

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The Rules of the Department of Natural Resources, Chapter 391-3-1, Air Quality Control are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such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-.01, “Definitions,” is amended to read as follows:

(III) “Volatile organic compound” (also denoted as VOC) means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the Administrator of the U.S. Environmental Protection Agency designates as having negligible photochemical reactivity, including: carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane; 1,1,1-trichloroethane (methyl chloroform); methylene chloride (dichloromethane); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃); t-butyl acetate; 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300), propylene

carbonate, dimethyl carbonate, *trans*-1,3,3,3-tetrafluoropropene; HCF₂OCF₂H (HFE-134); HCF₂OCF₂OCF₂H (HFE-236cal2); HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13); HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol (AMP); 1,1,2,2-Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane; and perfluorocarbon compounds which fall into these classes:

1. Cyclic, branched, or linear, completely fluorinated alkanes;
2. Cyclic, branched, or linear, completed fluorinated ethers, with no unsaturations;
3. Cyclic, branched, or linear, completely fluorinated tertiary-amines with no unsaturations;
4. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine; and
5. VOC may be measured by the referenced method, an equivalent method, an alternate method or by procedures specified under 40 CFR Part 60. A referenced method, an equivalent method, or an alternate method, however, may also measure non-reactive organic compounds. In such cases, an owner or operator may exclude the non-reactive organic compound when determining compliance with a standard.
6. ~~The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.~~

Rule 391-3-1-.02(4), “Ambient Air Standards,” is amended to read as follows:

(4) Ambient Air Standards.

(a) No person shall cause, suffer, permit, or allow the emission from any source the quantities of compounds listed below which would cause the ambient air ~~concentrations~~standards listed to be exceeded. This does not exempt such sources from controlling their emissions to a point equal to or lower than the levels required to comply with a specific emission standard enumerated in other sections of these Rules.

(b) Sulfur Dioxide.

1. ~~The concentration of sulfur dioxide at ground level for any three-hour period shall not exceed 1300 micrograms per cubic meter for more than one such three-hour period per year.~~
2. ~~The concentration of sulfur dioxide at ground level for any twenty-four-hour period shall not exceed 365 micrograms per cubic meter for more than one such twenty-four-hour period per year.~~

~~3. The annual arithmetic mean concentration of sulfur dioxide at ground level shall not exceed 80 micrograms per cubic meter.~~

~~4. The level of the 1-hour annual ambient air quality standard for oxides of sulfur is 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide (SO₂). Demonstration of attainment shall be determined in accordance with 40 CFR 50.17(b).~~

~~5. The level of the standard shall be measured by a reference method based on Appendix A or A-1 of Part 50.17, or by a Federal Equivalent Method (FEM) designated in accordance with Part 53 of this chapter.~~

1. The level of the 1-hour ambient air quality standard for oxides of sulfur is 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide (SO₂).

(i) The standard is attained when the three-year average of the annual (99th percentile) of the daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR 50.

(ii) The level of the 1-hour ambient air quality standard shall be measured by a reference method based on Appendix A or A-1 of 40 CFR 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR 53.

2. The level of the 3-hour ambient air quality standard for oxides of sulfur for any successive nonoverlapping calendar day three-hour period, starting at midnight each calendar day, is 0.5 ppm, measured in the ambient air as sulfur dioxide (SO₂).

(i) The standard is attained when the second-highest 3-hour average, as determined in accordance with 40 CFR 50.5(c) is less than or equal to 0.5 ppm. The standard shall not be exceeded for more than any successive nonoverlapping three-hour period per year.

(ii) The level of the 3-hour ambient air quality standard shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A of 40 CFR 50, or by a FEM designated in accordance with 40 CFR 53.

(c) Particulate Matter.

1. PM₁₀

~~(i) The concentration of PM₁₀ in the ambient air for any 24-hour period shall not exceed 150 micrograms per cubic meter for more than one such 24-hour period per year. The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with Appendix K of 40 CFR Part 50 is equal to or less than 1.~~

~~(ii) Repealed.~~

~~(iii) PM₁₀ shall be measured in the ambient air as PM₁₀ (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) by a reference method based upon 40 CFR Part 50, Appendix J.~~

(i) The level of the 24-hour ambient air quality standard for PM₁₀ is 150 micrograms per cubic meter, 24-hour average concentration.

(I) The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with Appendix K of 40 CFR 50, is equal to or less than 1.

(II) PM₁₀ shall be measured in the ambient air as PM₁₀ (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) by a reference method based upon 40 CFR 50, Appendix J.

2. PM_{2.5}

~~(i) The 98th percentile 24-hour PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) concentration shall not exceed 35 micrograms per cubic meter. The 98th percentile 24-hour concentration is as determined in accordance with Appendix N of 40 CFR Part 50.~~

~~(ii) The annual arithmetic mean concentration of PM_{2.5} in the ambient air shall not exceed 12.0 micrograms per cubic meter. The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50 is less than or equal to 12.0 micrograms per cubic meter.~~

~~(iii) PM_{2.5} shall be measured in the ambient air as PM_{2.5} by reference method based upon 40 CFR Part 50, Appendix L.~~

(i) The level of the annual ambient air quality standard of PM_{2.5} (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) in the ambient air is 12.0 micrograms per cubic meter, annual arithmetic mean.

(I) The annual standard is attained when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR 50 is less than or equal to 12.0 micrograms per cubic meter.

(II) PM_{2.5} shall be measured in the ambient air as PM_{2.5} by reference method based upon 40 CFR 50, Appendix L.

(ii) The level of the 24-hour ambient air quality standard of PM_{2.5} in the ambient air is 35 micrograms per cubic meter, 24-hour average concentration.

(I) The 24-hour standard is attained when the 98th percentile 24-hour concentration, as determined in accordance with Appendix N of 40 CFR 50, is less than or equal to 35 micrograms per cubic meter.

(II) PM_{2.5} shall be measured in the ambient air as PM_{2.5} by reference method based upon 40 CFR 50, Appendix L.

(d) Carbon Monoxide.

~~1. Carbon monoxide concentration, at ground level, shall not be allowed to exceed 40 milligrams per cubic meter for a one-hour average or 10 milligrams per cubic meter for an eight-hour average. Standard conditions for carbon monoxide measurements shall be considered to be 25°C and 760 mm Hg.~~

~~2. The specified standard procedure for measuring ambient air concentrations of carbon monoxide shall be the non-dispersive infrared or equivalent method.~~

1. The level of the ambient air quality standard for carbon monoxide is 35 ppm (40 milligrams per cubic meter) for a one-hour average or 9 ppm (10 milligrams per cubic meter) for an eight-hour average.

(i) These standards are not to be exceeded more than once per year.

(ii) Carbon monoxide shall be measured in the ambient air as CO by reference method based upon 40 CFR 50, Appendix C.

(e) Ozone.

~~1. Repealed.~~

~~2. The 8-hour ambient air standard for ozone is 0.075 parts per million, daily maximum 8-hour average. The standard is attained when the average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 parts per million, as determined in accordance with appendix I of 40 CFR Part 50.~~

~~3. The specific standard procedure for measuring ambient air concentrations of ozone shall be the Chemiluminescence or equivalent method.~~

1. The level of the 2008 8-hour ambient air standard for ozone is 0.075 ppm, daily maximum 8-hour average.

(i) The standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with Appendix P of 40 CFR 50.

(ii) Ozone shall be measured in the ambient air by a reference method based upon 40 CFR 50, Appendix D or an equivalent method designated in accordance with 40 CFR 53.

2. The level of the 2015 8-hour ambient air standard for ozone is 0.070 ppm, daily maximum 8-hour average.

(i) The standard is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with Appendix U of 40 CFR 50.

(ii) Ozone shall be measured in the ambient air by a reference method based upon 40 CFR 50, Appendix D or an equivalent method designated in accordance with 40 CFR 53.

(f) Lead.

~~1. The mean concentration of lead at ground level shall not exceed 0.15 micrograms per cubic meter, arithmetic mean concentration over a 3-month period. Demonstration of attainment shall be determined in accordance with 40 CFR 50.16(b).~~

~~2. The specified standard procedure for measuring ambient air concentrations of lead shall be those required to comply with Federal law or other Federal authority.~~

1. The level of ambient air quality standard of lead and its compounds at ground level shall not exceed 0.15 micrograms per cubic meter, arithmetic mean concentration over a 3-month period.

(i) The standard is attained when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this 40 CFR 50, is less than or equal to 0.15 micrograms per cubic meter.

(ii) The specified standard procedure for measuring ambient air concentrations of lead shall be a reference method based upon 40 CFR 50, Appendix G or an equivalent method designated in accordance with 40 CFR 53.

(g) Nitrogen Dioxide.

~~1. The annual arithmetic mean concentration of oxides of nitrogen at ground level shall not exceed 53 parts per billion (ppb), measured in the ambient air as nitrogen dioxide. Demonstration of attainment shall be determined in accordance with 40 CFR 50.11(e) and (g).~~

~~2. The level of the 1-hour ambient air quality standard for oxides of nitrogen is 100 ppb, 1-hour average concentration, measured in the ambient air as nitrogen dioxide. Demonstration of attainment shall be determined in accordance with 40 CFR 50.11(f).~~

~~3. The levels of the standards shall be measured in accordance with 40 CFR 50.11(d).~~

1. The level of the annual air quality standards for oxides of nitrogen at ground level is 53 ppb, annual average concentration, measured in the ambient air as nitrogen dioxide.

(i) The annual standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with Appendix S of 40 CFR 50.

(ii) The level of the standard shall be measured by a reference method based on Appendix F or by a FEM designated in accordance with 40 CFR 53.

2. The level of the 1-hour ambient air quality standard for oxides of nitrogen is 100 ppb, 1-hour average concentration, measured in the ambient air as nitrogen dioxide.

(i) The 1-hour standard is met when the three-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with Appendix S of 40 CFR 50.

(ii) The level of the standard shall be measured by a reference method based on Appendix F or by a FEM designated in accordance with 40 CFR 53.

(h) Standard Conditions for Temperature and Pressure.

1. All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for particulate matter (PM_{2.5}) standards contained in 391-3-1-.02(4)(c)2., and lead standards contained in 391-3-1-.02(4)(f) shall be corrected to a reference temperature of 25 (deg) C and a reference pressure of 760 millimeters of mercury (1,013.2 millibars).

2. Measurements of PM_{2.5} for purposes of comparison to the standards contained in 391-3-1-.02(4)(c)2., and of lead for purposes of comparison to the standards contained in 391-3-1-.02(4)(f) shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

Rule 391-3-1-.02(7), “Prevention of Significant Deterioration of Air Quality,” is amended to read as follows:

(7) Prevention of Significant Deterioration of Air Quality.

(a) General Requirements.

1. The provisions of paragraph (7) shall apply to any source and the owner or operator of any source subject to any requirement under 40 Code of Federal Regulations (hereinafter, CFR), Part 52.21. The subparagraphs of Paragraph (7) that incorporate by reference paragraphs of 40 CFR, Part 52.21 are as promulgated through ~~December 9, 2013~~ October 18, 2016, unless otherwise specified. The dates associated with the incorporation by reference of federal rules into this paragraph (7) refer to the dates of publication of the promulgated rules in the Federal Register.

2. Definitions: For the purpose of this paragraph, 40 CFR, Part 52.21 (b) as amended, is hereby incorporated by reference with the following exceptions:

(i) In lieu of the definition of “baseline actual emissions” as specified in paragraph (b)(48) of 40 CFR, Part 52.21, the following shall apply:

“Baseline actual emissions” means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with subparagraphs (7)(a)2.(i)(I) through (IV) of this rule.

(I) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

I. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A and B.

A. If fugitive emissions or emissions from startups, shutdowns, and/or malfunctions during the consecutive 24-month period selected by the owner or operator are not quantifiable and are therefore not included in the calculation of baseline actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

B. The owner or operator may elect to omit malfunctions from the calculation of baseline actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

II. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

III. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period may be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

IV. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, or for which there is inadequate information for adjusting this amount downward to exclude any non-compliant emissions as required by subparagraph (7)(a)2.(i)(I)II. of this rule.

V. If any physical change(s) or change(s) in the method of operation subsequent to the

consecutive 24-month period selected by the owner or operator resulted in a permanent change in the basic design parameter [as defined in subparagraph (7)(a)2.(viii) of this rule], not including the voluntary addition of air pollution control equipment or increase in removal or collection efficiency of existing air pollution control equipment, and thus resulted in a corresponding reduction in actual emissions of a regulated NSR pollutant, the baseline actual emissions shall be adjusted downward by a proportional reduction in emissions in tons per year or lbs/unit of production.

VI. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Available Control Technology (MACT) standard that the Administrator of U.S. EPA has proposed or promulgated under 40 CFR, Part 63, the baseline actual emissions need only be adjusted if the Division has taken credit for such emission reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR, Part 51.165(a)(3)(ii)(G).

(II) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Division for a permit required under this paragraph or by the reviewing authority for a permit required by a plan, whichever is earlier.

I. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A and B.

A. If fugitive emissions or emissions from startups, shutdowns, and/or malfunctions during the consecutive 24-month period selected by the owner or operator are not quantifiable and are therefore not included in the calculation of baseline actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of projected actual emissions (as defined in subparagraph (7)(a)2.(ii) of this rule).

B. The owner or operator may elect to omit malfunctions from the calculation of baseline actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

II. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

III. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply,

had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Achievable Control Technology (MACT) standard that the Administrator of U.S. EPA has proposed or promulgated under 40 CFR, Part 63, the baseline actual emissions need only be adjusted if the Division has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR, Part 51.165(a)(3)(ii)(G).

IV. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period may be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

V. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, or for which there is inadequate information for adjusting this amount downward to exclude any non-compliant emissions as required by subparagraph (7)(a)2.(i)(II)II or III. of this rule.

VI. If any physical change(s) or change(s) in the method of operation subsequent to the consecutive 24-month period selected by the owner or operator resulted in a permanent change in the basic design parameter [as defined in subparagraph (7)(a)2.(viii) of this Rule], not including the voluntary addition of air pollution control equipment or increase in removal or collection efficiency of existing air pollution control equipment, and thus resulted in a corresponding reduction in actual emissions of a regulated NSR pollutant, the baseline actual emissions shall be adjusted downward by a proportional reduction in emissions in tons per year or lbs/unit of production.

(III) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit [as long as the unit remains a "new emissions unit" as defined in 40 CFR, Part 52.21(b)(7)(i)].

(IV) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in subparagraph (7)(a)2.(i)(I) of this rule, for other existing emissions units in accordance with the procedures contained in subparagraph (7)(a)2.(i)(II) of this rule, and for a new emissions unit in accordance with the procedures contained in subparagraph (7)(a)2.(i)(III) of this rule. For existing emission units, the baseline actual emissions shall be based on any consecutive 24-month period selected by the operator within the appropriate PAL baseline period. For existing electric steam generating units, the PAL baseline period is the 5-year period (or different period allowed by the Director that is more representative or normal source operation) immediately preceding submission of a complete PAL application to the Division. For other existing emission units, the PAL baseline period is the 10-year period immediately preceding submission of a complete PAL permit application to the Division.

(ii) In lieu of the definition of "projected actual emissions" as specified in paragraph (b)(41) of

40 CFR, Part 52.21, the following shall apply:

(I) “Projected actual emissions” means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(II) In determining the projected actual emissions under subparagraph (7)(a)2.(ii)(I) (before beginning actual construction), the owner or operator of the major stationary source:

I. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

II. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A, B, and C.

A. If projected fugitive emissions or emissions from startups, shutdowns, and/or malfunctions are not quantifiable and are therefore not included in the calculation of projected actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of baseline actual emissions [as defined in subparagraph (7)(a)2.(i) of this rule].

B. The owner or operator may elect to omit malfunctions from the calculation of projected actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of baseline actual emissions [as defined in subparagraph (7)(a)2.(i) of this rule].

