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**Prehearing Certification That  
Georgia's State Implementation Plan  
Meets the Requirements of  
Clean Air Act Section 110(a)(2) - Infrastructure Elements of  
the 2015 Ozone National Ambient Air Quality Standard**



**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES

**ENVIRONMENTAL PROTECTION DIVISION**

**Air Protection Branch**

**July 25, 2018**

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## **1.0 Introduction**

A revised National Ambient Air Quality Standard (NAAQS) for ozone was promulgated by EPA on October 1, 2015. The standard was lowered to 0.070 parts per million (ppm).

Section 110(a)(1) of the Clean Air Act (CAA) requires states to submit plans to provide for the implementation, maintenance, and enforcement of any new or revised NAAQS. States are required to submit these plans within 3 years after promulgation of a new or revised NAAQS. This type of submission is commonly referred to as an “Infrastructure SIP.” The details of this plan are specified in section 110(a)(2) of the CAA. The elements of Section 110(a)(2) are listed below:

- Enforceable Emission Limitations and Other Control Measures (§110(a)(2)(A))
- Air Quality Monitoring, Compilation, Data Analysis, and Reporting (§110(a)(2)(B))
- Enforcement and Stationary Source Permitting (§110(a)(2)(C))
- Interstate Transport (§110(a)(2)(D))
- Resources, Conflict of Interest, and Emergency Backstop (§110(a)(2)(E))
- Stationary Source Emissions Monitoring and Reporting (§110(a)(2)(F))
- Emergency Powers and Contingency Plans (§110(a)(2)(G))
- SIP Revision for Revised Air Quality Standards or New Attainment Methods (§110(a)(2)(H))
- SIP Revisions for New Nonattainment Areas (§110(a)(2)(I))
- Consultation and Public Notification (§110(a)(2)(J))
- Air Quality Modeling and Reporting (§110(a)(2)(K))
- Major Stationary Source Permitting Fees (§110(a)(2)(L))
- Consultation with Local Entities (§110(a)(2)(M))

The purpose of this document is to examine Georgia’s SIP and determine if all necessary implementation, maintenance, and enforcement measures for the 2015 Ozone NAAQS are in place.

## **2.0 Georgia EPD's Approach – Executive Summary**

The attachment provides the required elements listed in Section 110(a)(2) of the CAA along with Georgia EPD's authority and resources to establish the basic programs to implement, maintain, and enforce the 2015 Ozone NAAQS.

The following are links to documents used in the Attachment as part of Georgia's Authority: The Georgia Air Quality Act Article 1: Air Quality (O.C.G.A. 12-9, et. seq.), which provides the necessary legal authority under State law to adopt and implement the Georgia Rules for Air Quality Control in its entirety, is located at <http://www.lexisnexis.com/hottopics/gacode/> under Title 12, Chapter 9, Article 1. The Georgia Rules for Air Quality Control 391-3-1 can be found on the website for the Georgia Secretary of State at <http://rules.sos.ga.gov/gac/391-3-1>.

Additionally, the technical demonstration "Georgia's Contribution to Ozone in Downwind States" included in Appendices A and B and "NOx and VOC Emission Trends in Georgia" included in Appendices C and D are used to show that Georgia does not contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to the 2015 Ozone NAAQS.

**Attachment**  
**Infrastructure SIP Elements [§110(a)(2)]**  
**for the 2015 Ozone NAAQS**

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**Enforceable Emission Limitations and Other Control Measures [§110(a)(2)(A)] of the Clean Air Act**

“include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;”

**Georgia’s Authority for §110(a)(2)(A):**

- Georgia Rules for Air Quality Control 391-3-1-.01 - “Definitions. Amended”
  - Georgia Rules for Air Quality Control 391-3-1-.02 - “Provisions. Amended”
  - Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended”
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**Air Quality Monitoring, Compilation, Data Analysis, and Reporting [§110(a)(2)(B)] of the Clean Air Act**

“provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to-

- (i) monitor, compile, and analyze data on ambient air quality, and
- (ii) upon request, make such data available to the Administrator;”

**Georgia’s Authority for §110(a)(2)(B):**

As early as 1957, the state of Georgia has monitored air pollutants. Prior to the CAA of 1970, the state health department conducted air monitoring. In the early 1970’s, the Georgia EPD assumed responsibilities for ambient air monitoring to facilitate the identification and control of air contaminants in Georgia. Georgia currently collects ambient air quality monitoring data from a network of monitors located throughout the State sited and operated in accordance with 40 CFR 50 and 40 CFR 58.

