

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

DEC 15 2011

Ms. Gwen Keyes Fleming
Regional Administrator
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-3104

Re: SIP Revision, Title V Program Revision, and Section 112 Program Revision

Dear Ms. Flemming:

With this letter, the Georgia Environmental Protection Division (EPD) is submitting for approval and incorporation adopted revisions to certain provisions of Georgia's Rules for Air Quality Control. The following revisions were adopted by the Georgia Department of Natural Resources (DNR) Board on June 29, 2011, as four separate submittals to the DNR Board and became effective September 13, 2011.

PSD and Nonattainment NSR Revisions

Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being amended to add the definition of "Regulated NSR Pollutant."

Rule 391-3-1-.03(8) "Permit Requirements," is being amended to add nonattainment new source review requirements for fine particulate matter to the rule.

Multipollutant Rule Compliance Dates Revisions

Rule 391-3-1-.02(2)(uuu), "SO₂ Emissions from Electric Utility Steam Generating Units," is being amended to revise the compliance deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer.

Air Quality Permit Fees Revision

Rule 391-3-1-.03(9), "Permit Fees," is being amended to specify the fee rates and reference a new fee manual for Calendar Year 2010 fees.

Miscellaneous Revisions

Rule 391-3-1-.01(nnnn), the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants" is amended to reference the most recent revision of the manual.

Ms. Gwen Keyes Fleming

Page 2

DEC 15 2011

Rule 391-3-1-.01(nnnn), the definition of "**Procedures for Testing and Monitoring Sources of Air Pollutants**" is amended to reference the most recent revision of the manual.

Rule 391-3-1-.02(4), "**Ambient Air Standards**," is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards.

Rule 391-3-1-.02(9)(b), "**Emission Standards for Hazardous Air Pollutants**" is updated with the latest amendment dates of the existing rules incorporated into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(11), "**Permit by Rule**," is being amended to revise the applicability provisions of each of the eleven permit by rule standards from sources without "federally enforceable" permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter."

EPD requests that the revisions to 391-3-1-.01(cccc), 391-3-1-.01(nnnn), 391-3-1-.02(2)(uuu), 391-3-1-.02(4), 391-3-1-.02(7), 391-3-1-.03(8), and 391-3-1-.03(11) be incorporated into Georgia's State Implementation Plan (SIP). EPD requests that the revisions to 391-3-1-.03(9) be incorporated into Georgia's Title V program. EPD requests that the revisions to 391-3-1-.02(9)(b) be incorporated into Georgia's Section 112 program. Please note that the rules included in the submittal to the DNR Board concerning "Multipollutant Rule Compliance Dates" includes revisions to 391-3-1-.02(2)(sss). EPD is NOT requesting approval of this Rule (sss) into Georgia's SIP.

One copy of this submittal, as well as a compact disc, will be sent to the EPA Region 4 individuals noted below. We look forward to your review and approval of these revisions. Should you or your staff have any questions, please feel free to contact Jimmy Johnston at (404) 363-7014.

Sincerely,



F. Allen Barnes
Director

FAB:JJ:klc

c: Scott Davis, U.S. EPA Region 4
Doug Neeley, U.S. EPA Region 4
Randy Terry, U.S. EPA Region 4

**Administrative Materials for SIP Submittal
For Air Quality Rules Adopted June 29, 2011
391-3-1-.01, .02 & .03
PSD and Nonattainment NSR Revisions, Multipollutant Rule Compliance Dates
Revisions, Air Quality Permit Fees Revision, and Miscellaneous Revisions**

1. A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan").

The cover letter transmitting these proposed SIP revisions is the formal letter of submission.

2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

Enclosed, as evidence that Georgia has adopted the rule amendments, is the email verification of receipt of the Certification of Administrative Rules filed with the Secretary of State's office on August 24, 2011, for the Rules for Air Quality Control, Chapter 391-3-1.

3. Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

The Georgia Air Quality Act, Article 1: Air Quality (O.C.G.A. 12-9, et. seq.) provides the necessary legal authority under State law to adopt and implement the revisions. The Act, in its entirety, is located at <http://www.lexis-nexis.com/hottopics/qacode/> under Title 12, Chapter 9, Article 1.

4. A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation/document signed, stamped, dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

Enclosed are copies of the revisions to the Rules for Air Quality Control, Chapter 391-3-1, effective September 13, 2011. These submittals are complete in that they include all amendments adopted by the DNR Board on June 29, 2011.

5. Evidence that the State followed all of the procedural requirements of the State's laws.
and

Constitution in conducting and completing the adoption/issuance of the plan and compilation of public comments and the State's response thereto.

Enclosed, as evidence that Georgia followed the procedural requirements in adopting this SIP revision, are four memoranda to the Board of Natural Resources dated June 17, 2011. They include the memoranda to Allen Barnes also dated June 17, 2011, addressing the comments received during the public comment period and in relation to the public hearings conducted on April 11, 2011, and April 26, 2011.

6. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice;
and

Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

Enclosed are copies of the Notices of Public Hearing and the Certificates of Public Hearing and Rule Adoption for the April 11, 2011, and April 26, 2011 public hearings.

391-3-1-.01, 02 & .03
Adoption Date: 6-29-11

**Technical Support for SIP Submittal
For Air Quality Rules Adopted June 29, 2011
391-3-1-.01, .02 & .03**

**PSD and Nonattainment NSR Revisions, Multipollutant Rule Compliance Dates
Revisions, Air Quality Permit Fees Revision, and Miscellaneous Revisions**

1. Identification of all regulated pollutants affected by the plan.

The proposed SIP revisions cover all regulated pollutants.

2. Identification of the locations of affected sources including the EPA attainment/non-attainment designation of the locations and the status of the attainment plan for the affected areas(s).

The Rules for Air Quality Control are applicable statewide.

3. Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

Not applicable.

4. The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

The NAAQS, PSD increments, RFP demonstration and visibility will be protected if these SIP revisions are approved and implemented.

5. Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

Not applicable.

6. Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

Not applicable.

7. Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.
Not applicable.
8. Compliance/enforcement strategies, including how compliance will be determined in practice.
Not applicable.
9. Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.
No special economic or technological justifications are required for this proposed SIP revision.

391-3-1-.01, 02 & .03
Adoption Date: 6-29-11

Georgia Department of Natural Resources

Environmental Protection Division, Air Protection Branch

4244 International Parkway, Suite 120, Atlanta, Georgia 30354

Phone: 404/363-7000; Fax: 404/363-7100

Mark Williams, Commissioner

F. Allen Barnes, Director

CERTIFICATE OF PUBLIC HEARING AND RULE ADOPTION

I do hereby certify that a public hearing was held on April 26, 2011, concerning proposed amendments to Georgia's Rules for Air Quality, Chapter 391-3-1.

A public notice was published in The Atlanta Journal/Constitution, a newspaper of statewide circulation; the Albany Herald; the Savannah Morning News; and the Augusta Chronicle, providing at least 30 days for review and comments.

I do further certify that the proposed rule amendments were adopted in accordance with the State of Georgia's procedures for rule adoption. The proposed rule amendments were adopted by the Board of Natural Resources on June 29, 2011; were filed with the Secretary of State's office on August 24, 2011; and will become effective September 13, 2011.



James P. Johnston, Manager
Planning and Support Program

11/16/2011

Date



Notary Public – K. Lynne Collier
Notary Public, Fayette County, Georgia
My Commission Expires January 13, 2013

November 16, 2011

Date

A RESOLUTION

Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule .02 "Provisions" pertaining to Subparagraph (2)(sss) "Multipollutant Control for Electric Utility Steam Generating Units" and Subparagraph (2)(uuu) "SO₂ Emissions from Electric Utility Steam Generating Units"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 27, 2011, along with EPD's Environet website; and a public hearing was held on April 26, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 29th day of June 2011.

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Earl D. Barrs", written over a horizontal line.

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

A handwritten signature in blue ink, appearing to read "Thelma C. Jenkins", written over a horizontal line.

Secretary
Board of Natural Resources

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

TO: Board of Natural Resources

FROM: F. Allen Barnes, Director
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to Rules for Air Quality Control,
Chapter 391-3-1, pertaining to Multipollutant Rule Compliance Dates

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

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

Rule 391-3-1-.02(2)(sss), "Multipollutant Control for Electric Utility Steam Generating Units," is being amended to revise the installation deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer and to include emission caps on certain units.

Rule 391-3-1-.02(2)(uuu), "SO₂ Emissions from Electric Utility Steam Generating Units," is being amended to revise the compliance deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer.

Please find enclosed for your review and consideration:

Page No.

- | | |
|--|--------|
| ➤ Synopsis and Statement of Rationale for the proposed amendment to Rules for Air Quality Control; | E - 2 |
| ➤ Notice of Public Hearing; | E - 4 |
| ➤ Memorandum summarizing comments on the proposed revision; | E - 6 |
| ➤ Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community; | E - 11 |
| ➤ Proposed amendments to the Rules for Air Quality Control; and | E - 12 |
| ➤ A proposed resolution for adopting the amendment to the rules. | E - 21 |

Thank you for your attention to these proposed rule changes.

FAB:JJ:klc

Attachments

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

Rule 391-3-1-.02(2)(sss), "Multipollutant Control for Electric Utility Steam Generating Units," is being amended.

Purpose: The installation deadlines for Plant Branch Units 1, 2, 3, and 4 and Plant Scherer Unit 3 are revised. Emission caps are included for Plant Branch Units 3 and 4.

Main Features: The compliance deadlines for these specific units are changed as follows:

- Plant Branch Unit 1 moved from December 31, 2014, to December 31, 2013
- Plant Branch Unit 2 moved from December 31, 2014, to October 1, 2013
- Plant Branch Unit 3 moved from December 31, 2013, to October 1, 2015.
- Plant Branch Unit 4 moved from June 1, 2014, to December 31, 2015.
- Plant Scherer Unit 3 moved from December 31, 2011, to July 1, 2011. Nitrogen oxides emissions are limited at Plant Branch Units 3 and 4, combined, to 11,165 tons in calendar years 2013, 2014, and 2015. Sulfur dioxide emissions are limited at Plant Branch Units 3 and 4, combined, to 52,988 tons in calendar years 2013, 2014, and 2015.

Rule 391-3-1-.02(2)(uuu), "SO₂ Emissions from Electric Utility Steam Generating Units," is being amended.

Purpose: The compliance deadlines for Plant Branch Units 1, 2, 3, and 4 and Plant Scherer Unit 3 are revised.

Main Features: The compliance deadlines for these specific units are changed as follows:

- Plant Branch Unit 1 moved from January 1, 2015, to January 1, 2014
- Plant Branch Unit 2 moved from January 1, 2015, to October 1, 2013
- Plant Branch Unit 3 moved from January 1, 2014, to October 1, 2015.
- Plant Branch Unit 4 moved from June 1, 2014, to January 1, 2016.
- Plant Scherer Unit 3 moved from January 1, 2012, to July 1, 2011.

STATEMENT OF RATIONALE
Rules for Air Quality Control

Rule 391-3-1-.02(2)(sss) – Multipollutant Control for Electric Utility Steam Generating Units

The basis of this subparagraph is to require the installation and operation of specific air pollution control equipment on specified power plant units. The purpose of this revision is to revise the installation deadlines for Plant Branch and Plant Scherer Unit 3 and to include emission caps on certain units.

This purpose of this revision is to adjust the compliance deadline for Plant Branch Units 3 and 4 in order to give the owner the opportunity to take the requirements of upcoming Federal regulations into consideration when planning for compliance for these units. In order to minimize the environmental impact of the delay of emission reductions from Units 3 and 4, the compliance deadlines for Plant Scherer Unit 3 and Plant Branch Units 1 and 2 are set earlier, and nitrogen oxide and sulfur dioxide emission caps are established for Units 3 and 4 at Plant Branch.

This does not incur any additional costs to the Environmental Protection Division or the regulated industry than the existing regulation. Only the deadlines for complying with the regulation are changed. Cost savings are expected for the regulated industry due to the ability to coordinate these emission requirements with the upcoming Federal rule. No costs will be imposed on local governments or the general public.

Rule 391-3-1-.02(2)(uuu) – SO₂ Emissions from Electric Utility Steam Generating Units

The basis of this subparagraph is to require the reduction of sulfur dioxide emissions from specified power plant units. The purpose of this revision is to revise the compliance deadlines for Plant Branch and Plant Scherer Unit 3.

This purpose of this revision is to adjust the compliance deadline for Plant Branch Units 3 and 4 in order to give the owner the opportunity to take the requirements of upcoming Federal regulations into consideration when planning for compliance for these units. In order to minimize the environmental impact of the delay of emission reductions from Units 3 and 4, the compliance deadlines for Plant Scherer Unit 3 and Plant Branch Units 1 and 2 are set earlier and nitrogen oxide and sulfur dioxide emission caps are established for Units 3 and 4 at Plant Branch.

This does not incur any additional costs to the Environmental Protection Division or the regulated industry than the existing regulation. Only the deadlines for complying with the regulation are changed. Cost savings are expected for the regulated industry due to the ability to coordinate these emission requirements with the upcoming Federal rule. No costs will be imposed on local governments or the general public.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS**
TO GEORGIA'S RULES FOR AIR QUALITY CONTROL
CHAPTER 391-3-1**TO ALL INTERESTED PERSONS AND PARTIES:**

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules are required to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Sections 110(a)(2)(A) of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-.02(2)(sss), "Multipollutant Control for Electric Utility Steam Generating Units," is being amended to revise the installation deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer and to include emission caps on certain units.

Rule 391-3-1-.02(2)(uuu), "SO₂ Emissions from Electric Utility Steam Generating Units," is being amended to revise the compliance deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer.

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://gaepd.org/environe/1> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 4:00 p.m. on April 26, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 10, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendment will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendment is proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Chris Clark, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

To: F. Allen Barnes, Director
Environmental Protection Division

From: James A. Capp, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding
Proposed Revision to Air Quality Rules, Chapter 391-3-1

On March 27, 2011, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1. The proposed changes included the following rules:

- o Rule 391-3-1-.02(2)(sss) -- **Multipollutant Control for Electric Utility Steam Generating Units,**
- o Rule 391-3-1-.02(2)(uuu) -- **SO₂ Emissions from Electric Utility Steam Generating Units**

Written comments were received during the public comment period. A public hearing was at 4:00 p.m. on April 26, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Comments received as of May 10, 2011, are summarized in the attached document. EPD's responses immediately follow each comment.

No changes in the proposed rules are recommended as a result of comments received.

JAC:JJ:klc

**Responses to Comments Received During the Public Comment Period
March 27, 2011, through May 10, 2011
Proposed Revisions to Air Quality Rules, Chapter 391-3-1**

On March 27, 2011, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Air Quality, Rule 391-3-1-.02(2)(sss) – Multipollutant Control for Electric Utility Steam Generating Units, and Rule 391-3-1-.02(2)(uuu) – SO₂ Emissions from Electric Utility Steam Generating Units. Written comments were received during the public comment period. A public hearing was held at 4:00 p.m. on April 26, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Comments received as of May 10, 2011, are summarized in this memo.

Comments were received from Greenlaw on behalf of the Sierra Club, with identical comments being submitted by the Sierra Club of Georgia. A summary of the comments is followed by EPD's response.

Comment

Greenlaw/Sierra Club commented that the rule revisions appear to lack a reasoned basis due to the fact that no specific upcoming Federal regulation is noted for the revisions, and there is no justification for the delay in pollution control installation.

Response

Rule 391-3-1-.02(2)(sss) was originally intended to coordinate the necessary electric utility plant emissions reductions of NO_x, SO₂, and mercury of the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR), as well as 8-hour ozone and annual PM_{2.5} nonattainment planning needs. Rule (sss) was crafted, with significant stakeholder input, to maximize the multi-pollutant emissions co-benefits of specifying the required technology in the shortest period of time while also considering the limitations on construction resources and scheduled outages. Rule (sss) was also developed in order to ensure that the NO_x, SO₂, and mercury reductions required by the interstate trading programs of CAIR and CAMR occurred within Georgia. Rule (sss) itself is not required by any federal regulation and is unique among the approach of all other states.

At this point in time, all of the underlying federal requirements which established the basis for the emission controls required by rule (sss), have changed. The CAIR has been remanded by a federal court, the CAMR has been vacated by a federal court, and all of the 8-hour ozone and PM_{2.5} nonattainment areas in the state are meeting the federal air quality standards for which the area was designated nonattainment. Changing the future compliance dates for rules (sss) and (uuu) do not affect EPD's ability to request re-designation of any of these areas to attainment.

The CAIR will soon be replaced by the new federal Transport Rule, as mandated by Federal Court and proposed on July 6, 2010, which will require significant reductions in NO_x and SO₂ emissions. Also, the CAMR will be replaced by the federal mercury and air toxics standard for power plants that was proposed on March 16, 2011. The revised compliance dates for Plant Branch Units 3 and 4 will allow Georgia Power to harmonize the compliance plans for Georgia rules (sss) and (uuu) with the federal Transport rule and mercury and air toxics standard as well as the federal coal ash rule, which was proposed on June 21, 2010, once the federal rules are finalized. In order to minimize or eliminate any increase of emissions due to the revised compliance dates for Plant Branch Units 3 and 4, the compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been changed to earlier dates and temporary emission limits are placed on Plant Branch Units 3 and 4 that remain in place until the proposed compliance dates for those units.

Comment

Greenlaw/Sierra Club commented that Rules (sss) and (uuu) should be made part of the State Implementation Plan (SIP).