C. If the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and the increase in projected emissions associated with startups, shutdowns, and malfunctions is not proportional to the increase in the emission unit's design capacity or its potential to emit that regulated NSR pollutant, the owner or operator must include with the information required under subparagraph (7)(b)15.(i)(I) of this rule documentation that supports the projected emissions associated with startups, shutdowns, and malfunctions subsequent to completion of the project; and

III. May exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual

emissions under subparagraph (7)(a)2.(i) of this rule and that is also unrelated to the particular project, including any increased utilization due to product demand growth (the increase in emissions that may be excluded under this subparagraph shall hereinafter be referred to as “demand growth emissions”);

A. If the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant, the owner or operator shall either:

(A) not exclude demand growth emissions, or

(B) must include in the information required under subparagraph (7)(b)15.(i)(I) of this paragraph, documentation that demand growth emissions are emissions that the emissions unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions, are not related to the particular project, and are due to product demand growth; must have documentation supporting the portion of the emissions increase that is due to demand growth; and, following the change, must be able to track the emissions increase due to demand growth; or

IV. In lieu of using the method set out in subparagraphs (7)(a)2.(ii)(II)I. through III. of this rule, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (b)(4) of 40 CFR, Part 52.21.

(iii) The definition of “major stationary source” contained in 40 CFR, Part 52.21(b)(1) is hereby incorporated by reference except as follows:

(I) Subparagraph (i)(b) shall read as follows: Notwithstanding the stationary source size specified in paragraph (b)1.(i)(a) of this section, any stationary source which emits, or has the potential to emit, 250 tons-per-year or more of a regulated NSR pollutant; or

(iv) The definition and use of the term “subject to regulation” in 40 CFR, Part 52.21 is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR, Part 52.21 containing that term is:

(I) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or

(II) withdrawn, repealed, revoked or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action, as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it

would have incorporated the remaining parts of the federal regulation if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect;

(v) The definition of “potential to emit” contained in 40 CFR, Part 52.21(b)(4), shall be modified as follows:

(I) The phrase “is federally enforceable” shall read “is federally enforceable or enforceable as a practical matter.”

(vi) The definition of “allowable emissions” contained in 40 CFR, Part 52.21(b)(16), shall be modified as follows:

(I) The phrase “unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both” shall read, “unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both.”

(II) paragraph (iii) shall read as follows: The emissions rate specified as an enforceable permit condition, including those with a future compliance date.

(vii) The following shall be added to the definition of “major source baseline date” contained in 40 CFR, Part 52.21(b)(14):

(I) Baseline dates established prior to April 19, 2006, will remain in effect.

(viii) In lieu of paragraph (b)(33)(iii) of the definition of “replacement unit” as specified in paragraph (b)(33) of 40 CFR, Part 52.21, the following shall apply:

The replacement does not alter the basic design parameters of the process unit. Basic design parameters are defined as follows:

(I) Except as provided in subparagraph (7)(a)2.(viii)(III) of this rule, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British Thermal Units content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.

(II) Except as provided in subparagraph (7)(a)2.(viii)(III) of this rule, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.

(III) If the owner or operator believes the basic design parameter(s) in subparagraphs (7)(a)2.(viii)(I) and (II) of this rule is (are) not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Division an alternative basic design parameter(s) for the source's process unit(s). If the Director approves of the use of an alternative basic design parameter(s), he or she shall issue a permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).

(IV) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in subparagraphs (7)(a)2.(viii)(I) and (II) of this rule.

(V) If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.

(VI) Efficiency of a process unit is not a basic design parameter.

(ix) ~~[reserved]~~In lieu of the definition of "Regulated NSR pollutant" as specified in paragraph (b)(50) of 40 CFR, Part 52.21, the following shall apply:

~~"Regulated NSR pollutant" means the following:~~

~~(I) Any pollutant for which a national ambient air quality standard has been promulgated and any pollutant identified under this subparagraph as a constituent or precursor for such pollutant. Precursors are the following:~~

~~I. Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.~~

~~II. Sulfur dioxide is a precursor to PM_{2.5} in all attainment and unclassifiable areas.~~

~~III. Nitrogen oxides are not precursors to PM_{2.5} in all attainment and unclassifiable areas. The provisions in this subparagraph (III) become effective upon U.S. EPA's approval of this provision into Georgia's State Implementation Plan.~~

~~(II) Any pollutant that is subject to any standard promulgated under section 111 of the Act;~~

~~(III) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act;~~

~~(IV) Any pollutant that otherwise is subject to regulation under the Act as defined in subparagraph (a)2.(iv) of this paragraph.~~

~~(V) Notwithstanding subparagraphs (a)2.(ix) of this paragraph, the term regulated NSR pollutant shall not include any or all hazardous air pollutants either listed in section 112 of the Act, or added to the list pursuant to section 112(b)(2) of the Act, and which have not been delisted pursuant to Section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.~~

~~(VI) PM_{2.5} emissions and PM₁₀ emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} and PM₁₀ in PSD permits. Compliance with emissions limitations for PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this paragraph unless the applicable implementation plan required condensable particulate matter to be included.~~

(x) [reserved]

(xi) In the definition of “net emissions increase” as specified in paragraph (b)(3) of 40 CFR Part 52.21, paragraphs (iii)(b) and (vi)(d), related to increases and decreases at a clean unit, are not adopted.

3. Applicability procedures: 40 CFR, Part 52.21(a)(2), as amended, is hereby incorporated and adopted by reference.

4. Except as noted below, the word “Administrator” as used in regulations adopted by reference in this paragraph shall mean the “Director” as defined in 391-3-1-.01(q). For the following provisions adopted by reference in this paragraph, the word “Administrator” shall mean the Administrator of the U.S. Environmental Protection Agency or, where allowable, his or her designee.

(i) 40 CFR, Part 52.21(b)(17), Definition of “Federally Enforceable”

(ii) 40 CFR, Part 52.21(b)(37)(i), First Paragraph within the Definition of “Repowering”

(iii) 40 CFR, Part 52.21(b)(43), Definition of “Prevention of Significant Deterioration (PSD)”

(iv) 40 CFR, Part 52.21(b)(51), Definition of “Reviewing Authority”

(v) 40 CFR, Part 52.21(g), Redesignation

(vi) 40 CFR, Part 52.21(l), Air Quality Models

(vii) 40 CFR, Part 52.21(p)(2), Federal Land Manager

(viii) 40 CFR, Part 52.21(o)(3), Visibility Monitoring

(b) Prevention of Significant Deterioration Standards.

1. Ambient air increments: 40 CFR, Part 52.21(c), as amended, is hereby incorporated and adopted by reference.
2. Ambient air ceilings: 40 CFR, Part 52.21(d), as amended, is hereby incorporated and adopted by reference.
3. Restrictions on area classifications: 40 CFR, Part 52.21(e), as amended, is hereby incorporated and adopted by reference.
4. Redesignation: 40 CFR, Part 52.21(g), as amended, is hereby incorporated and adopted by reference.
5. Stack heights: 40 CFR, Part 52.21(h), as amended, is hereby incorporated and adopted by reference.
6. Exemptions: 40 CFR Part 52.21(i), as amended, is hereby incorporated and adopted by reference.
7. Control technology review: 40 CFR, Part 52.21(j), as amended, is hereby incorporated and adopted by reference.
8. Source impact analysis: 40 CFR, Part 52.21(k), as amended, is hereby incorporated and adopted by reference.
9. Air quality models: 40 CFR, Part 52.21(l), as amended, is hereby incorporated and adopted by reference.
10. Air quality analysis: 40 CFR, Part 52.21(m), as amended, is hereby incorporated and adopted by reference.
11. Source information: 40 CFR, Part 52.21(n), as amended, is hereby incorporated and adopted by reference with the following exception:
 - (i) The first sentence of paragraph (n)(1) shall read as follows, “With respect to a source or modification to which paragraphs (j), (l), (o) and (p) of this section apply, such information shall include:”
12. Additional impact analyses: 40 CFR, Part 52.21(o), as amended, is hereby incorporated and adopted by reference.
13. Sources impacting federal class I areas - additional requirements: 40 CFR, Part 52.21(p), as

amended, is hereby incorporated and adopted by reference with the following exception:

(i) The beginning of paragraph (p)(8) should read “In the case of a permit issued pursuant to paragraph (p) (6) or (7) of this section...”

14. Public participation: 40 CFR, Part 52.21(q), as amended, is hereby incorporated and adopted by reference.

15. Source obligation: 40 CFR, Part 52.21(r), as amended, is hereby incorporated and adopted by reference with the following exceptions:

(i) In lieu of the provisions of paragraph (r)(6), the following shall apply:

The provisions of this subparagraph 15(i) apply to projects at an existing emissions unit at a major stationary source (other than projects at a source with a PAL) that are required to obtain a permit under the Construction (SIP) Permit requirements of paragraph 391-3-1-.03(1) of these rules and the owner or operator elects to use the method specified in Subparagraph (7)(a)2.(ii)(II)I. through III. of this rule for calculating projected actual emissions.

(I) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

I. A description of the project;

II. Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

III. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under Subparagraph (7)(a)2.(ii)(II)III. of this rule and an explanation for why such amount was excluded, and any netting calculations, if applicable.

IV. The records required in subparagraph (7)(b)15.(i)(I) of this rule shall be retained for a period of 10 years following resumption of regular operations after the change, or for a period of 15 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit of a regulated NSR pollutant at such emissions unit.

(II) The owner or operator shall provide a copy of the information set out in Subparagraph (7)(b)15.(i)(I) of this rule with the application for construction required under paragraph 391-3-1-.03(1) of these rules.

(III) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subparagraph (7)(b)15.(i)(I)II. of this rule, and calculate and maintain a record of the annual emissions, in tons-per-year on a calendar year basis, for a period of five years following

resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit. These records shall be retained for a period of five years past the end of each calendar year. If an owner or operator is required to or elects to exclude emissions associated with startups, shutdowns, and/or malfunctions from estimations of projected actual emissions for PSD applicability purposes as allowed by subparagraph (7)(a)2.(ii)(II)II. of this rule, the owner or operator may exclude such emissions from the calculation of annual emissions.

(IV) If the owner or operator excluded demand growth emissions from the projected actual emissions for a project and that project is subject to the requirements of subparagraph (7)(a)2.(ii)(II)III.A.(B) of this rule, the owner or operator shall calculate the actual increase in emissions due to demand growth, in tons per year on a calendar year basis, for a period 10 years following resumption of regular operations after the change. These records shall be retained for a period of five years past the end of each calendar year.

(V) The owner or operator shall submit a report to the Division within 60 days after the end of each year during which records must be generated under subparagraphs (7)(b)15.(i)(III) and (IV) of this rule setting out the unit's annual emissions and, if applicable, the unit's actual increase in emissions due to demand growth during the calendar year that preceded submission of the report.

16. Innovative control technology: 40 CFR, Part 52.21(v), as amended, is hereby incorporated and adopted by reference.

17. Permit rescission: 40 CFR, Part 52.21(w), as amended, is hereby incorporated and adopted by reference with the following exceptions:

(i) Paragraph (1) of 40 CFR, Part 52.21(w) shall read as follows: Any permit issued under this section or a prior version of this section shall remain in effect, unless and until it expires under paragraph (r) of this section or is rescinded.

(ii) Paragraph (3) of 40 CFR, Part 52.21(w) shall read as follows: The Director may grant an application for rescission if the application shows that this section, as it existed at the time the permit was issued, would not apply to the source or modification.

18. [reserved]

19. [reserved]

20. [reserved]

21. Actuals PALs: 40 CFR, Part 52.21(aa), as amended, is hereby incorporated by reference with the following exceptions:

(i) [reserved]

(ii) In lieu of the public participation requirements for PALs of 40 CFR, Part 52.21(aa)(5), PALs for existing major stationary sources shall be established, renewed, or increased through the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph 391-3-1-.03(10)(e) of these rules.

(iii) In addition to the provisions for setting the 10-year actual PAL level specified in 40 CFR, Part 52.21(aa)(6)(i), the PAL level shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period used to determine the baseline actual emissions for the PAL pollutant.

(iv) In lieu of the provisions of 40 CFR, Part 52.21(aa)(6)(ii), the following shall apply: For newly constructed units (which do not include modifications to existing units) on which actual construction began after the consecutive 24-month period selected for setting the 10-year actuals PAL level, in lieu of adding the baseline emissions as specified in paragraph (aa)(6)(i) of 40 CFR, Part 52.21, the emissions must be added to the PAL level as follows:

(I) For an emissions unit on which actual operation commenced less than 36 months prior to submission of a complete PAL permit application, the emissions must be added to the PAL level in an amount equal to the potential to emit of the unit.

(II) For an emissions unit on which actual operation commenced greater than or equal to 36 months and less than 48 months prior to submission of a complete PAL permit application, the emissions must be added in an amount equal to the rate, in tons per year, at which the unit actually emitted the PAL pollutant during any consecutive 12-month period, selected by the owner or operator, that preceded submission of the PAL permit application.

(III) For an emissions unit on which actual operation commenced greater than or equal to 48 months prior to submission of a complete PAL permit application, the emissions must be added in an amount equal to the average rate, in tons per year, at which the unit actually emitted the PAL pollutant during any consecutive 24-month period, selected by the owner or operator, that preceded submission of the PAL permit application.

(v) In addition to the contents of the PAL permit specified in 40 CFR, Part 52.21(aa)(7), the PAL permit must contain a requirement that emissions calculations for compliance purposes must include non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable and that were in excess of that allowed by any state or Federal air quality regulation or permit condition.

(vi) In lieu of the provisions of 40 CFR, Part 52.21(aa)(8)(ii)(c), the following shall apply: All reopenings shall be carried out in accordance with the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph 391-3-1-.03(10)(e) of these rules.

(vii) In lieu of the provisions for PAL adjustment in 40 CFR, Part 52.21(aa)(10)(iv), the following shall apply:

PAL adjustment. The Director shall set the PAL level for a renewed PAL permit in accordance with subparagraphs (7)(b)21.(vii)(I) and (II) of this rule. However, in no case may any PAL level fail to comply with subparagraph (7)(b)21.(vii)(III) of this rule.

(I) If the emissions level calculated in accordance with paragraph (aa)(6) of 40 CFR, Part 52.21 and subparagraphs (7)(b)21.(iii) and (iv) of this rule is equal to or greater than 80 percent of the PAL level, the Director may renew the PAL at the same level. If the emissions level calculated in accordance with (aa)(6) of 40 CFR, Part 52.21 and subparagraphs (7)(b)21.(iii) and (iv) of this rule is less than 80 percent of the PAL level, the Director may renew the PAL at a level determined using the procedures set forth in 40 CFR, Part 52.21(aa)(6) and subparagraphs (7)(b)21.(iii) and (iv) of this rule.

(II) The Director may set the PAL at a level that he or she determines to be more representative of the source's baseline actual emissions, or that he or she determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Director in his or her written rationale.

(III) Notwithstanding subparagraphs (7)(b)21.(vii)(I) and (II) of this rule:

I. If the potential to emit of the major stationary source is less than the PAL, the Director shall adjust the PAL to a level no greater than the potential to emit of the source; and

II. The Director shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (aa)(11) of 40 CFR, Part 52.21 (increasing a PAL).

(viii) The following is added to the list of acceptable general monitoring approaches listed in 40 CFR, Part 52.21(aa)(12)(ii).

(I) Mass balance calculations for sulfur dioxide emissions from fuel combustion.

(ix) The mass balance calculation requirements of 40 CFR, Part 52.21(aa)(12)(iii) shall apply for mass balance calculations for sulfur dioxide emissions from fuel combustion.

(x) The data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions shall not be submitted with the semiannual report as specified in paragraph (aa)(14)(i)(c) of 40 CFR, Part 52.21, but shall be retained in permanent form suitable for inspection and submission to the Division. The records shall be retained for at least five years following the end of each calendar year.

(xi) Paragraph 40 CFR 52.21 (aa)(12)(i)(b) shall read as follows: The PAL monitoring system must employ one of the general monitoring approaches meeting the minimum requirements set forth in paragraph (aa)(12)(ii) of this section and must be approved by the Director.

Rule 391-3-1-.02(8), “New Source Performance Standards,” is amended to read as follows:

(8) New Source Performance Standards.

(a) General Requirement. No person shall construct or operate any facility or source which fails to comply with the New Source Performance Standards contained in 40 Code of Federal Regulations (hereinafter, CFR), Part 60, as amended, including but not limited to (unless specifically excluded below), the subparts hereby adopted through incorporation by reference in paragraph (b) of this subsection.

(b) New Source Performance Standards.

1. General Provisions. For purposes of applying New Source Performance Standards, 40 CFR, Part 60, Subpart A (excluding 60.4 and 60.9), as amended ~~October 23, 2015~~ August 30, 2016, is hereby incorporated and adopted by reference. The word “Administrator” as used in regulations adopted in this paragraph shall mean the Director of EPD.

