 63 Subpart QQ, as amended June 23, 2003, is hereby incorporated and adopted by reference.
58. Emission Standards for Individual Drain Systems: 40 CFR Part 63 Subpart RR, as amended June 23, 2003, is hereby incorporated and adopted by reference.
59. Emission Standards for Hazardous Air Pollutants from: Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process: 40 CFR Part 63 Subpart SS, as amended April 20, 2006, is hereby incorporated and adopted by reference.
60. Emission Standards for Hazardous Air Pollutants from Equipment Leaks--Control Level 1: 40 CFR Part 63 Subpart TT, as amended July 12, 2002, is hereby incorporated and adopted by reference.
61. Emission Standards for Hazardous Air Pollutants from Equipment Leaks--Control Level 2 Standards: 40 CFR Part 63 Subpart UU, as amended July 12, 2002, is hereby incorporated and adopted by reference.
62. Emission Standards for Oil-Water Separators and Organic-Water Separators: 40 CFR Part 63 Subpart VV, as amended June 23, 2003, is hereby incorporated and adopted by reference.
63. Emission Standards for Hazardous Air Pollutants from Storage Vessels (Tanks)--Control Level 2: 40 CFR Part 63 Subpart WW, as amended July 12, 2002, is hereby incorporated and adopted by reference.

64. Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations: 40 CFR Part 63 Subpart XX, as amended April 13, 2005, is hereby incorporated and adopted by reference.

65. Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards: 40 CFR Part 63 Subpart YY, as amended October 8, 2014, is hereby incorporated and adopted by reference.

66. [reserved]

67. [reserved]

68. [reserved]

69. Emission standards for Hazardous Air Pollutants for Source Categories: Steel Pickling -- HCl Process Facilities and Hydrochloric Acid Regeneration Plants: 40 CFR Part 63 Subpart CCC, as amended September 19, 2012, is hereby incorporated and adopted by reference.

70. Emission Standards for Hazardous Air Pollutants for Source Categories: Mineral Wool Production: 40 CFR Part 63 Subpart DDD, as amended July 29, 2015, is hereby incorporated and adopted by reference.

71. Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Waste Combustors: 40 CFR Part 63 Subpart EEE, as amended October 28, 2008, is hereby incorporated and adopted by reference.

72. [reserved]

73. Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production: 40 CFR Part 63 Subpart GGG, as amended April 21, 2011, is hereby incorporated and adopted by reference.

74. Emission Standards for Hazardous Air Pollutants for Source Categories: Natural Gas Transmission and Storage Facilities: 40 CFR Part 63 Subpart HHH, as amended August 16, 2012, is hereby incorporated and adopted by reference.

75. Emission Standards for Hazardous Air Pollutants for Source Categories: Flexible Polyurethane Foam Production: 40 CFR Part 63 Subpart III, as amended August 15, 2014, is hereby incorporated and adopted by reference.

76. Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins: 40 CFR Part 63 Subpart JJJ, as amended March 27, 2014, is hereby incorporated and adopted by reference.

77. [reserved]

78. Emission Standards for Hazardous Air Pollutants ~~for Source Categories: From the Portland Cement Manufacturing Industry:~~ 40 CFR Part 63 Subpart LLL, as amended ~~August 22, 2017~~August 3, 2018, is hereby incorporated and adopted by reference.
79. Emission Standards for Hazardous Air Pollutants for Source Categories: Pesticide Active Ingredient Production: 40 CFR Part 63 Subpart MMM, as amended March 27, 2014, is hereby incorporated and adopted by reference.
80. Emission Standards for Hazardous Air Pollutants for Source Categories: Wool Fiberglass Manufacturing: 40 CFR Part 63 Subpart NNN, as amended December 26, 2017, is hereby incorporated and adopted by reference.
81. Emission Standards for Hazardous Air Pollutants ~~for Source Categories~~ Emissions: Manufacture of Amino/Phenolic Resins-Production: 40 CFR Part 63 Subpart OOO, as amended ~~October 8, 2014~~October 15, 2018, is hereby incorporated and adopted by reference.
82. Emission Standards for Hazardous Air Pollutants for Source Categories: Polyether Polyols Production: 40 CFR Part 63 Subpart PPP, as amended March 27, 2014, is hereby incorporated and adopted by reference.
83. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting: 40 CFR Part 63 Subpart QQQ, as amended April 20, 2006, is hereby incorporated and adopted by reference.
84. Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production: 40 CFR Part 63 Subpart RRR, as amended June 13, 2016, is hereby incorporated and adopted by reference.
85. [reserved]
86. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Lead Smelting: 40 CFR Part 63 Subpart TTT, as amended November 15, 2011, is hereby incorporated and adopted by reference.
87. Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units: 40 CFR Part 63 Subpart UUU, as amended ~~July 13, 2016~~November 26, 2018, is hereby incorporated and adopted by reference.
88. Emission Standards for Hazardous Air Pollutants for Source Categories: Publicly Owned Treatment Works: 40 CFR Part 63 Subpart VVV, as amended October 26, 2017, is hereby incorporated and adopted by reference.
89. [reserved]