Response

As stated previously, rule (sss) was originally intended to coordinate the requirements of various federal rules by specifying the installation of controls for various electrical generating units. Rule (sss) was not adopted in order to satisfy any federal regulatory requirements. Rule (sss) was not intended to be submitted to EPA for approval into the SIP because it contains state specific provisions that are not required by any federal rule and, therefore, should not be federally enforceable. To meet the specific enforceable SIP requirements of the various affected rules, EPD has EPA SIP-approved Rules 391-3-1-.02(2)(12) and (13) for CAIR and Rule 391-3-1-.02(2)(14) for CAMR (CAMR has since been vacated by a federal court). Rule (uuu) was submitted to EPA for SIP approval on July 20, 2010, and the revisions to rule (uuu) will also be submitted. Any SIP requirements for nonattainment areas that have attained the ambient standards will be addressed in the maintenance plans for those areas.

Comment

Greenlaw/Sierra Club commented that the proposed measures to minimize the environmental impact of the delay of emissions reductions are inadequate.

Response

EPD disagrees. The compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been revised and temporary emission limits have been placed on Plant Branch Units 3 and 4 to minimize or eliminate any temporary increase in emissions resulting in the change of compliance dates for Units 3 and 4. Therefore, the air quality goals the rules were originally intended to achieve are still met.

Comment

Greenlaw/Sierra Club commented that the proposed revisions to Rule (sss) would result in an increase in future potential NOx emissions from Branch Units 3 and 4 and provided emission estimates.

Response

EPD disagrees and notes that the emissions analyses in the comment are flawed. The commenter included emission reductions associated with the retirement of Plant Branch Units 1 and 2 attributed to recent announcements by Georgia Power officials. There are no state or federal requirements that require the permanent closure of Plant Branch Units 1 or 2. Thus, inclusion of emission reductions stemming from the retirement of these units in any regulatory analysis is unfounded. Should Georgia Power elect to permanently retire Plant Branch Units 1 or 2 prior to their rule (sss) and (uuu) compliance dates, it would result in emission reductions beyond what is required by these rules. The compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been revised to make them earlier and temporary emission limits have been placed on Plant Branch Units 3 and 4 to minimize or eliminate any temporary increase in emissions resulting in the change of compliance dates for Units 3 and 4. The ultimate emission requirements on Plant Branch Units 3 and 4 do not change, so there are no increases in future potential emissions from Branch Units 3 and 4. Only the schedule is revised. The proposed revisions to the compliance dates remain consistent with the air quality goals that the rules were intended to achieve even if Plant Branch Units 1 and 2 remain in service.

Comment

Greenlaw/Sierra Club commented that the proposed revisions to rule (uuu) would result in an increase in future potential SO2 emissions from Branch Units 3 and 4.

Response

EPD disagrees. The compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been revised to make them earlier and temporary emission limits have been placed on Plant Branch Units 3 and 4 to minimize or eliminate any temporary increase in emissions resulting in the change of compliance dates for Units 3 and 4. The ultimate emission requirements on Plant Branch Units 3 and 4 do not change, so there are no increases in future potential emissions from Branch Units 3 and 4. Only the schedule is revised. The commenter's analyses are also flawed by assuming that the retirement of Plant Branch Units 1 and 2 are regulatory requirements.

Comment

Greenlaw/Sierra Club commented that the proposed revisions to Rules (sss) and (uuu) constitute a "change in method of operation" for which the applicability under 40 CFR 52.21 must be evaluated.

Response

EPD disagrees. Neither the revision to an applicable requirement nor the amendment of a Title V permit constitutes a "change in the method of operation" under 40 CFR 52.21. Thus, applicability under 40 CFR 52.21 need not be evaluated. The commenter makes a statement that the changes to rules (sss) and (uuu) relax NO_x caps required under the Clean Air Interstate Rule. Provisions of the federal Clean Air Interstate Rule are incorporated into Georgia's Air Quality Rules (and SIP) at paragraphs 391-3-1-.02(12) and (13). Neither paragraphs (12) nor (13) impose facility or unit-specific emission caps.

Comment

Greenlaw/Sierra Club commented that, if approved, the proposed changes to compliance dates in Rule (uuu) should correspond to the dates for the operation of the FGD units established in the proposed changes to Rule (sss).

Response

The compliance dates in Rule (uuu) are those dates that were determined necessary to meet certain air quality planning requirements and are separate from the Rule (sss) requirements. It also should be noted that the proposed compliance dates for Plant Branch Units 3 and 4 only differ by one day between Rule (sss) and (uuu).

Georgia Department of Natural Resources

Mark Williams, Commissioner
Environmental Protection Division

F. Allen Barnes, Director
Small Business Environmental Assistance Program
4244 International Parkway, Suite 120, Atlanta, GA 30354
Phone: 404/362-4842 Fax: 404/363-7100

June 17, 2011

MEMORANDUM

TO: F. Allen Barnes, Director
Environmental Protection Division

FROM: James A. Capp, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Air Quality Control
Pertaining to Chapter 391-3-1 - Electric Utility Steam Generating Units

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

- a. Establishing different requirements or reporting requirements or timetables for small businesses;
- b. Clarifying, consolidating or simplifying the compliance and reporting requirements Under the rules for small businesses;
- c. Establishing performance rather than design standards for small businesses; or
- d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Air Quality Control, Chapter 391-3-1 (Air Quality Rules). The proposed Air Quality rules include revisions of installation deadlines [Rule 391-3-1-.02(2)(sss)] and of compliance deadlines [Rule 391-3-1.02(2)(uuu)] for Plant Branch electric generating units and Plant Scherer, Unit 3. The revisions also include emission caps on certain units.

The proposed rule changes only apply to specific major sources. No small businesses should be impacted and, therefore, no recommendations are offered.

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

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

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

Rule 391-3-1-.02(2)(sss) “Multipollutant Control for Electric Utility Steam Generating Units,” is being amended to read as follows:

(sss) Multipollutant Control for Electric Utility Steam Generating Units.

1. Effective December 31, 2008, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

- (i) Plant Bowen Unit 4 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
- (ii) Plant Bowen Unit 3 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
- (iii) Plant Wansley Unit 1 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
- (iv) Plant Hammond Unit 1 unless such source is equipped and operated with flue gas desulfurization.
- (v) Plant Hammond Unit 2 unless such source is equipped and operated with flue gas desulfurization.
- (vi) Plant Hammond Unit 3 unless such source is equipped and operated with flue gas desulfurization.
- (vii) Plant Hammond Unit 4 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.
- (viii) Plant Yates Unit 1 unless such source is equipped and operated with flue gas desulfurization.

2. Effective June 1, 2009, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Bowen Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(ii) Plant Scherer Unit 2 unless such source is equipped and operated with sorbent injection and a baghouse.

(iii) Plant Scherer Unit 3 unless such source is equipped and operated with sorbent injection and a baghouse.

3. Effective December 31, 2009, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Scherer Unit 1 unless such source is equipped and operated with sorbent injection and a baghouse.

(ii) Plant Wansley Unit 2 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.

4. Effective April 30, 2010, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Scherer Unit 4 unless such source is equipped and operated with sorbent injection and a baghouse.

5. Effective June 1, 2010, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Bowen Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

6. Effective July 1, 2011, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Scherer Unit 3 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

6Z. Effective December 31, 2011, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) [reserved] Plant Scherer Unit 3 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

(ii) Plant McDonough Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

78. Effective April 30, 2012, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant McDonough Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

89. Effective December 31, 2012, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Scherer Unit 4 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse, provided that the owner or operator is not required to operate the selective catalytic reduction system during months of January through April and October through December of each year.

10. Effective October 1, 2013, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Branch Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

911. Effective December 31, 2013, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) [reserved] Plant Branch Unit 3 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(ii) Plant Scherer Unit 2 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse, provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

(iii) Plant Branch Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

~~10. Effective June 1, 2014~~, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

~~(i) Plant Branch Unit 4 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).~~

~~1112. Effective December 31, 2014~~, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

~~(i) [reserved] Plant Branch Unit 4 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).~~

(ii) ~~[reserved]Plant Branch Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).~~

(iii) Plant Scherer Unit 1 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

4213. Effective June 1, 2015, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Yates Unit 6 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(ii) Plant Yates Unit 7 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

14. Effective October 1, 2015, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Branch Unit 3 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

15. Effective December 31, 2015, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Branch Unit 4 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

4316. Effective January 1, 2018, should the annual heat input (from coal combustion) of an affected unit or group of affected units exceed the levels specified in each Subparagraphs 4316.(i) through 4316.(iv), the owner/operator will comply with the requirements specified in Subparagraph 4316.(v):

(i) Plant Kraft Units 1, 2, and 3 with a total annual heat input of 17,911,898 million Btu;

(ii) Plant McIntosh Unit 1 with a total annual heat input of 14,557,638 million Btu;

(iii) Plant Mitchell Unit 3 with a total annual heat input of 8,621,580 million Btu;

(iv) Plant Yates Units 2, 3, 4, and 5 with a total annual heat input of 33,608,398 million Btu.

(v) The owner/operator shall evaluate the economic and technical feasibility of additional mercury controls on the applicable affected unit(s) specified in Subparagraphs 4316.(i) through 4316.(iv), and submit a report on their findings to the Division no later than September 1 of the calendar year following the calendar year that the annual heat input exceeded the applicable level specified in Subparagraphs 4316.(i) through 4316.(iv).

(vi) The Division will review the report submitted in accordance with Subparagraph 4316.(v) and determine if additional mercury controls are required and, if additional mercury controls are required, establish deadlines for submission of a permit application(s) to the Division and for start-up of such mercury controls.

(vii) The Division will document the results of its evaluation conducted in accordance with Subparagraph 4316.(vi) and notify the owner and/or operator within a timely fashion whether additional mercury controls are required.

4417. Control Equipment Monitoring Design: For the anticipated range of operations of the applicable EGUs specified in Subparagraphs 1. through 4215., the designated representative shall follow the procedures given in Section 2.124 of the Division's **Procedures for Testing and Monitoring Sources of Air Pollutants** for the establishment of optimized operating parameters for the applicable control equipment installed as required in Subparagraphs 1. through 4215.

4518. Alternative Control Technology: The owner/operator of an affected unit specified in Subparagraphs 1. through 4215. may operate alternative control technology or alternative method of emissions reductions from that which is specified in the applicable Subparagraphs 1. through 4215. if the following requirements are met:

(i) The Division has approved the operation of the alternative control technology or the alternative method of emission reductions as being capable of achieving reductions of NO_x, SO₂ and/or mercury emissions equivalent to or greater than the control technology requirement specified in applicable Subparagraphs 1. through 4215. for an individual emissions unit or the respective plant site as a whole; and

(ii) The owner/operator has submitted the appropriate permit application(s) to the Division at least twelve months before the effective date of the applicable Subparagraphs 1. through 4215.

4619. The owner or operator of any EGU subject to this subsection may submit a request to the Director to delay implementation of any of the controls required by Subparagraphs 1. through 4215. for a specific EGU if there is a delay caused by reasonably unforeseen circumstances beyond the control of the owner operator. Any delay allowed under this subparagraph is subject to review and approval by the Division. Reasonably unforeseen circumstances beyond the control of the owner or operator shall include, without limitation, the following:

(i) Failure to secure timely and necessary federal, state or local approvals, responses, notifications or permits to install the controls, provided that such approvals or permits have been timely and diligently sought;

(ii) Act of God, act of war, insurrection, civil disturbance, flood or other extraordinary weather conditions, vandalism, contractor or supplier strikes or bankruptcy, or unanticipated breakage or accident to machinery or equipment despite diligent maintenance; and

(iii) Any other delay caused by unforeseeable circumstances beyond the reasonable control of owner or operator as reasonably determined by the Director.

4720. On and after the effective date of each Subparagraph 1. through 4215. for a specific

EGU, the applicable owner or operator is not required to operate the required control technology under the following conditions:

- (i) Restarting an EGU when all Electric Utility Steam Generating Units [as listed in Subparagraphs 1. through 4215. and Subparagraph 4316.(iv)] at a facility are down and off-site power is not available (also known as a "Black Start").
- (ii) Periods of startup of an EGU provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
- (iii) Periods of shutdown of an EGU provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
- (iv) Periods of scheduled and/or preventative maintenance of control technology equipment if such maintenance cannot reasonably be performed during a scheduled outage of the respective EGU.
- (v) Periods of malfunction of EGU and/or control technology equipment provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.
- (vi) Periods when the owner/operator is required to conduct the Relative Accuracy Test Audit and any other necessary periodic quality assurance procedures on the Continuous Emissions Monitoring System located on the bypass stack pursuant to 40 CFR Part 75 or the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.
- (vii) Periods when the owner/operator is required to conduct any performance tests on the bypass stack as required by state or federal air quality rules, air quality operating permits, or as ordered by the Division.
- (viii) Division-approved periods of research and development of emission control technologies, provided that the unit does not exceed other applicable emission limits. For purposes of this subparagraph, the owner/operator shall submit a request for approval under this subparagraph at least 120 days prior to such date as well as including the following items: (1) length of time of research and development (R&D) period; (2) identification of steps to take to minimize emissions in accordance with best operational practices during R&D period; (3) for periods of R&D lasting more than 48 hours during any 5-day period, a demonstration that any increase in emissions resulting from the R&D project that are above that which is allowed by this subparagraph (sss) will not cause or significantly contribute to a violation of any national ambient air quality standard or prevent compliance with any other applicable provisions.
- (ix) Any other occasion not covered by Subparagraphs 4720.(i) through (viii), as approved by the Division.

4821. The requirements of Subparagraph 4720 do not relieve the owner or operator from the requirement to comply with any other applicable requirements of Georgia Rules for Air Quality Control Chapter 391-3-1.

4922. Technology and Mercury Impact Review – Periodic Evaluation: The Director shall submit a report to the Georgia Department of Natural Resources Board by December 31, 2023. The report shall constitute an evaluation of available and relevant information to determine if additional reductions of mercury emissions from EGUs are necessary or appropriate. This report shall include an evaluation that includes, but is not limited to, the following:

- (i) mercury concentrations in fish tissue in water bodies in the State and any changes or trends of such concentrations over time;
- (ii) the sources of mercury (including air, land, and water sources) that might influence in-state mercury concentrations in fish tissue;
- (iii) the state of the science regarding the relationship among sources of mercury, mercury speciation and mercury concentrations in fish tissue in water bodies in the State;
- (iv) the health impact of mercury contamination in fish tissue;
- (v) technically- and economically-feasible controls for the reduction of mercury emissions from coal-fired EGUs or other sources;
- (vi) whether additional reductions of mercury from coal-fired EGUs or other sources and/or whether additional time or study is appropriate and necessary in light of items (i) through (v);
- (vii) recommendations for any necessary revisions to Paragraph (sss) or other actions as needed to address other sources; and
- (viii) recommendations for an appropriate timeline for the development of any such additional regulations; provided, however, that implementation and operation of any such additional controls shall be required no earlier than January 1, 2027.

23. Effective January 1, 2013, no person shall cause, let, permit, suffer or allow the operation of the following units except as specified below:

(i) Plant Branch Units 3 and 4, combined, shall not emit more than 11,165 tons of nitrogen oxides annually in 2013, 2014, and 2015 only.

(ii) Plant Branch Units 3 and 4, combined, shall not emit more than 52,988 tons of sulfur dioxide annually in 2013, 2014, and 2015 only.

Rule 391-3-1-.02(2)(uuu) “SO₂ Emissions from Electric Utility Steam Generating Units,” is being amended to read as follows:

(uuu) SO₂ Emissions from Electric Utility Steam Generating Units

1. Effective January 1, 2010, no person shall cause, let, permit, suffer or allow any gases which contain sulfur dioxide in excess of 10 percent (0.10) of the potential combustion concentration (90 percent reduction) from Plant Yates Unit 1.

2. Effective on the dates established below, no person shall cause, let, permit, suffer or allow any gases which contain sulfur dioxide in excess of 5 percent (0.05) of the potential combustion concentration (95 percent reduction) from the following electric steam generating units: Plant Bowen Units 1 through 4, Plant Branch Units 1 through 4, Plant Hammond Units 1 through 4, Plant McDonough Units 1 and 2, Plant Scherer Units 1 through 4, Plant Wansley Units 1 and 2, and Yates Units 6 and 7.

The limit established in this subparagraph shall become effective beginning:

(i) January 1, 2010, for Plant Bowen Units 2, 3 and 4, and Plant Wansley Units 1 and 2.

(ii) July 1, 2011, for Plant Scherer Unit 3.

~~(ii)(iii)~~ January 1, 2012, for Plant Bowen Units 1, Plant Hammond Units 1, 2, 3, and 4, and Plant McDonough Unit 2, ~~and Plant Scherer Unit 3.~~

~~(iii)(iv)~~ May 1, 2012, for Plant McDonough Unit 1.

~~(iv)(v)~~ January 1, 2013, for Plant Scherer Unit 4.

(vi) October 1, 2013, for Plant Branch Unit 2.

~~(v)(vii)~~ January 1, 2014, for Plant Branch Unit ~~3~~1 and Plant Scherer Unit 2.

~~(vi) June 1, 2014, for Plant Branch Unit 4~~

~~(vii)(viii)~~ January 1, 2015, for ~~Plant Branch Units 1 and 2~~ Plant Scherer Unit 1.

~~(viii)(ix)~~ June 1, 2015, for Plant Yates Units 6 and 7

(x) October 1, 2015, for Plant Branch Unit 3.

(xi) January 1, 2016, for Plant Branch Unit 4.

3. Compliance with Subparagraphs 1 and 2 shall be determined on a 30-day rolling average basis. The first 30-day averaging period for each Affected Unit shall begin on the effective date specified in Subparagraphs 1 and 2.

4. The requirements of Subparagraphs 1 and 2 do not apply during the following periods:

(i) Restarting an Electric Utility Steam Generating Unit specified in subparagraphs 1 or 2 when all Electric Utility Steam Generating Units at a facility are down and off-site power is not available (also known as a "Black Start").

