



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 Hospital/Medical/Infectious Waste Incinerators

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)(iii), "Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996," is being amended in order to make it consistent 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;	C-2
➤ Notice of Public Hearing issued November 8, 2017;	C-3
➤ Memorandum summarizing comments on the proposed revision;	C-5
➤ Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community;	C-6
➤ Proposed amendment to the Rules for Air Quality Control showing deletions with strikeouts and additions with <u>underlines</u> ; and	C-8
➤ A proposed resolution for adopting the amendment to the rules.	C-13

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)(iii), “Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996,” is being amended.

Purpose: This rule is being revised to make it current with the 2009 amended federal emissions guidelines for existing hospital/medical/infectious waste incinerator (HMIWI) units.

Main Features: 40 CFR Part 60, Subpart Ce (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators) was updated on October 6, 2009 and April 4, 2011. This rule is being amended to make it current with the new updated emissions guidelines.

Specifically, the definition of a HMIWI unit was updated to include units that commenced construction on or before December 1, 2008 or that were modified on or before April 6, 2010. The name of the rule was changed to reflect this inclusion.

Additional changes in the rule include adding testing and compliance requirements for NO_x and SO₂ and more stringent emissions limits for facilities built after June 20, 1996 but no later than December 1, 2008.

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

Rule 391-3-1-.02(2)(iii) - Hospital/Medical/Infectious Waste Incinerators. [Currently titled “Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996”]

The basis of this rule is to set emission guidelines for hospital/medical/infectious waste incinerators (HMIWIs). The purpose of this revision is to update Rule 391-3-1-.02(2)(iii) for HMIWIs to include facilities that commenced construction on or before December 1, 2008 as affected facilities and to update the rule to make it current with the emissions guidelines finalized by EPA on October 6, 2009 (74 FR 51368) and on April 4, 2011 (76 FR 18407). The name of the rule has been changed to reflect the inclusion of the affected facilities.

These revisions 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)(iii), "Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996," is being revised to be consistent with 40 CFR Part 60 Subpart Ce, the federal emission standards for existing hospital/medical/infectious waste incinerator units.

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 1:30 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 Hospital/Medical/Infectious Waste Incinerators

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)(iii), “Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996,”** is being amended in order to make it consistent with the federal rule.

A public hearing was held at 1:30 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 Hospital/Medical/Infectious Waste Incinerators

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)(iii), “Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996,” is being amended in order to make it consistent 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)(iii), “Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996,” is amended to read as follows:

(iii) Hospital/Medical/Infectious Waste Incinerators ~~Constructed on or Before June 20, 1996.~~

1. The provisions of this ~~subsection~~subparagraph apply to each hospital/medical/infectious waste incinerator (HMIWI) that commenced construction, ~~reconstruction or modification on or before June 20, 1996~~ no later than December 1, 2008 or commenced modification no later than April 6, 2010 (hereinafter referred to as an “Existing HMIWI”). Physical or operational changes made to an Existing HMIWI solely to comply with this ~~subsection~~subparagraph are not considered construction, ~~reconstruction~~, or modification and would not subject an Existing HMIWI to the requirements of 391-3-1-.02(8)(b)73.

~~(i) Any owner or operator of an incinerator which is a co-fired combustor that continuously complies with the limits and requirements specified in sections (I), (II), (III) of this paragraph is not subject to any other provision of this subsection.~~

~~(I) In any calendar quarter, the total amount of waste incinerated that meets the definition of “Hospital or Medical/Infectious Waste” shall not exceed 10 percent of the total amount of waste burned during that same period.~~

~~(II) A log shall be maintained for recording the weight of each charge of waste loaded into the incinerator. Each entry in the log shall indicate the weight of waste that is Hospital or Medical/Infectious waste and the weight of all other waste charged. The log shall be summarized at the end of each quarter showing the total amount of each waste that has been incinerated during that period.~~

~~(III) By the effective date of this subsection or prior to incinerating any Hospital or Medical/Infectious waste, the owner or operator shall submit an initial certification to the Division stating that the incinerator will be operated in accordance with the limits and requirements specified in subparagraphs 1.(i)(I) and (II) of this subsection.~~

(i) A combustor is not subject to this subparagraph during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR 60.51c) is burned, provided the owner or operator of the combustor:

(I) Notifies the Director of an exemption claim; and

(II) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned.

(ii) Any co-fired combustor (defined in 40 CFR 60.51c) is not subject to this subparagraph if the owner or operator of the co-fired combustor:

(I) Notifies the Director of an exemption claim;

(II) Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and

(III) Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

(iii) Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this subparagraph.

(iv) Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR Part 60 is not subject to this subparagraph.

(v) Any pyrolysis unit (defined in 40 CFR 60.51c) is not subject to this subparagraph.

(vi) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this subparagraph.