90. Emission Standards for Hazardous Air Pollutants for Source Categories: Ferroalloys Production: Ferromanganese and Silicomanganese: 40 CFR Part 63 Subpart XXX, as amended January 18, 2017, is hereby incorporated and adopted by reference.
91. [reserved]
92. [reserved]
93. Emission Standards for Hazardous Air Pollutants for Source Categories: Municipal Solid Waste Landfills: 40 CFR Part 63 Subpart AAAA, as amended April 20, 2006, is hereby incorporated and adopted by reference.
94. [reserved]
95. Emission Standards for Hazardous Air Pollutants for Source Categories: Manufacturing of Nutritional Yeast: 40 CFR Part 63 Subpart CCCC, as amended October 16, 2017, is hereby incorporated and adopted by reference.
96. Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products: 40 CFR Part 63 Subpart DDDD, as amended October 29, 2007, is hereby incorporated and adopted for reference.
97. Emission Standards for Hazardous Air Pollutants: Organic Liquid Distribution (non-gasoline): 40 CFR Part 63 Subpart EEEE, as amended December 22, 2008, is hereby incorporated and adopted for reference.
98. Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing: 40 CFR Part 63 Subpart FFFF, as amended December 22, 2008, is hereby incorporated and adopted by reference.
99. Emission Standards for Hazardous Air Pollutants for Source Categories: Vegetable Oil Production: 40 CFR Part 63 Subpart GGGG, as amended April 20, 2006, is hereby incorporated and adopted by reference.
100. Emission Standards for Hazardous Air Pollutants for Wet Formed Fiberglass Mat Production: 40 CFR Part 63 Subpart HHHH, as amended April 20, 2006, is hereby incorporated and adopted by reference.
101. Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks: 40 CFR Part 63 Subpart IIII, as amended April 24, 2007, is hereby incorporated and adopted by reference.
102. Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coatings: 40 CFR Part 63 Subpart JJJJ, as amended May 24, 2006, is hereby incorporated and adopted by reference.

103. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans: 40 CFR Part 63 Subpart KKKK, as amended April 20, 2006, is hereby incorporated and adopted by reference.

104. [reserved]

105. Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products: 40 CFR Part 63 Subpart MMMM, as amended December 22, 2006, is hereby incorporated and adopted by reference.

106. Emission Standards for Hazardous Air Pollutants for Large Appliances Surface Coating Operations: 40 CFR Part 63 Subpart NNNN, as amended April 20, 2006, is hereby incorporated and adopted by reference.

107. Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles: 40 CFR Part 63 Subpart OOOO, as amended May 24, 2006, is hereby incorporated and adopted by reference.

108. Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products: 40 CFR Part 63 Subpart PPPP, as amended April 24, 2007, is hereby incorporated and adopted by reference.

109. Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products: 40 CFR Part 63 Subpart QQQQ, as amended April 20, 2006, is hereby incorporated and adopted by reference.

110. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture: 40 CFR Part 63, Subpart RRRR, as amended April 20, 2006, is hereby incorporated and adopted by reference.

111. Emission Standards for Hazardous Air Pollutants for Metal Coil Surface Coating Operations: 40 CFR Part 63 Subpart SSSS, as amended March 17, 2003, is hereby incorporated and adopted by reference.

112. Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations: 40 CFR Part 63 Subpart TTTT, as amended February 7, 2005, is hereby incorporated and adopted by reference.

113. Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing: 40 CFR Part 63 Subpart UUUU, as amended December 22, 2008, is hereby incorporated and adopted by reference.

114. Emission Standards for Hazardous Air Pollutants for Source Categories: Boat Manufacturing: 40 CFR Part 63 Subpart VVVV, as amended October 3, 2001, is hereby incorporated and adopted by reference.

115. Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production: 40 CFR Part 63 Subpart WWWW, as amended April 20, 2006, is hereby incorporated and adopted by reference.

116. Emission Standards for Hazardous Air Pollutants for Tire Manufacturing: 40 CFR Part 63 Subpart XXXX, as amended April 20, 2006, is hereby incorporated and adopted by reference.

117. Emission Standards for Hazardous Air Pollutants for Stationary Combustion Engines: 40 CFR Part 63 Subpart YYYY, as amended April 20, 2006, is hereby incorporated and adopted by reference.

118. Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines: 40 CFR Part 63 Subpart ZZZZ, as amended March 6, 2013, is hereby incorporated and adopted by reference.

119. Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants: 40 CFR Part 63 Subpart AAAAA, as amended April 20, 2006, is hereby incorporated and adopted by reference.

120. Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing: 40 CFR Part 63 Subpart BBBB, as amended July 22, 2008, is hereby incorporated and adopted by reference.

121. Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks: 40 CFR Part 63 Subpart CCCCC, as amended April 20, 2006, is hereby incorporated and adopted by reference.

122. Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: 40 CFR Part 63 Subpart DDDDD, as amended ~~November 20, 2015~~ November 14, 2018, is hereby incorporated and adopted by reference.

123. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries: 40 CFR Part 63 Subpart EEEEE, as amended February 7, 2008, is hereby incorporated and adopted by reference.

124. Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing: 40 CFR Part 63 Subpart FFFFF, as amended July 13, 2006, is hereby incorporated and adopted by reference.

125. Emission Standards for Hazardous Air Pollutants: Site Remediation, 40 CFR Part 63 Subpart GGGGG: as amended December 22, 2008, is hereby incorporated and adopted by reference.

126. Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing: 40 CFR Part 63 Subpart HHHHH, as amended December 22, 2008, is hereby incorporated and adopted by reference.
127. Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants: 40 CFR Part 63 Subpart IIII, as amended April 20, 2006, is hereby incorporated and adopted by reference.
128. Emission Standards for Hazardous Air Pollutants: Brick and Structural Clay Products Manufacturing: 40 CFR Part 63 Subpart JJJJ, as amended October 26, 2015, is hereby incorporated and adopted by reference.
129. Emission Standards for Hazardous Air Pollutants: Clay Ceramics Manufacturing: 40 CFR Part 63 Subpart KKKKK, as amended December 4, 2015, is hereby incorporated and adopted by reference.
130. Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart LLLLL, as amended April 20, 2006, is hereby incorporated and adopted by reference.
131. Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations: 40 CFR Part 63 Subpart MMMMM, as amended April 20, 2006, is hereby incorporated and adopted by reference.
132. Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production: 40 CFR Part 63 Subpart NNNNN, as amended April 20, 2006, is hereby incorporated and adopted by reference.
133. [reserved]
134. Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Standards: 40 CFR Part 63 Subpart PTTTT, as amended April 20, 2006, is hereby incorporated and adopted by reference.
135. Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities: 40 CFR Part 63 Subpart QQQQQ, as amended April 20, 2006, is hereby incorporated and adopted by reference.
136. Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing: 40 CFR Part 63 Subpart RRRRR, as amended April 20, 2006, is hereby incorporated and adopted by reference.
137. Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing: 40 CFR Part 63 Subpart SSSSS, as amended April 20, 2006, is hereby incorporated and adopted by reference.

138. Emission Standards for Hazardous Air Pollutants for Primary Magnesium Manufacturing: 40 CFR Part 63 Subpart TTTTT, as amended April 20, 2006, is hereby incorporated and adopted by reference.

139. Emission Standards for Hazardous Air Pollutants ~~for~~ Coal- and Oil-Fired Electric Utility Steam Generating Units: 40 CFR Part 63 Subpart UUUUU, as amended ~~April 6, 2017~~ November 14, 2018, is hereby incorporated and adopted by reference.

140. [reserved]

141. Emission Standards for Hospital Ethylene Oxide Sterilizers: 40 CFR Part 63 Subpart WWWW, as promulgated December 28, 2007, is hereby incorporated and adopted by reference.

142. [reserved]

143. Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities: 40 CFR Part 63 Subpart YYYYY, as amended June 24, 2015, is hereby incorporated and adopted by reference.

144. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources: 40 CFR Part 63 Subpart ZZZZZ, as promulgated January 2, 2008, is hereby incorporated and adopted by reference.

145. [reserved]

146. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Bulk Terminals, Bulk Plants, and Pipeline Facilities: 40 CFR Part 63 Subpart BBBB, as amended January 24, 2011, is hereby incorporated and adopted by reference.

147. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities: 40 CFR Part 63 Subpart CCCCC, as amended January 24, 2011, is hereby incorporated and adopted by reference.

148. Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources: 40 CFR Part 63 Subpart DDDDD, as amended February 4, 2015, is hereby incorporated and adopted by reference.

149. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources: 40 CFR Part 63 Subpart EEEEE, as amended July 3, 2007, is hereby incorporated and adopted by reference.

150. Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources: 40 CFR Part 63 Subpart FFFFF, as amended July 3, 2007, is hereby incorporated and adopted by reference.

151. Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium: 40 CFR Part 63 Subpart GGGGGG, as promulgated January 23, 2007, is hereby incorporated and adopted by reference.

152. Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources: 40 CFR Part 63 Subpart HHHHHH, as amended February 13, 2008, is hereby incorporated and adopted by reference.

153. [reserved]

154. Emission Standards for Hazardous Air Pollutants: Industrial, Commercial, and Institutional Boilers, Area Sources: 40 CFR Part 63 Subpart JJJJJJ, as amended September 14, 2016, is hereby incorporated and adopted by reference.

155. [reserved]

156. Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources: 40 CFR Part 63 Subpart LLLLLL, as amended March 26, 2008, is hereby incorporated and adopted by reference.

157. Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources: 40 CFR Part 63 Subpart MMMMMM, as amended March 26, 2008, is hereby incorporated and adopted by reference.

158. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds: 40 CFR Part 63 Subpart NNNNNN, as amended March 26, 2008, is hereby incorporated and adopted by reference.

159. Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources: 40 CFR Part 63 Subpart OOOOOO, as amended March 26, 2008, is hereby incorporated and adopted by reference.

160. Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources: 40 CFR Part 63 Subpart PPPPPP, as amended March 26, 2008, is hereby incorporated and adopted by reference.

161. Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources: 40 CFR Part 63 Subpart QQQQQQ, as amended March 26, 2008, is hereby incorporated and adopted by reference.

162. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources: 40 CFR Part 63 Subpart RRRRRR, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.

163. Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources: 40 CFR Part 63 Subpart SSSSSS, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.
164. Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources: 40 CFR Part 63 Subpart TTTTTT, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.
165. [reserved]
166. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: 40 CFR Part 63 Subpart VVVVVV, as amended December 21, 2012, is hereby incorporated and adopted by reference.
167. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations: 40 CFR Part 63 Subpart WWWWWW, as amended September 19, 2011, is hereby incorporated and adopted by reference.
168. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories: 40 CFR Part 63 Subpart XXXXXX, as promulgated July 23, 2008, is hereby incorporated and adopted by reference.
169. Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities: 40 CFR Part 63 Subpart YYYYYY, as promulgated December 23, 2008, is hereby incorporated and adopted by reference.
170. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries: 40 CFR Part 63 Subpart ZZZZZZ, as amended September 10, 2009, is hereby incorporated and adopted by reference.
171. Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart AAAAAAA, as amended March 18, 2010, is hereby incorporated and adopted by reference.
172. Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry: 40 CFR Part 63 Subpart BBBBBB, as promulgated December 30, 2009, is hereby incorporated and adopted by reference.
173. Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing: 40 CFR Part 63 Subpart CCCCCC, as amended June 3, 2010, is hereby incorporated and adopted by reference.
174. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing: 40 CFR Part 63 Subpart DDDDDD, as amended December 23, 2011, is hereby incorporated and adopted by reference.

175. Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category: 40 CFR Part 63 Subpart EEEEEEE, as promulgated February 17, 2011, is hereby incorporated and adopted by reference.

176. [reserved]

177. [reserved]

178. Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart HHHHHHH, as promulgated April 17, 2012, is hereby incorporated and adopted by reference.

Rule 391-3-1-.03(8), “Permit Requirements,” is amended to read as follows:

(8) Permit Requirements.

(a) Each application for a permit to construct a new stationary source or modify an existing stationary source shall be subjected to a preconstruction or premodification review by the Director. The Director shall determine prior to issuing any permit that the proposed construction or modification will not cause or contribute to a failure to attain (as expeditiously as practicable) or maintain any ambient air quality standard, a significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance or other requirement under the Act or this Chapter (391-3-1). Each person applying to the Director for a permit to construct a new stationary source or modify an existing stationary source shall provide information required by the Director to make such determination.

(b) In addition to any other requirement under the Act, or this Chapter (391-3-1), no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source meets all the requirements for review and for obtaining a permit prescribed in Title I, Part C of the Federal Act, and Section 391-3-1-.02(7) of these Rules.

(c) In addition to any other requirement under the Act or this Chapter (391-3-1), no permit to construct a new or modified major stationary source to be located in any area of the State determined and designated by the U.S. EPA Administrator or the Director as not attaining a National Ambient Air Quality Standard or in areas contributing to the ambient air levels of such pollutants in such areas of non-attainment shall be issued unless the following provisions are met. The provisions of 391-3-1-.02(7) apply to projects subject to this subparagraph as specified in Subparagraph (g) of this paragraph.

1. The Director determines that by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that total allowable emissions from existing sources in the non-attainment area or areas designated by the Director as contributing to ambient air levels of such pollutants in the non-attainment area, from new or modified sources which are not major emitting facilities, and from the proposed sources, will be sufficiently less than total emissions from existing sources allowed prior to the application for such permit to construct or modify, so as to represent (when considered together with other air pollution control

measures legally enforced in such area or region) reasonable further progress (as defined in Section 171 of the Federal Act); and

2. The proposed source is required to comply with the lowest achievable emission rate; and
3. The owner or operator of the proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in this State, are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Act; and
4. An analysis (by the person proposing such construction or modification) of alternative sites, sizes, production processes and environmental control techniques for such proposed source demonstrates to the satisfaction of the Director that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its proposed location, construction, or modification; and
5. The State's Implementation Plan (approved by the Administrator pursuant to the Federal Act) is being carried out in the non-attainment area or an area designated by the Director as contributing to the ambient air level of any such pollutant in a non-attainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Federal Act.
6. The offset baseline for determining credits for emission reductions at a source is either the applicable emission limits in the Chapter or the actual emissions, in tons per year, at the time the application to construct is filed, whichever is less. The time period used to calculate the baseline emissions shall be the 24-month period immediately preceding the date the application to construct is filed. The Division may allow the use of a different time period upon a determination that such period is more representative of normal source operation.
7. (i) Emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited provided that the work force to be affected has been notified of the proposed shutdown or curtailment.

(ii) In addition, emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in subparagraphs (I) and (II) of this subparagraph:
 - (I) Such reductions are surplus, permanent, quantifiable, and federally enforceable.
 - (II) The shutdown or curtailment occurred after the last day of the base year for the most recently submitted attainment demonstration, maintenance plan, reasonable further progress plan, or rate of progress plan. For purposes of this paragraph, the Division may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration, maintenance plan, reasonable further progress plan, or rate of progress plan explicitly includes the emissions from such

previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

(iii) Emission reductions achieved by shutting down an existing emission unit or curtailing production or operating hours and that do not meet the requirements in subparagraph 7.(ii)(II) of this subparagraph may be generally credited only if:

(I) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or

(II) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of subparagraph 7.(ii)(I) of this subparagraph.

8. No emission offset credit may be allowed for replacing one VOC compound with another of less reactivity.

9. Procedures relating to the permissible location of offsetting emissions shall be followed which are at least as stringent as those contained in 40 CFR, Part 51, Appendix S, Section IV.D.

10. Offset credit for an emission reduction can be claimed to the extent that the Director has not relied on it in issuing any other permit or has not relied on it in demonstrating attainment of reasonable further progress.

11. The Director may elect not to consider fugitive emissions, to the extent they are quantifiable, in calculating the potential to emit from a stationary source or modification in determining whether the source is major and the source does not belong to any of the following categories:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants for more than 250 million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

12. Offsets.

- (i) The owner or operator of a new or modified major stationary source may comply with any offset requirement in effect under this subsection for increased emissions of any air pollutant only by obtaining emission reductions of such air pollutants from the same source or other

sources in the same non-attainment area, except that the Director may allow the owner or operator of a source to obtain such emission reductions in another non-attainment area if:

(I) The other area has an equal or higher non-attainment classification than the area in which the source is located;

(II) Emissions from such other area contribute to a violation of the national ambient air quality standard in the non-attainment area in which the source is located; and

(III) Such emission reductions shall be, by the time a new or modified source commences operation, in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.