Georgia EPD produces an annual ambient monitoring network plan and periodic network assessment in accordance with 40 CFR 58.10. The purpose of the annual ambient monitoring

network plan is two-fold. First, the plan confirms that the network continues to meet the State and Local Air Monitoring Stations (SLAMS) criteria established by federal regulations and that the information in the state and federal monitoring records properly classify each monitoring station. Second, the plan also serves as a directory of existing SLAMS, Photochemical Assessment Monitoring Stations (PAMS), Speciation Trends Network (STN) and Supplemental Speciation sites, National Air Toxics Trends Stations (NATTS), National Core Multipollutant Monitoring Station (NCore), Near-road Monitoring Network, Georgia Air Toxics Network, and the meteorological parameters performed at each location. Georgia's 2017 Ambient Air Monitoring Plan was approved by EPA in October 2017. Georgia EPD submitted the 2018 Ambient Air Monitoring Plan to EPA on June 25, 2018.

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-6(b)(13)
- The Air Planning Agreement between EPA and the State of Georgia documents and affirms the obligation to operate an ambient monitoring network that complies with applicable federal regulation(s).
- No specific statutory or regulatory authority is necessary to authorize data analysis or the submission of such data to EPA. Federal grant requirements establish the obligation to provide data to EPA.
- Georgia has and will continue to submit data to EPA's Air Quality System.

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## **Enforcement and Stationary Source Permitting [§110(a)(2)(C)] of the Clean Air Act**

“include a program to provide for enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;”

### **Georgia's Authority for §110(a)(2)(C):**

Georgia has a SIP-approved minor new source review permitting program that covers compliance with §110(a)(2)(C) for all relevant NAAQS infrastructure SIP submissions.

The regulatory citation for Georgia's minor new source review permitting program is Georgia Rules for Air Quality Control 391-3-1-.03(1) - “Construction (SIP) Permit”.

On August 30, 1995, EPA issued a direct final rule in the Federal Register “Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to Minor Source Permit Regulations.” Specifically, 40 CFR Part 52.570(c)(46)(i) stated:

“(46) Revisions to minor source permit rules submitted by the Georgia Environmental Protection Division on March 15, 1995.

(i) Incorporation by reference. Revised Rule 391-3-1-.03, “Permits”, sections (1), (2), and (12), effective August 17, 1994.”

All rules pertaining to enforcement and permitting are listed below:

**Georgia’s Authority for §110(a)(2)(C) as it relates to Enforcement:** Georgia EPD’s Enforcement Program covers mobile and stationary sources, consumer products, and fuels.

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-13
- The Air Planning Agreement between EPA and the State of Georgia
- Georgia Rules for Air Quality Control 391-3-1-.07 - “Inspections and Investigations”
- Georgia Rules for Air Quality Control 391-3-1-.09 - “Enforcement”

**Georgia’s Authority for §110(a)(2)(C) as it relates to Stationary Source Permitting:**

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-7
- Georgia Rules for Air Quality Control 391-3-1-.02 - “Provisions. Amended” including: PSD requirements under Georgia Rules for Air Quality Control 391-3-1-.02(7)
- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: Construction Permit under Georgia Rules for Air Quality Control 391-3-1-.03(1)
- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: Operating Permit under Georgia Rules for Air Quality Control 391-3-1-.03(2)
- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: New Source Review requirements under Georgia Rules for Air Quality Control 391-3-1-.03(8)(c) and (g)
- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: Generic Permit under Georgia Rules for Air Quality Control 391-3-1-.03(12)

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## **Interstate Transport [§110(a)(2)(D)] of the Clean Air Act**

### **§110(a)(2)(D)(i)(I)**

“contain adequate provisions-

(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will-

(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or”

The nonattainment portion is named “Prong 1” by EPA, and the maintenance portion is named “Prong 2”.