(ii) Periods of startup of an Electric Utility Steam Generating Unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(iii) Periods of shutdown of an Electric Utility Steam Generating Unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(iv) Periods of scheduled and/or preventative maintenance of control technology equipment if such maintenance cannot reasonably be performed during a scheduled outage of the respective Electric Utility Steam Generating Unit.

(v) Periods of malfunction of an Electric Utility Steam Generating Unit and/or control technology equipment provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(vi) Periods when the owner/operator is required to conduct the Relative Accuracy Test Audit and any other necessary periodic quality assurance procedures on the Continuous Emissions Monitoring System located on the bypass stack pursuant to 40 CFR Part 75 or the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

(vii) Periods when the owner/operator is required to conduct any performance tests on the bypass stack as required by State or Federal air quality rules, air quality operating permits, or as ordered by the Division.

(viii) Division-approved periods of research and development of emission control technologies, provided that the unit does not exceed other applicable emission limits. For purposes of this subparagraph, the owner/operator shall submit a request for approval under this subparagraph at least 120 days prior to such date, as well as include the following items: (1) length of time of research and development (R&D) period; (2) identification of steps to take to minimize emissions in accordance with best operational practices during R&D period; (3) for periods of R&D lasting more than 48 hours during any 5-day period, a demonstration that any increase in emissions resulting from the R&D project that are above that which is allowed by this subparagraph (uuu) will not cause or significantly contribute to an violation of any national ambient air quality standard or prevent compliance with any other applicable provisions.

5. For the purpose of this subsection, the following definitions apply:

(i) "Potential combustion concentration" means the theoretical sulfur dioxide emissions (lb/MMBtu heat input) that would result from combusting fuel without using emission control systems.

(ii) "Affected Unit" means Plant Bowen Units 1, 2, 3, and 4; Plant Branch Units 1, 2, 3, and 4; Plant Hammond Units 1, 2, 3, and 4; Plant Wansley Units 1 and 2; Plant Scherer Units 1, 2, 3, and 4; and Plant Yates 1, 6, and 7.

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

A RESOLUTION

Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule .02 "Provisions" pertaining to Subparagraph (2)(sss) "Multipollutant Control for Electric Utility Steam Generating Units" and Subparagraph (2)(uuu) "SO₂ Emissions from Electric Utility Steam Generating Units"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 27, 2011, along with EPD's Environet website; and a public hearing was held on April 26, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 29th day of June 2011.

Respectfully submitted by:

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

Secretary
Board of Natural Resources

A RESOLUTION

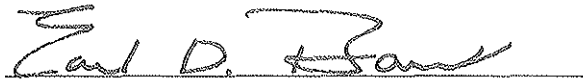
Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise Rule.03 "Permits" pertaining to Paragraph (9) "Permit Fees"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 11, 2011, and four other major newspaper mediums throughout the State of Georgia, along with EPD's Environet website; and a public hearing was held on April 11, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

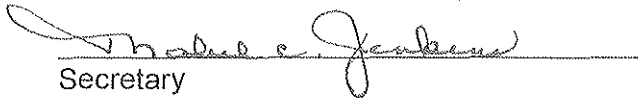
Adopted this 29th day of June 2011.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read "Earl D. Barrs", is written over a horizontal line.

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

A handwritten signature in dark ink, appearing to read "Madeline Jenkins", is written over a horizontal line.

Secretary
Board of Natural Resources

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

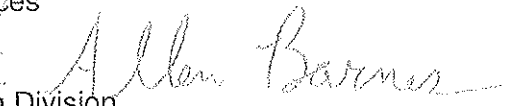
F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

TO: Board of Natural Resources

FROM: F. Allen Barnes, Director 
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to Rules for Air Quality Control,
Chapter 391-3-1, pertaining to Air Quality Permit Fees

I request the Board's consideration and approval of the following rule revision:

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

Rule 391-3-1-.03(9), "Permit Fees," is being amended to specify the fee rates and reference a new fee manual for Calendar Year 2010 fees.

Please find enclosed for your review and consideration:

Page No.

- | | |
|--|--------|
| ➤ Synopsis and Statement of Rationale for the proposed amendment to Rules for Air Quality Control; | D - 2 |
| ➤ Notice of Public Hearing; | D - 3 |
| ➤ Memorandum summarizing comments on the proposed revision; | D - 5 |
| ➤ Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community; | D - 6 |
| ➤ Proposed amendments to the Rules for Air Quality Control showing deletions with strikeouts and additions with <u>underlines</u> ; and | D - 8 |
| ➤ A proposed resolution for adopting the amendment to the rules. | D - 12 |

Thank you for your attention to this proposed rule change.

FAB:JJ:klc

Attachments

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

Rule 391-3-1-.03(9), "Permit Fees," is being amended.

Purpose: The Permit Fee provision is being revised to specify the dollar-per-ton rate and reference the fee manual for Calendar Year 2010 fees.

Main Features: A dollar-per-ton rate and the reference to the fee manual for Calendar Year 2010 fees is added. The fee manual has been changed as follows: The Synthetic Minor fee goes from \$1500 to \$1700. The Title V minimum fee goes from \$3800 to \$4100. A new fee structure for coal-fired power plants is added and the dollar-per-ton fee is set at \$35.84. All other fee rates, including the \$34/ton rate, remain unchanged from the previous year. The revisions were developed in conjunction with an industry permit fee workgroup.

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

Rule 391-3-1-.03(9) – Permit Fees

The basis of this paragraph is to specify the fee rate; the procedures for determining, reporting, and submitting permit fees; and other permit fee related requirements. The purpose of this revision is to specify the fee rate and reference a new procedures manual for Calendar Year 2010 fees (which will be due beginning September 1, 2011, and will fund state Fiscal Year 2012 fee-related activities.)

The fee manual has been revised as follows: The fee structure for coal-fired power plants is changed. The Synthetic Minor Fee is increased from \$1500 to \$1700. The Title V minimum fee is increased from \$3800 to \$4100.

There will be no increased costs to the public. The revisions were developed with assistance from an industry permit fee workgroup.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS
TO GEORGIA'S RULES FOR AIR QUALITY CONTROL
CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes an Amendment to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendment"). The Director of EPD certifies that the revision of Rule 391-3-1-.03 is required to comply with Section 507(b)(3) of the Clean Air Act. The proposed Air rule amendment is described below:

Rule 391-3-1-.03(9), "Permit Fees," is being amended to specify the fee rates and reference a new fee manual for Calendar Year 2010 fees.

This notice, together with an exact copy of the proposed Air rule amendment, a synopsis, and a statement of rationale of the rule revision, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://gaepd.org/environet/1> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947. The Fee Manual dated January 31, 2011, may also be viewed at <http://gaepd.org/environet/1> or at the address and phone numbers listed above.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendment, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendment will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendment is proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

To: F. Allen Barnes, Director
Environmental Protection Division

From: James A. Capp, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding
Proposed Revision to Air Quality Rules, Chapter 391-3-1

On March 11, 2011, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1. The proposed change included the following rule:

- o Rule **391-3-1-.03(9), "Permit Fees"**

A public hearing was held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. No public comments were received during the comment period. No changes are recommended for these proposed rule revisions.

JAC:JJ:klc

Georgia Department of Natural Resources

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Small Business Environmental Assistance Program

4244 International Parkway, Suite 120, Atlanta, GA 30354

Phone: 404/362-4842 Fax: 404/363-7100

June 17, 2011

MEMORANDUM

TO: F. Allen Barnes, Director
Environmental Protection Division

FROM: James A. Capp, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Air Quality Control
Pertaining to Chapter 391-3-1

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

- a. Establishing different requirements or reporting requirements or timetables for small businesses;
- b. Clarifying, consolidating or simplifying the compliance and reporting requirements Under the rules for small businesses;
- c. Establishing performance rather than design standards for small businesses; or
- d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing an amendment to the Rules for Air Quality Control, Chapter 391-3-1 (Air Quality Rules). The proposed Air Quality rule includes the following amendments:

Rule 391-3-1-.03(9): specifies the following fee rates and references a new fee manual for calendar year 2010 fees.

1. Operating fee is increased for coal-fired electric generating units from \$34.00 per ton to \$35.84 per ton.
2. Synthetic Minor fee is increased from \$1500 per year to \$1700 per year.
3. Clarification language to explain that once a source is issued a permit, the permittee is immediately subject to fees even if construction has not begun.
4. Reference is made to Procedures for Calculating Air Permit Fees for Calendar Year 2010 dated January 31, 2011 (i.e. the Fee Manual).

In consideration of the four actions required in the State statute for the proposed changes to the Air Quality Rules, we offer the following comments on each of the proposed rule amendments:

1. Different compliance or reporting requirements for small businesses:
Very few small businesses are required to pay permit fees. The reporting is only once per year and only takes a few minutes to complete.
2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
Very few small businesses are required to pay permit fees. The reporting is only once per year and only takes a few minutes to complete.
3. Performance rather than design standards for small businesses:
Permit fees are administrative in nature, therefore, this issue is not germane for the proposed rule changes.
4. Exemptions for small businesses:
Very few small businesses are required to pay permit fees. A very small percentage are required to pay the synthetic minor fee of \$1700 and/or the NSPS fee of \$1500. Most small businesses are minor sources, which are already exempt from paying permit fees, or are exempt from permitting altogether and therefore pay no permit fees. These fees are kept as low as possible, but are necessary to pay for the permitting services that are required by statute.

In addition, the Administrative Procedures Act requires that "...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule."

Very few small businesses are required to pay permit fees. A very small percentage are required to pay the synthetic minor fee of \$1700 and/or the NSPS fee of \$1500. Most small businesses are minor sources, which are already exempt from paying permit fees, or are exempt from permitting altogether and therefore pay no permit fees. These fees are kept as low as possible, but are necessary to pay for the permitting services that are required by statute. Therefore, the proposed rules, do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

TS:klc

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO AIR QUALITY, 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-.03(9), "Permit Fees," is being amended to read as follows:

(9) Permit Fees.

(a) The owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 "Permits. Amended." shall pay to the Division an annual fee or its equivalent (e.g. quarterly payments).

(b) The dollar-per-ton fee rate for each calendar year is specified in the table below. Each calendar year's emissions and air permit fees shall be determined and submitted in accordance with the Georgia Department of Natural Resources' procedures manual specified below.

Calendar Year	\$/Ton Rate	Procedures Manual
1991	\$25/Ton	"Procedures for Calculating Air Permit Fees" dated July 1, 1992.
1992	\$25/Ton	"Procedures for Calculating 1992 Air Permit Fees" dated May 1, 1993.
1993	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 1993" dated February 1, 1994.
1994	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 1994" dated May 1, 1995.
1995	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 1995" dated April 2, 1996.
1996	\$25/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997" dated August 1, 1997.
1997	\$28/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997" dated August 1, 1997.
1998	\$28/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999" dated January 19, 1999.
1999	\$28/Ton	"Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999" dated January 19, 1999.

Calendar Year	\$/Ton Rate	Procedures Manual
2000	\$31/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2000" dated April 30, 2001.
2001	\$31/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2001" dated February 26, 2002."
2002	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2002" dated March 25, 2003."
2003	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2003" dated April 20, 2004."
2004	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2004" dated March 22, 2005.
2005	\$33.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2005" dated March 15, 2006.
2006	\$28.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2006" dated February 7, 2007.
2007	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2007" dated April 2, 2008.
2008	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2008" dated February 12, 2009.
2009	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2009" dated January 26, 2010."
2010	<u>\$35.84/Ton for coal-fired electric generating units;</u> <u>\$34/Ton for all other sources</u>	<u>"Procedures for Calculating Air Permit Fees for Calendar Year 2010" dated January 31, 2011."</u>

When no applicable calculation method or procedure is published therein, the Director may specify or approve an applicable method or procedure prior to its use.

(c) For the purpose of this section, the following definitions shall apply:

1. "Criteria Pollutant" means volatile organic compounds, sulfur dioxide, particulate matter, and nitrogen oxides.
2. "Stationary source" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the most recent Standard Industrial Classification Manual, published by the U.S. Government Printing Office.

(d) No fee shall be collected for more than 4,000 tons per year per stationary source of any individual criteria pollutant as calculated in accordance with the Fee Manual.

(e) The Director may reduce any permit fee required under this Chapter to take into the account the financial resources of small businesses stationary sources.

(f) **The collection** of fees pursuant to this Chapter shall preclude collection of any air quality control permit fee by any other state or local government authority.

(g) **The collection** of fees pursuant to this section shall begin on or after July 1, 1995, and shall be for the calendar year ending December 31, 1994. Thereafter, permit fees for each calendar year are due no later than September 1 of the following calendar year. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

(h) **The owner** of a stationary source subject to this paragraph (9), "Permit Fees" shall make a one-time payment on or before April 30, 2001, in accordance with the following schedule. This one-time payment shall serve as a credit toward the calendar year 2000 permit fees (which are to be adopted at a later date). The procedures and methods contained in the Georgia Department of Natural Resources **Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999 dated January 19, 1999** (1998/1999 Fee Manual), which is hereby incorporated by reference, along with calendar year 2000 activities and emissions shall be used to determine which, if any, of the following one-time payments are applicable to each stationary source.

1. Any Stationary Source subject to one or more Federal Standard of Performance for New Stationary Sources (NSPS) that is not classified as a Part 70 major source is defined in 40 CFR 70.2 shall pay a one-time payment of \$400 unless ALL of the equipment at the stationary source that is subject to an NSPS standard is listed in the exception list found in section 2.0(a) of the 1998/1999 Fee Manual and/or did not operate during calendar year 2000.

2. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, and whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of EACH OF THE FOUR criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are less than or equal to the threshold values listed in section 3.16 of the 1998/1999 Fee Manual shall pay a one-time payment of \$600.

3. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) is less than 700 tons shall pay a one-time payment of \$1150. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are less than 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 fee manual.

4. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose total calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) is above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) are greater than or equal to 700 tons shall pay a one-time payment of \$3000. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are greater than or equal to 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.

(i) As part of the permit fees required under this paragraph, the owner or operator of any stationary source shall also pay administrative fees in accordance with the following subparagraphs in addition to the permit fees determined in accordance with the procedures manual(s) specified in Subparagraph (b) of this paragraph.

1. The owner or operator shall pay an administrative fee of 0.05 percent of the total fee due determined in accordance with the procedures manual(s) specified in Subparagraph (b) of this paragraph for each calendar day in which the air permit fee form is submitted to the Division after October 1 of the calendar year in which the fee was due or October 1, 2010, which is later.

2. For air permit fee forms submitted using the online Georgia air emissions fee reporting form, that date on which the air permit fee form is submitted to the Division shall be the date in which the owner or operator completes a final submittal on the online reporting form. For air permit fee forms that were submitted using a hard-copy paper form, the date on which the air permit fee form is submitted to the Division shall be the date on which the permit fee form and required payment are received at the address specified in the procedures manual or at the office of the Division's Air Protection Branch.

(j) Beginning with calendar year 2009 fees, when the ownership of any stationary source is transferred to a new owner or operator, the new owner or operator of the stationary source shall be responsible for paying any past due fees.

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

A RESOLUTION

Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise Rule.03 "Permits" pertaining to Paragraph (9) "Permit Fees"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 11, 2011, and four other major newspaper mediums throughout the State of Georgia, along with EPD's Environet website; and a public hearing was held on April 11, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 29th day of June 2011.

Respectfully submitted by:

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

Secretary
Board of Natural Resources

A RESOLUTION

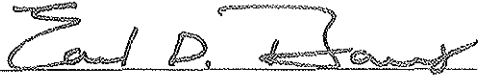
Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule .01 "Definitions" pertaining to Paragraph (cccc) "Synthetic Minor Permit" and Paragraph (nnnn) "Procedures for Testing and Monitoring Sources"; Rule .02 "Provisions" pertaining to Paragraph (4) "Ambient Air Standards" and Subparagraph (9)(b) "Emission Standards for Hazardous Air Pollutants"; and Rule .03 "Permits" pertaining to Paragraph (11) "Permit by Rule"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 11, 2011, and four other major newspaper mediums throughout the State of Georgia, along with EPD's Environet website; and a public hearing was held on April 11, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

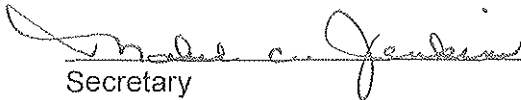
Adopted this 29th day of June 2011.

Respectfully submitted by:

A handwritten signature in cursive script, appearing to read "Earl D. Barrs", written over a horizontal line.

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

A handwritten signature in cursive script, appearing to read "Mabel C. Jenkins", written over a horizontal line.

Secretary
Board of Natural Resources

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

TO: Board of Natural Resources

FROM: F. Allen Barnes, Director
Environmental Protection Division 

SUBJECT: Action on Proposed Amendments to Rules for Air Quality Control,
Chapter 391-3-1, pertaining to Miscellaneous Revisions

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

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

Rule 391-3-1-.01(cccc), the definition of "**Synthetic minor permit**," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. Note: For a limit to be "enforceable as a practical matter," the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limit. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment.

Rule 391-3-1-.01(nnnn), the definition of "**Procedures for Testing and Monitoring Sources of Air Pollutants**" is amended to reference the most recent revision of the manual.

Rule 391-3-1-.02(4), "**Ambient Air Standards**," is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards.

Rule 391-3-1-.02(9)(b), "**Emission Standards for Hazardous Air Pollutants**" is updated with the latest amendment dates of the existing rules incorporated into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(11), "**Permit by Rule**," is being amended to revise the applicability provisions of each of the eleven permit by rule standards from sources without "federally enforceable" permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter."

Memorandum to the Board of Natural Resources
June 17, 2011
Page Two

Please find enclosed for your review and consideration:

Page No.