(ii) Emission reductions otherwise required by the Federal Act shall not be creditable as emissions reductions for purposes of any such offset requirement. Incidental emission reductions that are not otherwise required by the Federal Act shall be creditable as emission reductions for such purposes if such emission reductions meet the requirements of subparagraph (8)(c)1.

(iii) In order to be used as an offset under this subsection, emission reductions must satisfy the criteria in section (13), subsections (a) and (b).

(iv) At least 30 days prior to commencement of operation of the new or modified stationary source permitted under this subparagraph, the owner or operator shall provide documentation to the Division of the possession of sufficient offsets required under subparagraph (c)1. and as specified under subparagraph (c)14. or 15., whichever is applicable, as follows:

(I) If offsets are obtained from the Emission Reduction Credit Banking Program specified under paragraph 391-3-1-.03(13), the owner or operator shall submit an application or applications for Use of Emission Reduction Credits as required under 391-3-1-.03(13)(f) using forms specified by the Division. If said offsets are not currently owned by the owner or operator, the current owner/operator must submit an application or applications to Transfer Ownership of Emission Reduction Credits as required under 391-3-1-.03(13)(g) using forms specified by the Division simultaneously with or prior to submittal of the application or applications to withdraw Emission Reduction Credits.

(II) If offsets are not obtained from the Emission Reduction Credit banking program, the owner or operator shall submit the following information. (If offsets are obtained from one or more enforceable mechanisms, items I through VI shall be submitted for each enforceable mechanism.):

I. The name of the permittee that generated the offsets.

II. The name of the plant or facility at which the offsets were generated.

III. The address (street address, city, state, zip code, and county) of the plant or facility at which the offsets were generated. (This should be for the physical location of the plant or facility.)

IV. Identification of the enforceable mechanism (permit number and date of issuance, permit amendment number and date of issuance, or date of permit revocation) that resulted from creation of the offsets.

V. The number of offsets from the permit, permit amendment, or permit revocation identified in IV, above, that will be used for the new or modified stationary source permitted under this subparagraph.

VI. If the offsets were created by an owner or operator other than the owner or operator which will be using the offsets for the new or modified stationary source permitted under this paragraph, a letter from the owner or operator that created the offsets shall be submitted to the Division stating that the offsets have been transferred to the owner or operator that will be using the offsets, the date of such transfer, the number of offsets transferred, and the information contained in I through IV above.

(v) [~~R~~reserved.]

(vi) When multiple new or modified emissions units are permitted at the same time but commence operation on different dates, the documentation required under subparagraph (iv) shall be submitted to the Division at least 30 days prior to commencement of each new or modified emissions unit in order to demonstrate that adequate offsets have been obtained for each new or modified emissions unit prior to commencement.

13. [~~R~~reserved.]

14. Additional Provisions for Ozone Non-Attainment Areas.

(i) In Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale counties the terms “major source” and “major stationary source” include any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 100 tons per year of volatile organic compounds or nitrogen oxides. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a “major stationary source” if the change would constitute a major stationary source by itself.

(ii) Any physical change in or change in the method of operation of a major stationary source located in these counties that results in a net emissions increase of volatile organic compounds or nitrogen oxides equal to or exceeding 40 tons per year of such air pollutant shall be considered a modification when determining the applicability of the permit requirements established by this subsection. “Net emissions increase” shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.

(iii) [~~R~~reserved.]

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of volatile organic compounds or nitrogen oxides to total increased emissions of such pollutants shall be at least 1.15 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new emission point is located.

15. Additional Provisions for Electrical Generating Units Located in Areas Contributing to the Ambient Air Level of Ozone in the Metropolitan Atlanta Ozone Non-Attainment Area.

(i) In Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton counties, the terms “major source” and “major stationary source” include any stationary source or group of sources located within a contiguous area and under common control, containing an electrical generating unit, and that emits, or has the potential to emit, at least 100 tons per year of nitrogen oxides from electrical generating units. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a “major stationary source” if the change would constitute a major stationary source by itself.

(ii) Any physical change or change in the method of operation at a major stationary source in these counties that results in a net emissions increase of nitrogen oxides equal to or exceeding 40 tons per year of such air pollutant from the installation or modification of one or more electrical generating units shall be considered a modification when determining the applicability of the permit requirements established by this subsection. “Net emissions increase” shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.

(iii) In the case of any new electrical generating unit or modified existing electrical generating unit located at a new or modified major stationary source in these counties, the requirements of 391-3-1-.03(8)(c)2. shall only apply to that electrical generating unit and best available control technology (BACT), as defined by the Federal Act, shall be substituted for the lowest achievable emission rate (LAER).

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of nitrogen oxides to total increased emissions of such pollutant from the new or modified electrical generating units shall be at least 1.1 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new or modified major stationary source is located.

(v) [~~R~~reserved.]

(vi) [~~R~~reserved.]

(vii) For the purpose of this subsection, “electrical generating unit” means a fossil fuel fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that produces electricity for sale.

16. [reserved]

(d) [reserved]

(e) The Director shall, upon analysis of the ambient air in the State, determine, and so designate, those areas of the State, if any, which are not attaining any National Ambient Air Quality Standards specified under the Federal Act, and any area contributing to the ambient air level of any such pollutant (for which such a standard has been established) in such areas of non-attainment. The Director's analyses determinations, and designations hereunder shall be used for the purpose of implementing the requirements of this section, shall be continuing, and shall be conducted in a manner sufficient to meet the requirements of Title 1, Part D of the Federal Act.