2. Standards of Performance for Fossil-fuel Fired Steam Generators: 40 CFR, Part 60, ~~s~~Subpart D, as amended February 16, 2012, is hereby incorporated and adopted by reference.

3. Standards of Performance for Electric Utility Steam Generating Units: 40 CFR, Part 60, Subpart Da, as amended ~~November 19, 2014~~ April 6, 2016, is hereby incorporated and adopted by reference.

4. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units: 40 CFR, Part 60, Subpart Db, as amended February 16, 2012, is hereby incorporated and adopted by reference.

5. Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: 40 CFR, Part 60, Subpart Dc, as amended February 16, 2012, is hereby incorporated and adopted by reference.

6. Standards of Performance for Incinerators: 40 CFR, Part 60, Subpart E, as amended May 10, 2006, is hereby incorporated and adopted by reference.

7. Standards of Performance for Municipal Waste Combustors: 40 CFR, Part 60, Subpart Ea, as amended October 17, 2000, is hereby incorporated and adopted by reference.

8. Standards of Performance for Portland Cement Plants: 40 CFR, Part 60, Subpart F, as amended July 27, 2015, is hereby incorporated and adopted by reference.

9. Standards of Performance for Nitric Acid Plants: 40 CFR, Part 60, Subpart G, as amended May 6, 2014, is hereby incorporated and adopted by reference.

10. Standards of Performance for Sulfuric Acid Plants: 40 CFR, Part 60, Subpart H, as amended October 17, 2000, is hereby incorporated and adopted by reference.

11. Standards of Performance for Asphalt Concrete Plants: 40 CFR, Part 60, Subpart I, as amended February 14, 1989, is hereby incorporated and adopted by reference.
12. Standards of Performance for Petroleum Refineries: 40 CFR, Part 60, Subpart J, as amended December 1, 2015, is hereby incorporated and adopted by reference.
13. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978: 40 CFR, Part 60, Subpart K, as amended October 17, 2000, is hereby incorporated and adopted by reference.
14. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984: 40 CFR, Part 60, Subpart Ka, as amended December 14, 2000, is hereby incorporated and adopted by reference.
15. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984: 40 CFR, Part 60, Subpart Kb, as amended October 15, 2003, is hereby incorporated and adopted by reference.
16. Standards of Performance for Secondary Lead Smelters: 40 CFR, Part 60, Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.
17. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants: 40 CFR, Part 60, Subpart M, as amended October 17, 2000, is hereby incorporated and adopted by reference.
18. Standards of Performance for Iron and Steel Plants: 40 CFR, Part 60, Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.
19. Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983: 40 CFR, Part 60, Subpart Na, as amended October 17, 2000, is hereby incorporated and adopted by reference.
20. Standards of Performance for Sewage Treatment Plants: 40 CFR, Part 60, Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.
21. Standards of Performance for Primary Copper Smelters: 40 CFR, Part 60, Subpart P, as amended October 17, 2000, is hereby incorporated and adopted by reference.
22. Standards of Performance for Primary Zinc Smelters: 40 CFR, Part 60, Subpart Q, as amended February 14, 1989, is hereby incorporated and adopted by reference.

23. Standards of Performance for Primary Lead Smelters: 40 CFR, Part 60, Subpart R, as amended February 14, 1989, is hereby incorporated and adopted by reference.
24. Standards of Performance for Primary Aluminum Reduction Plants: 40 CFR, Part 60, Subpart S, as amended October 17, 2000, is hereby incorporated and adopted by reference.
25. Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants: 40 CFR, Part 60, Subpart T, as amended August 19, 2015, is hereby incorporated and adopted by reference.
26. Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants: 40 CFR, Part 60, Subpart U, as amended August 19, 2015, is hereby incorporated and adopted by reference.
27. Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: 40 CFR, Part 60, Subpart V, as amended August 19, 2015, is hereby incorporated and adopted by reference.
28. Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants: 40 CFR, Part 60, Subpart W, as amended August 19, 2015, is hereby incorporated and adopted by reference.
29. Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities: 40 CFR, Part 60, Subpart X, as amended August 19, 2015, is hereby incorporated and adopted by reference.
30. Standards of Performance for Coal Preparation Plants: 40 CFR, Part 60, Subpart Y, as amended October 8, 2009, is hereby incorporated and adopted by reference.
31. Standards of Performance for Ferroalloy Production Facilities: 40 CFR, Part 60, Subpart Z, as amended October 17, 2000, is hereby incorporated and adopted by reference.
32. Standards of Performance for Steel Plants: Electric Arc Furnaces: 40 CFR, Part 60, Subpart AA, as amended February 22, 2005, is hereby incorporated and adopted by reference.
33. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983: 40 CFR Part 60, Subpart AAa, as amended February 22, 2005, is hereby incorporated and adopted by reference.
34. Standards of Performance for Kraft Pulp Mills: 40 CFR, Part 60, Subpart BB, as amended September 21, 2006, is hereby incorporated and adopted by reference.
35. Standards of Performance for Glass Manufacturing Plants: 40 CFR, Part 60, Subpart CC, as amended October 17, 2000, is hereby incorporated and adopted by reference.

36. Standards of Performance for Grain Elevators: 40 CFR, Part 60, Subpart DD, as amended October 17, 2000, is hereby incorporated and adopted by reference.
37. Standards of Performance for Surface Coating of Metal Furniture: 40 CFR, Part 60, Subpart EE, as amended October 17, 2000, is hereby incorporated and adopted by reference.
38. Standards of Performance for Stationary Gas Turbines: 40 CFR, Part 60, subpart GG, as amended ~~February 24, 2006~~ June 30, 2016, is hereby incorporated and adopted by reference.
39. Standards of Performance for Lime Manufacturing Plants: 40 CFR, Part 60, subpart HH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
40. Standards of Performance for Lead-Acid Battery Manufacturing Plants: 40 CFR, Part 60, subpart KK, as amended October 17, 2000, is hereby incorporated and adopted by reference.
41. Standards of Performance for Metallic Mineral Processing Plants: 40 CFR, Part 60, Subpart LL, as amended October 17, 2000, is hereby incorporated and adopted by reference.
42. Standards of Performance for Automobile and Light-Duty Truck Coating Operations: 40 CFR, Part 60, Subpart MM, as amended October 17, 2000, is hereby incorporated and adopted by reference.
43. Standards of Performance for Phosphate Rock Plants: 40 CFR, Part 60, Subpart NN, as amended October 17, 2000, is hereby incorporated and adopted by reference.
44. Standards of Performance for Ammonium Sulfate Manufacture: 40 CFR, Part 60, Subpart PP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
45. Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing: 40 CFR, Part 60, Subpart QQ, as amended April 9, 2004, is hereby incorporated and adopted by reference.
46. Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations: 40 CFR, Part 60, Subpart RR, as amended October 17, 2000, is hereby incorporated and adopted by reference.
47. Standards of Performance for Industrial Surface Coating: Large Appliances: 40 CFR, Part 60, Subpart SS, as amended October 17, 2000, is hereby incorporated and adopted by reference.
48. Standards of Performance for Metal Coil Surface Coating: 40 CFR, Part 60, Subpart TT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
49. Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture: 40 CFR, Part 60, Subpart UU, as amended October 17, 2000, is hereby incorporated and adopted by reference.

50. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006: 40 CFR, Part 60, Subpart VV, as amended June 2, 2008, is hereby incorporated and adopted by reference.
51. Standards of Performance for Beverage Can Surface Coating Industry: 40 CFR, Part 60, Subpart WW, as amended October 17, 2000, is hereby incorporated and adopted by reference.
52. Standards of Performance for Bulk Gasoline Terminals: 40 CFR, Part 60, Subpart XX, as amended December 19, 2003, is hereby incorporated and adopted by reference.
53. Standards of Performance for Rubber Tire Manufacturing Industry: 40 CFR, Part 60, Subpart BBB, as amended ~~October 17, 2000~~ June 30, 2016, is hereby incorporated and adopted by reference.
54. Standards of Performance for Volatile Organic Compound (VOC) Emission from Polymer Manufacturing Industry: 40 CFR, Part 60, Subpart DDD, as amended ~~December 14, 2000~~ June 30, 2016, is hereby incorporated and adopted by reference.
55. Standards of Performance for Flexible Vinyl and Urethane Printing and Coating: 40 CFR Part 60, Subpart FFF, as amended October 17, 2000, is hereby incorporated and adopted by reference.
56. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006: 40 CFR, Part 60, Subpart GGG, as amended June 2, 2008, is hereby incorporated and adopted by reference.
57. Standards of Performance for Synthetic Fiber Production Facilities: 40 CFR, Part 60, Subpart HHH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
58. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes: 40 CFR, Part 60, Subpart III, as amended ~~December 14, 2000~~ June 30, 2016, is hereby incorporated and adopted by reference.
59. Standards of Performance for Petroleum Dry Cleaners: 40 CFR, Part 60, Subpart JJJ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
60. Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants: 40 CFR Part 60, Subpart KKK, as amended August 16, 2012, is hereby incorporated and adopted by reference.
61. Standards of Performance for Onshore Natural Gas Processing: 40 CFR, Part 60, Subpart LLL, as amended ~~August 16, 2012~~ June 30, 2016, is hereby incorporated and adopted by reference.

62. Standards of Performance for Volatile Organic Compounds (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operation: 40 CFR, Part 60, Subpart NNN, as amended ~~December 14, 2000~~June 30, 2016, is hereby incorporated and adopted by reference.
63. Standards of Performance for Nonmetallic Mineral Processing Plants: 40 CFR, Part 60, Subpart OOO, as promulgated April 28, 2009, is hereby incorporated and adopted by reference.
64. Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants: 40 CFR Part 60, Subpart PPP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
65. Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems: 40 CFR Part 60, Subpart QQQ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
66. Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Process: 40 CFR Part 60, Subpart RRR, as amended December 14, 2000, is hereby incorporated and adopted by reference.
67. Standards of Performance for Magnetic Tape Coating: 40 CFR Part 60, Subpart SSS, as amended February 12, 1999, is hereby incorporated and adopted by reference.
68. Standards of Performance for Plastic Parts for Business Machine Coatings: 40 CFR Part 60, Subpart TTT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
69. Standards of Performance for Calciners and Dryers in Mineral Industries: 40 CFR Part 60, Subpart UUU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
70. Standards of Performance for Polymeric Coating of Supporting Substrates Facilities: 40 CFR Part 60, Subpart VVV, as promulgated September 11, 1989, is hereby incorporated and adopted by reference.
71. Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994: 40 CFR, Part 60, Subpart Eb, as amended May 10, 2006, is hereby incorporated and adopted by reference.
72. Standards of Performance for Municipal Solid Waste Landfills: 40 CFR, Part 60, Subpart WWW, as amended September 21, 2006, is hereby incorporated and adopted by reference.
73. Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for ~~w~~Which ~~e~~Construction is e~~c~~Commenced a~~a~~After June 20, 1996: 40 CFR, Part 60, Subpart Ec, as amended September 9, 2013, is hereby incorporated and adopted by reference.

74. Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001: 40 CFR Part 60, Subpart AAAA, as promulgated December 6, 2000, is hereby incorporated and adopted by reference.
75. Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced After November 30, 1999: 40 CFR Part 60, Subpart CCCC, as amended ~~February 7, 2013~~ June 23, 2016, is hereby incorporated and adopted by reference.
76. Standards of Performance for Other Solid Waste Incinerator Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced ~~On~~ On or After June 16, 2006: 40 CFR Part 60 Subpart EEEE, as amended November 24, 2006, is hereby incorporated and adopted by reference.
77. Standards of Performance for Stationary Compression Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart III, as ~~promulgated~~ amended January 30, 2013 July 7, 2016, is hereby incorporated and adopted by reference.
78. Standards of Performance for Stationary Combustion Turbines: 40 CFR Part 60 Subpart KKKK, as amended ~~March 20, 2009~~ June 30, 2016, is hereby incorporated and adopted by reference.
79. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart JJJJ, as amended ~~January 30, 2013~~ August 30, 2016, is hereby incorporated and adopted by reference.
80. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry ~~F~~ for Which Construction, Reconstruction, or Modification Commenced ~~a~~ After November 7, 2006: 40 CFR Part 60 Subpart VVa, as amended August 16, 2012, is hereby incorporated and adopted by reference.
81. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries ~~F~~ for Which Construction, Reconstruction, or Modification Commenced ~~a~~ After November 7, 2006: 40 CFR Part 60 Subpart GGGa, as amended June 2, 2008, is hereby incorporated and adopted by reference.
82. Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007: 40 CFR Part 60 Subpart Ja, as amended ~~December 1, 2015~~ July 13, 2016, is hereby incorporated and adopted by reference.
83. Standards of Performance for New Sewage Sludge Incineration Units: 40 CFR Part 60 Subpart LLLL, as promulgated March 21, 2011, is hereby incorporated and adopted by reference.

84. Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution: 40 CFR, Part 60, Subpart OOOO, as amended ~~August 12, 2015~~ June 30, 2016, is hereby incorporated and adopted by reference.

85. Standard of Performance for Kraft Pulp Mills Affected Sources for Which Construction, Reconstruction, or Modification Commenced~~Constructed, Modified or Reconstructed a~~After May 23, 2013: 40 CFR Part 60 Subpart BBa, as promulgated April 4, 2014, is hereby incorporated and adopted by reference.

86. Standards of Performance for New Residential Wood Heaters: 40 CFR, Part 60, Subpart AAA, as amended March 16, 2015, is hereby incorporated and adopted by reference.

87. Subpart PPPP - [reserved]

88. Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces: 40 CFR, Part 60, Subpart QQQQ, as promulgated March 16, 2015, is hereby incorporated and adopted by reference.

89. Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014: 40 CFR Part 60 Subpart XXX, as promulgated August 29, 2016, is hereby incorporated and adopted by reference.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is amended to read as follows:

(9) Emission Standards for Hazardous Air Pollutants.

(a) General Requirements. The provisions of this section shall apply to any stationary source and to the owner or operator of any stationary source for which a standard is prescribed under 40 Code of Federal Regulations (hereinafter CFR), Parts 61 and 63, including, but not limited to (unless specifically excluded below) the subparts hereby adopted through incorporation by reference in subsection (b) of this section. For purposes of applying emission standards for hazardous air pollutants, 40 CFR, Parts 61 and 63 (excluding 61.04 and 61.16), as amended, are hereby incorporated by reference. The word “Administrator” as used in regulations adopted in this section shall mean the Director of EPD.

(b) Emission Standards for Hazardous Air Pollutants.

1. Emission Standard for Beryllium: 40 CFR, Part 61, Subpart C, as amended October 17, 2000, is hereby incorporated and adopted by reference.
2. Emission Standard for Beryllium Rocket Motor Firing: 40 CFR, Part 61, Subpart D, as amended October 17, 2000, is hereby incorporated and adopted by reference.
3. Emission Standard for Mercury: 40 CFR, Part 61, Subpart E, as amended October 17, 2000, is hereby incorporated and adopted by reference.

4. Emission Standard for Vinyl Chloride: 40 CFR, Part 61, Subpart F, as amended October 17, 2000, is hereby incorporated and adopted by reference.
5. Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene: 40 CFR, Part 61, Subpart J, as amended December 14, 2000, is hereby incorporated and adopted by reference.
6. Emission Standard for Benzene Emissions from Coke Byproduct Recovery Plants: 40 CFR, Part 61, Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.
7. Emission Standard for Asbestos (~~including work practices~~): 40 CFR, Part 61, Subpart M, as amended July 20, 2004, is hereby incorporated and adopted by reference.
8. Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants: 40 CFR, Part 61, Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.
9. Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters: 40 CFR, Part 61, Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.
10. Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities: 40 CFR, Part 61, Subpart P, as amended October 3, 1986, is hereby incorporated and adopted by reference.
11. Emission Standard for Equipment Leaks (Fugitive Emission Sources) [of VHAP]: 40 CFR, Part 61, Subpart V, as amended December 14, 2000, is hereby incorporated and adopted by reference.
12. Emission Standard for Benzene Emissions from Benzene Storage Vessels: 40 CFR, Part 61, Subpart Y, as amended December 14, 2000, is hereby incorporated and adopted by reference.
13. Emission Standard for Benzene Emissions from Benzene Transfer Operations: 40 CFR, Part 61, Subpart BB, as amended December 14, 2000, is hereby incorporated and adopted by reference.
14. Emission Standard for Benzene Waste Operations: 40 CFR, Part 61, Subpart FF, as amended December 4, 2003, is hereby incorporated and adopted by reference.
15. General Provisions. For purposes of applying Emission Standards for Hazardous Air Pollutants, 40 CFR, Part 63, Subpart A, as amended ~~December 4, 2015~~ August 30, 2016, [excluding 63.13, and 63.15(a)(2)] is hereby incorporated and adopted by reference, subject to the following provisions:

(i) The definition of “Potential to Emit” in 40 CFR, Part 63.2, shall be modified as follows:

(I) The phrase “is federally enforceable” shall read “is federally enforceable or enforceable as a practical matter.”

16. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Paragraph 112(g): 40 CFR, Parts 63.40 through 63.44, as amended June 30, 1999, is hereby incorporated and adopted by reference, subject to the following provisions:

(i) Terms used in this paragraph shall have the meaning given to them in the Clean Air Act, 40 CFR 63 Subparts A and B, and the Georgia Air Quality Act.

(ii) The “Effective Date of Paragraph 112(g)(2)(B),” as defined in 40 CFR 63.41, shall be June 29, 1998.

(iii) The “Notice of MACT Approval,” as defined in 40 CFR 63.41, shall be the air construction permit issued by the Division.

(iv) The “Permitting Authority,” as defined in 40 CFR 63.41, shall be the Division.

(v) In lieu of the administrative procedures for review of the Notice of MACT Approval, as set forth in 40 CFR 63.43(f)(1) through (5), the Division will act in accordance with the permitting requirements as set forth in Chapter 391-3-1-.03 Permits, as amended, and administrative procedures for preconstruction review and approval established by the Division.

(vi) In lieu of the opportunity for public comment on the Notice of MACT Approval, as set forth in 40 CFR 63.43(h), the Division will provide opportunity for public comment on the Notice of MACT Approval pursuant to Chapter 391-3-1-.03(2)(i).

(vii) The Notice of MACT Approval shall become effective upon issuance of the air construction permit by the Division.

17. Requirements for Control Technology Determinations for Major Sources in Accordance with the Clean Air Act sections 112(j): 40 CFR 63, Subpart B, Sections 63.50 through 63.56, as amended July 11, 2005, is hereby incorporated and adopted by reference.

18. [reserved]

19. Compliance Extensions for Early Reductions: 40 CFR, Part 63, Subpart D, as amended November 21, 1994, is hereby incorporated and adopted by reference.

20. Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry; 40 CFR Part 63, Subpart F, as amended December 21, 2006, is hereby incorporated and adopted by reference.

21. Emission Standards for Organic Hazardous Air Pollutants from Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; 40 CFR Part 63, Subpart G, as amended December 22, 2008, is hereby incorporated and adopted by reference. Only procedures listed in 63.112(e) of 40 CFR Part 63, Subpart G, shall be used to comply with the emission standard in 63.112(a) unless otherwise specifically approved by the Director.
22. Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks; 40 CFR Part 63, Subpart H, as amended December 22, 2008, is hereby incorporated and adopted by reference.
23. Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks; 40 CFR Part 63, Subpart I, as amended June 23, 2003, is hereby incorporated and adopted by reference.
24. Emission Standards for Polyvinyl Chloride and Copolymers Production; 40 CFR Part 63, Subpart J, as amended July 10, 2002, is hereby incorporated and adopted by reference.
25. [reserved]
26. Emission Standards for Coke Oven Batteries; 40 CFR Part 63, Subpart L, as amended April 20, 2005, is hereby incorporated and adopted by reference.
27. Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; 40 CFR Part 63, Subpart M, as amended July 11, 2008, is hereby incorporated and adopted by reference.
28. Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; 40 CFR Part 63, Subpart N, as amended April 21, 2015, is hereby incorporated and adopted by reference.
29. Ethylene Oxide Emissions Standards for Sterilization Facilities; 40 CFR Part 63, Subpart O, as amended December 19, 2005, is hereby incorporated and adopted by reference.
30. [reserved]
31. Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers; 40 CFR Part 63, Subpart Q, as amended April 7, 2006, is hereby incorporated and adopted by reference.
32. Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); 40 CFR Part 63, Subpart R, as amended December 22, 2008, is hereby incorporated and adopted by reference.
33. Emission Standards for Pulp & Paper Industries; 40 CFR Part 63, Subpart S, as amended September 11, 2012, is hereby incorporated and adopted by reference.

34. Emission Standards for Halogenated Solvent Cleaning; 40 CFR Part 63, Subpart T, as amended May 3, 2007, is hereby incorporated and adopted by reference.
35. Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; 40 CFR Part 63, Subpart U, as amended April 21, 2011, is hereby incorporated and adopted by reference.
36. [reserved]
37. Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production; 40 CFR Part 63, Subpart W, as amended April 20, 2006, is hereby incorporated and adopted by reference.
38. Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting; 40 CFR Part 63, Subpart X, as amended January 3, 2014, is hereby incorporated and adopted by reference.
39. Emission Standards for Marine Tank Vessel Loading Operations; 40 CFR Part 63, Subpart Y, as amended December 1, 2015, is hereby incorporated and adopted by reference.
40. [reserved]
41. Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants; 40 CFR Part 63, Subpart AA, as amended August 19, 2015, is hereby incorporated and adopted by reference.
42. Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants; 40 CFR Part 63, Subpart BB, as amended August 19, 2015, is hereby incorporated and adopted by reference.
43. Emission Standards for Hazardous Air Pollutants from Petroleum Refineries; 40 CFR Part 63, Subpart CC, as amended ~~December 1, 2015~~ July 13, 2016, is hereby incorporated and adopted by reference. Only procedures listed in 63.642(k) of 40 CFR 63, Subpart CC shall be used to comply with the emission standard in 63.642(g).
44. Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations; 40 CFR Part 63, Subpart DD, as amended March 18, 2015, is hereby incorporated and adopted by reference.
45. Emission Standards for Magnetic Tape Manufacturing Operations; 40 CFR Part 63, Subpart EE, as amended June 23, 2003, is hereby incorporated and adopted by reference.
46. [reserved]

47. Emission Standards for Aerospace Manufacturing and Rework Facilities; 40 CFR Part 63, Subpart GG, as amended ~~December 7, 2015~~August 3, 2016, is hereby incorporated and adopted by reference.
48. Emission Standards for Hazardous Air Pollutants for Source Categories: Oil & Natural Gas Production Facilities; 40 CFR Part 63, Subpart HH, as amended August 16, 2012, is hereby incorporated and adopted by reference.
49. Emission Standards for Shipbuilding and Ship Repair (Surface Coating); 40 CFR Part 63, Subpart II, as amended November 21, 2011, is hereby incorporated and adopted by reference.
50. Emission Standards for Wood Furniture Manufacturing Operations; 40 CFR Part 63, Subpart JJ, as amended November 21, 2011, is hereby incorporated and adopted by reference.
51. Emission Standards for the Printing and Publishing Industry; 40 CFR Part 63, Subpart KK, as amended April 21, 2011, is hereby incorporated and adopted by reference.
52. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Aluminum Reduction Plants; 40 CFR Part 63, Subpart LL, as amended October 15, 2015, is hereby incorporated and adopted by reference.
53. Emission Standards for Hazardous Air Pollutants for Source Categories: Combustion Sources at Kraft, Soda, and Sulfite Pulp and Paper Mills; 40 CFR Part 63, Subpart MM, as amended April 20, 2006, is hereby incorporated and adopted by reference.
54. Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources; 40 CFR, Part 63, Subpart NN, as amended July 29, 2015, is hereby incorporated and adopted by reference.
55. Emission Standards for Tanks--Level 1; 40 CFR Part 63, Subpart OO, as amended June 23, 2003, is hereby incorporated and adopted by reference.
56. Emission Standards for Containers; 40 CFR Part 63, Subpart PP, as amended June 23, 2003, is hereby incorporated and adopted by reference.
57. Emission Standards for Surface Impoundments; 40 CFR Part 63, Subpart QQ, as amended June 23, 2003, is hereby incorporated and adopted by reference.
58. Emission Standards for Individual Drain Systems; 40 CFR Part 63, Subpart RR, as amended June 23, 2003, is hereby incorporated and adopted by reference.
59. Emission Standards for Hazardous Air Pollutants from: Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process; 40 CFR Part 63, Subpart SS, as amended April 20, 2006, is hereby incorporated and adopted by reference.

60. Emission Standards for Hazardous Air Pollutants from Equipment Leaks--Control Level 1; 40 CFR Part 63; Subpart TT, as amended July 12, 2002, is hereby incorporated and adopted by reference.

61. Emission Standards for Hazardous Air Pollutants from Equipment Leaks--Control Level 2 Standards; 40 CFR Part 63; Subpart UU, as amended July 12, 2002, is hereby incorporated and adopted by reference.

62. Emission Standards for Oil-Water Separators and Organic-Water Separators; 40 CFR Part 63; Subpart VV, as amended June 23, 2003, is hereby incorporated and adopted by reference.

63. Emission Standards for Hazardous Air Pollutants from Storage Vessels (Tanks)--Control Level 2; 40 CFR Part 63; Subpart WW, as amended July 12, 2002, is hereby incorporated and adopted by reference.

64. Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations; 40 CFR Part 63; Subpart XX, as amended April 13, 2005, is hereby incorporated and adopted by reference.

65. Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards; 40 CFR Part 63; Subpart YY, as amended October 8, 2014, is hereby incorporated and adopted by reference.

66. [reserved]

67. [reserved]

68. [reserved]

69. Emission standards for Hazardous Air Pollutants for Source Categories: Steel Pickling -- HCl Process Facilities and Hydrochloric Acid Regeneration Plants; 40 CFR Part 63; Subpart CCC, as amended September 19, 2012, is hereby incorporated and adopted by reference.

70. Emission Standards for Hazardous Air Pollutants for Source Categories: Mineral Wool Production; 40 CFR Part 63; Subpart DDD, as amended July 29, 2015, is hereby incorporated and adopted by reference.

71. Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Waste Combustors; 40 CFR Part 63; Subpart EEE, as amended October 28, 2008, is hereby incorporated and adopted by reference.

72. [reserved]

73. Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production; 40 CFR Part 63; Subpart GGG, as amended April 21, 2011, is hereby incorporated and adopted by reference.

74. Emission Standards for Hazardous Air Pollutants for Source Categories: Natural Gas Transmission and Storage Facilities; 40 CFR Part 63, Subpart HHH, as amended August 16, 2012, is hereby incorporated and adopted by reference.

75. Emission Standards for Hazardous Air Pollutants for Source Categories: Flexible Polyurethane Foam Production; 40 CFR Part 63, Subpart III, as amended August 15, 2014, is hereby incorporated and adopted by reference.

76. Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins; 40 CFR Part 63, Subpart JJJ, as amended March 27, 2014, is hereby incorporated and adopted by reference.

77. [reserved]

78. Emission Standards for Hazardous Air Pollutants for Source Categories: Portland Cement Manufacturing Industry; 40 CFR Part 63, Subpart LLL, as amended ~~September 11, 2015~~July 25, 2016, is hereby incorporated and adopted by reference.

79. Emission Standards for Hazardous Air Pollutants for Source Categories: Pesticide Active Ingredient Production; 40 CFR Part 63, Subpart MMM, as amended March 27, 2014, is hereby incorporated and adopted by reference.

80. Emission Standards for Hazardous Air Pollutants for Source Categories: Wool Fiberglass Manufacturing; 40 CFR Part 63, Subpart NNN, as amended July 29, 2015, is hereby incorporated and adopted by reference.

81. Emission Standards for Hazardous Air Pollutants for Source Categories: Amino/Phenolic Resins Production; 40 CFR Part 63, Subpart OOO, as amended October 8, 2014, is hereby incorporated and adopted by reference.

82. Emission Standards for Hazardous Air Pollutants for Source Categories: Polyether Polyols Production; 40 CFR Part 63, Subpart PPP, as amended March 27, 2014, is hereby incorporated and adopted by reference.

83. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting; 40 CFR Part 63, Subpart QQQ, as amended April 20, 2006, is hereby incorporated and adopted by reference.

84. Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production; 40 CFR, Part 63, Subpart RRR, as amended ~~September 18, 2015~~June 13, 2016, is hereby incorporated and adopted by reference.

85. [reserved]

86. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Lead Smelting; 40 CFR Part 63, Subpart TTT, as amended November 15, 2011, is hereby incorporated and adopted by reference.
87. Emission Standards for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur ~~Plant~~Recovery Units; 40 CFR Part 63, Subpart UUU, as amended ~~December 1, 2015~~July 13, 2016, is hereby incorporated and adopted by reference.
88. Emission Standards for Hazardous Air Pollutants for Source Categories: Publicly Owned Treatment Works; 40 CFR Part 63, Subpart VVV, as amended December 22, 2008, is hereby incorporated and adopted by reference.
89. [reserved]
90. Emission Standards for Hazardous Air Pollutants for Source Categories: Ferroalloys Production: Ferromanganese and Silicomanganese; 40 CFR Part 63, Subpart XXX, as amended June 30, 2015, is hereby incorporated and adopted by reference.
91. [reserved]
92. [reserved]
93. Emission Standards for Hazardous Air Pollutants for Source Categories: Municipal Solid Waste Landfills; 40 CFR Part 63, Subpart AAAA, as amended April 20, 2006, is hereby incorporated and adopted by reference.
94. [reserved]
95. Emission Standards for Hazardous Air Pollutants for Source Categories: Nutritional Yeast Manufacturing; 40 CFR Part 63, Subpart CCCC, as amended April 20, 2006, is hereby incorporated and adopted by reference.
96. Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products; 40 CFR Part 63, Subpart DDDD, as amended October 29, 2007, is hereby incorporated and adopted for reference.
97. Emission Standards for Hazardous Air Pollutants: Organic Liquid Distribution (non-gasoline); 40 CFR Part 63, Subpart EEEE, as amended December 22, 2008, is hereby incorporated and adopted for reference.
98. Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing; 40 CFR Part 63, Subpart FFFF, as amended December 22, 2008, is hereby incorporated and adopted by reference.

99. Emission Standards for Hazardous Air Pollutants for Source Categories: Vegetable Oil Production; 40 CFR Part 63, Subpart GGGG, as amended April 20, 2006, is hereby incorporated and adopted by reference.

100. Emission Standards for Hazardous Air Pollutants for Wet Formed Fiberglass Mat Production; 40 CFR Part 63, Subpart HHHH, as amended April 20, 2006, is hereby incorporated and adopted by reference.

101. Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; 40 CFR Part 63, Subpart IIII, as amended April 24, 2007, is hereby incorporated and adopted by reference.

102. Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coatings; 40 CFR Part 63, Subpart JJJJ, as amended May 24, 2006, is hereby incorporated and adopted by reference.

103. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans; 40 CFR Part 63, Subpart KKKK, as amended April 20, 2006, is hereby incorporated and adopted by reference.

104. [reserved]

105. Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products; 40 CFR Part 63, Subpart MMMM, as amended December 22, 2006, is hereby incorporated and adopted by reference.

106. Emission Standards for Hazardous Air Pollutants for Large Appliances Surface Coating Operations; 40 CFR Part 63, Subpart NNNN, as amended April 20, 2006, is hereby incorporated and adopted by reference.

107. Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles; 40 CFR Part 63, Subpart OOOO, as amended May 24, 2006, is hereby incorporated and adopted by reference.

108. Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products; 40 CFR Part 63, Subpart PPPP, as amended April 24, 2007, is hereby incorporated and adopted by reference.

109. Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products; 40 CFR Part 63, Subpart QQQQ, as amended April 20, 2006, is hereby incorporated and adopted by reference.

110. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture; 40 CFR Part 63, Subpart RRRR, as amended April 20, 2006, is hereby incorporated and adopted by reference.

111. Emission Standards for Hazardous Air Pollutants for Metal Coil Surface Coating Operations; 40 CFR Part 63, Subpart SSSS, as amended March 17, 2003, is hereby incorporated and adopted by reference.

112. Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations; 40 CFR Part 63, Subpart TTTT, as amended February 7, 2005, is hereby incorporated and adopted by reference.

113. Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing; 40 CFR Part 63, Subpart UUUU, as amended December 22, 2008, is hereby incorporated and adopted by reference.

114. Emission Standards for Hazardous Air Pollutants for Source Categories: Boat Manufacturing; 40 CFR Part 63, Subpart VVVV, as amended October 3, 2001, is hereby incorporated and adopted by reference.

115. Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production; 40 CFR Part 63, Subpart WWWW, as amended April 20, 2006, is hereby incorporated and adopted by reference.