**Georgia’s Authority for §110(a)(2)(D)(i)(I):**

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A Section 12-9-5(b)(10) states:
  - (b) In the performance of its duties, the Board of Natural Resources shall have and may exercise the power to:
    - (10) Establish, revise, or modify emission limitations, emission control standards, or control measures for stationary sources or facilities in areas of the state where such sources or facilities significantly contribute to nonattainment of an ambient air quality standard or significantly contribute to a significant deterioration of air quality in the state, an area of the state, or another state; provided, however, that no requirement under this paragraph shall be less stringent than the requirements for such source or facility under this article and the rules and regulations promulgated pursuant to this article;
- Permitting requirements under Georgia Rules for Air Quality Control 391-3-1-.03 and Nonattainment New Source Review regulations under Georgia Rules for Air Quality Control 391-3-1-.03(8), specifically:
  - Georgia Rules for Air Quality Control 391-3-1-.02 - “Provisions. Amended” including: PSD requirements under Georgia Rules for Air Quality Control 391-3-1-.02(7)
  - Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: Construction Permit under Georgia Rules for Air Quality Control 391-3-1-.03(1)
  - Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: Operating Permit under Georgia Rules for Air Quality Control 391-3-1-.03(2)
  - Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: New Source Review requirements under Georgia Rules for Air Quality Control 391-3-1-.03(8)(c) and (g)

- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended” including: Generic Permit under Georgia Rules for Air Quality Control 391-3-1-.03(12)
- PSD requirements under Georgia Rules for Air Quality Control 391-3-1-.02(7):
  - All new major sources and major modifications in Georgia, including major sources of Ozone, are currently subject to Prevention of Significant Deterioration (PSD) under Georgia Rules for Air Quality Control 391-3-1-.02(7).
- Nonattainment New Source Review for Ozone Nonattainment Areas under Georgia Rules for Air Quality Control 391-3-1-.03(8):
  - There are additional provisions for ozone nonattainment areas under Georgia Rules for Air Quality Control 391-3-1-.03(8)(c)14. and additional EGU provisions for areas contributing to nonattainment areas under Georgia Rules for Air Quality Control 391-3-1-.03(8)(c)15.
- In addition to the above mentioned permitting and PSD requirements, Georgia has in place the following state rules and program measures, which further prevent Georgia from significantly contributing to nonattainment in, or interfering with maintenance by, any other State with respect to the 2015 Ozone NAAQS.

These measures target reductions of NO<sub>x</sub> emissions:

SIP Approved Rules:

- Georgia Rules for Air Quality Control 391-3-1-.02(2)(yy) - Emissions of Nitrogen Oxides from Major Sources
- Georgia Rules for Air Quality Control 391-3-1-.02(2)(jjj) - NO<sub>x</sub> Emissions from Electric Utility Steam Generating Units
- Georgia Rules for Air Quality Control 391-3-1-.02(2)(lll) - NO<sub>x</sub> Emissions From Fuel Burning Equipment
- Georgia Rules for Air Quality Control 391-3-1-.02(2)(rrr) - NO<sub>x</sub> from Small Fuel Burning Equipment
- Georgia’s Rules for Enhanced Inspection and Maintenance 391-3-20 - Vehicle Emissions Inspection and Maintenance (I/M) Program

State Enforceable Only:

- Georgia Rules for Air Quality Control 391-3-1-.02(2)(sss) - Multipollutant Control for Electric Utility Steam Generating Units

These SIP approved measures target reductions of VOC emissions:

- Reasonably Available Control Technology (RACT) as described in Section 182(b)(2) of the Clean Air Act.
  - o Georgia Rules for Air Quality Control 391-3-1-.02(2)(t) through (ff), (hh) through (nn), (pp) through (ss), (vv), (ccc) through (eee), (hhh), (kkk), (qqq), (vvv), and (yyy) through (aaaa) contain regulations fulfilling RACT for specific source categories
  - o Georgia Rules for Air Quality Control 391-3-1-.02(2)(tt) - VOC Emissions from Major Sources, case-by-case RACT

### **110(a)(2)(D)(i)(I) Demonstration**

Georgia does not contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to the 2015 Ozone NAAQS. This argument is supported by the technical demonstration “Georgia’s Contribution to Ozone in Downwind States” included in Appendices A and B and “NOx and VOC Emission Trends in Georgia” included in Appendices C and D.