1. The counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, ~~and~~ Upson, and Walton have been determined by the Director as areas contributing to the ambient air level of ozone in the following metropolitan Atlanta ~~ozone non-attainment area which consists of the counties: of~~ ~~Barrow~~, Bartow, ~~Carroll~~, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, ~~Hall~~, Henry, Newton, Paulding, and Rockdale, ~~Spalding~~, and ~~Walton~~. No permit to construct an electric generating unit at a new or modified major stationary source in this area shall be issued unless such proposed source meets all the requirements of Subsection (8)(c).

(f) In addition to any other requirement under the Act, or this Chapter 391-3-1, no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source or modification meets all the requirements for review and for obtaining a permit prescribed in Paragraph 391-3-1-.02(9)(b)16. of this Rule.

(g) The following provisions of paragraph 391-3-1-.02(7) apply to projects subject to the permitting requirements of subparagraph (c) of this paragraph with respect to those pollutants subject to Subparagraph (c).

1. 391-3-1-.02(7)(a)2. Definitions, with the following exceptions and additions:

(i) The definition of "Major Stationary Source" does not apply.

(ii) Within the definition of "Major Modification,"

(I) The date within the "capable of accommodating" provision shall be December 21, 1976; and

(II) Paragraphs 40 CFR 52.21(b)(2)(iii)(j) and (k) do not apply.

(iii) The definition of "Net Emissions Increase," as it pertains to subparagraphs 8(c)14.(ii) and 8(c)15.(ii) of this rule, shall have the meaning defined in 40 CFR 51.165(a)(1)(vi) with the following exceptions:

(I) In lieu of (a)(1)(vi)(A)(1), the following shall apply: The increase in emissions from a particular change or change in the method of operation at a stationary source pursuant to paragraph 52.21(a)(2)(iv) as adopted in subparagraph (7)(a)3. of this rule; and

(II) In (a)(1)(vi)(A)(2), baseline actual emissions shall be determined as provided in subparagraph (7)(a)2.(i) of this rule, except that sub paragraphs (7)(a)2.(i)(I)III. and (7)(a)2.(i)(II)IV. do not apply.

(iv) To the definition of “Secondary Emissions,” the following sentence is added: “Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions.”

(v) The definition of “Significant” does not apply.

(vi) “Lowest achievable emission rate” or “LAER” means, for any source, the more stringent rate of emissions is based on the following:

(I) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(II) The most stringent emission limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emission rate for the new or modified emission units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

2. 391-3-1-.02(7)(a)3., Applicability procedures, with the following exception:

(i) The term “significant amount” in subparagraph (7)(a)3. shall mean an increase that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).

3. 391-3-1-.02(7)(a)4.

4. 391-3-1-.02(7)(b)14., Public participation.

5. 391-3-1-.02(7)(b)15., Source obligation, with the following exception:

(i) The term “significant amount” in subparagraph (7)(b)15.(i)(V) shall mean an increase that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).

6. 391-3-1-.02(7)(b)21., Actual PALs, with the following exception:

(i) Under the provision for “Setting the 10-year actual PAL level” specified in paragraph 40 CFR 52.21(aa)(6), the amount added to the baseline actual emissions shall be the amount that is considered not to be a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is amended to read as follows:

(13) Emission Reduction Credits.

(a) Applicability.

This section provides for the creation, banking, transfer, and use of nitrogen oxides and VOC Emission Reduction Credits in Federally designated ozone non-attainment areas in Georgia and any areas designated by the Director as contributing to the ambient air level of ozone in Federally designated ozone non-attainment areas in Georgia. The following sources are eligible to create and bank nitrogen oxides and VOC Emission Reduction Credits:

1. ~~Any stationary source located within the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale and which has the potential to emit nitrogen oxides or VOC in amounts greater than 25 tons per year.~~[reserved]
2. Any stationary source located within the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, and Rockdale~~Spalding, and Walton~~ and which has the potential to emit nitrogen oxides or VOCs in amounts greater than 100 tons-per-year.
3. Electrical Generating Units located at any stationary source within the counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, and Upson, and Walton and which has the potential to emit nitrogen oxides in amounts greater than 100 tons-per-year.

(b) Eligibility of Emission Reductions.

1. In order to be approved by the Division as an Emission Reduction Credit, a reduction in emissions must be real, permanent, quantifiable, enforceable, and surplus and shall have occurred after December 31, 1996.
2. To be eligible for consideration as Emission Reduction Credits, emission reductions may be created by any of the following methods:
 - (i) Installation of control equipment;
 - (ii) A change in process inputs, formulations, products or product mix, or raw materials;
 - (iii) A reduction in actual emission rate;

- (iv) A reduction in operating hours;
- (v) Production curtailment;
- (vi) Shutdown of emitting sources or facilities; or
- (vii) Any other enforceable method as determined by the Division.

(c) Quantification of Emission Reduction Credits.

1. For purposes of calculating the amount of emission reduction that can be quantified as an Emission Reduction Credit, the following procedures must be followed:

- (i) The source must calculate its average actual annual emissions prior to the emission reduction. Actual emissions prior to the reduction shall be calculated in tons per year. In calculating average actual annual emissions prior to the emission reduction, the source shall use data from the 24-month period immediately preceding the reduction in emissions. The Division may allow the use of a different time period upon determination that such period is more representative of normal source operation.
- (ii) The Emission Reduction Credit generated by the emission reduction shall be calculated by subtracting the allowable annual emissions rate following the reduction from the average actual annual emissions prior to the reduction.

