



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

EPD Director's Office

2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

February 15, 2018

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, Pertaining to Sewage Sludge Incineration Units

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

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

Rule 391-3-1-.02(2)(www), "Sewage Sludge Incineration Units Constructed On or Before October 14, 2010," is being amended in order to modify the structure of the rule and make this rule current with the federal rule.

Please find enclosed for your review and consideration:

	Page No.
➤ Synopsis and Statement of Rationale for the proposed amendment to Rules for Air Quality Control;	E-2
➤ Notice of Public Hearing issued November 8, 2017;	E-3
➤ Memorandum summarizing comments on the proposed revision;	E-5
➤ Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community;	E-6
➤ Proposed amendment to the Rules for Air Quality Control showing deletions with strikeouts and additions with <u>underlines</u> ; and	E-8
➤ A proposed resolution for adopting the amendment to the rules.	E-11

I recommend adoption of the proposed amendments as presented.

RED:CA
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-.02(2)(www), “Sewage Sludge Incineration Units Constructed On or Before October 14, 2010,” is being amended.

Purpose: This rule is being revised to incorporate the model rule portion of the federal emission standards for existing sewage sludge incinerators.

Main Features: 40 CFR Part 60, Subpart M (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units) was updated on March 21, 2011. On June 27, 2012, EPD adopted and added 391-3-1-.02(2)(www) to reflect the new federal rule.

This revision is to restructure the format of the rule and only incorporate by reference the model rule of the emissions guidelines per EPA guidance. Additionally the name of rule (www) will no longer state the affected facility date and will be changed to “Sewage Sludge Incineration Units.”

**STATEMENT OF RATIONALE
Rules for Air Quality Control**

Rule 391-3-1-.02(2)(www) - Sewage Sludge Incineration Units. [Currently titled “Sewage Sludge Incineration Units Constructed On or Before October 14, 2010”]

The basis of this rule is to set emission guidelines for sewage sludge incinerators. On March 21, 2011, EPA promulgated (76 FR 15372) revisions to 40 CFR Part 60, Subpart M (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units). The purpose of this revision is to incorporate by reference the federal model rule. The revision also includes several administrative changes.

These revisions are administrative in nature and are in no way any more restrictive than the federal requirements. They do not incur any additional costs to the regulated industry, local government, or public other than those required to meet the federal rule.

**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENT
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 the revisions to rule 391-3-1-.02 are required to implement Section 111(d) and Section 129 of the Federal Clean Air Act. The proposed Air Rule Amendments are described below:

Rule 391-3-1-.02(2)(www), "Sewage Sludge Incineration Units Constructed On or Before October 14, 2010," is being revised by incorporating the model rule portion of 40 CFR Part 60 Subpart MMMM, the federal emission standards for existing sewage sludge incinerators.

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 120, 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 December 11, 2017, 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 insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on December 18, 2017. 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 February 28, 2018, 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.

February 8, 2018

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,
Pertaining to Sewage Sludge Incineration Units

On November 8, 2017, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1. The proposed changes included the following rule:

- **Rule 391-3-1-.02(2)(www), “Sewage Sludge Incineration Units Constructed On or Before October 14, 2010,”** is being amended in order to modify the structure of the rule and make this rule current with the federal rule.

A public hearing was held at 2:00 p.m. on December 11, 2017, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. The public comment period ended December 18, 2017. No comments were received for this rule revision.

KH:CA

February 8, 2018

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, Pertaining to Sewage Sludge Incineration Units

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 391-3-1.02(2)(www), “Sewage Sludge Incineration Units Constructed On or Before October 14, 2010,” is being amended in order to modify the structure of the rule and make this rule current with the federal rule.