The above mentioned rules and measures, along with the technical demonstration included in Appendices A-D, demonstrate that Georgia EPD has adequate provisions to prevent emission sources in Georgia from emitting air pollutants in amounts that will significantly contribute to nonattainment in (Prong 1), or interfere with maintenance by (Prong 2), any other State with respect to the 2015 Ozone NAAQS.

### **§110(a)(2)(D)(i)(II)**

“contain adequate provisions-

(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will-

(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,”

The PSD portion is named “Prong 3” by EPA, and the visibility portion is named “Prong 4”.

### **Georgia’s Authority for §110(a)(2)(D)(i)(II):**

- Major sources in Georgia are currently subject to Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) permitting programs. Georgia Rules for Air Quality Control 391-3-1-.02(7) implements PSD requirements.

- Georgia is required to develop and implement a Regional Haze State Implementation Plan to protect visibility. Georgia submitted a Regional Haze SIP on February 11, 2010. On June 28, 2012, EPA finalized a limited approval of a revision to the Georgia SIP submitted on February 11, 2010, as supplemented November 19, 2010. In a separate action on June 7, 2012, EPA proposed a limited disapproval of these same SIP revisions because of deficiencies arising from the remand of the Clean Air Interstate Rule (CAIR). Georgia EPD submitted its Cross State Air Pollution Rule (CSAPR) update on July 26, 2017, along with a request that these rules be incorporated into Georgia’s Regional Haze SIP. On February 2, 2018, EPA proposed to convert EPA’s limited approval/limited disapproval of Georgia’s Regional Haze SIP to full approval. On May 4, 2018, EPA finalized full approval of Georgia’s Regional Haze SIP and removed the Federal Implementation Plan (FIP) for Georgia which replaced reliance on CAIR with reliance on CSAPR. On October 4, 2017, EPA finalized approval of Georgia’s Regional Haze Progress Report submitted on January 8, 2014. The status of Georgia’s Regional Haze SIP, Regional Haze Progress Report, and adequacy determination address the Prong 4 requirement for §110(a)(2)(D)(i)(II).

**§110(a)(2)(D)(ii)**

“contain adequate provisions-

- (ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);”

**Georgia’s Authority for §110(a)(2)(D)(ii):**

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-5(b)(10)
- PSD requirements under Georgia Rules for Air Quality Control 391-3-1-.02(7)
- Permitting requirements under Georgia Rules for Air Quality Control 391-3-1-.03 and Nonattainment New Source Review regulations under Georgia Rules for Air Quality Control 391-3-1-.03(8), specifically:
  - Georgia Rules for Air Quality Control 391-3-1-.03. - “Permits. Amended” including: Construction Permit under Georgia Rules for Air Quality Control 391-3-1-.03(1)
  - Georgia Rules for Air Quality Control 391-3-1-.03. - “Permits. Amended” including: Operating Permit under Georgia Rules for Air Quality Control 391-3-1-.03(2)
  - Georgia Rules for Air Quality Control 391-3-1-.03. - “Permits. Amended” including: New Source Review requirements under Georgia Rules for Air Quality Control 391-3-1-.03(8)(c) and (g)
  - Georgia Rules for Air Quality Control 391-3-1-.03. - “Permits. Amended” including: Generic Permit under Georgia Rules for Air Quality Control 391-3-1-.03(12)

- In addition, nothing in Georgia’s statutory or regulatory authority prohibits or otherwise interferes with Georgia’s ability to exercise sections 126 and 115 of the CAA.