- | | | |
|---|--|--------|
| ➤ | Synopsis and Statement of Rationale for the proposed amendment to Rules for Air Quality Control; | B - 3 |
| ➤ | Notice of Public Hearing; | B - 7 |
| ➤ | Memorandum summarizing comments on the proposed revision; | B - 9 |
| ➤ | Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community; | B - 11 |
| ➤ | Proposed amendments to the Rules for Air Quality Control showing deletions with strikeouts and additions with <u>underlines</u> ; and | B - 13 |
| ➤ | A proposed resolution for adopting the amendment to the rules. | B - 39 |

Thank you for your attention to these proposed rule changes.

FAB:JJ:klc

Attachments

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

Rule 391-3-1-.01(cccc) the definition of “**Synthetic minor permit,**” is being amended.

Purpose: The requirement that synthetic minor permits must be federally enforceable is removed.

Main Features: The phrase “federally enforceable limits to restrict potential emissions” is replaced with the phrase “limits that are federally enforceable or enforceable as a practical matter in order to restrict potential emissions.” This is done in order to be consistent with federal requirements.

Rule 391-3-1-.01(nnnn) the definition of “**Procedures For Testing And Monitoring Sources of Air Pollutants**” is being amended.

Purpose: The definition of the **Procedures For Testing And Monitoring Sources of Air Pollutants** is being amended to reference the most recent revision of the manual. Procedures are being amended to include new test methods, update current methods for fine particulate matter, clarify monitoring and compliance procedures for multi-pollutant requirements, add and update continuous emission monitoring requirements and add quality assurance provisions consistent with U.S. EPA.

Main Features: The reference date for the **Procedures for Testing and Monitoring Sources of Air Pollutants** is being updated to the most recent revision, February 1, 2011. The Table of Contents is being amended to include a new reference test method for total reduced sulfur. Section 1.124 is amended by clarifying the location of the monitoring records for affected facilities. Method 16C is added to measure total reduced sulfur consistent with U.S. EPA additions. Methods 201A and 202 are being replaced in their entirety with the updated procedures consistent with U.S. EPA revisions. Appendix B Performance Specifications 6 and 11 are being added, consistent with U.S. EPA. Appendix B Performance Specification 12A is being amended for consistency with U.S. EPA. Finally, Appendix F Procedure 2 is being added to specify quality assurance provisions, consistent with U.S. EPA.

Rule 391-3-1-.02(4), "Ambient Air Standards," is being amended.

Purpose: The purpose of this amendment is to update Georgia's ambient air standards to be consistent with the Federal ambient air standards.

Main Features: New Subparagraph (b)4. is added to include the new 1-hour sulfur dioxide standard. Old Subparagraph (b)4. is re-numbered to (b)5. and revised to be consistent with Federal requirements. The first sentence of Subparagraph (g)1. is revised in order to incorporate the new, lower nitrogen dioxide standard. The last sentence of Subparagraph (g)1. and Subparagraph (g)2. are replaced and Subparagraph (g)3. is added in order to be consistent with Federal requirements.

Rule 391-3-.02(9)(b), "Emission Standards for Hazardous Air Pollutants," is being amended.

Purpose: To adopt the Federal Emission Standards into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Main Features: The latest amendment dates since the last rule making are being incorporated into the rules. Subparagraph (9)(b)171. is revised to correct a date. Language is added to Subparagraph (9)(b)15., which incorporates the general provisions of Part 63 into the Georgia rules, to specify that the phrase "is federally enforceable" within the definition of Potential to emit in Part 63 should read "is federally enforceable or enforceable as a practical matter." Subparagraph (9)(b)16.(vi) is revised to correct a typographical error.

Rule 391-3-1-.03(11), "Permit by Rule," is being amended.

Purpose: This requirement is being amended to revise the applicability provisions of each of the eleven permit-by-rule standards from sources without "federally enforceable" permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter."

Main Features: In each of the eleven permits by rule [391-3-1-.03(11)(b)1. through 11.], the applicability provision is changed from facilities "...without existing federally enforceable permit conditions limiting the source to below Part 70 major source thresholds" to facilities "...without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds."

STATEMENT OF RATIONALE

Rules for Air Quality Control

Rule 391-3-1-.01(cccc) – Definition of Synthetic Minor Permit

The basis of this subparagraph is to define the term “synthetic minor permit.” The purpose of this revision is to remove the requirement that synthetic minor permits must be federally enforceable.

In the late 1980s and early 1990s, EPA prompted states to revise their permitting rules to make many of their permits “federally enforceable.” EPD made rule changes in 1994 to comply with these requirements. Then, beginning in 1995, EPA lost a series of three lawsuits on this issue. The court decisions vacated the “federally enforceable” language in the 40 CFR 52.21 and 40 CFR 70 rules, and remanded the nearly identical language in the 40 CFR 63 rule.

In the wake of these court decisions, EPA issued guidance to states allowing them to issue permits consistent with the court decisions and promised to address the court decisions through rulemaking. Specifically, the guidance removed the requirement that limits on the potential to emit have to be federally enforceable. Instead, restrictions contained in State permits can be treated as acceptable limits on the potential to emit provided that the permit and restrictions are enforceable as a practical matter. (For a limit to be “enforceable as a practical matter,” the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limit. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. In addition to these requirements, a “federally enforceable” limit must also have undergone a public notice and comment process.) This guidance was later extended until EPA completed rulemaking on the matter.

EPA promulgated amendments to 40 CFR 52.21 and 40 CFR 70 based on the court decisions vacating the federal rule language, but states are still operating under guidance issued on 40 CFR 63. The proposed rule changes will make the EPD rules consistent with the court decisions and EPA’s current guidance.

These rule changes have no effect on EPD’s minor source new source review public notification procedures. EPD’s minor source new source review procedures will remain the same.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public. This revision is expected to provide more regulatory certainty to regulated industry and EPD.

Rule 391-3-1-.01(nnnn) – Definition of “Procedures for Testing and Monitoring Sources of Air Pollutants”

The basis of the definition of “Procedures for Testing and Monitoring Sources of Air Pollutants” is to specify the document that is used to identify those procedures used for testing and monitoring sources of air pollution. The purpose of this rule revision is to update the effective date to reference a revised manual.

This revision is administrative in nature and does not incur any additional costs to EPD or the regulated entity.

Rule 391-3-1-.02(4) Ambient Air Standards

The basis of this rule is to specify the ambient air quality standards for the State of Georgia. The purpose of this revision is to revise the standards for sulfur dioxide and nitrogen dioxide to be consistent with the Federal definition.

This revision is administrative in nature, is in no way any more restrictive than the Federal requirements, and does not incur any additional costs to the regulated industry or public.

Rule 391-3-1-.02(9) – Emission Standards for Hazardous Air Pollutants

The basis of this rule is to adopt the Federal Emission Standards for Hazardous Air Pollutants by Reference. The purpose for this revision is to include the latest amendment dates and all associated changes made to the Federal NESHAP rules into the Georgia rules, to make a change to the general provisions of Part 63, which are incorporated into the Georgia rules by reference, in order to be consistent with Federal guidance, and to correct a typographical error. For further information regarding the change to the Part 63 general provisions, see the statement of rationale for Definition of Synthetic Minor Permit.

This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public.

Rule 391-3-1-.03(11) – Permit by Rule

The basis of this paragraph is to establish a system whereby owners and operators may voluntarily subject sources to specific permits by rule and thus avoid requirements applicable to major sources (such as Title V permits). The purpose of this revision is to change the applicability provisions so that the permit-by-rule standards apply to facilities without either federally enforceable limits or limits that are enforceable as a practical matter. See the statement of rationale for the Definition of Synthetic Minor Permit for further explanation.

These rules changes have no effect on EPD’s permit-by-rule program. EPD’s permit-by-rule procedures will remain the same. This revision is administrative in nature and is in no way any more restrictive than the Federal requirements and does not incur any additional costs to the regulated industry or public. This revision is expected to provide more regulatory certainty to regulated industry and EPD.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS**
TO GEORGIA'S RULES FOR AIR QUALITY CONTROL
CHAPTER 391-3-1**TO ALL INTERESTED PERSONS AND PARTIES:**

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules are required to comply with Sections 110(a)(2)(F) and 110(a)(2)(H) and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Sections 110(a)(2)(C), 112, 161, 172(c)(5), and 173 and Title V of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-.01(cccc), the definition of "**Synthetic minor permit**," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. Note: For a limit to be "enforceable as a practical matter," the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limit. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment.

Rule 391-3-1-.01(nnnn), the definition of "**Procedures for Testing and Monitoring Sources of Air Pollutants**" is amended to reference the most recent revision of the manual.

Rule 391-3-1-.02(4), "**Ambient Air Standards**," is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards.

Rule 391-3-1-.02, Subparagraph (9)b, "**Emission Standards for Hazardous Air Pollutants**" is updated with the latest amendment dates of the existing rules incorporated into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(11), "**Permit by Rule**," is being amended to revise the applicability provisions of each of the eleven permit by rule standards from sources without "federally enforceable" permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter."

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed

at <http://gaepd.org/environet/1> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch

4244 International Parkway • Suite 120 • Atlanta • Georgia 30354

404/363-7000 • Fax: 404/363-7100

Mark Williams, Commissioner

F. Allen Barnes, Director

June 17, 2011

MEMORANDUM

To: F. Allen Barnes, Director
Environmental Protection Division

From: James A. Capp, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period Regarding
Proposed Revision to Air Quality Rules, Chapter 391-3-1

On March 11, 2011, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1. The proposed changes included the following rules:

- Rule 391-3-1-.01(cccc) – Definition of "Synthetic Minor Permit"
- Rule 391-3-1-.01(nnnn) – Definition of "Procedures for Testing and Monitoring Air Pollution Equipment"
- Rule 391-3-1-.02(4) – Ambient Air Standards
- Rule 391-3-1-.02(9)(b) – Emission Standards for Hazardous Air Pollutants
- Rule 391-3-1-.03(11) – Permit by Rule

Written comments were received during the public comment period. A public hearing was held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Comments received as of May 9, 2011, are summarized in the attached document. EPD's responses immediately follow each comment.

No changes in the proposed rules are recommended as a result of comments received.

JAC:JJ:JK:klc

**Responses to Comments Received During the Public Comment Period
March 11, 2011, through May 9, 2011
Proposed Revisions to Air Quality Rules, Chapter 391-3-1**

On March 11, 2011, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Air Quality, Part 391-3-1-.01(cccc) – Synthetic Minor Permit, Part 391-3-1-.01(nnnn) – Procedures for Testing and Monitoring Sources of Air Pollutants, Part 391-3-1-.02(4) – Ambient Air Standards, Part 391-3-1-.02(9)b – Emission Standards for Hazardous Air Pollutants, and Part 391-3-1-.03(11) – Permit by Rule. Written comments were received during the public comment period. A public hearing was held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Comments received as of May 9, 2011, are summarized in this memo.

Comments were received from Georgia Power Company via e-mail. A summary of the comments is followed by EPD's response.

Comment

The numeric references in two subparagraphs of the Procedures for Testing and Monitoring Sources of Air Pollutants (PTM) require updating.

Response

EPD will address this in the next revision to the PTM.

Comment

This proposed rulemaking package incorporates a change in the PTM where excursion indicators are removed from the Part 75 Quality Assurance Plan (QAP) and written into the Title V Permit. One reference to the QAP remains in the PTM and requires updating to be consistent with the change.

Response

EPD will address this in the next revision to the PTM.

Georgia Department of Natural Resources

Mark Williams, Commissioner
Environmental Protection Division

F. Allen Barnes, Director
Small Business Environmental Assistance Program
4244 International Parkway, Suite 120, Atlanta, GA 30354
Phone: 404/362-4842 Fax: 404/363-7100

June 17, 2011

MEMORANDUM

TO: F. Allen Barnes, Director
Environmental Protection Division

FROM: James A. Capp, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Air Quality Control
Pertaining to Chapter 391-3-1

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

- a. Establishing different requirements or reporting requirements or timetables for small businesses;
- b. Clarifying, consolidating or simplifying the compliance and reporting requirements Under the rules for small businesses;
- c. Establishing performance rather than design standards for small businesses; or
- d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing an amendment to the Rules for Air Quality Control, Chapter 391-3-1 (Air Quality Rules). The proposed Air Quality rule includes the following amendments:

Change of requirement from “federally enforceable” to “federally enforceable or enforceable as a practical matter” (EPA amendments based on court decisions):

1. Rule 391-3-1-.01(cccc)
2. Rule 391-3-1-.02(9)(b)15.(i)
3. Rule 391-3-1-.03(11)(b)1.(i)
4. Rule 391-3-1-.03(11)(b)2.(i)
5. Rule 391-3-1-.03(11)(b)3.(i)

6. Rule 391-3-1-.03(11)(b)4.(i)
7. Rule 391-3-1-.03(11)(b)5.(i)
8. Rule 391-3-1-.03(11)(b)6.(i)
9. Rule 391-3-1-.03(11)(b)7.(i)
10. Rule 391-3-1-.03(11)(b)8.(i)
11. Rule 391-3-1-.03(11)(b)9.(i)
12. Rule 391-3-1-.03(11)(b)11.(i)

Reference to most recent revisions by U.S. EPA pertaining to procedures for testing and monitoring sources of air pollutants and to add new standards for sulfur dioxide and to lower the nitrogen dioxide standards:

1. Rule 391-3-1-.01(nnnn)
2. Rule 391-3-1-.02(4)(b)4.-5.
3. Rule 391-3-1-.02(4)(g)1.-3.
4. Rule 391-3-1-.02(9)(b)43., 78, 146, 166, 173, 174

Correction of typographical errors

1. Rule 391-3-.02(9)(b)

In consideration of the four actions required in the State statute for the proposed changes to the Air Quality Rules, we offer the following comments on each of the proposed rule amendments since the proposed rule changes are primarily to provide consistency with federal rules, to clarify an existing requirement (e.g. location of records), or to correct typographical errors:

1. Different compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes.
2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes.
3. Performance rather than design standards for small businesses:
This issue is not germane for the proposed rule changes.
4. Exemptions for small businesses:
This issue is not germane for the proposed rule changes.

In addition, the Administrative Procedures Act requires that "...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule."

In general, the proposed rules are required to comply with federal requirements and/or are administrative in nature, therefore, do not impose excessive regulatory costs on any regulated person or entity, where costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO AIR QUALITY, 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(cccc), the definition of “**Synthetic minor permit**,” is being amended to read as follows:

(cccc) “**Synthetic minor permit**” means a Permit issued to a facility which imposes federally enforceable limits that are federally enforceable or enforceable as a practical matter in order to restrict potential emissions to below major source thresholds.

Rule 391-3-1-.01(nnnn), the definition “**Procedures for Testing and Monitoring Sources of Air Pollutants**” is being amended to read as follows:

(nnnn) “**Procedures for Testing and Monitoring Sources of Air Pollutants**” or “PTM” means the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants** dated February 1, 2011.

Rule 391-3-1-.02(4), “**Ambient Air Standards**,” is being 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 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).
- ~~45. Standard conditions for sulfur dioxide measurements shall be considered to be 25°C and 760-mm Hg. The specific standard procedure for measuring ambient air concentrations for all sulfur dioxide will be West-Gaeke or equivalent method. 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.~~

(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.

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 15.0 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 15.0 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.

(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.

(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.

(f) Lead.

1. The mean concentration of lead at ground level shall not exceed 0.15 micrograms per cubic meter averaged over a calendar quarter.
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.

(g) Nitrogen Dioxide.

1. ~~The annual arithmetic mean concentration of nitrogen-dioxide~~oxides of nitrogen at ground level shall not exceed ~~400-micrograms-per-cubic-meter~~53 parts per billion (ppb), measured in the ambient air as nitrogen dioxide. Standard conditions for nitrogen dioxide considered to be 25°C and 760-mm-Hg. Demonstration of attainment shall be determined in accordance with 40 CFR 50.11(e) and (g).
2. ~~The specified standard procedure for measuring ambient air concentrations of nitrogen dioxide shall be the Chemiluminescence or equivalent method.~~
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).

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 22, 2008, [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)(ii).

(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 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 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 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 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 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 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 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 63, Subpart N, as amended April 20, 2006, is hereby incorporated and adopted by reference.

29. Ethylene Oxide Emissions Standards for Sterilization Facilities, 40 CFR 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 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 63, Subpart R, as amended December 22, 2008, is hereby incorporated and adopted by reference.

33. Emission Standards for Pulp & Paper Industries, 40 CFR 63, Subpart S, as amended April 13, 2004, is hereby incorporated and adopted by reference.

34. Emission Standards for Halogenated Solvent Cleaning, 40 CFR 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 63, Subpart U, as amended December 22, 2008, 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 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 63, Subpart X, as amended June 23, 2003, is hereby incorporated and adopted by reference.

39. Emission Standards for Marine Tank Vessel Loading Operations, 40 CFR 63, Subpart Y, as amended April 20, 2006, is hereby incorporated and adopted by reference.

40. [reserved]

41. Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants, 40 CFR 63, Subpart AA, as amended April 20, 2006, is hereby incorporated and adopted by reference.

42. Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants, 40 CFR 63, Subpart BB, as amended April 20, 2006, is hereby incorporated and adopted by reference.

43. Emission Standards for Hazardous Air Pollutants from Petroleum Refineries, 40 CFR 63, Subpart CC, as amended June 30, 2010~~October 28, 2009~~, 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 63, Subpart DD, as amended April 20, 2006, is hereby incorporated and adopted by reference.