116. Emission Standards for Hazardous Air Pollutants for Tire Manufacturing; 40 CFR Part 63, Subpart XXXX, as amended April 20, 2006, is hereby incorporated and adopted by reference.

117. Emission Standards for Hazardous Air Pollutants for Stationary Combustion Engines; 40 CFR Part 63, Subpart YYYY, as amended April 20, 2006, is hereby incorporated and adopted by reference.

118. Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; 40 CFR Part 63, Subpart ZZZZ, as amended March 6, 2013, is hereby incorporated and adopted by reference.

119. Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants; 40 CFR Part 63, Subpart AAAAAA, as amended April 20, 2006, is hereby incorporated and adopted by reference.

120. Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing; 40 CFR Part 63, Subpart BBBB, as amended July 22, 2008, is hereby incorporated and adopted by reference.

121. Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks; 40 CFR Part 63, Subpart CCCCC, as amended April 20, 2006, is hereby incorporated and adopted by reference.

122. Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; 40 CFR Part 63, Subpart DDDDD, as amended November 20, 2015, is hereby incorporated and adopted by reference.

123. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries; 40 CFR Part 63, Subpart EEEEE, as amended February 7, 2008, is hereby incorporated and adopted by reference.

124. Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing; 40 CFR Part 63, Subpart FFFFF, as amended July 13, 2006, is hereby incorporated and adopted by reference.

125. Emission Standards for Hazardous Air Pollutants: Site Remediation, 40 CFR Part 63, Subpart GGGGG; as amended December 22, 2008, is hereby incorporated and adopted by reference.

126. Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing; 40 CFR Part 63, Subpart HHHHH, as amended December 22, 2008, is hereby incorporated and adopted by reference.

127. Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants; 40 CFR Part 63, Subpart IIII, as amended April 20, 2006, is hereby incorporated and adopted by reference.

128. Emission Standards for Hazardous Air Pollutants: Brick and Structural Clay Products Manufacturing; 40 CFR, Part 63, Subpart JJJJ, as amended October 26, 2015, is hereby incorporated and adopted by reference.

129. Emission Standards for Hazardous Air Pollutants: Clay Ceramics Manufacturing; 40 CFR, Part 63, Subpart KKKKK, as amended December 4, 2015, is hereby incorporated and adopted by reference.

130. Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing; 40 CFR Part 63, Subpart LLLLL, as amended April 20, 2006, is hereby incorporated and adopted by reference.

131. Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations; 40 CFR Part 63, Subpart MMMMM, as amended April 20, 2006, is hereby incorporated and adopted by reference.

132. Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production; 40 CFR Part 63, Subpart NNNNN, as amended April 20, 2006, is hereby incorporated and adopted by reference.

133. [reserved]

134. Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands; 40 CFR Part 63, Subpart PPPPP, as amended April 20, 2006, is hereby incorporated and adopted by reference.

135. Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities; 40 CFR Part 63, Subpart QQQQQ, as amended April 20, 2006, is hereby incorporated and adopted by reference.

136. Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing; 40 CFR Part 63, Subpart RRRRR, as amended April 20, 2006, is hereby incorporated and adopted by reference.

137. Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing; 40 CFR Part 63, Subpart SSSSS, as amended April 20, 2006, is hereby incorporated and adopted by reference.

138. Emission Standards for Hazardous Air Pollutants for Primary Magnesium Manufacturing; 40 CFR Part 63, Subpart TTTTT, as amended April 20, 2006, is hereby incorporated and adopted by reference.

139. Emission Standards for Hazardous Air Pollutants for Coal- and Oil-Fired Electric Utility Steam Generating Units; 40 CFR Part 63, Subpart UUUUU, as amended ~~March 24, 2015~~April 6, 2016, is hereby incorporated and adopted by reference.

140. [reserved]

141. Emission Standards for Hospital Ethylene Oxide Sterilizers; 40 CFR Part 63, Subpart WWWW, as promulgated December 28, 2007, is hereby incorporated and adopted by reference.

142. [reserved]

143. Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; 40 CFR Part 63, Subpart YYYYY, as amended June 24, 2015, is hereby incorporated and adopted by reference.

144. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources; 40 CFR Part 63, Subpart ZZZZZ, as promulgated January 2, 2008, is hereby incorporated and adopted by reference.

145. [reserved]

146. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Bulk Terminals, Bulk Plants, and Pipeline Facilities; 40 CFR Part 63, Subpart BBBBB, as amended January 24, 2011, is hereby incorporated and adopted by reference.

147. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities; 40 CFR Part 63, Subpart CCCCC, as amended January 24, 2011, is hereby incorporated and adopted by reference.

148. Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources; 40 CFR Part 63; Subpart DDDDDD, as amended February 4, 2015, is hereby incorporated and adopted by reference.

149. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources; 40 CFR Part 63; Subpart EEEEE, as amended July 3, 2007, is hereby incorporated and adopted by reference.

150. Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources; 40 CFR Part 63; Subpart FFFFF, as amended July 3, 2007, is hereby incorporated and adopted by reference.

151. Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium; 40 CFR Part 63; Subpart GGGGG, as promulgated January 23, 2007, is hereby incorporated and adopted by reference.

152. Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources; 40 CFR Part 63; Subpart HHHHH, as amended February 13, 2008, is hereby incorporated and adopted by reference.

153. [reserved]

154. Emission Standards for Hazardous Air Pollutants: Industrial, Commercial, and Institutional Boilers, Area Sources; 40 CFR Part 63; Subpart JJJJJ, ~~promulgated as amended February 1, 2013~~ September 14, 2016, is hereby incorporated and adopted by reference.

155. [reserved]

156. Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources; 40 CFR Part 63; Subpart LLLLL, as amended March 26, 2008, is hereby incorporated and adopted by reference.

157. Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources; 40 CFR Part 63; Subpart MMMMM, as amended March 26, 2008, is hereby incorporated and adopted by reference.

158. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds; 40 CFR Part 63; Subpart NNNNN, as amended March 26, 2008, is hereby incorporated and adopted by reference.

159. Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources; 40 CFR Part 63; Subpart OOOOO, as amended March 26, 2008, is hereby incorporated and adopted by reference.

160. Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources; 40 CFR Part 63, Subpart P P P P P P, as amended March 26, 2008, is hereby incorporated and adopted by reference.

161. Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources; 40 CFR Part 63, Subpart Q Q Q Q Q Q, as amended March 26, 2008, is hereby incorporated and adopted by reference.

162. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources; 40 CFR Part 63, Subpart R R R R R R, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.

163. Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources; 40 CFR Part 63, Subpart S S S S S S, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.

164. Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources; 40 CFR Part 63, Subpart T T T T T T, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.

165. [reserved]

166. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources; 40 CFR Part 63, Subpart V V V V V V, as amended December 21, 2012, is hereby incorporated and adopted by reference.

167. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations; 40 CFR Part 63, Subpart W W W W W W, as amended September 19, 2011, is hereby incorporated and adopted by reference.

168. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories; 40 CFR Part 63, Subpart X X X X X X, as promulgated July 23, 2008, is hereby incorporated and adopted by reference.

169. Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities; 40 CFR Part 63, Subpart Y Y Y Y Y Y, as promulgated December 23, 2008, is hereby incorporated and adopted by reference.

170. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries; 40 CFR Part 63, Subpart Z Z Z Z Z Z, as amended September 10, 2009, is hereby incorporated and adopted by reference.

171. Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing; 40 CFR Part 63, Subpart A A A A A A A A, as amended March 18, 2010, is hereby incorporated and adopted by reference.

172. Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry; 40 CFR Part 63, Subpart BBBB BBB, as promulgated December 30, 2009, is hereby incorporated and adopted by reference.

173. Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing; 40 CFR Part 63, Subpart CCCCCC, as amended June 3, 2010, is hereby incorporated and adopted by reference.

174. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing; 40 CFR Part 63, Subpart DDDDDDD, as amended December 23, 2011, is hereby incorporated and adopted by reference.

175. Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category; 40 CFR Part 63, Subpart EEEEEEE, as promulgated February 17, 2011, is hereby incorporated and adopted by reference.

176. [reserved]

177. [reserved]

178. Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production; 40 CFR Part 63, Subpart HHHHHHH, as promulgated April 17, 2012, is hereby incorporated and adopted by reference.

Rule 391-3-1-.03(6), “Exemptions,” is amended to read as follows:

(6) Exemptions.

Unless otherwise required by the Director, SIP permits shall not be required for the following source activities. These exemptions may not be used to avoid any emission limitations or standards of the Rules for Air Quality Control Chapter 391-3-1-.02, lower the potential to emit below “major source” thresholds or to avoid any “applicable requirement” (i.e., NSPS, NESHAP, etc.) as defined in 40 CFR Part 70.2.

(a) Mobile Sources.

Mobile sources, such as automobiles, trucks, buses, locomotives, airplanes, boats and ships, whether or not designated as subject to mandatory inspection, maintenance, or emission requirements pursuant O.C.G.A. Section 12-9-40, et seq., as amended, the Georgia Motor Vehicle Emission Inspection and Maintenance Act. This exemption relates only to the requirement for a permit issued under the Act, not to any other requirement under the Act, and in no way affects any requirement for a permit, license, or a certificate under any other law. This limited exemption from the permit requirements of the Act shall in no way affect the applicability of any other requirement related to mobile sources, or any other requirement or limitation which may affect mobile sources.

(b) Combustion Equipment.

1. Fuel-burning equipment having a total heat input capacity of less than 10 million BTUs per hour burning only natural gas, LPG and/or distillate fuel oil containing 0.50% sulfur by weight or less.
2. Fuel-burning equipment rated at less than 5 million BTUs per hour burning a wood or fossil fuel.
3. Any fuel-burning equipment with a rated input capacity of 2.5 million BTUs per hour or less.
4. Equipment used for cooking food for immediate human consumption.
5. Blacksmith forges.
6. Clean steam condensate and steam relief vents.
7. Funeral homes and crematories of any size.
8. Air curtain destructor used for land clearing at a construction site.
9. Open burning.
10. Small incinerators operating as follows:
 - (i) less than 8 million BTUs per hour input, firing types 0, 1, 2 and/or 3 waste; or
 - (ii) less than 8 million BTUs per hour input with no more than 10% pathological (type 4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or
 - (iii) less than 4 million BTUs per hour heat input firing Type 4 waste.
11. Stationary engines
 - (i) Burning natural gas, LPG, gasoline, dual fuel, or diesel fuel which are used exclusively as emergency generators;
 - (ii) Burning natural gas, LPG, and/or diesel fuel and used for peaking power (including emergency generators used for peaking power) where the peaking power use does not exceed 200 hours-per-year except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to or greater than 100 kilowatts are not exempt; or

(iii) Used for other purposes provided that the total horsepower of all non-gasoline burning engines combined are less than 1500 engine horsepower and no individual engine operates for more than 1000 hours-per-year; or

(iv) Used for other purposes provided that the total horsepower of all gasoline burning engines combined are less than 225 horsepower and no individual engine operates for more than 1000 hours-per-year.

(v) For the purpose of this subsection, the following definitions shall apply:

(I) An “emergency generator” means a generator whose function is to provide back-up power when electric power from the local utility is interrupted and which operates for less than 500 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such generator operates less than 200 hours-per-year.

(II)- “Used for peaking power” means used to reduce the electrical power requirements on the local utility grid. This could be for supplying power during the local utility’s peak demand periods, or for peak shaving by the facility.

12. Boiler water treatment operations.

13. Fire ~~fighter~~fighting equipment including fire pumps or other emergency/safety equipment used to train fire fighters.

14. Temporary stationary engines used to generate electricity that are used to replace main stationary engines during periods of maintenance or repair (provided the actual and potential emissions of the temporary sources do not exceed that of the main sources.

15. Temporary fuel-burning equipment (i.e., boilers) that are used to replace main fuel-burning equipment during periods of maintenance or repair (provided the actual and potential emissions of the temporary sources do not exceed that of the main sources.) Temporary fuel-burning equipment that remains at a location for more than 180 consecutive days is no longer considered to be a temporary boiler. Temporary fuel-burning equipment that replaces temporary fuel-burning equipment at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

16. Onsite air curtain incinerators with mist controls used for the purpose of decontamination and disposal of livestock and materials contaminated with the avian flu virus where on-site composting and burial are not viable methods of disposal.

(c) Storage Tanks.

1. All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.
2. All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored.
3. All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.
4. Pressurized vessels designed to operate in excess of 30 psig storing a petroleum fuel.
5. Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities.
6. Portable drums and barrels provided that the volume of each container does not exceed 550 gal.
7. All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury.

(d) Agricultural Operations.

1. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and for other farm related activities.
2. Herbicide and pesticide mixing and application activities for on site use.

(e) Maintenance, Cleaning & Housekeeping.

1. Heating, air conditioning and ventilation systems not designed to remove air contaminants generated by or released from process or fuel-burning equipment.
2. Routine housekeeping activities such as painting buildings, roofing or paving parking lots, all clerical activities and all janitorial activities.
3. Maintenance activities such as: vehicle repair shops, brazing, soldering and welding equipment, carpenter shops, electrical charging stations, grinding and polishing operations maintenance shop vents, miscellaneous non-production surface cleaning, preparation and painting operations.
4. Miscellaneous activities such as: aerosol spray cans; air compressors; cafeteria vents; copying, photographic and blueprint machines; decommissioned equipment; dumpsters; fire training activities; fork lifts; railroad flares; refrigerators; space heaters.
5. Cold storage refrigeration equipment.

6. Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
7. Equipment used for portable steam cleaning.
8. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
9. Portable blast-cleaning equipment.
10. Laundry dryers, extractors, or tumblers for fabric cleaned with only water solutions of bleach or detergents.
11. Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.
12. Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.
13. Steam sterilizers.
14. Portable equipment used for the on site painting of buildings, towers, bridges and roads.
15. Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.
16. Equipment used for the washing or drying of fabricated products provided that no VOCs are used in the process and that no oil or solid fuels are burned.
17. Devices used exclusively for cleaning metal parts or surfaces by burning off residual amounts of paint, varnish, or other foreign material, provided that such devices are equipped with afterburners.
18. Fresh water cooling towers provided that the total potential emissions from the entire source remain below 10 tons per year of any single hazardous air pollutant and below 25 tons per year of any combination of hazardous air pollutants.

(f) Laboratories and Testing.

1. Laboratory equipment used exclusively for chemical or physical analyses;
2. Sampling connections used exclusively to withdraw materials for testing and analysis, including air contaminant detectors and vent lines;
3. Vacuum producing devices;

4. Research and development facilities, quality control testing facilities and/or small pilot projects, where combined daily emissions from all operations are below all of the following thresholds:

- (i) Less than 125 pounds per day of carbon monoxide;
- (ii) Less than 0.8 pounds per day of lead;
- (iii) Less than 50 pounds per day of particulate matter, PM₁₀, or sulfur dioxide;
- (iv) Less than 50 pounds per day of nitrogen oxides or VOCs except in the Counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 15 pounds per day of nitrogen oxides; or VOCs; and
- (v) Less than 5 pounds per day of any single hazardous air pollutant and less than 12.5 pounds per day of any combination of hazardous air pollutants.

(g) Pollution Control.

1. Sanitary wastewater collection and treatment systems, except incineration equipment, that are not subject to any standard, limitation or other requirement under section 111 or section 112 (excluding section 112(r)) of the federal Clean Air Act.
2. On site soil or groundwater decontamination units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
3. Bioremediation operations.
4. Garbage compactors and garbage handling equipment.
5. Municipal Solid Waste Landfills which meet the following criteria:
 - (i) The total design capacity of the landfill is less than or equal to 2.756 million tons (2.5 million megagrams) or 3.27 million cubic yards (2.5 million cubic meters) of solid waste; and
 - (ii) The emissions of VOC are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties; and
 - (iii) The emissions of nitrogen oxides (NO_x) from operations other than the final control device are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties.

(h) Industrial Operations.