(d) Discounting and Revocation of Emission Reduction Credits.

1. Except as provided below, the Director shall not discount or otherwise reduce the value of Emission Reduction Credits banked under this section.

(i) [reserved]

(ii) Discounting Based on Time Banked.

Emission Reduction Credits banked under this section will not expire at any time. However, Emission Reduction Credits will be discounted at a rate of 10 percent of the original Emission Reduction Credit value per year beginning on the 11th anniversary of the date on which the reduction in emissions initially occurred, up to a maximum total discount of 50 percent of the original Emission Reduction Credit value on the 15th anniversary of the date on which the reduction in emissions initially occurred. Annual discounting under this subsection (ii) shall not occur if the affected Emission Reduction Credits have already been discounted by 50% or more under the following subsection (iii) due to the promulgation of more stringent regulations affecting the source category that created the Emission Reduction Credits.

(iii) Discounting for More Stringent Regulations.

If any State or Federal statute, rule, or regulation decreases an allowable emission rate or otherwise requires a reduction in nitrogen oxides or VOC from a particular source category or categories, any banked nitrogen oxides or VOC Emission Reduction Credits created by that source category or categories shall be reduced to reflect the new more stringent allowable emission limit or required reduction.

(iv) Discounting or Revocation for Cause.

The Director may revoke, suspend, or reduce the value of Emission Reduction Credits for cause, including evidence of noncompliance with permit conditions imposed to make the emission reductions permanent and enforceable; failure to achieve in practice the emission reductions on which the Emission Reduction Credits are based; or misrepresentations made in the Emission Reduction Credit application or any other applications on which the Emission Reduction Credits are based, supporting data entered therein or attached thereto, or any subsequent submittal or supporting data.

2. The owner of a Certificate of Emissions Reduction Credit may submit an application to re-evaluate a Certificate of Emission Reduction Credit to determine whether the amount of credits specified in the Certificate of Emission Reduction Credit has been discounted or revoked in accordance with subparagraph 1., above. Such application shall be submitted on forms and contain information specified by the Division.

(e) Creation and Banking of Emission Reduction Credits.

1. Sources seeking to create and bank Emission Reduction Credits must submit an application on forms supplied by the Division and signed by the applicant. The application shall include, at a minimum, the following information:

(i) The company name, contact person and phone number, and street address of the source seeking the Emission Reduction Credit;

(ii) A description of the type of source, including SIC code, where the proposed emission reduction shall occur;

(iii) A detailed description of the method or methods to be employed by the source to create the emission reduction;

(iv) The date the emission reduction occurred or is to occur;

(v) Quantification of the Emission Reduction Credit, as required under subsection (c);

(vi) The proposed method for ensuring the reductions are permanent and enforceable, including any necessary application to amend the source's operating permit or, in the case of a shutdown of process equipment or an entire source, request for permit revocation;

(vii) Whether any portion of the reduction in emissions to be used to create the Emission Reduction Credit has previously been used to avoid New Source Review through a “netting demonstration;” and

(viii) Any other information that may be required to demonstrate that the reduction in emissions is real, permanent, quantifiable, enforceable, and surplus, as defined in subsection (b).

2. The Division will determine whether the application is complete and will notify the source seeking the Emission Reduction Credit of its determination. A Certificate of Emission Reduction Credit will be issued to the source upon a determination by the Director that the emission reduction meets the requirements of this section. Upon issuance of the Certificate, the Division will simultaneously take any action required to ensure the reduction is permanent and enforceable, including issuance of a revised permit or revocation of a permit.

3. Certificates of Emission Reduction Credit shall be issued by the Director and shall contain the following information:

(i) The amount of the credit, in tons per year;

(ii) The pollutant reduced (nitrogen oxides or VOC);

(iii) The date the reduction occurred;

(iv) The street address and county of the source where the reduction occurred; and

(v) The date of issuance of the Certificate.

4. The Division shall maintain an Emission Reduction Credit registry that constitutes the official record of all Certificates of Emission Reduction Credit issued and all withdrawals made. The registry shall be available for public review. For each certificate issued, the registry will indicate the amount of the Emission Reduction Credit, the pollutant reduced, the location of the facility generating the Emission Reduction Credit, and the facility contact person.

(f) Use of Emission Reduction Credits.

1. Emission Reduction Credits may be used in any manner authorized under this subsection (f).

2. Persons holding Emission Reduction Credits may withdraw the Emission Reduction Credits and may dispose of them in any manner not inconsistent with this Section.

3. An Emission Reduction Credit may be withdrawn only by the owner of record or by the Director and may be withdrawn in whole or in part. In the case of a partial withdrawal, the Division shall issue a revised certificate of Emission Reduction Credit to the owner of record reflecting the new amount of the credit and shall revoke the original Certificate.

4. Emission Reduction Credits may be used for the following purposes:

(i) As offsets required by Section 391-3-1-.03(8) for a major new source of nitrogen oxides or VOC in a federally designated ozone non-attainment area, or an area designated by the Director as an area contributing to the ambient concentration of ozone in a federally designated ozone non-attainment area;

(ii) As offsets required by Section 391-3-1-.03(8) for a major modification to an existing major source of nitrogen oxides or VOC in a federally designated ozone non-attainment area, or an area designated by the Director as an area contributing to the ambient concentration of ozone in a federally designated ozone non-attainment area;

(iii) As part of a netting demonstration under the following conditions:

(I) The source using the Emission Reduction Credits is the same source that created and banked the Emission Reduction Credits, and;

(II) The emission reduction represented by the Emission Reduction Credits occurred within the five-year period before construction commences on the modification; or

(iv) As internal offsets under Section 391-3-1-02(8)(c)(13)(iii) and (iv) of these Rules provided that the source using the Emission Reduction Credits is the same source that created and banked the Emission Reduction Credits.