45. Emission Standards for Magnetic Tape Manufacturing Operations, 40 CFR 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 63, Subpart GG, as amended April 20, 2006, is hereby incorporated and adopted by reference.
48. Emission Standards for Hazardous Air Pollutants for Source Categories: Oil & Natural Gas Production Facilities, 40 CFR 63, Subpart HH, as amended December 22, 2008, is hereby incorporated and adopted by reference.
49. Emission Standards for Shipbuilding and Ship Repair (Surface Coating), 40 CFR 63, Subpart II, as amended June 23, 2003, is hereby incorporated and adopted by reference.
50. Emission Standards for Wood Furniture Manufacturing Operations, 40 CFR 63, Subpart JJ, as amended June 23, 2003, is hereby incorporated and adopted by reference.
51. Emission Standards for the Printing and Publishing Industry, 40 CFR 63, Subpart KK, as amended May 24, 2006, is hereby incorporated and adopted by reference.
52. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Aluminum Reduction Plants, 40 CFR 63, Subpart LL, as amended April 20, 2006, 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 63, Subpart MM, as amended April 20, 2006, is hereby incorporated and adopted by reference.
54. [reserved]
55. Emission Standards for Tanks-Level 1, 40 CFR 63, Subpart OO, as amended June 23, 2003, is hereby incorporated and adopted by reference.
56. Emission Standards for Containers, 40 CFR 63, Subpart PP, as amended June 23, 2003, is hereby incorporated and adopted by reference.
57. Emission Standards for Surface Impoundments, 40 CFR 63, Subpart QQ, as amended June 23, 2003, is hereby incorporated and adopted by reference.
58. Emission Standards for Individual Drain Systems, 40 CFR 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 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 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 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 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 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 63, Subpart YY, as amended April 20, 2006, 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 63, Subpart CCC, as amended April 20, 2006, is hereby incorporated and adopted by reference.
70. Emission Standards for Hazardous Air Pollutants for Source Categories: Mineral Wool Production, 40 CFR 63, Subpart DDD, as amended June 23, 2003, is hereby incorporated and adopted by reference.
71. Emission Standards for Hazardous Air Pollutants for Source Categories: Hazardous Waste Combustors, 40 CFR 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 63, Subpart GGG, as amended December 22, 2008, 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 63, Subpart HHH, as amended December 22, 2008, is hereby incorporated and adopted by reference.

75. Emission Standards for Hazardous Air Pollutants for Source Categories: Flexible Polyurethane Foam Production, 40 CFR 63, Subpart III, as amended June 23, 2003, is hereby incorporated and adopted by reference.

76. Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins, 40 CFR 63, Subpart JJJ, as amended December 22, 2008, 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 63, Subpart LLL, as amended ~~December 20, 2006~~September 9, 2010, is hereby incorporated and adopted by reference.

79. Emission Standards for Hazardous Air Pollutants for Source Categories: Pesticide Active Ingredient Production, 40 CFR 63, Subpart MMM, as amended April 20, 2006, is hereby incorporated and adopted by reference.

80. Emission Standards for Hazardous Air Pollutants for Source Categories: Wool Fiberglass Manufacturing, 40 CFR 63, Subpart NNN, as amended April 20, 2006, is hereby incorporated and adopted by reference.

81. Emission Standards for Hazardous Air Pollutants for Source Categories: Amino/Phenolic Resins Production, 40 CFR 63, Subpart OOO, as amended April 20, 2006, is hereby incorporated and adopted by reference.

82. Emission Standards for Hazardous Air Pollutants for Source Categories: Polyether Polyols Production, 40 CFR 63, Subpart PPP, as amended April 20, 2006, 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, 63, Subpart RRR, as amended April 20, 2006, is hereby incorporated and adopted by reference.

85. [reserved]

86. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Lead Smelting, 40 CFR 63, Subpart TTT, as amended April 20, 2006, is hereby incorporated and adopted by reference.

87. Emission Standards for Petroleum Refineries: Catalytic Cracking, Catalytic Reforming, and Sulfur Plant Units, 40 CFR Part 63, Subpart UUU, as amended April 20, 2006, is hereby incorporated and adopted by reference.

88. Emission Standards for Hazardous Air Pollutants for Source Categories: Publicly Owned Treatment Works, 40 CFR 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 63, Subpart XXX, as amended April 20, 2006, 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 3~~ August 20, 2010, is hereby incorporated and adopted by reference.
119. Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, 40 CFR Part 63, Subpart AAAAA, 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. [reserved]
123. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries, 40 CFR 63, Subpart EEEEE, as amended February 7, 2008, is hereby incorporated 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 IIIII, as amended April 20, 2006, is hereby incorporated and adopted by reference.

128. [reserved]

129. [reserved]

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. [reserved]

140. [reserved]

141. Emission Standards for Hospital Ethylene Oxide Sterilizers, 40 CFR Part 63, Subpart WWWWW, 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 YYYYYY, as promulgated December 28, 2007, 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 ZZZZZZ, 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 BBBBBB, as amended ~~March 7, 2008~~ 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 CCCCCC, as amended ~~June 25, 2008~~ 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 promulgated January 23, 2007, 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 EEEEEEE, 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 FFFFFFF, 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 GGGGGG, 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 HHHHHH, as amended February 13, 2008, is hereby incorporated and adopted by reference.

153. [reserved]

154. [reserved]

155. [reserved]

156. Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources, 40 CFR Part 63, Subpart LLLLLL, 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 MMMMMM, 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 NNNNNN, 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 OOOOOO, 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 PPPPPP, 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 QQQQQQ, 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 RRRRRR, 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 SSSSSS, 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 TTTTTT, 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 VVVVVV, as ~~promulgated~~amended ~~October 29, 2009~~December 14, 2010, 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 WWWWWW, as promulgated July 1, 2008, 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 XXXXXX, 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 YYYYYY, 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 ZZZZZZ, 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 AAAAAAA, as amended March 18~~5~~, 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~~BB~~, 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 ~~March 18~~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 DDDDD~~DD~~, as ~~promulgated~~ amended January 5July 20, 2010, is hereby incorporated and adopted by reference.

Rule 391-3-1-.03(11), "Permit by Rule," is being amended to read as follows:

(11) Permit by Rule.

(a) General Requirements.

1. Accepting a Permit by Rule does not exempt that facility from the obligation to apply for and obtain a Construction (SIP) Permit and/or an Operating (SIP) Permit unless specifically exempted in the permit by rule. Complying with the requirements of a Permit by Rule does not relieve a facility of having to comply with other requirements of the Rules.

2. The permitting authority may, after notice and opportunity for public participation, issue a Permit by Rule covering numerous similar sources. Any Permit by Rule shall identify criteria and standards by which sources may qualify for the Permit by Rule. Any facility wishing to operate under a Permit by Rule shall certify that in writing to the permitting authority, unless specifically exempted from this requirement in the specific Permit by Rule. To sources that qualify, the permitting authority shall grant the conditions and terms of the Permit by Rule by Certification letter. Notwithstanding the shield provisions of 40 CFR Part 70.6(f), the source shall be subject to enforcement action for operation without a Part 70 Permit if the source is later determined not to qualify for the conditions and terms of the Permit by Rule.

3. It is the responsibility of any facility accepting a "Permit by Rule" to submit a report within 15 days following the last day of any month in which the facility exceeds the annual limit during the previous 12 months or monthly limit during the previous month. The report shall include the

following:

- (i) Facility name, ID, and location.
- (ii) The "Permit by Rule" name, number and applicable limits.
- (iii) A summary of the records showing the exceedance along with an explanation.
- (iv) What the facility plans to do to prevent future occurrences.

(b) Permit by Rule Standards.

1. Fuel-Burning Equipment Burning Natural Gas/LPG and/or Distillate Oil.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with external combustion fuel burning equipment rated at less than or equal to 100 million BTU per hour, with a potential to emit in excess of the Part 70 major source threshold, without existing federally-enforceable-permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants from external combustion fuel-burning equipment (excluding turbines) is from equipment permitted to burn natural gas/LPG and/or distillate oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record keeping. A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of distillate oil shall be recorded in gallons, consumption of LPG shall be recorded in gallons and consumption of natural gas shall be recorded in cubic feet. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Fuel Usage. Facility fuel usage shall be limited to 900 million cubic feet of natural gas (or 7.0 million gallons of LPG) and 1.6 million gallons of distillate oil during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, where fuel usage shall be limited to 300 million cubic feet of natural gas (or 1.5 million gallons of LPG) and 500,000 gallons of distillate oil during any twelve consecutive months.

2. Fuel-Burning Equipment Burning Natural Gas/LPG and/or Residual Oil.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with external combustion fuel burning equipment rated at less than or equal to 100 million BTU per hour, with a potential to emit in excess of the Part 70 major source threshold without existing

~~federally enforceable permit conditions that are federally enforceable or enforceable as a practical matter~~ limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants from external combustion fuel burning equipment is from equipment permitted to burn only natural gas/LPG and/or residual fuel oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Recordkeeping. A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of residual fuel oil shall be recorded in gallons, consumption of LPG shall be recorded in gallons and consumption of natural gas shall be recorded in cubic feet. This log shall be kept for five years past the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Fuel Usage. Annual facility fuel usage shall be limited to 1,000 million cubic feet of natural gas (or 7.5 million gallons of LPG) and 400,000 gallons residual fuel oil during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where fuel usage shall be limited to 300 million cubic feet of natural gas (or 1.5 million gallons of LPG) and 200,000 gallons of residual fuel oil.

3. On-Site Power Generation.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing ~~federally enforceable permit conditions that are federally enforceable or enforceable as a practical matter~~ limiting the source to below Part 70 major source thresholds. Facilities that operate internal combustion engines for purposes of generating emergency power, peaking power, and/or temporary on-site power and where such equipment burns natural gas/LPG, #1 fuel oil (kerosene/JP4 or JP5) and/or #2 fuel oil/diesel exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record Keeping. A log of the monthly total horsepower-hours for the facility based on the number of hours of operation of each unit per month times the maximum horsepower rating of that unit must be included in each month's log. The total horsepower-hours for the previous twelve consecutive months must be included in each month's log. This

log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Power Production Limits. A facility's power generation is limited to a total of no more than 6.7 million horsepower-hours during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties, where the total is no more than 1.675 million horsepower-hours during any twelve consecutive months.

4. Concrete Mixing Plants.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Concrete mixing plants shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Recordkeeping. A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual Production. Production on the plant site shall be limited to 600,000 cubic yards during any twelve consecutive months.

5. Hot Mix Asphalt Plants.

(i) Notwithstanding any other provision of these Rules, this standard applies to hot mix asphalt facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally-enforceable permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Hot mix asphalt plants shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record Keeping.

I. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only shall maintain a monthly log of production and hours of operation. The total production and hours of operation for the previous twelve consecutive months must be included in each month's log. These logs shall be kept for

five years from the date of last entry and shall be available for inspection and/or submittal to the Division.

II. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination shall maintain a monthly log of production, hours of operation and monthly fuel use. The total production, hours of operation and fuel oil usage for the previous twelve consecutive months must be included in each month's log. Fuel oil certifications showing sulfur content equal to or less than 1.5% shall also be maintained. These logs and certifications shall be kept for five years from the date of last entry and shall be available for inspection and/or submittal to the Division.

(II) Annual Production.

I. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only shall limit:

- A. Production to 400,000 tons during any twelve consecutive months; and
- B. Operations to 3000 hours during any twelve consecutive months.

II. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination shall limit:

- A. Production to 200,000 tons during any twelve consecutive months;
- B. Fuel sulfur content to less than or equal to 1.5%;
- C. Operation to 3000 hours during any twelve consecutive months; and
- D. Fuel oil usage to 678,000 gallons during any twelve consecutive months.

III. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only, which are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall limit:

- A. Production to 300,000 tons during any twelve consecutive months; and
- B. Operations to 3000 hours during any twelve consecutive months.

IV. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination, which are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall limit:

- A. Production to 125,000 tons during any twelve consecutive months;
- B. Fuel sulfur content to less than or equal to 1.5%;

C. Operation to 3000 hours during any twelve consecutive months; and

D. Fuel oil usage to 250,000 gallons during any twelve consecutive months.

6. Cotton Ginning Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Cotton ginning operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual Production. Production shall be limited to 120,000 standard bales of cotton during any twelve consecutive months.

7. Coating and/or Gluing Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in amounts equal to or exceeding the Part 70 and Part 63 major source thresholds without existing federally-enforceable permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 or Part 63 major source thresholds. This standard applies only to facilities:

(I) Where the actual VOC emissions from coating and/or gluing operations represent at least 90 percent of the plant wide actual VOC emissions; and

(II) Where the actual HAP emissions from coating and/or gluing operations represent at least 90 percent of the plant wide actual HAP emissions or where the actual HAP emissions from non-coating and non-gluing operations are less than 1.0 tons per year.

(ii) This standard establishes federally enforceable conditions limiting the potential to emit for VOC and HAPs. Coating and/or gluing operations shall be deemed to have a Permit by Rule if the conditions in one of the following paragraphs (I), (II), (III) or (IV) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I), (II), (III), or (IV) and the remainder of this subsection shall obtain a Part 70 Permit. In accordance with the General Requirements in subparagraph (11)(a)2., the owner or operator of a facility wishing to operate under this Permit-by-Rule must also declare which of the four options are going to be met.

(I) The owner or operator of the source shall consume less than 20,000 pounds of any VOC and/or HAP containing materials during any twelve consecutive months. A log of the monthly consumption of VOC and/or HAP containing material must be kept. The total consumption for

the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(II) The owner or operator of the facility shall use less than 250 total gallons each month, of coating, gluing, cleaning, and washoff materials at the facility. The owner or operator shall demonstrate compliance by maintaining records of the total gallons of coating, gluing, cleaning, and washoff materials used each month. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(III) The owner or operator of the source shall use less than 3,000 total gallons per rolling 12-month period, of coating, gluing, cleaning, and washoff materials at the facility. A rolling 12-month period includes the previous 12 months of operation. The owner or operator of the facility shall demonstrate compliance by maintaining records of the total gallons of coating, gluing, cleaning, and washoff materials used each month and the total gallons used each rolling 12-month period. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(IV) The owner or operator of the facility shall use materials containing less than 5 tons of any one HAP per rolling 12-month period, less than 12.5 tons of any combination of HAPs per rolling 12-month period, less than 25 tons of VOC per rolling 12-month period for sources located in ozone non-attainment counties (Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties), and less than 50 tons of VOC per rolling 12-month period for facilities not located in ozone non-attainment counties. The owner or operator shall demonstrate compliance by maintaining records that demonstrate that annual emissions do not exceed these levels, including monthly usage records for each finishing, gluing, cleaning, and washoff material used to include the VOC and individual HAP content of each material; certified product data sheets for these materials; summation of VOC and individual and total HAP usage on a monthly basis; and the total VOC and individual and total HAP usage each rolling 12-month period and any other records necessary to document emissions. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(iii) The owner or operator that chooses to comply with this Permit by Rule for Coating and/or Operations shall maintain all purchase orders and/or invoices of materials containing VOC's and HAP's for a minimum of five years. These purchase orders and/or invoices must be made available to the Division upon request for use in confirming the general accuracy of the records retained and reports submitted.

(iv) For the purpose of this paragraph, the following definitions apply:

(I) "Certified product data sheet (CPDS)" means documentation furnished by coating or adhesive suppliers or an outside laboratory that provides the Volatile Hazardous Air Pollutant (VHAP), as listed in Table 2 of 40 CFR Part 63, Subpart JJ, content of a finishing material, contact adhesive, or solvent, by percent weight, measured using Method 311 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air

Pollutants (PTM), or an equivalent or alternative method (or formulation data if the coating meets the criteria specified in 40 CFR 63.805(a)); the solids content of a finishing material or contact adhesive by percent weight, determined using data from Method 24 of the Georgia PTM as referenced in this section, or an alternative or equivalent method (or formulation data if the coating meets the criteria specified in 40 CFR 63.805(a)); and the density, measured by Method 24 of the Georgia PTM as referenced in this section or an alternative or equivalent method. Therefore, the reportable VHAP content shall represent the maximum aggregate emissions potential of the finishing material, adhesive, or solvent in concentrations greater than or equal to 1.0 percent by weight or 0.1 percent for VHAP that are carcinogens, must be reported on the CPDS. The purpose of the CPDS is to assist the affected source in demonstrating compliance with the emission limitations presented in subparagraph (11)(b)7.(ii)(IV).

(Note: Because the optimum analytical conditions under Method 311 vary by coating, the coating or adhesive supplier may also choose to include on the CPDS the optimum analytical conditions for analysis of the coating, adhesive, or solvent using Method 311. Such information may include, but not be limited to, separation column, oven temperature, carrier gas, injection port temperature, extraction solvent, and internal standard.)

(II) "Coating" means a protective, decorative, or functional film applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, enamels, inks, and temporary protective coatings. Aerosol spray paints used for touch-up and repair are not considered coatings under this section of the rule.

(III) "Gluing" means those operations in which adhesives are used to join components, for example, to apply a laminate to a wood substrate or foam to fabric.

8. Printing Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable-permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Printing operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I), and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A log of the monthly consumption of VOC and/or Hazardous Air Pollutant containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to inks, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual consumption. The consumption of any VOC and/or Hazardous Air Pollutant emitting materials (including but not limited to inks, thinners, and solvents) by the facility shall be limited to 20,000 pounds during any twelve consecutive months.

9. Non-Reactive Mixing Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Non-reactive mixing operations shall be deemed to have a Permit by Rule if the conditions in paragraphs (I) through (V) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in this rule shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A monthly log of materials mixed must be kept. The mixing total for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual mixing limit. Materials mixed shall be limited to 500 tons during any twelve consecutive months.

(III) Mixing/blending tanks shall be equipped with lids.

(IV) Tank lids must be closed at all times during operation except when charging raw materials, retrieving samples, or discharging finished product.

(V) Mixing tanks must be maintained at a temperature of less than 150°F.