1. Concrete block, brick plants, concrete products plants, and ready mix concrete plants producing less than 125,000 tons per year of product.
2. Small aluminum scrap metal reclaimers (non-smelters).
3. Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate (#2) fuel oil at a maximum total heat input rate of not more than 10 million BTUs per hour.
 - (i) Furnaces for heat treating glass or metals, the use of which does not involve molten materials, oil-coated parts, or oil quenching.
 - (ii) Porcelain enameling furnaces or porcelain enameling drying ovens.
 - (iii) Kilns for firing ceramic ware.
 - (iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces with a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.
 - (v) Bakery ovens and confection cookers.
 - (vi) Feed mill or grain mill ovens.
 - (vii) Surface coating drying ovens.
4. Grain, metal, or mineral extrusion process.
5. Equipment used exclusively for rolling, forging, pressing, stamping, spinning, or extruding either hot or cold metals or plastic such as drop hammers or hydraulic presses for forging or metalworking.
6. Die casting machines.
7. Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.
8. Equipment for the mining and screening of uncrushed native sand and gravel.
9. Ozonization process or process equipment.
10. Electrostatic powder coating booths with an appropriately designed and operated particulate control system.
11. Equipment used for the application of a hot melt adhesive.

12. Equipment used exclusively for mixing and blending water-based adhesives and coating at ambient temperatures.

13. Equipment used for compression, molding and injection of plastics.

14. Wood products operations in the following SIC categories (combustion equipment and coatings operations are not included in this exemption):

(i) 2426 Dimensional Hardwood Lumber Mills

(ii) 2431 Lumber Millwork

(iii) 2434 Wood Kitchen Cabinets

(iv) 2439 Structural Wood Trusses

(v) 2441 Wood Boxes

(vi) 2448 Wood Pallets

(vii) 2449 Wood Containers

(viii) 2499 Miscellaneous Wood Products

15. Industrial process equipment used exclusively for educational purposes at educational institutions.

(i) Other.

1. Facilities where the combined emissions from all non-exempt source activities [i.e., not listed in 391-3-1-.03(6)(a)-(h)] are below the following for all pollutants:

(i) 50 tons per year of carbon monoxide;

(ii) 300 pounds per year of lead total; with a 3.0 pound per day maximum emission;

(iii) 20 tons per year of particulate matter, PM₁₀, or sulfur dioxide;

(iv) 20 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 5 tons per year of nitrogen oxides or VOCs is exempted; and

(v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.

2. Facilities where the combined emissions from all source activities are below the thresholds in “1” above for one or more pollutants, are not required to list those pollutants in the permit application.

3. Cumulative modifications not covered in an existing permit to an existing permitted facility where the combined emission increases (excluding any contemporaneous emission decreases, i.e., “netting” is not allowed) from all nonexempt modified activities are below the following thresholds for all pollutants:

(i) 25 tons per year of carbon monoxide;

(ii) 150 pounds-per-year total with a 1.5 pound-per-day maximum emission of lead;

(iii) 10 tons per year of particulate matter, PM₁₀ or sulfur dioxide;

(iv) 10 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 2.5 tons per year of nitrogen oxides or VOCs is exempted; and

(v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.

4. As an alternative to subparagraph 3, cumulative modifications not covered in an existing permit to an existing permitted facility where the combined emissions increases, including any contemporaneous emission decreases (i.e., “netting is allowed”) from all nonexempt modified activities are less than 10 tons per year of particulate matter and PM₁₀. For the purpose of this subparagraph, “contemporaneous” means within that period beginning on the date of issuance of the most recent permit through the date of reissuance of such permit. This shall exclude any amendment to such permit unless such amendment incorporates the previously exempted modification(s) in which case the amendment shall be considered a reissuance of such permit for the purpose of this subparagraph. Facilities using this exemption shall maintain records of all emissions increases and decreases and shall notify the Division, in writing, within 7 days after making any modification covered by this subparagraph. The Division may require the use of a Division approved form for tracking the emissions increases and decreases. If a facility elects to use this subparagraph in lieu of subparagraph 3, it shall not use subparagraph 3 with respect to particulate matter and PM₁₀ until such time that all modifications exempted from SIP permitting under subparagraph 4 have been incorporated into the permit. A facility may use subparagraph 3 with respect to any pollutant other than particulate matter and PM₁₀ while using this subparagraph. Only the following facilities are eligible for this exemption:

(i) Facilities with an SIC code of 1422 or 1423 that are not a major source subject to the provisions of 391-3-1-.03(10) (i.e., a minor or synthetic minor source).

5. Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit or the primary air cleaning device of an air pollution control system provided that such changes do not result in the increase of emissions from any emission

unit or the emissions of a pollutant not previously emitted. Examples of such changes in a process or process equipment include the following:

- (i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings;
- (ii) Changes in product formulations;
- (iii) Change in the sequence of the process;
- (iv) Change in the method of raw material addition;
- (v) Change in the method of product packaging;
- (vi) Change in process operating parameters;
- (vii) Replacement of a fuel burner in a boiler with a more efficient burner; or
- (viii) Lengthening a paint drying oven to provide additional curing time.

6. Sources of minor significance as specified by the Director.

7. Sources for which there is no applicable emission limit, standard or other emission requirement established under, by, or pursuant to the Act.

(j) Construction Permit Exemption for Pollution Control Projects.

Projects listed in subparagraph 391-3-1-.01(qqqq)1. through 8. of these rules are exempt from the requirement to obtain a construction (SIP) permit as specified in paragraph 391-3-1-.03(1) of this rule provided that the project is not subject to the provisions of paragraph 391-3-1-.02(7), Prevention of Significant Deterioration of Air Quality, or the non-attainment new source review permitting requirements of subparagraph 391-3-1-.03(8)(c). The Director has the authority to rebut the presumption that projects listed in subparagraphs (qqqq)1. through 8. are environmentally beneficial in accordance with the criteria specified in subparagraph (qqqq) and thus exempt from the requirement to obtain a construction (SIP) permit. Owners and operators of projects exempt from the requirement to obtain a construction (SIP) permit under this subparagraph (6)(j) shall obtain an operating permit or amendment under either paragraph 391-3-1-.03(2) or 391-3-1-.03(10) of this rule, whichever is applicable, prior to commencement of operation of the project.

Rule 391-3-1-.03(8), “Permit Requirements,” is amended to read as follows:

(8) Permit Requirements.

(a) Each application for a permit to construct a new stationary source or modify an existing stationary source shall be subjected to a preconstruction or premodification review by the

Director. The Director shall determine prior to issuing any permit that the proposed construction or modification will not cause or contribute to a failure to attain (as expeditiously as practicable) or maintain any ambient air quality standard, a significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance or other requirement under the Act or this Chapter (391-3-1). Each person applying to the Director for a permit to construct a new stationary source or modify an existing stationary source shall provide information required by the Director to make such determination.

(b) In addition to any other requirement under the Act, or this Chapter (391-3-1), no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source meets all the requirements for review and for obtaining a permit prescribed in Title I, Part C of the Federal Act, and Section 391-3-1-.02(7) of these Rules.

(c) In addition to any other requirement under the Act or this Chapter (391-3-1), no permit to construct a new or modified major stationary source {to be located in any area of the State determined and designated by the U.S. EPA Administrator or the Director as not attaining a National Ambient Air Quality Standard or in areas contributing to the ambient air levels of such pollutants in such areas of non-attainment shall be issued unless the following provisions are met. The provisions of 391-3-1-.02(7) apply to projects subject to this subparagraph as specified in Subparagraph (g) of this paragraph.

1. The Director determines that by the time the source is to commence operation, sufficient offsetting emissions reductions have been obtained, such that total allowable emissions from existing sources in the non-attainment area or areas designated by the Director as contributing to ambient air levels of such pollutants in the non-attainment area, from new or modified sources which are not major emitting facilities, and from the proposed sources, will be sufficiently less than total emissions from existing sources allowed prior to the application for such permit to construct or modify, so as to represent (when considered together with other air pollution control measures legally enforced in such area or region) reasonable further progress (as defined in Section 171 of the Federal Act); and
2. The proposed source is required to comply with the lowest achievable emission rate; and
3. The owner or operator of the proposed new or modified source has demonstrated that all major stationary sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in this State, are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Act; and
4. An analysis (by the person proposing such construction or modification) of alternative sites, sizes, production processes and environmental control techniques for such proposed source demonstrates to the satisfaction of the Director that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its proposed location, construction, or modification; and

5. The State's Implementation Plan (approved by the Administrator pursuant to the Federal Act) is being carried out in the non-attainment area or an area designated by the Director as contributing to the ambient air level of any such pollutant in a non-attainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Federal Act.

6. The offset baseline for determining credits for emission reductions at a source is either the applicable emission limits in the Chapter or the actual emissions, in tons per year, at the time the application to construct is filed, whichever is less. The time period used to calculate the baseline emissions shall be the 24-month period immediately preceding the date the application to construct is filed. The Division may allow the use of a different time period upon a determination that such period is more representative of normal source operation.

7. (i) Emission reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited provided that the work force to be affected has been notified of the proposed shutdown or curtailment.

(ii) In addition, emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in subparagraphs (I) and (II) of this subparagraph:

(I) Such reductions are surplus, permanent, quantifiable, and federally enforceable.

(II) The shutdown or curtailment occurred after the last day of the base year for the most recently submitted attainment demonstration, maintenance plan, reasonable further progress plan, or rate of progress plan. For purposes of this paragraph, the Division may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration, maintenance plan, reasonable further progress plan, or rate of progress plan explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

(iii) Emission reductions achieved by shutting down an existing emission unit or curtailing production or operating hours and that do not meet the requirements in subparagraph 7.(ii)(II) of this subparagraph may be generally credited only if:

(I) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or

(II) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of subparagraph 7.(ii)(I) of this subparagraph.

8. No emission offset credit may be allowed for replacing one VOC compound with another of less reactivity.

9. Procedures relating to the permissible location of offsetting emissions shall be followed which are at least as stringent as those contained in 40 CFR, Part 51, Appendix S, Section IV.D.

10. Offset credit for an emission reduction can be claimed to the extent that the Director has not relied on it in issuing any other permit or has not relied on it in demonstrating attainment of reasonable further progress.

11. The Director may elect not to consider fugitive emissions, to the extent they are quantifiable, in calculating the potential to emit from a stationary source or modification in determining whether the source is major and the source does not belong to any of the following categories:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;

- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants for more than 250 million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

12. Offsets.

- (i) The owner or operator of a new or modified major stationary source may comply with any offset requirement in effect under this subsection for increased emissions of any air pollutant only by obtaining emission reductions of such air pollutants from the same source or other sources in the same non-attainment area, except that the Director may allow the owner or operator of a source to obtain such emission reductions in another non-attainment area if:
 - (I) The other area has an equal or higher non-attainment classification than the area in which the source is located;
 - (II) Emissions from such other area contribute to a violation of the national ambient air quality standard in the non-attainment area in which the source is located; and
 - (III) Such emission reductions shall be, by the time a new or modified source commences operation, in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.
- (ii) Emission reductions otherwise required by the Federal Act shall not be creditable as emissions reductions for purposes of any such offset requirement. Incidental emission reductions

that are not otherwise required by the Federal Act shall be creditable as emission reductions for such purposes if such emission reductions meet the requirements of subparagraph (8)(c)1.

(iii) In order to be used as an offset under this subsection, emission reductions must satisfy the criteria in section (13), subsections (a) and (b).

(iv) At least 30 days prior to commencement of operation of the new or modified stationary source permitted under this subparagraph, the owner or operator shall provide documentation to the Division of the possession of sufficient offsets required under subparagraph (c)1. and as specified under subparagraph (c)13., 14., or 15., whichever is applicable, as follows:

(I) If offsets are obtained from the Emission Reduction Credit Banking Program specified under paragraph 391-3-1-.03(13), the owner or operator shall submit an application or applications for Use of Emission Reduction Credits as required under 391-3-1-.03(13)(f) using forms specified by the Division. If said offsets are not currently owned by the owner or operator, the current owner/operator must submit an application or applications to Transfer Ownership of Emission Reduction Credits as required under 391-3-1-.03(13)(g) using forms specified by the Division simultaneously with or prior to submittal of the application or applications to withdraw Emission Reduction Credits.

(II) If offsets are not obtained from the Emission Reduction Credit banking program, the owner or operator shall submit the following information. (If offsets are obtained from one or more enforceable mechanisms, items I through VI shall be submitted for each enforceable mechanism.):

I. The name of the permittee that generated the offsets.

II. The name of the plant or facility at which the offsets were generated.

III. The address (street address, city, state, zip code, and county) of the plant or facility at which the offsets were generated. (This should be for the physical location of the plant or facility.)

IV. Identification of the enforceable mechanism (permit number and date of issuance, permit amendment number and date of issuance, or date of permit revocation) that resulted from creation of the offsets.

V. The number of offsets from the permit, permit amendment, or permit revocation identified in IV, above, that will be used for the new or modified stationary source permitted under this subparagraph.

VI. If the offsets were created by an owner or operator other than the owner or operator which will be using the offsets for the new or modified stationary source permitted under this paragraph, a letter from the owner or operator that created the offsets shall be submitted to the Division stating that the offsets have been transferred to the owner or operator that will be using the offsets, the date of such transfer, the number of offsets transferred, and the information contained in I through IV above.

(v) [Reserved.]

(vi) When multiple new or modified emissions units are permitted at the same time but commence operation on different dates, the documentation required under subparagraph (iv) shall be submitted to the Division at least 30 days prior to commencement of each new or modified emissions unit in order to demonstrate that adequate offsets have been obtained for each new or modified emissions unit prior to commencement.

13. Additional Provisions for Ozone Non-Attainment Areas for Counties that were Formerly Part of the 1-hour Ozone Non-Attainment Area.

(i) In Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties, the terms “major source” and “major stationary source” include any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 25 tons per year of volatile organic compounds or nitrogen oxides. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a “major stationary source” if the change would constitute a major stationary source by itself.

(ii) Increased emissions of volatile organic compounds or nitrogen oxides resulting from any physical change in, or change in the method of operation of, a stationary source located in these counties shall not be considered de minimis for purposes of determining the applicability of the permit requirements established by this subsection unless the net emissions increase of such air pollutant from such source does not exceed 25 tons when aggregated over any period of five consecutive calendar years which includes the calendar year in which such increase occurred.

(iii) In the case of any major stationary source located in these counties which emits or has the potential to emit less than 100 tons of volatile organic compounds or nitrogen oxides per year, whenever any change (as described in Section 111(a)(4) of the Federal Act) at that source results in any increase (other than a de minimis increase) in emissions of volatile organic compounds or nitrogen oxides from any discrete operation, unit, or other pollutant emitting activity at the source, such increase shall be considered a modification for purposes of this subsection, unless the owner or operator of the source elects to offset the increase by a greater reduction in emissions of volatile organic compounds or nitrogen oxides from other operations, units, or activities within the source at an internal offset ratio of at least 1.3 to 1. If the owner or operator does not make such election, such change shall be considered a modification for such purposes. In applying this subsection in the case of any such modification, the best available control technology (BACT), as defined by the Federal Act, shall be substituted for the lowest achievable emission rate (LAER).

(iv) In the case of any major stationary source located in these counties which emits or has the potential to emit more than 100 tons of volatile organic compounds or nitrogen oxides per year, whenever any change (as described in Section 111(a)(4) of the Federal Act) at that source results in any increase (other than a de minimis increase) in emissions of volatile organic compounds or

nitrogen oxides from any discrete operation, unit, or other pollutant emitting activity at the source, such increase shall be considered a modification for purposes of this subsection, except that if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of volatile organic compounds or nitrogen oxides from other operations, units, or activities within the source at an internal offset ratio of at least 1.3 to 1, the requirements of this subsection concerning lowest achievable emission rate (LAER) shall not apply.

(v) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of volatile organic compounds or nitrogen oxides to total increased emissions of such air pollutant shall be at least 1.3 to 1 for emission offsets external to the contiguous area under common control at which the proposed new emission point is located.

14. Additional Provisions for Ozone Non-Attainment Areas for Counties that were Not Formerly Part of the 1-hour Ozone Non-Attainment Area.

(i) In Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties, the terms “major source” and “major stationary source” include any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 100 tons per year of volatile organic compounds or nitrogen oxides. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a “major stationary source” if the change would constitute a major stationary source by itself.

(ii) Any physical change in or change in the method of operation of a major stationary source located in these counties that results in a net emissions increase of volatile organic compounds or nitrogen oxides equal to or exceeding 40 tons per year of such air pollutant shall be considered a modification when determining the applicability of the permit requirements established by this subsection. “Net emissions increase” shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.

(iii) [Reserved.]

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of volatile organic compounds or nitrogen oxides to total increased emissions of such pollutants shall be at least 1.15 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new emission point is located.

15. Additional Provisions for Electrical Generating Units Located in Areas Contributing to the Ambient Air Level of Ozone in the Metropolitan Atlanta Ozone Non-Attainment Area.