5. Emission Reduction Credits can only be used to offset emissions of the same pollutant that was reduced by the source that created and banked the Emission Reduction Credit.

6. Emission reduction credits used as offsets as required by Section 391-3-1-.03(8) within a federally designated ozone non-attainment area shall have been created within that federally designated ozone non-attainment area. Emission reduction credits created within any area designated by the Director as contributing to the ambient air level of ozone in a federally designated ozone non-attainment area may not be used as offsets as required by Section 391-3-1-.03(8) in that federally designated non-attainment area.

(g) Transfer of Certificates of Emission Reduction Credit.

1. If the owner of a Certificate of Emission Reduction Credit transfers the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner and shall revoke the certificate held by the current owner of record.

2. If the owner of a Certificate of Emission Reduction Credit transfers part of the Emission Reduction Credits represented by the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner reflecting the transferred amount and shall issue a Certificate of Emission Reduction Credit to the current owner of record reflecting the amount of Emission Reduction Credit remaining after the transfer. The original Certificate of Emission Reduction credit shall be revoked.

(h) Administrative Fees.

1. Any Source or person seeking to create, certify, bank, use, transfer, or re-evaluate Emission Reduction Credits shall pay fees to the Division in accordance with the following schedule:

(i) \$6000 per application to create, certify and bank emission credits in accordance with subparagraph (e) of this paragraph.

(ii) \$3500 per application to use a banked emission credit in accordance with subparagraph (f)4. of this paragraph. If the Certificate of Emission Reduction Credit has either been transferred in accordance with subparagraph (g) of this paragraph or re-evaluated in accordance with subparagraph (d)2. of this paragraph, or both, within 12 months prior to submission of an application to use a banked emission credit, the administrative fee to use a banked emission credit shall be reduced by the amount administrative fee(s) paid to the Division for transfer and re-evaluation. The 12-month period shall be based on the date of issuance of the new Certificate of Emission Reduction Credit to the new owner (for a transfer) or the date of written notification of the owner of the results of the re-evaluation by the Division (for a re-evaluation).

(iii) \$3000 per application to transfer a Certificate of Emission Reductions Credit as per subparagraph (g) of this paragraph. If a re-evaluation of the Certificate of Emission Reduction Credit has been completed by the Division in accordance with subparagraph (d)2. of this paragraph within 12 months prior to submission of an application to transfer the Certificate of Emission Reduction Credit, the administrative fee to transfer the Certificate of Emission Reduction Credit shall be reduced by the amount administrative fee paid for re-evaluation. The 12-month period shall be based on the date of written notification of the owner of the results of the re-evaluation by the Division.

(iv) \$2500 per application to re-evaluate an Certificate of Emission Reduction Credit as per subparagraph (d)2. of this paragraph.

2. Payment of administrative fees required by this subsection shall be submitted along with an application to create, certify, bank, use, transfer, or re-evaluate Emission Reduction Credits.

(i) Definitions.

For the purposes of this section, the following definitions shall apply:

1. "Electrical Generating Unit" means a fossil fuel fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that produces electricity for sale.

2. "Enforceable" means enforceable by the Division. Methods for ensuring that Emission Reduction Credits are enforceable shall include, but not be limited to, conditions in air quality construction or operating permits issued by the Division.

3. “Netting Demonstration” means the act of calculating a “net emissions increase” under the preconstruction review requirements of Title I, Part D of the Federal Act and the regulations promulgated thereunder.
4. “Permanent” means assured for the life of the corresponding Emission Reduction Credit through an enforceable mechanism such as a permit condition or revocation.
5. “Quantifiable” means that the amount, rate and characteristics of the Emission Reduction Credit can be estimated through a reliable method and are approved by the Division.
6. “Real” means a reduction in actual emissions emitted into the air.
7. “Surplus” means not required by any local, state, or federal law, regulation, order, or requirement and in excess of reductions used by the Division in issuing any other permit or to demonstrate attainment of federal ambient air quality standards or reasonable further progress towards achieving attainment of federal ambient air quality standards. For the purpose of determining the amount of surplus emission reductions, any seasonal emission limitation or standard shall be assumed to apply throughout the year. Emission reductions which have previously been used to avoid New Source Review through a netting demonstration are not considered surplus.

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

A RESOLUTION**Adopting Amendments to the
Rules for Air Quality Control, Chapter 391-3-1**

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on May 19, 2019; and
- WHEREAS, the United States Environmental Protection Agency (EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule 391-3-1-.01, "Definitions. Amended," Rule 391-3-1-.02, "Provisions. Amended," and Rule 391-3-1-.03, "Permits. Amended"; and
- WHEREAS, on May 23, 2019, a public notice for the proposed rule amendments was posted on EPD's website and sent to individuals on EPD's mailing list and to Govdelivery.com subscribers, which invited public comment, announced a public hearing to be held on June 25, 2019, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and
- WHEREAS, no public comments were received in response to the notice or the hearing; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 27th day of August 2019.

Respectfully submitted by:

ATTEST:

Jeff Bodine Sinyard, Chairman
Georgia Board of Natural Resources

Delos H. Yancey, III, Secretary
Georgia Board of Natural Resources