~~2. The Owner or Operator of each Existing HMIWI shall submit the initial notification report, on forms provided, to the Division by no later than March 30, 1999.~~

~~3. This subsection shall become effective on the date Georgia's State Implementation Plan for Existing HMIWIs (hereinafter referred to as the "State HMIWI Plan") receives federal approval, but no later than March 15, 1999.~~

~~4. The Owner or Operator of each Existing HMIWI shall comply with all requirements in paragraph 7. of this subsection, including the requirements to conduct an initial performance test demonstrating compliance with the emissions limits and establishing operational parameters, on or before the date 1 year after federal approval of the State HMIWI Plan, but no later than March 15, 2000.~~

52. Each Existing HMIWI is subject to the permitting requirements of 391-3-1-.03(10) "Title V Operating Permits."—~~Each owner and operator of an Existing HMIWI shall submit a Title V application to the Division by March 15, 2000.~~

63. 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 Ec, as amended on April 4, 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~~subparagraph 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 (iii)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.~~

74. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR 60, Subpart Ce for Existing HMIWIs, each Existing HMIWI shall comply with the standards, requirements and provisions of 40 CFR Part 60, Subpart Ec, as amended on April 4, 2011, which is hereby incorporated and adopted by reference, with the exceptions as follows:

(i) The provisions of 40 CFR 60.50c apply to each Existing HMIWI as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.50c(a), the following provision applies:

Except as provided in 40 CFR 60.50c(b) through (h), this ~~Subpart~~subparagraph shall apply to each existing HMIWI, as identified in subparagraph 1.~~of this subsection.~~

(II) In lieu of 40 CFR 60.50c(e), the following provision applies:

Any combustor which meets the applicability requirements under 40 CFR Part 60 Subparts Cb, Ea, ~~or Eb, or Ec (standards or guidelines for certain municipal and new medical waste combustors)~~ is not subject to this ~~Subpart~~subparagraph.

(III) The provisions of 40 CFR 60.50c~~(i), (j), (k), and (l),~~ (m), and (n) do not apply to an Existing HMIWI.

~~(ii) The definition for "Modification or Modified HMIWI" found in 40 CFR 60.51e does not apply to an Existing HMIWI.~~

(iii) Emission Limits. The provisions of 40 CFR 60.52c apply to each Existing HMIWI as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.52c(a), the following provisions ~~applies~~ apply:

~~No owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in Table 1 of 40 CFR 60.33e(a). Table 1 of 40 CFR 60.33e(a) is hereby incorporated and adopted by reference.~~

I. From an affected facility constructed on or before June 20, 1996 no owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in Table 1B of 40 CFR Part 60, Subpart Ce.

II. From an affected facility constructed after June 20, 1996 but no later than December 1, 2008 no owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in the more stringent of the requirements listed in Table 1B of 40 CFR Subpart Ce and Table 1A of 40 CFR Part 60, Subpart Ec.

(II) The provisions of 40 CFR 60.52c(c), (d), and (e) do not apply to an Existing HMIWI.

~~(ivii) Operator Training. An Operator of an Existing HMIWI must meet the requirements as outlined in the State HMIWI Plan to be considered qualified to operate an HMIWI. The provisions of 40 CFR 60.53e apply as stated therein with the exception of the following: The provisions of 40 CFR 60.53c apply to each Existing HMIWI as stated therein.~~

~~(I) In lieu of 40 CFR 60.53c(h)(10)(i)(1), the following provision applies:~~

~~The initial review of the information listed in paragraph (h) of 60.53c shall be conducted within 12 months after federal approval of the State HMIWI Plan or prior to assumption of responsibilities affecting HMIWI operation, whichever date is later, but no later than March 15, 2000.~~

(iv) Siting Requirements. The provisions of 40 CFR 60.54c do not apply to an Existing HMIWI.

(vi) Waste Management Plan. The provisions of 40 CFR 60.55c apply to each Existing HMIWI as stated therein.

(vii) Compliance and Performance Testing. In lieu of 40 CFR 60.56c, Section 2.117.2 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.

(viii) Monitoring Requirements. In lieu of 40 CFR 60.57c, Section 2.117.3 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.

(~~ix~~viii) Reporting and Record Keeping Requirements. In lieu of 40 CFR 60.58c, Section 2.117.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.

(ix) Table 1B of 40 CFR Part 60, Subpart Ec does not apply to an Existing HMIWI.

5. In keeping with subparagraph (iii)4., owners and operators of existing HMIWI units must comply with Georgia's state plan for existing HMIWI units, which is required by 40 CFR Part 60, Subpart Ce. The owner operator of each existing HMIWI unit shall comply with the requirements of 391-3-1-.02(2)(iii)4. upon approval of Georgia's state plan for existing HMIWI units by EPA.

6. The owner of an existing HMIWI unit must contact EPA with respect to the following subparagraphs (i) through (v) as specified in 40 CFR 60.50c(i).

(i) The requirements of 40 CFR 60.56c(j) establishing operating parameters when using controls other than those listed in 40 CFR 60.56c(d)

(ii) Approval of alternative methods of demonstrating compliance under 40 CFR 60.8 including:

(I) Approval of CEMS for PM, HCl, multi-metals, and Hg where used for purposes of demonstrating compliance,

(II) Approval of continuous automated sampling systems for dioxin/ furan and Hg where used for purposes of demonstrating compliance, and

(III) Approval of major alternatives to test methods;

(iii) Approval of major alternatives to monitoring;

(iv) Waiver of recordkeeping requirements; and

(v) Performance test and data reduction waivers under 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