(i) In Banks, Butts, Chattooga, Clarke, Dawson, Floyd, Gordon, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Troup and Upson counties, the terms “major source” and “major stationary source” include any stationary source or group of sources located within a contiguous area and under common control, containing an electrical generating unit, and that emits, or has the potential to emit, at least 100 tons per year of nitrogen oxides from electrical generating units.

Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a “major stationary source” if the change would constitute a major stationary source by itself.

(ii) Any physical change or change in the method of operation at a major stationary source in these counties that results in a net emissions increase of nitrogen oxides equal to or exceeding 40 tons per year of such air pollutant from the installation or modification of one or more electrical generating units shall be considered a modification when determining the applicability of the permit requirements established by this subsection. “Net emissions increase” shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.

(iii) In the case of any new electrical generating unit or modified existing electrical generating unit located at a new or modified major stationary source in these counties, the requirements of 391-3-1-.03(8)(c)2. shall only apply to that electrical generating unit and best available control technology (BACT), as defined by the Federal Act, shall be substituted for the lowest achievable emission rate (LAER).

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of nitrogen oxides to total increased emissions of such pollutant from the new or modified electrical generating units shall be at least 1.1 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new or modified major stationary source is located.

(v) [Reserved.]

(vi) [Reserved.]

(vii) For the purpose of this subsection, “electrical generating unit” means a fossil fuel fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that produces electricity for sale.

16. ~~[reserved]~~Additional Provisions for PM_{2.5} Non-Attainment Areas

~~(i) In Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties, and the Heard and Putnam partial-county areas that are part of the Atlanta PM_{2.5} nonattainment area, the terms “major source” and “major stationary source” include any stationary source or group of sources located within a contiguous area and under common control that emits, or has the potential to emit, at least 100 tons per year of direct PM_{2.5} emissions, sulfur dioxide, or nitrogen oxides. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a “major stationary source” if the change would constitute a major stationary source by itself.~~

~~(ii) Any physical change in or change in the method of operation of a major stationary source located in these counties that results in a net emissions increase of direct PM_{2.5} emissions equal~~

~~to or exceeding 10 tons per year or a net emissions increase of sulfur dioxide or nitrogen oxide emissions equal to or greater than 40 tons per year of such air pollutant shall be considered a modification when determining the applicability of the permit requirements established by this subsection. "Net emissions increase" shall have the meaning defined in subparagraph (8)(g)1.(iii) of this rule.~~

~~(iii) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of direct PM_{2.5} emissions, sulfur dioxide, or nitrogen oxides to total increased emissions of such pollutants shall be at least 1 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new emission point is located. Emission offsets obtained shall be for the same regulated NSR pollutant. Interprecursor offsetting is not allowed.~~

~~(iv) Sulfur dioxide is a precursor to PM_{2.5} in all PM_{2.5} nonattainment areas.~~

~~(v) Nitrogen oxides are not precursors to PM_{2.5} in all nonattainment areas. The provisions in this subparagraph (v) become effective upon U.S. EPA's approval of this provision into Georgia's State Implementation Plan. Upon approval of this SIP provision into Georgia's State Implementation Plan, the provisions relating to nitrogen oxides contained in subparagraphs (8)(c)16.(i), (ii), and (iii) no longer apply.~~

~~(vi) PM_{2.5} emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM_{2.5} in PM_{2.5} nonattainment major NSR permits. Unless otherwise stated in the permit, compliance with emissions limitations for PM_{2.5} issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this section unless the applicable implementation plan required condensable particulate matter to be included.~~

~~(vii) for the purpose of this subparagraph (8)(c)16., the following definitions apply:~~

~~(I) "Heard partial county area" means the northeast portion of Heard County that extends north of 33 degrees 24 minutes (north) to the Carroll County border and east of 85 degrees three minutes (west) to the Coweta County border.~~

~~(II) "Putnam partial county area" means the area of Putnam County described by U.S. Census 2000 block group identifier 13-237-9603-1.~~

(d) [reserved]

(e) The Director shall, upon analysis of the ambient air in the State, determine, and so designate, those areas of the State, if any, which are not attaining any National Ambient Air Quality Standards specified under the Federal Act, and any area contributing to the ambient air

level of any such pollutant (for which such a standard has been established) in such areas of non-attainment. The Director's analyses determinations, and designations hereunder shall be used for the purpose of implementing the requirements of this section, shall be continuing, and shall be conducted in a manner sufficient to meet the requirements of Title 1, Part D of the Federal Act.

1. The counties of Banks, Butts, Chattooga, Clarke, Dawson, Floyd, Gordon, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Troup, and Upson have been determined by the Director as areas contributing to the ambient air level of ozone in the metropolitan Atlanta ozone non-attainment area which consists of the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton. No permit to construct an electric generating unit at a new or modified major stationary source in this area shall be issued unless such proposed source meets all the requirements of Subsection (8)(c).

(f) In addition to any other requirement under the Act, or this Chapter 391-3-1, no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source or modification meets all the requirements for review and for obtaining a permit prescribed in Paragraph 391-3-1-.02(9)(b)16. of this Rule.

(g) The following provisions of paragraph 391-3-1-.02(7) apply to projects subject to the permitting requirements of subparagraph (c) of this paragraph with respect to those pollutants subject to Subparagraph (c).

1. 391-3-1-.02(7)(a)2. Definitions, with the following exceptions and additions:

(i) The definition of "Major Stationary Source" does not apply.

(ii) Within the definition of "Major Modification,"

(I) The date within the "capable of accommodating" provision shall be December 21, 1976; and

(II) Paragraphs 40 CFR 52.21(b)(2)(iii)(j) and (k) do not apply.

(iii) The definition of "Net Emissions Increase," as it pertains to subparagraphs 8(c)14.(ii); and 8(c)15.(ii), ~~and 8(e)16.(ii)~~ of this rule, shall have the meaning defined in 40 CFR 51.165(a)(1)(vi) with the following exceptions:

(I) In lieu of (a)(1)(vi)(A)(1), the following shall apply: The increase in emissions from a particular change or change in the method of operation at a stationary source pursuant to paragraph 52.21(a)(2)(iv) as adopted in subparagraph (7)(a)3. of this rule; and

(II) In (a)(1)(vi)(A)(2), baseline actual emissions shall be determined as provided in subparagraph (7)(a)2.(i) of this rule, except that sub paragraphs (7)(a)2.(i)(I)III. and (7)(a)2.(i)(II)IV. do not apply.

(iv) To the definition of “Secondary Emissions,” the following sentence is added: “Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions.”

(v) The definition of “Significant” does not apply.

(vi) “Lowest achievable emission rate” or “LAER” means, for any source, the more stringent rate of emissions is based on the following:

(I) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(II) The most stringent emission limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emission rate for the new or modified emission units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance.

2. 391-3-1-.02(7)(a)3., Applicability procedures, with the following exception:

(i) The term “significant amount” in subparagraph (7)(a)3. shall mean an increase that is not considered de minimis as specified in 391-3-1-.03(8)(c)13.(ii) or that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii); or 15.(ii); ~~or 16.(ii)~~.

3. 391-3-1-.02(7)(a)4.

4. 391-3-1-.02(7)(b)14., Public participation.

5. 391-3-1-.02(7)(b)15., Source obligation, with the following exception:

(i) The term “significant amount” in subparagraph (7)(b)15.(i)(V) shall mean an increase that is not considered de minimis as specified in 391-3-1-.03(8)(c)13.(ii) or that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii); or 15.(ii); ~~or 16.(ii)~~.

6. 391-3-1-.02(7)(b)21., Actual PALs, with the following exception:

(i) Under the provision for “Setting the 10-year actual PAL level” specified in paragraph 40 CFR 52.21(aa)(6), the amount added to the baseline actual emissions shall be the amount that is considered de minimis as specified in 391-3-1-.03(8)(c)13.(ii) or that is considered not to be a modification as specified in 391-3-1-.03(8)(c)14.(ii); or 15.(ii); ~~or 16.(ii)~~.

Rule 391-3-1-.03(10), “Title V Operating Permits,” is amended to read as follows:

(10) Title V Operating Permits.

(a) General Requirements.

1. The provisions of this paragraph (10) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 70.

2. All sources subject to this paragraph (10) shall have a Part 70 Permit to operate that assures compliance by the source with all applicable requirements. Such Part 70 Permits will be issued consistent with the timing established in subparagraph (10)(c).

3. The requirements of this paragraph (10), including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the federal acid rain program except as provided herein or modified in federal regulations promulgated under Title IV of the federal Clean Air Act.

4. Definitions: For the purpose of this paragraph (10), 40 CFR Part 70.2 is hereby incorporated and adopted by reference, with the following exception(s):

(i) "Potential to emit" shall have the meaning ascribed in subparagraph (ddd) of rule 391-3-1-.01.

(ii) In addition to the major sources defined in 40 CFR 70.2, the following shall also be considered a major source: for the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, sources with the potential to emit 25 tpy or more of volatile organic compounds or oxides of nitrogen.

(iii) The definition and use of the term "subject to regulation" in 40 CFR, Part 70.2 is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR, Part 70.2 containing that term is:

(I) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or

(II) withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein, shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion hereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise

rendered of no force and effect.

5. The subparagraphs of paragraph (10) that incorporate by reference portions of 40 CFR, Part 70 are as promulgated and published in the Federal Register through ~~July 28, 2014~~October 18, 2016, unless otherwise specified.

(b) Applicability.

1. The following sources shall be subject to this paragraph (10):

- (i) Any major source as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4;
- (ii) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the federal Act;
- (iii) Any source, including an area source, subject to a standard or other requirement under Section 112 of the federal Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the federal Act;
- (iv) Any affected source as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4; and
- (v) Any source in a source category designated by the EPA Administrator pursuant to 40 CFR Part 70.3.

2. The following sources shall not be subject to this paragraph (10):

- (i) Any source listed in subparagraph 10(b)1.(ii) that is not a major source;
- (ii) Any source required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, 61.145, Standard for Demolition and Renovation, or solely because they are subject to 40 CFR Part 60, Subpart AAA Standards of Performance for New Residential Wood Heaters; and
- (iii) Any source listed in subparagraph (10)(b)1.(iii) that is an area source except those subject to an Emission Standard for Hazardous Air Pollutants under 40 CFR Part 63 that does not exempt the owner or operator from the obligation to obtain a Part 70 permit.

3. Emission units and Part 70 permits.

- (i) For major sources, Part 70 permits shall include all applicable requirements for all relevant emission units in the major source.
- (ii) For any non-major source subject to the requirements of this paragraph (10), Part 70 permits shall include all applicable requirements applicable to emission units that cause the source to be

subject to this paragraph (10).

4. Fugitive emissions from a source subject to the requirements of this paragraph (10) shall be included in the permit application and the Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

5. Any Part 70 source may make Section 502(b)(10) changes as defined in 40 CFR 70.2, which is incorporated by reference in subparagraph (a)4, without requiring a Part 70 permit revision, if the changes are not modifications under any provisions of Title I of the federal Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions). For each such change, the source shall provide the Director and the EPA Administrator with written notification as required below in advance of the proposed changes and shall obtain any permits required under Rules 391-3-1-.03(1) and (2). The source and the Director shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the source's written notification and application for a construction permit shall be submitted well in advance of any critical date (construction date, permit issuance date, etc.) involved in the change, but no less than seven days in advance of such change and shall include a brief description of the change within the permitted facility, the date on which the change is proposed to occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in subparagraph (d)6. shall not apply to any change made pursuant to this paragraph.

6. Off-permit Changes: Any Part 70 source may make changes that are not addressed or prohibited by the permit, other than those described in subparagraph 7., without a Part 70 permit revision, provided the following requirements are met:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(ii) Sources must provide contemporaneous written notice to the Director and EPA Administrator of each such change, except for changes that qualify as insignificant as specified in subparagraph (g). Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(iii) The change shall not qualify for the shield under subparagraph (10)(d)6.

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(v) The source shall obtain any permits required under Rules 391-3-1-.03(1) and (2).

7. No Part 70 source may make, without a permit revision, any changes that are not addressed or prohibited by the Part 70 permit, if such changes are subject to any requirements under Title IV of the federal Act or are modifications under any provision of Title I of the federal Act.

8. Any source listed in subparagraph (10)(b)1. exempt from the requirement to obtain a permit under this paragraph (10) may opt to apply for a permit under a Part 70 program.

(c) Permit Applications

1. For each Part 70 source, the owner or operator shall submit a complete application:

(i) Within 12 months after the U. S. EPA grants approval of this paragraph (10) or on or before such earlier date as the Director may establish, for a source applying for the first time;

(ii) Within 12 months after commencing operation, for a source required to meet the requirements under Section 112(g) of the federal Clean Air Act or to have a permit under the preconstruction review program requirements of Rule 391-3-1-.03(8)(b) or Rule 391-3-1-.03(8)(c). Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation;

(iii) At least six months, but not more than 18 months prior to the date of permit expiration, for a source subject to permit renewal; or

(iv) By January 1, 1996, for initial Phase II sulfur dioxide acid rain permits and by January 1, 1998, for initial Phase II nitrogen oxide acid rain permits.

(v) within 12 months after commencing operation for a major source which commences operation after the date specified in subparagraph (10)(c)1.(i).

2. Standard Permit Application and Required Information. The application shall be made in a format specified by the Director. It shall be signed by a responsible official, as defined in 40 CFR 70.2, which is incorporated by reference in subparagraph (a)4, certifying its truthfulness, accuracy and completeness. For the purpose of this paragraph (10), 40 CFR 70.5(c) and 40 CFR 70.5(d) are hereby incorporated and adopted by reference. The application may require additional pertinent information which is not specified in 40 CFR 70.5(c), as incorporated by reference in this subparagraph, as the Director may require. To be deemed complete, an application must provide all information required pursuant to this subparagraph and subparagraph (g), except that applications for permit revision need supply such information only if it is related to the proposed change.

3. Unless the Director determines that an application, including renewal applications, is not complete within 60 days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in 40 CFR 70.7(a)(4) which is hereby incorporated by reference.

4. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application the Director may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a Part 70 permit shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Director.

5. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(d) Permit Content.

1. Standard Permit Requirements.

(i) For the purposes of this paragraph (10), 40 CFR Part 70.6(a) and 40 CFR 70.7(f) are hereby incorporated and adopted by reference.

(ii) The permit may include terms and conditions allowing for the trading of emissions changes in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure that the emissions trades are quantifiable and enforceable. The Director shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The following conditions apply to the emissions trades:

(I) The permittee shall provide written notification to the Director and EPA no less than seven days in advance of any change made pursuant to this subparagraph. The written notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(II) The permit shield described in subparagraph (d)6. may extend to the permit terms and conditions that allow for the emissions increases and decreases described in this subparagraph.

(iii) The permit may include additional elements not specified in 40 CFR Part 70.6(a), which is incorporated by reference in subparagraph (d)1.(i), as required by the Director.

2. The Director shall specifically designate as not being federally enforceable under the federal Clean Air Act any terms and conditions included in the permit that are not required under the federal Clean Air Act or under any of its applicable requirements. If the Director does not so

designate a term or condition, it shall be deemed federally enforceable.

3. Compliance Requirements. For the purposes of this paragraph (10), 40 CFR 70.6(c) is hereby incorporated and adopted by reference.

4. General Permits: For the purpose of this paragraph (10), 40 CFR 70.6(d) is hereby incorporated and adopted by reference.

5. The Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include:

(i) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(ii) Requirements that the owner or operator notify the Director at least 30 days in advance of each change in location; and

(iii) Conditions that assure compliance with all of the provisions of this paragraph.

6. Permit Shield.

(i) Except as provided in this paragraph (10), the Director may expressly include in a Part 70 permit a provision stating that a source which is in compliance with the conditions of the permit shall be deemed to be in compliance with any applicable requirements as of the date of the permit issuance, provided that:

(I) Such applicable requirements are included and are specifically identified in the permit; or

(II) The Director, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(ii) A Part 70 permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

(iii) Nothing in this paragraph or in any Part 70 permit shall alter or affect the following:

(I) The provisions of Section 303 of the federal Clean Air Act (emergency orders), including the authority of the Administrator under that section or the provisions of O.C.G.A. Section 12-9-14.;

(II) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

(III) The applicable requirements of the acid rain program, consistent with Section 408(a) of the

federal Clean Air Act; or

(IV) The ability of EPA to obtain information from a source pursuant to Section 114 of the federal Clean Air Act or of the Director to obtain information from a source pursuant to paragraph 391-3-1-.02(6).