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## **Resources, Conflict of Interest, and Emergency Backstop [§110(a)(2)(E)] of the Clean Air Act**

### **§110(a)(2)(E)(i)**

“provide

- (i) necessary assurances that the State... will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof),”

#### **Georgia’s Authority for §110(a)(2)(E)(i):**

- Georgia’s adequate funding and authority under state law is found in the Georgia Air Quality Act Article 1: Air Quality O.C.G.A. 12-9-10 and Georgia Rules for Air Quality Control 391-3-1-.03(9) [Georgia Air Permit Fee System].

### **§110(a)(2)(E)(ii)**

“provide

- (ii) requirements that the State comply with the requirements respecting State boards under section 128, and”

#### **Georgia’s Authority for §110(a)(2)(E)(ii):**

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-5(a)
- Georgia Rules for Air Quality Control 391-3-1-.01 - “Definitions. Amended”
- Georgia Rules for Air Quality Control 391-3-1-.02 - “Provisions. Amended”
- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended”

### **§110(a)(2)(E)(iii)**

“provide

- (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;”

**Georgia’s Authority for §110(a)(2)(E)(iii):**

- Georgia does not rely on localities for specific SIP implementation.
- Georgia’s local consultation requirement and authority is found in the Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-5(b)(17).

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**Stationary Source Emissions Monitoring and Reporting [§110(a)(2)(F)] of the Clean Air Act**

“require, as may be prescribed by the Administrator-

- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,
- (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and
- (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;”

**Georgia’s Authority for §110(a)(2)(F):**

- The Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-5(b)(6)
- Georgia Rules for Air Quality Control 391-3-1-.02(3) - “Sampling”
- Georgia Rules for Air Quality Control 391-3-1-.02(6) - “Source Monitoring”
- Georgia Rules for Air Quality Control 391-3-1-.02(11) - “Compliance Assurance Monitoring”
- Georgia Rules for Air Quality Control 391-3-1-.03 - “Permits. Amended”

Georgia EPD has no provisions nor does the SIP exclude any provision that would prevent the use of any credible evidence of noncompliance.

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## **Emergency Powers and Contingency Plans [§110(a)(2)(G)] of the Clean Air Act**

“provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;”

Section 303 provides legal authority to the EPA to halt the emission of air pollutants that present an imminent and substantial endangerment to public health or welfare or the environment. EPA is authorized to either bring a lawsuit in federal court or, if such civil action cannot assure prompt protection of public health or welfare, to issue such orders as may be necessary to protect public health or welfare or the environment.

The requirement for states to provide adequate contingency plans to implement such authority is intended to establish emergency episode plans for responding to elevated pollutant levels in urban areas. Emergency episode plans are required in areas that record ambient pollutant concentrations in excess of threshold levels specified in 40 CFR Part 51.150.

**Background:** Section 303 of the CAA authorizes the Administrator to take certain emergency actions if pollution levels in an area constitute “an imminent and substantial endangerment to public health or welfare, or the environment.” Section 110(a)(2)(G) of the CAA requires that SIPs must provide for the authority comparable to that in section 303 and must include adequate contingency plans to implement such authority. Pursuant to these provisions, EPA promulgated 40 CFR 51.16 (36 FR 24002, December 17, 1971), which established “significant harm levels” for five criteria pollutants – SO<sub>2</sub>, inhalable particulate matter (PM<sub>10</sub>), NO<sub>2</sub>, CO, and ozone. Part 51.16 was eventually restructured as Subpart H and appendix L of 40 CFR 51 (51 FR 40668, November 7, 1986). The requirement to submit an emergency plan for SO<sub>2</sub>, PM<sub>10</sub>, NO<sub>2</sub>, CO, and ozone is based on a priority classification scheme under 40 CFR 51 Subpart H. Georgia currently has emergency provisions specifically for ozone as identified below:

### **Georgia’s Authority for §110(a)(2)(G):**

- The statutes below collectively give the Director the authority to act if the public welfare is threatened:
  - The declaration of Georgia’s policy to preserve, protect and improve air quality and to control emissions to prevent significant deterioration, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-2. Declaration of public policy
  - Georgia’s authority to act if the public welfare is threatened, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-6. Powers and duties of director as to air quality generally
  - Georgia’s authority to act if the public welfare is threatened, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-12. Injunctive relief

- Georgia’s authority to act if the public welfare is threatened, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-13. Proceedings for enforcement
- Georgia’s authority to act if there is imminent and substantial danger to public health, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-14. Powers of director in situations involving imminent and substantial danger to public health
- Georgia’s authority to act if the public welfare is threatened, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-16. Hearings and review
- Georgia Rules for Air Quality Control 391-3-1-.04 - “Air Pollution Episodes”
- January 1972 SIP: “*Implementation Plan for Attainment of State and National Ambient Air Standards*” – Air Quality Control Branch, Georgia Department of Public Health (primary pages are 169-265)

**SIP Revision for Revised Air Quality Standards or New Attainment Methods [§110(a)(2)(H)] of the Clean Air Act**

“provide for revision of such plan-

- (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and
- (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;”

**Georgia’s Authority for §110(a)(2)(H):**

- The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-6(b)(12) and 12-9-6(b)(13)
- The Air Planning Agreement between EPA and the State of Georgia
- Georgia EPD commits to submit SIP revisions whenever revised air quality standards are promulgated by EPA.

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## **SIP Revisions for New Nonattainment Areas [§110(a)(2)(I)] of the Clean Air Act**

“in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);”

The specific SIP submissions for designated nonattainment areas, as required under CAA Title I part D, are subject to a different submission schedule than those for section 110 infrastructure elements and will be reviewed and acted upon through a separate process. According to EPA’s interpretation of the CAA, this element does not need to be addressed in the context of an infrastructure SIP submission.

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## **Consultation and Public Notification [§110(a)(2)(J)] of the Clean Air Act**

“meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);”

Section 121 requires that states provide a satisfactory process of consultation with general purpose local governments, designated organizations of elected officials of local governments, and any affected federal land manager in carrying out CAA requirements.

### **Georgia’s Authority for §110(a)(2)(J) as it relates to Consultation:**

- The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-5(b)(17)

Section 12-9-5(b)(17) of the Georgia Air Quality Act specifically states that the DNR Board is to “establish satisfactory processes of consultation and cooperation with local governments or other designated organizations of elected officials or federal agencies for purposes of planning, implementing, and determining requirements under this article to the extent required by the federal act.”

- Georgia Administrative Procedures Act O.C.G.A. §50-13-4
- Georgia Rules for Air Quality Control 391-3-1-.02(7) as it relates to Class I areas
- Transportation Conformity SIP Revision approved on April 7, 2000 in 65 FR 18245

This SIP takes the form of a Memorandum of Agreement (MOA) between the agencies involved, including but not limited to, the Atlanta Regional Commission, Georgia Department of Transportation, the Metropolitan Atlanta Rapid Transit Authority, and Georgia EPD.

- Georgia EPD commits to maintaining a process of consultation with parties designated under Section 121.

Section 127 requires the states to provide measures which will be effective to notify the public on a regular basis of instances or areas in which any air quality standard is exceeded during the preceding calendar year, to advise the public of the health hazards associated with such pollution, and to enhance public awareness of measures that can be taken to prevent such standards from being exceeded.

**Georgia’s Resources for §110(a)(2)(J) as it relates to Public Notification:**

- Georgia EPD forecasts daily ozone and particle levels and issues e-mails to the public, businesses, and the media.
- Daily air quality forecasts may be disseminated to the public in Atlanta via electronic Georgia DOT billboards.
- The “Georgia Commute Options” program disseminates air quality information as well as ways to reduce air pollution.
- In addition, Georgia EPD’s newly designed Ambient Air Monitoring website (<https://airgeorgia.org>) provides daily air quality forecasts, real-time monitoring data, air quality trends, violations, historical data, information about individual air pollutants and their impacts, and reports for the state.
- Georgia EPD commits to maintaining a public information and education program that satisfies the requirements of Section 127.

