


May 11, 2023

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 Non-attainment Area New Source Review and
Emission Statements Removal

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 "Banking" and "Emission reduction credit." In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to "attainment" for the 2015 standard by the U.S. EPA. As a result, emission reduction credits are no longer required. Wording has also been revised for consistency.

Rule 391-3-1-.02(1), "General Requirement," is being revised to change "nonattainment" to "non-attainment" for consistency.

Rule 391-3-1-.02(2)(nnn), "NOx Emissions from Large Stationary Gas Turbines," is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to "attainment" for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission offsets for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. An exemption for certain stationary gas turbines has been added. Wording has also been revised for consistency.

Subparagraph (a), "Specific Monitoring and Reporting Requirements for Particular Sources," of Rule 391-3-1-.02(6), "Source Monitoring," is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA

designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission statements for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Rule 391-3-1-.03(1), “Construction (SIP) Permit,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Therefore, this construction permit application requirement regarding Emission Reduction Credits is no longer relevant.

Subparagraph (j), “Construction Permit Exemption for Pollution Control Projects,” of Rule 391-3-1-.03(6), “Exemptions,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.

Rule 391-3-1-.03(8), “Permit Requirements,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Subparagraph (k) of Rule 391-3-1-.03(9), “Permit Fees,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.

Subparagraph (c), “Permit Applications,” of Rule 391-3-1-.03(10), “Title V Operating Permits,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.

Subparagraph (b)7., “Coating and/or Gluing Operations,” of Rule 391-3-1-.03(11), “Permit by Rule,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is being revised to remove wording that allows or refers to the use of emission reduction credits. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Therefore, emission reduction credits are no longer necessary. Wording has also been revised for consistency and to correct grammatical errors.

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;	A-4
➤ Notice of Public Hearing issued March 29, 2023;	A-12
➤ Memorandum summarizing comments on the proposed revisions;	A-16
➤ Memorandum regarding the economic impacts of the proposed amendments on small businesses and the regulated community; and	A-19
➤ A proposed resolution for adopting the amendments to the rules.	A-23

The lengthy strikeout/underline copy of the proposed amendments has been provided electronically to conserve paper and postage; we will promptly provide a hard copy by mail for your review prior to the May meeting if that is your preference.

I recommend adoption of the proposed amendments as presented.

RED:lh

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Main Features:

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

STATEMENT OF RATIONALE
Rules for Air Quality Control

Rule 391-3-1-.01 – Definitions.

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

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

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

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

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

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

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

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

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

Rule 391-3-1-.03(6) – Exemptions.

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

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

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

Rule 391-3-1-.03(9) – Permit Fees.

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

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

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

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

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

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

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

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

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

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 the revisions to rules 391-3-1-.01, 391-3-1-.02, and 391-3-1-.03 are required to comply with Sections 110(a), 161, and 172 of the Federal Clean Air Act and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency (hereafter "U.S. EPA") to implement Section 110 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 "Banking" and "Emission reduction credit." In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to "attainment" for the 2015 standard by the U.S. EPA. As a result, emission reduction credits are no longer required. Wording has also been revised for consistency.

Rule 391-3-1-.02(1), "General Requirement," is being revised to change "nonattainment" to "non-attainment" for consistency.

Rule 391-3-1-.02(2)(nnn), "NOx Emissions from Large Stationary Gas Turbines," is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to "attainment" for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission offsets for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. An exemption for certain stationary gas turbines has been added. Wording has also been revised for consistency.

Subparagraph (a), "Specific Monitoring and Reporting Requirements for Particular Sources," of Rule 391-3-1-.02(6), "Source Monitoring," is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to "attainment" for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission statements for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Rule 391-3-1-.03(1), “Construction (SIP) Permit,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Therefore, this construction permit application requirement regarding Emission Reduction Credits is no longer relevant.

Subparagraph (j), “Construction Permit Exemption for Pollution Control Projects,” of Rule 391-3-1-.03(6), “Exemptions,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area.

Rule 391-3-1-.03(8), “Permit Requirements,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Subparagraph (k) of Rule 391-3-1-.03(9), “Permit Fees,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area.

Subparagraph (c), “Permit Applications,” of Rule 391-3-1-.03(10), “Title V Operating Permits,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area.

Subparagraph (b)7., “Coating and/or Gluing Operations,” of Rule 391-3-1-.03(11), “Permit by Rule,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that

require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Rule 391-3-1-.03(13), “Emission Reduction Credits,” is being revised to remove wording that allows or refers to the use of emission reduction credits. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Therefore, emission reduction credits are no longer necessary. Wording has also been revised for consistency and to correct grammatical errors.

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 by appointment only at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. To set an appointment, email askepd@dnr.ga.gov with your name, email and phone number and an associate will reach out to you. Copies may also be requested by contacting Steve Allison, Steve.Allison2@dnr.ga.gov, Anna Aponte, Anna.Aponte1@dnr.ga.gov, or the Environmental Protection Division Director’s Office at askepd@dnr.ga.gov.

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 April 28, 2023. EPD will be hosting this public hearing via Zoom. Zoom is a free web conferencing platform that also allows participation by phone.

To log into the public hearing on your computer, please click this link or copy and paste it into your browser to join the meeting:

<https://gaepd.zoom.us/j/92114251659?pwd=UnA1ZmNSQ2p1WHphYnNoR2RCQWtTd09>

To ensure that you are ready to participate when the meeting begins, we recommend that you download Zoom in advance. Zoom can be found here: <https://zoom.us>

To dial in by phone, please call this number: 888-788-0099 (Toll free). When prompted, enter the Meeting ID and/or Passcode shown below.