10. Fiberglass Molding and Forming Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing federally enforceable permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Fiberglass molding operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A log of the combined monthly usage of polyester resin and gel coat must be kept. The previous twelve consecutive month material usage total must be included in each month's log. Records for the combined weight of polyester resin and gel coat shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Material Usage. Annual facility material usage shall be limited to 89,000 pounds during any twelve consecutive months for any combination of hand and spray lay-up operations. Annual facility material usage shall be limited to 120,000 pounds during any twelve consecutive months for spray lay-up operations only. This material input must represent the combined weight of polyester resin and gel coat used during any twelve consecutive months.

11. Peanut/Nut Shelling Operation.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing ~~federally enforceable permit conditions~~ that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source threshold. Peanut/nut shelling facilities shall be deemed to have a Permit by Rule if the conditions in paragraph (I), (II) and (III) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraph (I), (II) and (III) shall obtain a Part 70 Permit.

(I) Monitoring and Recordkeeping. A log of the monthly unshelled peanuts/nuts processed must be kept. The total amount of unshelled peanuts/nuts processed for the previous 12 consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual Process input: Facility process input shall be limited to 130,000 tons of unshelled nuts during any twelve consecutive months.

(III) Annual hours of operation shall not exceed 5000 hours during any twelve consecutive months.

(ii) For the purposes of this standard, the term process, as it applies to peanut/nut shelling facilities, shall include all of the activities associated with the nut shelling process from nut drying, cleaning, shelling, to and including product and waste material handling at the facility.

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

A RESOLUTION

Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule .01 "Definitions" pertaining to Paragraph (cccc) "Synthetic Minor Permit" and Paragraph (nnnn) "Procedures for Testing and Monitoring Sources"; Rule .02 "Provisions" pertaining to Paragraph (4) "Ambient Air Standards" and Subparagraph (9)(b) "Emission Standards for Hazardous Air Pollutants"; and Rule .03 "Permits" pertaining to Paragraph (11) "Permit by Rule"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 11, 2011, and four other major newspaper mediums throughout the State of Georgia, along with EPD's Environet website; and a public hearing was held on April 11, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 29th day of June 2011.

Respectfully submitted by:

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

Secretary
Board of Natural Resources

A RESOLUTION

Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule .02 "Provisions" pertaining to Paragraph (7) "Prevention of Significant Deterioration of Air Quality" and Rule .03 "Permits" pertaining to Paragraph (8) "Permit Requirements"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 11, 2011, and four other major newspaper mediums throughout the State of Georgia, along with EPD's Environet website; and a public hearing was held on April 11, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 29th day of June 2011.

Respectfully submitted by:

A handwritten signature in dark ink, appearing to read "Earl D. Barrs", written over a horizontal line.

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

A handwritten signature in dark ink, appearing to read "Thomas C. Jenkins", written over a horizontal line.

Secretary
Board of Natural Resources

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes, Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

TO: Board of Natural Resources

FROM: F. Allen Barnes, Director
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to Rules for Air Quality Control,
Chapter 391-3-1, pertaining to Prevention of Significant Deterioration of Air
Quality and Nonattainment New Source Review

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

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

Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being amended to add the definition of "Regulated NSR Pollutant."

Rule 391-3-1-.03(8) "Permit Requirements," is being amended to add nonattainment new source review requirements for fine particulate matter to the rule.

Please find enclosed for your review and consideration:

Page No.

- | | |
|--|--------|
| ➤ Synopsis and Statement of Rationale for the proposed amendment to Rules for Air Quality Control; | C - 2 |
| ➤ Notice of Public Hearing; | C - 6 |
| ➤ Memorandum summarizing comments on the proposed revision; | C - 8 |
| ➤ Memorandum regarding the economic impacts of the proposed amendment on small businesses and the regulated community; | C - 9 |
| ➤ Proposed amendments to the Rules for Air Quality Control showing deletions with <u>strikeouts</u> and additions with <u>underlines</u> ; and | C - 11 |
| ➤ A proposed resolution for adopting the amendments to the rules. | C - 35 |

Thank you for your attention to these proposed rule changes.

FAB:JJ:klc

Attachments

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

Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being amended.

Purpose: This rule is being revised to specify the precursors for ozone and fine particulate matter.

Main Features: The definition of "regulated NSR pollutant" is added at subparagraph 391-3-1-.02(7)(a)2.(ix). Subparagraph (ix)(I)I. specifies that volatile organic compounds and nitrogen oxides (NO_x) are precursors to ozone. Subparagraph (ix)(I)II. specifies that sulfur dioxide is a precursor to fine particulate matter (PM_{2.5}). Both of these subparagraphs are consistent with the federal rule at 40 CFR 52.21. Subparagraph (ix)(I)III. specifies that NO_x is not a precursor to PM_{2.5}. NO_x is presumed to be a precursor to PM_{2.5} in the federal rule unless a state demonstrates to EPA's satisfaction that emissions of NO_x are not a significant contributor to ambient PM_{2.5} concentrations. This subparagraph specifies that the exclusion of NO_x as a precursor to PM_{2.5} becomes effective after EPA approves the revision to Georgia's State Implementation Plan that incorporates this change. Subparagraphs (ix)(II), (III), (IV), (V), and (VI) regarding pollutants subject to section 111 standards, Class I and Class II Substances, any pollutant otherwise subject to regulation under the Act, hazardous air pollutants listed in section 112, and condensable particulate matter, respectfully, are consistent with the federal definition of Regulated NSR pollutant.

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

Purpose: The nonattainment new source review requirements for fine particulate matter are added to the rule. The permitting requirement for sources located in 25 counties designated as contributing to ozone levels in the Atlanta ozone nonattainment area is clarified. Other revisions are made to make the rule consistent with Federal requirements.

Main Features: Subparagraph 391-3-1-.03(8)(c)16. is added to specify the nonattainment new source review requirements for Georgia's existing fine particulate matter nonattainment areas (Atlanta PM_{2.5} nonattainment area, Macon PM_{2.5} nonattainment area, Floyd County PM_{2.5} nonattainment area and

Georgia's portion of the Chattanooga PM_{2.5} nonattainment area.) Subparagraph 16.(i) specifies the major source threshold at 100 tons per year. Subparagraph 16.(ii) establishes the modification thresholds. Subparagraph 16.(iii) sets the offset ratio at 1 to 1. Subparagraphs 16.(iv) specifies that sulfur dioxide is a precursor to PM_{2.5}. Subparagraph 16.(v) states that nitrogen oxides is not a precursor to PM_{2.5}. However, the NO_x provision does not apply until U.S. EPA approves it into Georgia's State Implementation Plan. Subparagraph 16.(vi) specifies the requirements for condensable particulate matter. Subparagraph 16.(vii) defines the partial-county areas that are part of the designated nonattainment areas. Language is added to subparagraph 391-3-1-.03(8)(e)1. to clarify that the permitting requirements of 391-3-1-.03(8)(c) only apply to electric generating units in the 25 counties specified. Modifications to subparagraphs 391-3-1-.03(8)(g)1.(iii), (g)2.(i), (g)5.(i), and (g)6.(i) are made to reflect the addition of subparagraph (8)(c)16. Subparagraph (8)(g)1.(iii)(III) is removed to make the rule consistent with Federal requirements.

STATEMENT OF RATIONALE

Rules for Air Quality Control

Rule 391-3-1-.02(7), “Prevention of Significant Deterioration of Air Quality”

The basis of this rule is to specify the provisions for the permitting of new major sources and major modifications to existing major sources in areas that are designated as “attainment” or “unclassifiable” for National Ambient Air Quality Standards. The purpose of this revision is to add the definition of “Regulated NSR Pollutant.”

On May 16, 2008, U.S. EPA promulgated revisions to the federal Prevention of Significant Deterioration (PSD) regulations to incorporate provisions related to fine particulate matter (PM_{2.5}.) These revisions included the significant emission rates for PM_{2.5} and its precursors, identification of precursors to PM_{2.5}, and a requirement to include gaseous emissions when determining particulate matter emissions beginning on January 1, 2011. The precursor provision allows states to submit a demonstration that nitrogen oxides (NO_x) emissions are not a significant contributor to ambient PM_{2.5} concentrations. Upon approval of a state's demonstration, NO_x would no longer be considered a precursor for PM_{2.5}. EPA has conducted air quality modeling to demonstrate that NO_x does not significantly contribute to ambient PM_{2.5} concentrations. The proposed definition of “Regulated NSR Pollutant” includes a provision whereby NO_x would not be a precursor to PM_{2.5} upon approval by EPA. States are required to incorporate these revisions into their State Implementation Plan (SIP) within 3 years following promulgation (see 73 FR 28341). On December 8, 2010, the DNR Board adopted the revisions to the federal PSD regulations by reference and EPA submitted that rule change to EPA as a SIP revision on January 13, 2011. Upon adoption by the Board, the proposed rule change will be sent to EPA to revise the SIP revision submitted on January 13th.

This revision does not incur any additional costs to the Environmental Protection Division or the regulated industry beyond what is required under the existing Federal permitting requirements. Costs to the Division and regulated industry will be reduced once EPA approves the provisions of Subparagraph 391-3-1-.02(7)(a)2.(ix)(I)III. (which reverses the presumption in the Federal rule that nitrogen oxides are a precursor to fine particulate matter) into Georgia's State Implementation Plan. No costs will be imposed on local governments or the general public.

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

The basis of this paragraph is to specify the permitting requirements for major new sources and major modifications to existing major sources. Subparagraphs (c), (e), and (g) specifically apply to areas designated by U.S. EPA as nonattainment for ambient air quality standards and areas designated by the Director as contributing to air quality in such nonattainment areas. The purpose of this revision is to add nonattainment new source review requirements for fine particulate matter, to clarify the permitting requirements for counties designated as contributing

to the Atlanta ozone nonattainment area, and to make Georgia's rule consistent with federal requirements.

On May 16, 2008, U.S. EPA promulgated revisions to the federal Nonattainment New Source Review (NAA-NSR) regulations to incorporate provisions related to fine particulate matter (PM_{2.5}.) States are required to incorporate these revisions into their State Implementation Plan (SIP) within 3 years following promulgation (see 73 FR 28341). These revisions included the significant emission rates for PM_{2.5} and its precursors, identification of precursors to PM_{2.5}, a requirement to include gaseous emissions when determining particulate matter emissions beginning on January 1, 2011, and the offset ratio for PM_{2.5} and its precursors. The federal precursor provision allows states to submit a demonstration that nitrogen oxides (NO_x) emissions do are not a significant contributor to ambient PM_{2.5} concentrations. Upon approval of a state's demonstration, NO_x would no longer be considered a precursor for PM_{2.5}. EPD has conducted air quality modeling to demonstrate that NO_x does not significantly contribute to ambient PM_{2.5} concentrations. The proposed revision includes a provision whereby NO_x would not be a precursor to PM_{2.5} upon approval by EPA.

This revision does not incur any additional costs to the Environmental Protection Division or the regulated industry beyond what is required under the existing federal permitting requirements. Costs to the Division and regulated industry will be reduced once EPA approves the provisions of Subparagraph 391-3-1-.03(8)(c)16.(v) (which reverses the presumption in the federal rule that nitrogen oxides are a precursor to fine particulate matter) into Georgia's State Implementation Plan. No costs will be imposed on local governments or the general public.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS**
TO GEORGIA'S RULES FOR AIR QUALITY CONTROL
CHAPTER 391-3-1**TO ALL INTERESTED PERSONS AND PARTIES:**

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules is required to comply with Sections 110(a)(2)(C), 161, 172(c)(5), and 173 of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being amended to add the definition of "Regulated NSR Pollutant."

Rule 391-3-1-.03(8) "Permit Requirements," is being amended to add nonattainment new source review requirements for fine particulate matter to the rule.

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://gaepd.org/environet/1> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

Georgia Department of Natural Resources

2 Martin Luther King, Jr., Drive, S.E., Suite 1152 East, Atlanta, Georgia 30334-4100

Mark Williams, Commissioner

Environmental Protection Division

F. Allen Barnes., Director

Phone: 404/656-4713 FAX: 404/651-5778

June 17, 2011

MEMORANDUM

To: F. Allen Barnes, Director
Environmental Protection Division

From: James A. Capp, Chief
Air Protection Branch

Subject: Responses to Comments Received During the Public Comment Period
Regarding Proposed Revision to Air Quality Rules, Chapter 391-3-1, Pertaining
to **Prevention of Significant Deterioration of Air Quality** and **New Source
Review**

On March 11, 2011, EPD issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1. The proposed changes included the following rules:

- **Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality,"** is being amended to add the definition of "Regulated NSR Pollutant."
- **Rule 391-3-1-.03(8) "Permit Requirements,"** is being amended to add nonattainment new source review requirements for fine particulate matter to the rule.

A public hearing was held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. No public comments were received during the comment period. No changes are recommended for these proposed rule revisions.

JAC:JJ:klc

Georgia Department of Natural Resources

Mark Williams, Commissioner
Environmental Protection Division

F. Allen Barnes, Director
Small Business Environmental Assistance Program
4244 International Parkway, Suite 120, Atlanta, GA 30354
Phone: 404/362-4842 Fax: 404/363-7100

June 17, 2011

MEMORANDUM

TO: F. Allen Barnes, Director
Environmental Protection Division

FROM: James A. Capp, Chief
Air Protection Branch

SUBJECT: Economic Impact of Proposed Amendments to the Rules for Air Quality Control
Pertaining to Chapter 391-3-1 - Precursors to Ozone and Fine Particulate Matter

The Administrative Procedures Act requires that in the formation and adoption of any rules which will have an economic impact on businesses in the State, the agency reduce the economic impact of the Rule on small businesses which are independently owned and operated and are not dominant in their field and employ 100 employees or less. The statute specifically requires that one or more of the following actions be implemented when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule in reducing the economic impact. These four actions are:

- a. Establishing different requirements or reporting requirements or timetables for small businesses;
- b. Clarifying, consolidating or simplifying the compliance and reporting requirements Under the rules for small businesses;
- c. Establishing performance rather than design standards for small businesses; or
- d. Exempting small businesses from any or all requirements of the rules.

The Georgia Environmental Protection Division (EPD) is proposing amendments to the Rules for Air Quality Control, Chapter 391-3-1 (Air Quality Rules). The proposed Air Quality rule amendments include the following:

Rule 391-3-1-.02(7): specifies the precursors for ozone and fine particulate matter.

Rule 391-3-1-.03(8): adds the nonattainment new source review requirements for fine particulate matter. Also clarifies the permit requirement for sources located in the 25 counties designated as contributing to ozone levels in the Atlanta ozone nonattainment area.

In consideration of the four actions required in the State statute for the proposed changes to the Air Quality Rules, we offer the following comments on the proposed rule amendments:

1. Different compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes. In general, it pertains to major source permitting and compliance only.
2. Consolidate and/or simplify compliance or reporting requirements for small businesses:
This issue is not germane for the proposed rule changes. In general, it pertains to major source permitting and compliance only.
3. Performance rather than design standards for small businesses:
This issue is not germane for the proposed rule changes. In general, it pertains to major source permitting and compliance only.
4. Exemptions for small businesses:
This issue is not germane for the proposed rule changes. In general, it pertains to major source permitting and compliance only.

In addition, the Administrative Procedures Act requires that "...in the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes, the basis of the proposed rule."

In general, the proposed rules are required to comply with federal requirements and/or apply to major sources only, therefore, do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

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

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

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

Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being 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 amended through June 3, 2010, unless otherwise specified.

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) 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, as amended June 3, 2010, 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) Particulate matter (PM) emissions, 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, PM_{2.5} and PM₁₀ in PSD permits. Unless otherwise stated in the permit, compliance with emissions limitations for PM, PM_{2.5} and PM₁₀ issued prior to this date shall not be based on condensable particulate matter. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this paragraph.

(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 with the following exception:

(i) 40 CFR 52.21(i)1.(xi) is not adopted.

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-.03(8) "Permit Requirements," is being 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;

(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. Additional Provisions for PM_{2.5} Non-Attainment Areas

(i) In Barrow, Bartow, Bibb, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, Walker, and Walton counties, the Heard and Putnam partial-county areas that are part of the Atlanta PM_{2.5} nonattainment area, and the Monroe partial-county area that is part of the Macon 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.

(III) "Monroe partial-county area" means from the point where Bibb and Monroe Counties meet at U.S. Hwy 23/Georgia Hwy 98 follow the Bibb/Monroe County line westward 150' from the U.S. Hwy 23/Georgia Hwy 87 centerline, proceed northward 150' west of and parallel to the U.S. Hwy 23/Georgia Hwy 87 centerline to 33 degrees, 04 minutes, 30 seconds; proceed westward to 83 degrees, 49 minutes, 45 seconds; proceed due south to 150' north of the Georgia Hwy 18 centerline, proceed eastward 150' north of and parallel to the Georgia Hwy 18 centerline to 1150' west of the U.S. Hwy 23/ Georgia Hwy 87 centerline, proceed southward 1150' west of and parallel to the U.S. Hwy 23/Georgia Hwy 87 centerline to the Monroe/Bibb County line; then follow the Monroe/Bibb County line to 150' west of the U.S. Hwy 23/Georgia Hwy 87 centerline.

(d) With respect to the permitting of sources to be constructed or modified before July 1, 1979, the review and other requirements of Section 129A of the Federal Act shall be met prior to issuance of any permit.

(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(c)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; and

~~(III) Subparagraphs (a)(1)(vi)(C)(3) and (E)(5), related to increases and decreases at a clean unit, are not adopted.~~

(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).