**Georgia’s Authority for §110(a)(2)(J) as it relates to Part C (PSD):**

- Georgia Rules for Air Quality Control 391-3-1-.02(1) - “General Requirement”
- Georgia Rules for Air Quality Control 391-3-1-.02(7) - “Prevention of Significant Deterioration of Air Quality”

**Georgia’s Authority for §110(a)(2)(J) as it relates to Part C (Visibility Protection):**

- Georgia Rules for Air Quality Control 391-3-1-.02(1) - “General Requirement”
- Georgia Rules for Air Quality Control 391-3-1-.02(7) - “Prevention of Significant Deterioration of Air Quality”
- Georgia EPD continues to implement the continuing consultation procedures with Federal Land Managers established in Georgia’s Regional Haze SIP with respect to Georgia’s visibility protection program in accordance with 40 CFR 51.308(i)(4).

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## **Air Quality Modeling and Reporting [§110(a)(2)(K)] of the Clean Air Act**

### **§110(a)(2)(K)(i)**

“provide for-

- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and”

### **Georgia’s Authority for §110(a)(2)(K)(i):**

- The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-6(b)(13)
- Photochemical grid models, such as CMAQ and CAMx, are those that are consistent with EPA’s Attainment Guidance when used to demonstrate attainment with the Ozone NAAQS. EPD currently has personnel with training and experience to conduct photochemical modeling with both CMAQ and CAMx.

### **§110(a)(2)(K)(ii)**

“provide for-

- (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;”

### **Georgia’s Authority for §110(a)(2)(K)(ii):**

- The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-6(b)(13)
- Air quality modeling data is submitted as part of Georgia’s relevant SIP submissions and through federal grant commitments.

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## **Major Stationary Source Permitting Fees [§110(a)(2)(L)] of the Clean Air Act**

“require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover-

- (i) the reasonable costs of reviewing and acting upon any application for such a permit, and

- (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V; and"

**Georgia's Authority for §110(a)(2)(L):**

- Georgia Rules for Air Quality Control 391-3-1-.03(9) - "Permit Fees." This rule incorporates the EPA approved Title V fee program.
- Georgia's PSD and NNSR permitting programs are funded with Title V fees.
- Georgia's authority is found in the Georgia Air Quality Act Article 1: Air Quality O.C.G.A. Section 12-9-10
- Title V operating program fees cover the reasonable cost of implementation and enforcement of PSD and NNSR permits after they have been issued.

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**Consultation with Local Entities [§110(a)(2)(M)] of the Clean Air Act**

"provide for consultation and participation by local political subdivisions affected by the plan."

**Georgia's Authority for §110(a)(2)(M):**

Georgia EPD is responsible for developing, implementing, and enforcing Georgia's state air quality program; therefore there is no local jurisdiction with the authority to implement the requirements of the CAA within the State. For the purpose of defining the transportation conformity consultation procedures in the Metropolitan Planning Organizations (MPOs), EPA approved State Rule 391-3-1-.15 - "Transportation Conformity" on June 15, 2012 [77 FR 35866] to incorporate the current transportation conformity requirements. The rule also refers to the Transportation Conformity Manual that specifically defines the consultation procedures and those organizations subject to the consultation requirements.

- Georgia's authority to establish consultation and cooperation with local governments, The Georgia Air Quality Act Article I: Air Quality O.C.G.A. Section 12-9-5(b)(17)

(b) In the performance of its duties, the Board of Natural Resources shall have and may exercise the power to:

(17) Establish satisfactory processes of consultation and cooperation with local governments or other designated organizations of elected officials or federal agencies for purposes of planning, implementing, and determining requirements under this article to the extent required by the federal act.

- Transportation Conformity SIP Revision approved on April 7, 2000, in 65 FR 18245

This SIP takes the form of a Memorandum of Agreement (MOA) between the agencies involved, including but not limited to, the Atlanta Regional Commission, Georgia Department of Transportation, the Metropolitan Atlanta Rapid Transit Authority, and Georgia EPD.