The meeting ID is 921 1425 1659

Passcode: 434473

Please note that if you choose to participate by phone, your phone number may be visible to other meeting attendees.

During 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 April 28, 2023. 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 Tuesday, May 23, 2023. The meeting will be open to the public and held in the DNR Boardroom located at 2 Martin Luther King, Jr. Drive, SE, Suite 1252, East Tower, Atlanta, Georgia 30334.

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 Anna Aponte, (470) 251-2942 at the Air Protection Branch.

May 4, 2023

MEMORANDUM

To: Richard E. Dunn, Director
Environmental Protection Division

From: James Boylan, 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 Non-attainment Area New Source Review and Emission Statements Removal

On March 29, 2023, 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 “Banking” and “Emission reduction credit.” In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, emission reduction credits are no longer required. Wording has also been revised for consistency.
- **Rule 391-3-1-.02(1), “General Requirement,”** is being revised to change “nonattainment” to “non-attainment” for consistency.
- **Rule 391-3-1-.02(2)(nnn), “NO_x Emissions from Large Stationary Gas Turbines,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission offsets for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. An exemption for certain stationary gas turbines has been added. Wording has also been revised for consistency.

- **Subparagraph (a), “Specific Monitoring and Reporting Requirements for Particular Sources,” of Rule 391-3-1-.02(6), “Source Monitoring,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission statements for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.
- **Rule 391-3-1-.03(1), “Construction (SIP) Permit,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Therefore, this construction permit application requirement regarding Emission Reduction Credits is no longer relevant.
- **Subparagraph (j), “Construction Permit Exemption for Pollution Control Projects,” of Rule 391-3-1-.03(6), “Exemptions,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.
- **Rule 391-3-1-.03(8), “Permit Requirements,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.
- **Subparagraph (k) of Rule 391-3-1-.03(9), “Permit Fees,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.

- **Subparagraph (c), “Permit Applications,” of Rule 391-3-1-.03(10), “Title V Operating Permits,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area.
- **Subparagraph (b)7., “Coating and/or Gluing Operations,” of Rule 391-3-1-.03(11), “Permit by Rule,”** is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.
- **Rule 391-3-1-.03(13), “Emission Reduction Credits,”** is being revised to remove wording that allows or refers to the use of emission reduction credits. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Therefore, emission reduction credits are no longer necessary. Wording has also been revised for consistency and to correct grammatical errors.

A public hearing was held at 2:00 p.m. on April 28, 2023, via Zoom. Zoom is a free web conferencing platform that also allows participation by phone. The public comment period ended April 28, 2023. No comments were received for this rule revision.

As you and the DNR Board may recall, proposed amendments for these rules were first presented to the DNR Board on December 7, 2022. Comments were received on that previously-proposed rule revision from Georgia Power Company, Southern Power Company, and Oglethorpe Power Corporation. To address the concerns raised, EPD elected to prepare a new version of the proposed changes and begin again the briefing and public input processes. To the extent possible, comments received on that earlier version have been addressed in this rule revision.

JB:lh

May 4, 2023

MEMORANDUM

TO: Richard E. Dunn, Director
Environmental Protection Division

FROM: James Boylan, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Air Quality Control, Chapter 391-3-1, Pertaining to Non-attainment Area New Source Review and Emission Statements Removal

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

Rule 391-3-1-.02(1), “General Requirement,” is being revised to change “nonattainment” to “non-attainment” for consistency.

Rule 391-3-1-.02(2)(nnn), “NO_x Emissions from Large Stationary Gas Turbines,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission offsets for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. An exemption for certain stationary gas turbines has been added. Wording has also been revised for consistency.

Subparagraph (a), “Specific Monitoring and Reporting Requirements for Particular Sources,” of Rule 391-3-1-.02(6), “Source Monitoring,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require emission statements for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Rule 391-3-1-.03(1), “Construction (SIP) Permit,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Therefore, this construction permit application requirement regarding Emission Reduction Credits is no longer relevant.

Subparagraph (j), “Construction Permit Exemption for Pollution Control Projects,” of Rule 391-3-1-.03(6), “Exemptions,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area.

Rule 391-3-1-.03(8), “Permit Requirements,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NO_x and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

Subparagraph (k) of Rule 391-3-1-.03(9), “Permit Fees,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.

Subparagraph (c), “Permit Applications,” of Rule 391-3-1-.03(10), “Title V Operating Permits,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area.

Subparagraph (b)7., “Coating and/or Gluing Operations,” of Rule 391-3-1-.03(11), “Permit by Rule,” is being revised to remove the ozone non-attainment new source review requirements for the Atlanta area. In 2018, U.S. EPA designated Atlanta non-attainment for the 8-hour ozone air quality standard set by U.S. EPA in 2015. In November of 2022, Atlanta was redesignated to “attainment” for the 2015 standard by the U.S. EPA. As a result, the federal statutes and rules that require non-attainment new source review for sources of NOx and VOC emissions are no longer applicable in the Atlanta area. Wording has also been revised for consistency.

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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 in no way any more restrictive than the federal requirements and remove unnecessary and burdensome permitting requirements on sources in the former non-attainment area. 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.

JB:lh

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 September 19, 2022; 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 March 29, 2023, 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 April 28, 2023, 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 23rd day of May 2023.

Respectfully submitted by:

ATTEST:

Dwight J. Davis, Chairman
Georgia Board of Natural Resources

Gary Vowell, Secretary
Georgia Board of Natural Resources