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:CA

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

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

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

Rule 391-3-1-.02(2)(www), “Sewage Sludge Incineration Units Constructed On or Before October 14, 2010,” is amended to read as follows:

(www) Sewage Sludge Incineration Units ~~Constructed On or Before October 14, 2010.~~

1. The provisions of this ~~subsection~~subparagraph apply to each sewage sludge incineration (SSI) unit that is located at a wastewater treatment facility and that commenced construction on or before October 14, 2010 (hereinafter referred to as "existing SSI unit"). Physical or operational changes made at an existing SSI unit solely to comply with this ~~subsection~~subparagraph are not considered construction, reconstruction, or modification and would not subject an existing SSI unit to the requirements of 40 CFR Part 60, Subpart LLLL, which contains the "Standards of Performance for Sewage Sludge Incineration Units for Which Construction is Commenced After October 14, 2010".

2. For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart MMMM (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units), each existing SSI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart MMMM, as promulgated March 21, 2011, which are hereby incorporated and adopted by reference, ~~with the following exceptions:~~

(i) For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart MMMM, the following provisions are hereby incorporated and adopted by reference. The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber.

(I) 40 CFR 60.5085 through 40 CFR 60.5125, Increments of Progress with the exception of 40 CFR 60.5090 and Table 1 which do not apply to an Existing SSI.

(II) 40 CFR 60.5130 through 40 CFR 60.5160, Operator Training and Qualification.

(III) 40 CFR 60.5240 and 60.5245, Title V Operating Permits.

(IV) 40 CFR Part 60, Subpart MMMM Tables 2 through 6 and 60.5181.

(ii) With the following exceptions:

(~~ii~~) Emission Limits, Emission Standards, and Operating Limits and Requirements. In lieu of 40 CFR ~~60.5170~~60.5165 through 60.5180, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(~~iii~~) Initial and Continuous Compliance Requirements. In lieu of 40 CFR 60.5185 through 60.5215, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(~~iii~~) Performance Testing, Monitoring, and Calibration Requirements. In lieu of 40 CFR 60.5220 through 60.5225, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(~~iv~~) Record keeping and Reporting Requirements. In lieu of 40 CFR 60.5230 and 60.5235 (~~d, e, g, h, and i~~), Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

3. In keeping with subparagraph 2., owners and operators of existing SSI units must comply with Georgia's state plan for existing SSI units, which is required by 40 CFR Part 60, Subpart M. The owner or operator of each existing SSI unit shall comply with the requirements of 391-3-1-.02(2)(www)(2)2. by March 21, 2016 or three years after the effective date of state plan approval by U.S. EPA, whichever is earlier upon approval of Georgia's state plan for existing SSI units by EPA.

4. Each existing SSI unit is subject to the permitting requirements of 391-3-1-.03(10) "Title V Operating Permits". ~~Each owner or operator of an existing SSI unit shall submit a Title V application to the Division no later than March 21, 2014.~~

5. Definitions of all terms used but not defined in this ~~subsection~~subparagraph shall have the meaning given to them in 40 CFR Part 60, Subpart M, as ~~amended~~promulgated on March 21, 2011. 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 subsection the following definitions also apply:

(i) ~~The term "Administrator" as used in regulations adopted in this subsection shall mean the Director of the Georgia Environmental Protection Division. 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 (www)6. the word "Administrator" shall mean the Administrator of the EPA.~~

(ii) The term "EPA" as used in regulations adopted in this subsection shall mean the Georgia Environmental Protection Division. The term "You" means the owner or operator of an affected sewage sludge incineration unit subject to this rule.

6. The owner of an existing SSI facility must contact EPA with respect to the following subparagraphs (i) through (vii) as specified in 40 CFR 60.5050.

(i) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to 40 CFR Part 60, Subpart M and operating limits established under provisions of 40 CFR 60.5175 or 60.5190.

(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 provision 40 CFR 60.5175.

(vi) The requirements in provision 40 CFR 60.5155(b)(2).

(vii) Performance test and data reduction waivers under provision 40 CFR 60.8(b).

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 July 20, 2017; and
- WHEREAS, the United States Environmental Protection Agency (U.S. 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-.02, "Provisions. Amended"; and
- WHEREAS, on November 8, 2017, 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 December 11, 2017, 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 28th day of February 2018.

Respectfully submitted by:

ATTEST:

Aaron McWhorter, Chairman
Georgia Board of Natural Resources

Nancy A. Addison, Secretary
Georgia Board of Natural Resources