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

A RESOLUTION

Adopting Amendments to the Rules for Air Quality Control, Chapter 391-3-1

- WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Chapter 391-3-1, which became effective on September 26, 1973, and were last amended effective on December 9, 2010; and
- WHEREAS, the United States Environmental Protection Agency (U.S. EPA) requires that the various Rules for Air Quality Control, Chapter 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and
- WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Chapter 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and
- WHEREAS, amendments to the Rules for Air Quality Control, Chapter 391-3-1, will revise various portions of Rule .02 "Provisions" pertaining to Paragraph (7) "Prevention of Significant Deterioration of Air Quality" and Rule .03 "Permits" pertaining to Paragraph (8) "Permit Requirements"; and
- WHEREAS, a public notice for the Air Quality rule amendments was published in *The Atlanta Journal/Constitution* on Sunday, March 11, 2011, and four other major newspaper mediums throughout the State of Georgia, along with EPD's Environet website; and a public hearing was held on April 11, 2011, to which public participation was invited; and
- WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and
- WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Natural Resources hereby adopts the amendments to the Rules for Air Quality Control, Chapter 391-3-1, as attached hereto and incorporated herein by reference.

Adopted this 29th day of June 2011.

Respectfully submitted by:

Earl D. Barrs, Chairman
Board of Natural Resources

ATTEST:

Secretary
Board of Natural Resources

From: Doralyn Kirkland
To: James Capp; Jimmy Johnston; Lynne Collier
Date: 9/21/2011 4:28 PM
Subject: Rules 391-3-1-.01, .02, .03 amended; Georgia Department of Natural Resources

>>> "Joseph, Taffie" <tjoseph@sos.ga.gov> 9/21/2011 4:07 PM >>>
RE: Rules 391-3-1-.01, .02, .03 amended; Georgia Department of Natural Resources

This acknowledges receipt of your request, dated August 24, 2011, with which was attached an electronic copy of the above-captioned amendment.

We have recorded said amendment as having been received and filed on August 24, 2011, having become effective on September 13, 2011, as specified by the Board.

Sincerely,
Taffie Joseph

Taffie Joseph
Information & Referral Specialist
Administrative Procedure Division
tjoseph@sos.ga.gov

TJ

**Technical Support for SIP Submittal
For Air Quality Rules Adopted June 29, 2011
391-3-1-.01, .02 & .03**

**PSD and Nonattainment NSR Revisions, Multipollutant Rule Compliance Dates
Revisions, Air Quality Permit Fees Revision, and Miscellaneous Revisions**

1. Identification of all regulated pollutants affected by the plan.
The proposed SIP revisions cover all regulated pollutants.
2. Identification of the locations of affected sources including the EPA attainment/non-attainment designation of the locations and the status of the attainment plan for the affected areas(s).
The Rules for Air Quality Control are applicable statewide.
3. Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.

Not applicable.

4. The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.

The NAAQS, PSD increments, RFP demonstration and visibility will be protected if these SIP revisions are approved and implemented.

5. Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.

Not applicable.

6. Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.

Not applicable.

7. Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.

Not applicable.

8. Compliance/enforcement strategies, including how compliance will be determined in practice.

Not applicable.

9. Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.

No special economic or technological justifications are required for this proposed SIP revision.

391-3-1-.01, 02 & .03
Adoption Date: 6-29-11

**Administrative Materials for SIP Submittal
For Air Quality Rules Adopted June 29, 2011
391-3-1-.01, .02 & .03**

**PSD and Nonattainment NSR Revisions, Multipollutant Rule Compliance Dates
Revisions, Air Quality Permit Fees Revision, and Miscellaneous Revisions**

1. A formal letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter "the plan").

The cover letter transmitting these proposed SIP revisions is the formal letter of submission.

2. Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter "document") in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.

Enclosed, as evidence that Georgia has adopted the rule amendments, is the email verification of receipt of the Certification of Administrative Rules filed with the Secretary of State's office on August 24, 2011, for the Rules for Air Quality Control, Chapter 391-3-1.

3. Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.

The Georgia Air Quality Act, Article 1: Air Quality (O.C.G.A. 12-9, et. seq.) provides the necessary legal authority under State law to adopt and implement the revisions. The Act, in its entirety, is located at <http://www.lexis-nexis.com/hottopics/qacode/> under Title 12, Chapter 9, Article 1.

4. A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made to the existing approved plan, where applicable. The submittal shall be a copy of the official State regulation/document signed, stamped, dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.

Enclosed are copies of the revisions to the Rules for Air Quality Control, Chapter 391-3-1, effective September 13, 2011. These submittals are complete in that they include all amendments adopted by the DNR Board on June 29, 2011.

5. Evidence that the State followed all of the procedural requirements of the State's laws.
and

Constitution in conducting and completing the adoption/issuance of the plan and compilation of public comments and the State's response thereto.

Enclosed, as evidence that Georgia followed the procedural requirements in adopting this SIP revision, are four memoranda to the Board of Natural Resources dated June 17, 2011. They include the memoranda to Allen Barnes also dated June 17, 2011, addressing the comments received during the public comment period and in relation to the public hearings conducted on April 11, 2011, and April 26, 2011.

6. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice;

and

Certification that public hearings(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.

Enclosed are copies of the Notices of Public Hearing and the Certificates of Public Hearing and Rule Adoption for the April 11, 2011, and April 26, 2011 public hearings.

391-3-1-.01, 02 & .03
Adoption Date: 6-29-11

EGU Rules
Public Notice

**The Atlanta
Journal-
Constitution**



PUBLISHER'S AFFIDAVIT

ACCOUNT NAME GA DEPT NATURAL RESOURCES

ACCOUNT NO. 041293700

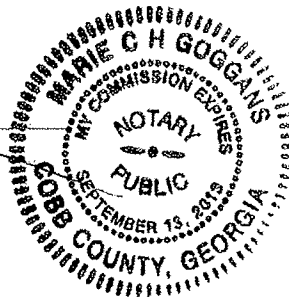
ROSHALL ANDERSON personally appeared before me, the undersigned Notary Public, who states that she is an ACCOUNT EXECUTIVE for **THE ATLANTA JOURNAL AND CONSTITUTION** newspaper, a newspaper of general circulation published in the City of Atlanta, Georgia, and who further states under oath that the advertisement attached hereto and made part of this affidavit appeared in The Atlanta Journal-Constitution on the following date(s): MARCH 27, 2011.


(ACCOUNT EXECUTIVE SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 29th DAY OF MARCH, 2011 *sla*


(NOTARY SIGNATURE)



and fairness of Fulton's system. At least one other county sells tax liens, but only Fulton makes extensive use of lien sales to private companies to collect delinquent taxes. Most jurisdictions use staff and contractors.

Ferdinand made several points in support of lien sales.

He said the practice gives taxpayers a reprieve because private tax lien purchasers must wait one year before foreclosing, while counties can foreclose within about six months of notification of delinquency.

Ferdinand said counties that use staff to collect delinquent taxes may still outsource title searches and delinquency notifications, thus adding fees and interest that end up costing delinquent taxpayers even more than the interest added by private lien purchasers.

And, Ferdinand said Fulton, the state's most populous county, is too large and complex to compare to other counties.

"I cannot administer the laws of a little county the same as I do this corporation," he said.

Fees and interest

Critics of tax lien sales say the practice is abusive because private lien purchasers profit from drawing out the process while excessive fees and interest pump up the cost to the taxpayer of clearing the debt.

But counties, too, can

make sure it was safe. For selling liens and adding excessive fees.

DeKalb County, which does not sell liens; does not charge third-party notification fees.

DeKalb typically forecloses on properties as early as six months after bills become delinquent, adding fees and interest. But, of about 18,000 delinquent properties in 2009, only about half were scheduled for foreclosure, said Andrew Booth, DeKalb County deputy tax commissioner and director of delinquent collections.

And, of those, only 622, representing about 3.5 percent of delinquencies, were eventually sold at a sheriff's tax auction.

DeKalb and Fulton both say they collect 99 percent of taxes.

The real issue is the loss of public accountability, said Frank Alexander, a law professor at Emory University who specializes in Georgia real estate and foreclosure law.

When government holds a tax bill, taxpayers know where to pay their bills and they know whom to contact with questions or problems, Alexander said.

"It's hard to see how it's more humane when you're transferring from the government to a private company the ability to take your property," he said.

Cobb County Tax Commissioner Gail Downing said she would not presume to tell Ferdinand not

James Brady in the left must notify delinquent taxpayers of their debt within 60 days of buying a lien and once a year after that, according to state law. Downing said Cobb usually provides two or three notices of delinquency before scheduling property for a tax sale.

"I've never known a taxpayer who has had a good experience with tax lien sales," she said. "I think that's philosophical where I disagree with Arthur. I do believe it's my job to collect taxes, but it's also to protect the taxpayers' interests."

Ferdinand dismissed the idea he is less able to protect the interests of taxpayers than counties that hold onto tax liens.

When his office discovers a problem with a lien sale, the sale is void, he said. If a private purchaser doesn't cooperate, Ferdinand said, he stops selling to the purchaser, adding that he has never had to do that.

"If Vesta purchased some liens here, or anybody, and I find a problem with it, I'll have them return it for exactly what they paid, no questions asked," Ferdinand said. "You don't do that; the selling of liens is totally voluntary on my part. Next time, you get nothing."

A big challenge

Ferdinand said his office cannot collect taxes like other counties across the state and metro region because Fulton is just big-

half that of Fulton, to collect for about 60 percent as many land parcels, producing about half the number of delinquencies.

But Ferdinand said the comparison is not valid.

"There are 50,000 at a time I deal with. And if I used the other method a tax commissioner has at his disposal or her disposal to collect delinquent taxes, which is foreclosure versus lien sale, can you imagine the size of the operation to make a dent in 50,000 delinquents and yet at the same time keep the county and school board flush with revenue to provide services?" he asked. "It wouldn't happen."

Clashing comparisons

The tax commissioner says that for the last, sometimes controversial, 14 years, lien sales allowed Fulton to collect delinquent taxes almost immediately, while other counties have been pursuing a drawn-out process of notification, lien issuance and, if necessary, foreclosure.

But Fulton spends .22 percent to 38 percent more per parcel than DeKalb, Cobb or Gwinnett.

Ferdinand said that is too simplistic. He suggested ranking by revenue per number of employees.

Using that comparison, Fulton appears far more efficient, even taking into account that the county sells liens, thus outsourcing some tax collection.

shake off a national sorow that had lingered as the number of cars in each county and what percentage of bills are paid voluntarily.

wheelchair. After getting treated for their wounds, they'll change it again in two years' time because they don't like how I do it."

Legal Notices

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND
PROPOSED AMENDMENTS
TO GEORGIA'S RULES FOR AIR
QUALITY CONTROL
CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules are required to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Sections 110(a)(2)(A) of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-.02(2)(b)(i). "Multipollutant Control for Electric Utility Steam Generating Units." is being amended to revise the installation deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer and to include emission caps on certain units.

Rule 391-3-1-.02(2)(viii). "SO₂ Emissions from Electric Utility Steam Generating Units." is being amended to revise the compliance deadlines for Plant Branch electric generating units and Unit 3 at Plant Scherer.

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://georgiaepd.org/environet/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30334. Copies may also be requested by contacting the Air Protection Branch at 404/653-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 4:00 p.m. on April 26, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30334. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 10, 2011. Written comments should be

The proposed Air rule amendment will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendment is proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/653-7000.

Public Notice

REQUEST FOR PROPOSAL: The Main Street Academy in partnership with Edison Learning, Inc. is requesting proposals for vendored meals for the food service program at The Main Street Academy located in College Park, Georgia. The awarded will provide meals in accordance with the United States Department of Agriculture (USDA) and the Georgia Department of Education regulations and guidelines for the National School Lunch Program. Breakfast and lunch meals will be required for grades K-7.

The Board reserves the right to accept or reject any and/or all proposals, or to accept the proposal which is in the best interest of the School.

A mandatory pre-bid meeting will be held at 11:00 a.m. Tuesday, March 29, 2011 at the School located at 3480 Main Street, College Park, GA 30337. Bid documentation will be distributed to interested parties during the pre-bid meeting. Proposals are due by 5:00 pm, Friday, April 22, 2011. Questions contact Sun Young Lee via e-mail at SunYoung.Lee@edisonlearning.com.

The Main Street Academy and Edison Learning, Inc. are committed to nondiscrimination both in their own employment practices and in the practices of the companies in which they do business with.

TIGERVILLE FIRE DEPARTMENT SOLICITATION TO PURCHASE

The Tigerville, SC Fire District wants to purchase a 2006 KME Predator 55-foot Firestruck fire truck or its equivalent. The truck must have the following equipment or the equivalents.

Predator X-MPD cab with 6-foot raised roof and four-man seating, Detroit diesel 60 series engine, 390 hp Allison EVS-4000 automatic transmission 1500 gpm Waterous single stage pump 500 gal. UPF Poly BE tank.

Submit your proposal/offer to the Tigerville Fire District no later than March 28, 2011. Include the price in the proposal and submit your proposal to:

Chief R. Ledford
Tigerville Fire Department

Fee Rule
Public Notice

**The Atlanta
Journal-
Constitution**

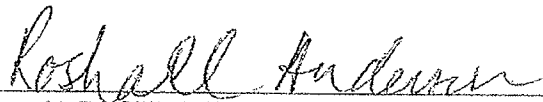
PUBLISHER'S AFFIDAVIT



ACCOUNT NAME GA DEPT NATURAL RESOURCES

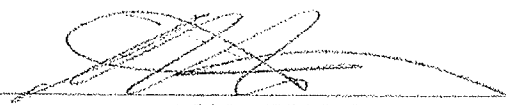
ACCOUNT NO. 041293700

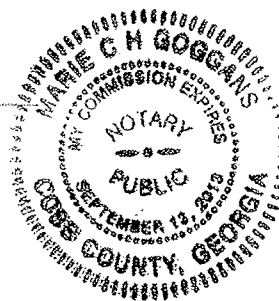
ROSHALL ANDERSON personally appeared before me, the undersigned Notary Public, who states that she is an ACCOUNT EXECUTIVE for **THE ATLANTA JOURNAL AND CONSTITUTION** newspaper, a newspaper of general circulation published in the City of Atlanta, Georgia, and who further states under oath that the advertisement attached hereto and made part of this affidavit appeared in The Atlanta Journal-Constitution on the following date(s): MARCH 09, 2011.


(ACCOUNT EXECUTIVE SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 15th DAY OF MARCH, 2010


(NOTARY SIGNATURE)



Metro & Obituaries

keeper, made her own case Tuesday.

"We don't think we can or should afford these very expensive reservoirs," she said during a news conference for presentation of its awards. "We're hoping to convince them there is another way."

In a new report, Bethea's group claims metro Atlanta could save more than 164 million gallons of water under 2035 by District, applauded the goals of the report. But she said conservation alone will not replace the need for new reservoirs.

"We need to manage our water wisely, but you cannot have public water supply in North Georgia without new reservoirs," she said. "We are going to have to build reservoirs to accommodate future growth."

The Riverkeeper awards went to Atlanta and to Cobb, DeKalb and Douglas counties for efforts ranging from protecting local water sources to toilet replacement programs.

All three states and other parties will argue their cases today before a three-judge panel of the 11th U.S. Circuit Court of Appeals.

and family placed death notices from the past 30 days, and/or read condolences online and search obituary archives

Atlanta

Ruth Sybil Bender, 77, died March 2. The body will be cremated. Private memorial service will be held, SouthCare Cremation Society and Memorial Centers, Stockbridge. Keith Jacobs, 29, died March 3. Funeral, 1 p.m. Friday, Warren Memorial United Methodist Church, Kennesaw. Michael Wade Fields, 54, of Jonesboro died Sunday. Funeral, 2 p.m. Thursday, Tara Garden Chapel.

Cobb County

Lacy Brandon Melton, 87, of Mableton died Monday. Funeral, 2:30 p.m. Thursday, Davis-Struempf Funeral Home, Austell. Travis E. Payne, 72, of Kennesaw died Monday. Funeral, 11 a.m. Thursday, Winkenhof Pine Ridge Funeral Home. John Pritchard, 93, of Powder Springs died Monday. Graveside service, 2 p.m. Thursday, Westview Cemetery, Roy Davis Funeral Home, Austell. Mary Elizabeth Elrod Sharp, 65, of Mableton died Monday. Funeral, 2 p.m. Thursday, Carmichael Funeral Home, Smyrna. Eldy Smith, 47, of Austell died Feb. 27. The body will be cremated. No service is planned, West Georgia Crematory.

Coweta County

Brenda Ann Adams, 53, of Newnan died March 3. Funeral, 2 p.m. Thursday, Oak Grove Baptist Church, Senoia. Roscoe Jenkins Funeral Home. Clara Johnson Musick, 85, of Grantville died Sunday. Graveside service, 11 a.m. Thursday, Forest Lawn Memorial Park, Newnan. McKoon Funeral Home, Newnan.

etery. Roy Davis Funeral Home, Austell.

Fayette County

James Clifford Ison Jr., 81, of Brooks died Sunday. Funeral, 11 a.m. today, Carl J. Mowell & Son Funeral Home, Fayetteville. Donald Edward McEachern, 72, of Fayetteville died Sunday. Funeral, 2 p.m. today, Carl J. Mowell & Son Funeral Home.

Forsyth County

Jean Morton Cassimus, 87, of Cumming died Sunday. Private

Home, Duluth.

Henry County

Jerome H. Cribbs, 97, of Stockbridge died Saturday. The body was cremated. Memorial service, 5 p.m. Friday, Eagle's Landing Country Club, Cannon-Cleveland Funeral Directors, McDonough.

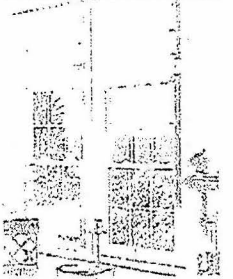
Newton County

Mark Anthony Lavelle, 57, of Covington died Sunday. Funeral, 1 p.m. Thursday, The Church at Covington, Oxford Young Funeral Home.

or call 404-475-0552

WINDOWS

America's  BEST CHOICE



Superior White Vinyl Double Hung

\$179
Any Size Installed

(Compare to others at \$600 or more.)

