

Demonstration of Legal Authority

As required by 40 C.F.R. 60.26 and 60.30f(a), the Georgia Environmental Protection Division demonstrates that it has adequate legal authority to carry out all aspects of Georgia's plan to implement and enforce the Emissions Guidelines and Compliance Times for Municipal Solid Waste Landfills codified at 40 C.F.R. Part 60, Subpart Cf, which are promulgated at Ga. Comp. R. & Regs., r. 391-3-1-.02(2)(ggg)5-8, upon approval of Georgia's plan by the United States Environmental Protection Agency, as follows:

I. Authority to adopt emission standards and compliance schedules applicable to designated facilities. 40 C.F.R. 60.26(a)(1).

State law provides authority for the Director of the Georgia Environmental Protection Division (hereinafter "Director" and "Georgia EPD," respectively) to issue operating permits to all air pollution sources within the State that are required to have permits under Section 502(a) of the federal Clean Air Act (hereinafter "CAA") and 40 C.F.R. Part 70.3, and to include in those operating permits and assure compliance with each applicable requirement of the CAA and the requirements of 40 C.F.R. Part 70.

State Law: Official Code of Georgia (hereinafter "O.C.G.A.") §§ 12-2-1(a); 12-2-2(a), 12-2-2 (b)(1), 12-2-2 (c)(1)(A); Georgia Air Quality Act (hereinafter "Act"), O.C.G.A. § 12-9-1, *et seq.*, O.C.G.A. §§ 12-9-3(a)(31); 12-9-6(b)(3); 12-9-7(a)(2), 12-9-7(b)(1)-(2), 12-9-7(c)(1), 12-9-7(e)(1)-(4), 12-9-7(f)(1)-(2); Georgia Rules for Air Quality Control (hereinafter "Rules"), Ga. Comp. R. & Regs., chap. 391-3-1, Rules 391-3-1-.03(10)(a)1-5, 391-3-1-.03(10)(b)1(i)-(v), 391-3-1-.03(10)(b)3(i) and (ii), 391-3-1-.03(10)(c)1(i)-(v), 391-3-1-.03(10)(c)2, 391-3-1-.03(10)(d)1-7, 391-3-1-.03(10)(e)2, 391-3-1-.03(10)(e)6(i)(I) and (IV).

II. Authority to enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief. 40 C.F.R. 60.26(a)(2).

State law provides for administrative, civil and criminal enforcement authority consistent with 40 C.F.R. Part 70.11, including authority to issue orders, collect penalties, seek injunctive relief and institute judicial proceedings.

State Law: O.C.G.A. §§ 12-2-2(c)(1)(A), 12-2-2(c)(6); Act, O.C.G.A. §§ 12-9-6(b)(1), 12-9-6(b)(9), 12-9-6(b)(10), 12-9-6(b)(11), 12-9-8(a)-(b), 12-9-12, 12-9-13, 12-9-14, 12-9-16, 12-9-23(a)-(d), 12-9-24(a)-(d); Rules 391-3-1-.03(10)(e)3(iii), 391-3-1-.09(1)-(2).

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- III. Authority to obtain information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities. 40 C.F.R. 60.26(a)(3).

State law provides authority for the Director to include monitoring, recordkeeping, testing, reporting, compliance certification, inspection and entry and other requirements as he/she may prescribe to determine compliance in operating permits consistent with 40 C.F.R. Part 70.6. State law also provides authority for Georgia EPD to investigate, sample emissions and inspect for compliance.

State Law: O.C.G.A. § 12-2-2(d)(1)-(7); Act, O.C.G.A. §§ 12-9-6(b)(3), 12-9-11; Rules 391-3-1-.01(nnnn), 391-3-1-.02(3)(a)-(c), 391-3-1-.02(6)(a)1, 391-3-1-.03(10)(d)1(i), 391-3-1-.03(10)(d)3, 391-3-1-.07. *See also* State Law in IV below.

- IV. Authority to require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities; also authority for the State to make such data available to the public as reported and as correlated with applicable emission standards. 40 C.F.R. 60.26(a)(4).

State law provides authority for the Director to include requirements to install, maintain and use emission monitoring devices, to sample emissions as prescribed by the Director, to make periodic reports to Georgia EPD on the nature and amounts of emissions and provide such other information as the Director may require and to maintain such reports as the Director may prescribe in operating permits. State law provides authority to make reports on the nature and amounts of emissions and operating permits available to the public. State law also provides authority to make permit applications, compliance plans, etc., available to the public, except for information entitled to confidential treatment.

State Law: Act, O.C.G.A. § 12-9-19; O.C.G.A. §§ 50-18-70(a)-(b), 50-18-71(a)-(j), 50-18-72(a)-(d); Rules 391-3-1-.02(6)(b)1(i)-(vi), 391-3-1-.03(5), 391-3-1-.08. *See also* State Law in III above.