7. Emergency Provision: For the purpose of subparagraph (d)7., 40 CFR Part 70.6(g) is hereby incorporated and adopted by reference.

(e) Permit Issuance, Renewal, Reopenings and Revisions.

1. Action on application.

(i) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

(I) The Director has received a complete application, except that a complete application need not be received before issuance of a general permit under subparagraph (d);

(II) Except for modifications qualifying for minor permit modification procedures under subparagraphs (e)5.(i) or (e)5.(ii), the Director has complied with the requirements for public participation under subparagraph (e)8.;

(III) The Director has complied with the requirements for notifying and responding to affected States under subparagraph (f);

(IV) The conditions of the permit provide for compliance with all applicable requirements; and

(V) The EPA Administrator has received a copy of the proposed permit and any notices required under subparagraph (f) and has not objected to issuance of the permit under subparagraph (f) within the time period specified therein.

(ii) Except as provided under the initial transition plan or under regulations promulgated under Title IV of the federal Clean Air Act, the Director shall take final action on each permit application (including request for permit modification or renewal) within 18 months after receiving a complete application.

(iii) The Director shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Director shall send this statement to EPA and to any other person who requests it.

(iv) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under paragraph 391-3-1-.03(8).

2. Requirement for a permit.

Except as provided in subparagraphs (b)5., (e)5.(i)(V) and (e)5.(ii)(V), no Part 70 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this paragraph (10). If a Part 70 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation until the Director takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit by the deadline specified in writing by the Director any additional information identified as being needed to process the application.

3. Permit renewal and expiration.

(i) Permits being renewed are subject to the same procedural requirements, including those for public participation, affected State and EPA review, that apply to initial permit issuance.

(ii) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted.

(iii) If a timely and complete application for permit renewal is submitted, but the Director has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield that may be granted pursuant to subparagraph (d)6. shall extend beyond the original permit term until renewal.

4. Administrative permit amendments.

(i) Definitions: For the purpose of this paragraph, 40 CFR, Part 70.7(d)(1) is incorporated and adopted by reference.

(ii) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the federal Clean Air Act.

(iii) An administrative permit amendment may be made by the Director consistent with the following:

(I) The Director shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this subparagraph.

(II) The Director shall submit a copy of the revised permit to the EPA Administrator.

(III) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(iv) The Director may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield for administrative permit amendments made

pursuant to 40 CFR Part 70.7(d)(1)(v), which is incorporated by reference in subparagraph (e)4.(i) of this rule, which meet the requirements for significant permit modifications.

5. Permit modification.

A permit modification is any revision to a Part 70 permit that cannot be accomplished under subparagraph 4. A permit modification for purposes of the acid rain program shall be governed by regulations promulgated under Title IV of the federal Clean Air Act.

(i) Minor permit modification procedures.

(I) Minor permit modification procedures may be used only for those permit modifications that:

I. Do not violate any applicable requirement;

II. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

III. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

IV. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject, including a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of 391-3-1-.03(8), and an alternative emissions limit approved pursuant to regulations promulgated under Section 112(j)(5) of the federal Clean Air Act;

V. Are not modifications under any provision of 391-3-1-.03(8); and

VI. Are not required by this paragraph (10) to be processed as a significant modification.

(II) An application requesting the use of minor permit modification procedures shall meet the requirements of paragraph (8) and shall include the following:

I. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

II. The source's suggested draft permit;

III. Certification by a responsible official, consistent with subparagraph (c), that the proposed modification meets the criteria for use of minor modification procedures and a request that such procedures be used; and

IV. Completed forms for the Director to use to notify the EPA Administrator and affected States

as required under subparagraph (f).

(III) Within five working days of receipt of a complete minor permit modification application, the Director shall meet his obligation under subparagraph (f)(1) and subparagraph (f)(2)(i) to notify the EPA Administrator and affected States of the requested permit modification. The Director shall promptly send any notice required under subparagraph (f)(2)(ii) to the EPA Administrator.

(IV) The Director may not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Director that EPA will not object to issuance of the permit modification, whichever is first, although the Director can approve the permit modification prior to that time. Within 90 days of the Director's receipt of an application under minor permit modification procedures or 15 days after the end of the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later, the Director shall:

I. Issue the permit modification as proposed;

II. Deny the permit modification application;

III. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

IV. Revise the draft permit modification and transmit to the EPA Administrator the new proposed permit modification as required by subparagraph (f).

(V) The source may make changes proposed in its minor permit modification application as follows:

I. For proposed changes that require a permit in accordance with 391-3-1-.03(1), the source may make the change proposed in its minor permit modification application immediately after obtaining a permit for the modification pursuant to the requirements of 391-3-1-.03(1). After the source makes such change and until the Director takes any of the actions specified in subparagraph (IV), the source must comply with the applicable requirements governing the change, the proposed permit terms and conditions, and requirements of the construction permit issued under 391-3-1-.03(1). During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions and the requirements of the construction permit issued under 391-3-1-.03(1) during this time period, the existing permit terms and conditions it seeks to modify and the requirements of the construction permit issued under 391-3-1-.03(1) may be enforced against it.

II. For proposed changes that do not require a permit in accordance with 391-3-1-.03(1), the source may make the change proposed in its minor permit modification application upon receipt of a letter from the Division acknowledging receipt of said application. If the Director denies the permit modification application in accordance with subparagraph (IV)II, the existing terms and conditions that the applicant seeks to modify may be enforced by the Division.

(VI) The permit shield may not extend to minor permit modifications.

(ii) Group processing of minor permit modifications. The Director may modify the procedure outlined in subparagraph (e)5.(i) to process groups of a source's applications for certain modifications eligible for minor permit modification processing.

(I) Group processing of modifications may be used only for those permit modifications:

I. That meet the criteria for minor permit modification procedures under subparagraph (e)5.(i); and

II. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in subparagraph (a)4., or 5 tons per year, whichever is least.

(II) An application requesting the use of group processing procedures shall meet the requirements of subparagraph (c)2. and shall include the following:

I. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

II. The source's suggested draft permit.

III. Certification by a responsible official that the proposed modification meets the criteria for use of group processing procedures under a request that such procedures be used.

IV. A list of the source's other pending applications awaiting group processing, and determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (e)5.(ii)(I)II.

V. Certification that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the proposed modification.

VI. Completed forms for the Director to use to notify the EPA Administrator and affected States as required under subparagraph (f).

(III) On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set in subparagraph (e)5.(ii)(I)II., whichever is earlier, the Director promptly shall comply with subparagraphs (f)(1) and (f)(2). The Director shall send any notice required under subparagraph (f)(2)(ii) to the EPA Administrator.

(IV) The provisions of subparagraph (e)5.(i)(IV) shall apply to modifications eligible for group processing, except that the Director shall take one of the actions specified in subparagraphs (e)5.(i)(IV)I through IV. within 180 days of receipt of the application or 15 days after the end of

the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later.

(V) The provisions of subparagraph 5.(i)(V) shall apply to modifications eligible for group processing.

(VI) The provisions of subparagraph 5.(i)(VI) shall also apply to modifications eligible for group processing.

(iii) Significant modification procedures.

(I) Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. At a minimum, every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with this paragraph (10) that would render existing permit compliance terms and conditions irrelevant.

(II) Significant permit modifications shall meet all requirements of this paragraph (10), including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal.

6. Reopening for cause.

(i) A permit shall be reopened and revised under any of the following circumstances:

(I) Additional applicable requirements become applicable to a major Part 70 source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended under subparagraph (e)3.(iii).

(II) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(III) The Director determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(IV) The Director determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(ii) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

(i) Reopenings shall not be initiated before a notice of such intent is provided to the source by the Director at least 30 days in advance of the date that the permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.

7. Reopenings for cause by EPA.

(i) If the EPA Administrator finds that cause exists to terminate, modify or revoke and reissue a permit pursuant to subparagraph 6. and notifies the Director of such finding in writing, the Director shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. If the EPA Administrator finds that a new or revised permit application is necessary or that the Director must require the permittee to submit additional information and extends this 90 day period, the Director shall forward the subject determination within 180 days of receipt of EPA's notification.

(ii) Within 90 days from receipt of an EPA objection, the Director shall resolve such objection and terminate, modify, or revoke and reissue the permit in accordance with EPA's objection.

8. Public participation.

40 CFR Part 70.7(h) is hereby incorporated and adopted by reference.

(f) Permit review by EPA and affected states.

1. The Director shall provide the EPA Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final Part 70 permit. The Director may require the applicant to provide a copy of the permit application (including the compliance plan) directly to the EPA Administrator. Upon approval by the EPA Administrator, the Director may submit to the EPA Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan.

2. Review by affected States.

(i) The Director shall give notice of each draft permit to any affected State on or before the time that the Director provides this notice to the public under subparagraph (e)8., except to the extent that subparagraphs (e)5.(i) or (e)5.(ii) require the timing of the notice to be different.

(ii) The Director, as part of the submittal of the proposed permit to the EPA Administrator [or as soon as possible after the submittal for minor permit procedures allowed under subparagraphs (e)5.(i) or (e)5.(ii)], shall notify the EPA Administrator and any affected State in writing of any refusal by the Director to accept all recommendations for the proposed permit that the affected State submitted during the public or affected State comment period. The notice shall include the Director's reasons for not accepting any such recommendation. The Director is not required to accept recommendations that are not based on applicable requirements or the requirements of

this paragraph (10).

3. EPA objection.

(i) No permit for which an application must be transmitted to the EPA Administrator under subparagraph (f)1. shall be issued if the EPA Administrator objects to its issuance in writing within a timely manner pursuant to 40 CFR 70.8(c) and 40 CFR 70.8(d) which are hereby incorporated by reference.

(g) Insignificant Activities List

Unless otherwise required by the Director, the following air pollutant sources/activities must be listed, but need not be described in detail, in the Part 70 permit application. Exclusion of these emissions from detailed reporting does not exclude them from inclusion in any applicability determination. Additionally, this insignificant listing may not be used to avoid any applicable requirement (i.e. NESHAP, NSPS, etc.) as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4.

1. Mobile Sources.

(i) Cleaning and sweeping of streets and paved surfaces.

2. Combustion Equipment.

(i) Fire-fighting and similar safety equipment, including fire pumps, used to train fire fighters or other emergency personnel.

(ii) Small incinerators that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act and are not considered a “designated facility” as specified in 40 CFR 60.32e of the Federal emissions guidelines for Hospital/Medical/Infectious Waste Incinerators, that are operating as follows:

(I) Less than 8 million BTUs per hour heat input, firing types 0, 1, 2 and/or 3 waste; or

(II) Less than 8 million BTUs per hour heat input with no more than 10% pathological (Type-4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or

(III) Less than 4 million BTUs per hour heat input firing Type 4 waste.

(IV) For the purpose of this subparagraph, the following definitions apply:

I. “Type 0 waste” means trash. This refers to a mixture of combustible waste such as paper, cardboard, wood and floor sweepings; which contains up to 10% petrochemical waste, 5% non-combustibles and 10% moisture, by weight; which is generated from commercial activities; and having a higher heat value (HHV) of approximately 8,500 BTU/lb.

II. "Type 1 waste" means rubbish. This refers to a mixture of combustible waste such as paper, cardboard, wood foliage and floor sweepings; which contains up to 10% petrochemical waste, 5% non-combustibles and 10% moisture, by weight; which is generated from domestic and commercial activities; and having a HHV of approximately 6,500 BTU/lb.

III. "Type 2 waste" means refuse. This refers to an evenly distributed mixture of rubbish and garbage as usually received in municipal waste; which contains up to 50% moisture content, by weight and 7% non-combustible solids; and having a HHV of approximately 4,300 BTU/lb.

IV. "Type 3 waste" means garbage. This refers to animal and vegetable wastes from restaurants, cafeterias, hotels, markets, and like installations; which contains up to 70% moisture, by weight, and 5% non-combustible solids; and having a HHV of approximately 2,500 BTU/lb.

V. "Type 4 waste" means human and animal remains. This refers to carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds; and having a HHV of approximately 1,000 BTU/lb.

(iii) Open burning in compliance with Georgia Rule 391-3-1-.02(5).

(iv) Stationary Engines Burning:

(I) Natural gas, gasoline, diesel fuel, or dual fuels which are used exclusively as emergency generators; or

(II) Natural gas, LPG, and/or diesel fuel and used for peaking power (including emergency generators used for peaking power) where the peaking power use does not exceed 200 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts are not insignificant activities; or

(III) Natural gas, LPG, and/or diesel fuel used for other purposes, provided that the output of each engine does not exceed 400 horsepower and that no individual engine operates for more than one thousand hours-per-year; or

(IV) Gasoline used for other purposes, provided that the output of each engine does not exceed 100 horsepower and that no individual engine operates for more than 500 hours-per-year except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts used for peaking power are not insignificant activities.

(V) For the purpose of this subparagraph, the following definitions shall apply:

I. An “emergency generator” means a generator whose function is to provide back-up power when electric power from the local utility is interrupted and which operates for less than 500 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such generator operates less than 200 hours-per-year.

II. “Used for peaking power” means used to reduce the electrical power requirements on the local utility grid. This could be for supplying power during the local utility’s peak demand periods or for peak shaving by the facility.

3. Trade Operations.

(i) Brazing, soldering and welding equipment, and cutting torches related manufacturing and construction activities whose emissions of hazardous air pollutants (HAPs) fall below 1,000 pounds per year.

4. Maintenance, Cleaning, and Housekeeping.

(i) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system (or collector) serving them exclusively.

(ii) Portable blast-cleaning equipment.

(iii) Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.

(iv) Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.

(v) Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.

(vi) Devices used exclusively for cleaning metal parts or surfaces by burning off residual amounts of paint, varnish, or other foreign material, provided that such devices are equipped with afterburners.

(vii) Cleaning Operations: Alkaline/phosphate cleaners and associated cleaners and burners.

5. Laboratories and Testing.

(i) Laboratory fume hoods and vents associated with bench-scale laboratory equipment used for

physical or chemical analysis.

(ii) Research and development facilities, quality control testing facilities and/or small pilot projects, where combined daily emissions from all operations are not individually major and are not support facilities making significant contributions to the product of a collocated major manufacturing facility.

6. Pollution Control.

(i) Sanitary wastewater collection and treatment systems, except incineration equipment or equipment subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(ii) On site soil or groundwater decontamination units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(iii) Bioremediation operations units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(iv) Landfills that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

7. Industrial Operations.

(i) Concrete block and brick plants, concrete products plants, and ready mix concrete plants producing less than 125,000 tons per year.

(ii) Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate fuel oil at a maximum total heat input rate of not more than five million BTUs per hour:

(I) Furnaces for heat treating glass or metals, the use of which do not involve molten materials or oil-coated parts.

(II) Porcelain enameling furnaces or porcelain enameling drying ovens.

(III) Kilns for firing ceramic ware.

(IV) Crucible furnaces, pot furnaces, or induction melting and holding furnaces with a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.

(V) Bakery ovens and confection cookers.

(VI) Feed mill or grain mill ovens.

(VII) Surface coating drying ovens.

(iii) Carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, shot peening, or polishing; ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock or wood, also including roll grinding and ground wood pulping stone sharpening, provided that:

(I) The activity is performed indoors; and

(II) No significant fugitive particulate emissions enter the environment; and

(III) No visible emissions enter the outdoor atmosphere.

(iv) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy (e.g., blueprint activity, photographic developing and microfiche).

(v) Grain, food, or mineral extrusion processes.

(vi) Equipment used exclusively for sintering of glass or metals, but not including equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.

(vii) Equipment for the mining and screening of uncrushed native sand and gravel.

(viii) Ozonization process or process equipment.

(ix) Electrostatic powder coating booths with an appropriately designed and operated particulate control system.

(x) Activities involving the application of hot melt adhesives where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.

(xi) Equipment used exclusively for mixing and blending water-based adhesives and coatings at ambient temperatures.

(xii) Equipment used for compression, molding and injection of plastics where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.

(xiii) Ultraviolet curing processes where VOC emissions are less than five tons per year and HAP emissions are less than 1,000 pounds per year.

8. Storage Tanks and Equipment.

(i) All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.

(ii) All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(iii) All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.

(iv) All pressurized vessels designed to operate in excess of 30 psig storing petroleum fuels that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(v) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(vi) Portable drums, barrels, and totes provided that the volume of each container does not exceed 550 gallons.

(vii) All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury (0.19 psia).

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.