- Lifetime warranty
- Save up to 30-40% on utility bills
- Other window styles available
- EPA-certified lead renovator firm

Four window minimum. Additional labor charges will apply to remove aluminum windows.

Atlanta: 678-589-1999
abcwinatlanta.com

Also in Gwinnett: **678-951-0528**
abcwingwinnett.com

Best Window...Best Price...Best Choice!

Legal Notices

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
NOTICE OF PUBLIC HEARING AND PROPOSED
AMENDMENTS TO GEORGIA'S RULES FOR AIR
QUALITY CONTROL CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:
Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendment"). The Director of EPD certifies that 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
NOTICE OF PUBLIC HEARING AND PROPOSED
AMENDMENT TO GEORGIA'S RULES FOR AIR
QUALITY CONTROL CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:
Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes an Amendment to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendment"). The Director of EPD certifies that the revision of Rule 391-3-1.03 is required to comply with Section 507(a)(3) of the Clean Air Act. The proposed Air rule amendment is described below. Rule 391-3-1.03(9), "Permit Fee," is being amended to specify the fee rates and reference a new fee manual for Calendar Year 2010 fees.

This notice, together with an exact copy of the proposed Air rule amendment, a synopsis, and a statement of rationale of the rule revision, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://geepd.org/environrule/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 115, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947. To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 115, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise. Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

tional Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendment will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendment is proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://geepd.org/environrule/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 115, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947. To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 115, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise. Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

RFP - Renovation of the Market, www.sweetwatercurbmarket.com. Contact phone: www.sweetwatercurbmarket.com or in person.

Vehicle abandoned will be sold on March 11, 2011 between 10-12pm at 855 Tanglewood Trail, Atlanta, GA 30327. 2000 Lincoln Town Car, Execu Lin, vin#11FM81V0XY857985.

THE ALBANY HERALD

PUBLISHING COMPANY INC.

Affidavit of Publication



State of Georgia,

County of Dougherty

Personally, appeared before the undersigned, an officer, authorized to administer oaths, **Mary Bickerstaff**, who being sworn, says that she is the **Classified Manager** for The Albany Herald Publishing Inc., a corporation with principle offices at Albany, Dougherty County, Georgia, and having general circulation within the area of Dougherty, Early, Clay, Calhoun, Mitchell, Decatur, Baker, Worth, Lee, Terrell, Miller, Randolph, Turner, Sumter and Seminole counties, and that the ad for

Notice of Public Hearing and Proposed Amendments
SERVICE BY PUBLICATION, a True Copy of which is affixed hereto, was published in the Albany Herald in all its editions for

March 17 20 11

Mary Bickerstaff

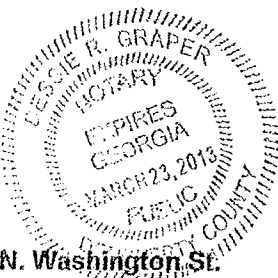
Mary Bickerstaff
Classified Manager

Sworn to and subscribed before

me at Albany, Georgia this 18th

Day of March, 2011

Leslie R. Graper
Notary Public



Ellitt Sons

S. HENRY ELLITT, JR.

Mrs. Joan A. Storey

Cosmetologist
Former Owner of Salon of Beauty

MEPHIZBAH, Ga. — Joan A. Storey, 69, entered into rest on Tuesday, March 15, 2011 at MGS. She was a native of Glascock County before moving to Augusta at a young age, then to Hepzibah in 1989. Joan was the 10th of 11 children of the owner of Salon of Beauty, and she enjoyed working in her yard. She loved her dogs, Heidi and Jody and her cats, Sissy and Penny. She was preceded by her parents, Stanley and Reba Storey, and a brother, J.W. Storey.

Joan is survived by her brothers, Larry L. (Joyce) Storey, Sr. of Augusta, and Rickey W. (Carol) Storey, Sr. of Evans; sisters, Sylvia B. Prongerger of Martinez, and Angela M. (Arthur) Ash of Hepzibah; her beloved companion, James C. McFall of Hepzibah, and 12 nieces and nephews.

The family would like to give a special thank you to her nurse, Priscilla Lamb.

Funeral services will be held 11:00 a.m. Friday, March 18, 2011 at Ellitt Sons Funeral Home, 2524 Lupton Road, Chapel with Pastor Marion Jay officiating. Interment will be in Mitchell Baptist Church Cemetery in Mitchell, Ga. Pallbearers will be Larry Storey, Jr., Rickey Storey, Jr., Ryan Storey, Steve Prongerger, Jason Zeiner, and Stanley Storey.

The family will receive friends Thursday, March 17, 2011 from 6:00 p.m. to 8:00 p.m. at the funeral home.

Ellitt Sons Funeral Home
2524 Lupton Road
Augusta, GA 30906
706-795-4123

Coupons may be offered at
www.ellittsonsaugusta.com

The Augusta Chronicle-March 18, 2011

Mrs. Margaret J. James

AUGUSTA, Ga. — Margaret Jewell Woods James, wife of the late William O. "Bill" James, entered into rest March 16, 2011.

Mrs. James was a long time member of Hillcrest Baptist Church where she served as a Sunday School teacher for over 60 years. She was an author and publisher of a book of poems entitled *A Light Unto My Path*.

Survivors include three sons, Rickey (Grady) James; Rancy (Joyce) James; and Toby James; two daughters, Gina (Steve) Shapiro; and Tarnelle Dixon; twelve grandchildren; thirteen great grandchildren; and a sister, Nina Stedford.

Funeral services will be held 10:00 a.m. Saturday, March 19, 2011 at Hillcrest Baptist Church with Dr. Gordon Robinson officiating. Interment will follow in West View Cemetery. Pallbearers will be Jeffrey Dyer, Jeremy Dyer, Justin Dyer, Michael James, Larry Crawford and Dan Dieter. Honorary pallbearers will be Margaret James' Sunday School Class.

The family will receive friends from 6:00 p.m. until 8:00 p.m. on Friday, March 18, 2011 at Ellitt Sons Funeral Home, 2524 Lupton Road, Augusta, Georgia 30906.

In lieu of flowers, memorial contributions may be made to Hillcrest Baptist Church, 2045 Deane Ridge Road, Augusta, Georgia 30906.

Ellitt Sons Funeral Home
2524 Lupton Road
Augusta, GA 30906
706-795-4123

Coupons may be offered at
www.ellittsonsaugusta.com

The Augusta Chronicle-March 18, 2011

Amos & Sons

JOHNSTON, S.C. — Cleveland Nicholson was born on December

1935 where she spent the remain-

der of her life.

She was preceded by her

parents, Mr. and Mrs. John

Nicholson.

Survivors include her son,

Clayton Nicholson, Jr., of

Johnston, S.C.; daughter,

Debra Nicholson, of

Johnston, S.C.; and three

grandchildren.

Funeral services will be

held 11:00 a.m. Saturday,

March 19, 2011 at the

First Baptist Church of

Johnston, S.C. with

Pastor John H. Smith

officiating. Interment will

be in the cemetery of the

church.

Pallbearers will be

Clayton Nicholson, Jr.,

Debra Nicholson, and

three grandchildren.

Friends may call at the

funeral home from 5:00

p.m. to 8:00 p.m. on

Friday, March 18, 2011

at Amos & Sons Funeral

Home, 1000 W. Main St.,

Johnston, S.C. 29031.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home: 803-733-1111.

Funeral home:

STATE OF GEORGIA
COUNTY OF CHATHAM



AFFIDAVIT OF PUBLICATION
SAVANNAH MORNING NEWS

Personally appeared before me, Alaina Fincher, to me known, who being sworn, deposes and says:

That she is the Obituary/Legal Clerk for Southeastern Newspaper Corporation, a Georgia corporation, doing business in Chatham County, GA, under the trade name of Savannah Morning News, a daily newspaper published in said county;

That he is authorized to make affidavits of publication on behalf of said published corporation;

That said newspaper is of general circulation in said county and in the area adjacent thereto;

That he has reviewed the regular editions of the Savannah Morning News, published on:

March 18, 2011, _____, 2011,

_____, 2011, _____, 2011,
and finds that the following advertisement, to-wit:

Appeared in each of said editions,
Sworn to and subscribed before me

This 21 day of March 2011

(Deponent)

Notary Public, Chatham County, Ga.

EUGENE J. CRONK
Notary Public, Chatham County, GA
My Commission Expires January 25, 2014

DEPARTMENT OF
NATURAL RESOURCES
ENVIRONMENTAL
PROTECTION
DIVISION

NOTICE OF
PUBLIC HEARING
AND PROPOSED
AMENDMENT
TO GEORGIA'S RULES
FOR AIR QUALITY
CONTROL
CHAPTER 391-3-1

TO ALL INTERESTED
PERSONS
AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes an Amendment to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendment"). The Director of EPD certifies that the revision of Rule 391-3-1-.03 is required to comply with Section 507(b)(3) of the Clean Air Act. The proposed Air rule amendment is described below:

Rule 391-3-1-.03(9), "Permit Fees," is being amended to specify the fee rates and reference a new fee manual for Calendar Year 2010 fees.

This notice, together

with an exact copy of the proposed Air rule amendment, a synopsis, and a statement of rationale of the rule revision, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://goepd.org/environe> 1/1 or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947. The Fee Manual dated January 31, 2011, may also be viewed at <http://goepd.org/environe> 1/1 or at the address and phone numbers listed above.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendment, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendment will be considered for adoption by the Board of Natural Resources at its meeting of 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendment is proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

The Columbus

Ledger-Enquirer

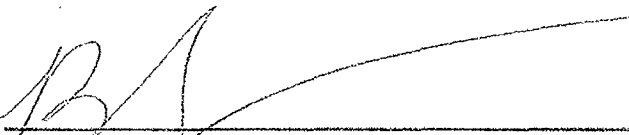
4/2/2011

GA DEPT OF NATURAL RESOURCES
2 MARTIN L KING BLVD SE
SUITE 1154
ATLANTA, GA 30334

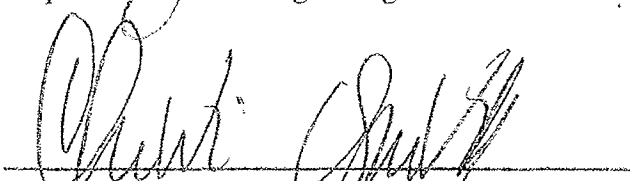
To Whom It May Concern:

re: Publication Affidavit
Account #004302
FEE RULE LGL
Ad #2432698 *Fee Rule*

This is to certify the legal advertisement in the above stated case was published in the Columbus Ledger-Enquirer legal section 1 time(s) ending on 3/17/2011.



Blaire Enfinger
Representative - Acting as Legal Clerk



Christi Smith
Notary Public, Muscogee County, GA

CHRISTI DANIELLE SMITH
NOTARY PUBLIC
MUSCOGEE COUNTY
STATE OF GEORGIA
My Commission Expires April 14, 2013

The Atlanta
Journal-
Constitution



PUBLISHER'S AFFIDAVIT

ACCOUNT NAME GA DEPT NATURAL RESOURCES

ACCOUNT NO. 041293700

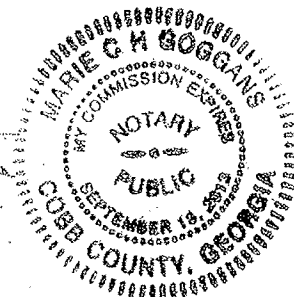
ROSHALL ANDERSON personally appeared before me, the undersigned Notary Public, who states that she is an ACCOUNT EXECUTIVE for **THE ATLANTA JOURNAL AND CONSTITUTION** newspaper, a newspaper of general circulation published in the City of Atlanta, Georgia, and who further states under oath that the advertisement attached hereto and made part of this affidavit appeared in The Atlanta Journal-Constitution on the following date(s): MARCH 09, 2011.


(ACCOUNT EXECUTIVE SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 15th DAY OF MARCH, 2010


(NOTARY SIGNATURE)



fixing leaky pipes, replacing outdated toilets, mandating high-efficiency clothes washers and dishwashers, and implementing "aggressive" increases in water rates, especially for businesses.

"In three years we could find close to 50 million gallons per day through a toilet replacement program," Bethea said.

The group estimates such a swap program in metro Atlanta would cost about \$190 million in taxpayer money. But Bethea said that is a lot less than \$350 million to \$650 million for a new reservoir and delivered much quicker.

Pat Stevens, chief of environmental planning for the Atlanta Regional Commission and manager of the Metropolitan North Georgia Water Planning District, applauded the goals of the report. But she said conservation alone will not replace the need for new reservoirs.

"We need to manage our water wisely, but you cannot have public water supply in North Georgia without new reservoirs," she said. "We are going to have to build reservoirs to accommodate future growth."

The Riverkeeper awards went to Atlanta and to Cobb, DeKalb and Douglas counties for efforts ranging from protecting local water sources to toilet replacement programs.

All three

Eunice S. Walden, 56, died March 3. Funeral was Sunday, Medford-Peden Funeral Home, Marietta. **John Arnold Wurz, 75, died Sunday.** The body will be cremated. Memorial service, 1:30 p.m. Friday, Trinity Presbyterian Church, SouthCare Cremation Society and Memorial Centers, Marietta.

Bartow County

Lila Mae Callaway Swanson, 91, of Acworth died Monday. Funeral, 2 p.m. Thursday, Winkenhof Pine Ridge Funeral Home, Kennesaw.

Carroll County

Michael D. Gore, 49, of Whitesburg died Sunday. Funeral, 4 p.m. Thursday, Martin & Hightower Heritage Chapel, Carrollton.

Cherokee County

Kenneth Joseph Elrod, 72, of Waleska died Sunday. Funeral, 2 p.m. Thursday, Rock of Ages Baptist Church, Sosebee Funeral Home, Canton.

Clayton County

Michael Wade Fields, 54, of Jonesboro died Sunday. Funeral, 2 p.m. Thursday, Tara Garden Chapel.

Cobb County

Lacy Brandon Maikon, 87, of Mableton died Monday. Funeral, 2:30 p.m. Thursday, Davis-Struempf Funeral Home, Austell. **Travis E. Payne, 72, of Kennesaw died Monday.** Funeral, 11 a.m. Thursday, Winkenhof Pine Ridge Funeral Home.

John Pritchard, 93, of Powder Springs died Monday. Graveside service, 2 p.m. Thursday, Westview Cemetery, Roy Davis Funeral Home, Austell.

Mary Elizabeth Elrod Sharp, 65, of Mableton died Monday. Funeral, 2 p.m. Thursday, Carmichael Funeral Home, Smyrna.

Eddy Smith, 47, of Austell died Feb. 27. The body will be cremated. No service is planned. West Georgia Crematory.

graveside service will be held. **Byars Funeral Home.** **Ruth Echols, 95, of Cumming died Saturday.** Funeral was Tuesday, Byars Funeral Home. **Hoyt Franklin Mooney, 74, of Cumming died Monday.** Funeral, 11 a.m. today, Ingram Funeral Home.

Gwinnett County

Ashleyda Cristina Nunez Fernandez, 29, of Lawrenceville died Sunday. The body was cremated. Funeral was Tuesday, Metro Embalming & Crematory, Conyers.

Paulding County

George Washington Beech, 55, of Dallas died March 2. Funeral, 3 p.m. Saturday, Benson Funeral Home. **Jimmy K. Bell Sr., 64, of Dallas died Feb. 23.** The body was cremated. Memorial service, 11 a.m. Friday, Wesley Chapel United Methodist Church, Marietta. **Colins Funeral Home, Acworth.** **Jeffery D. Cochran, 44, of Dallas died Monday.** Funeral, 1 p.m. today, Benson Funeral Home.

Parkinson's disease changes the way you look at life.

If you have been diagnosed with Parkinson's disease, are experiencing slowed movement or motor fluctuations and are 50 to 85 years old, you may be qualified for a research study to test the safety and effectiveness of investigational medication for people with Parkinson's disease.

All study-related office visits, medical examinations, and study medication will be provided to qualified participants at no cost.

Dr. Marshall Nash and NeuroStudies.Net are enrolling for Parkinson's clinical studies now.

For more information visit
NeuroStudies.net
or call 404-475-0552

WINDOWS

America's
BEST CHOICE

Superior White Vinyl Double Hung

PROFANATION PROTECTED



\$179
Any Size Installed

(Compare to others at \$600 or more.)

- Lifetime warranty
- Save up to 30-40% on utility bills
- Other window styles available
- EPA-certified lead

the revision of the proposed Air Rule amendments are described below: Rule 391-3-1-02(7), "Prevention of Significant Deterioration of Air Quality," is being amended to add the definition of "Regulated NSR Pollutant."

Rule 391-3-1-03(8) "Permit Requirements," is being amended to add nonattainment new source review requirements for fine particulate matter to the rule. This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://geepd.org/environet/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise. Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 2, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 25, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENT TO GEORGIA'S RULES FOR AIR QUALITY CONTROL CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES: Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendment"). The Director of EPD certifies that the revision of Rule 391-3-1-03 is required to comply with Section 307(b)(2) of the Clean Air Act. The proposed Air rule amendment is described below:

Rule 391-3-1-03(9), "Permit fees," is being amended to specify the fee rates and reference a new fee manual for Calendar Year 2010 fees.

This notice, together with an exact copy of the proposed Air rule amendment, a synopsis, and a statement of rationale of the rule revision, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://geepd.org/environet/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947. To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise. Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 2, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED AMENDMENTS TO GEORGIA'S RULES FOR AIR QUALITY CONTROL CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES: Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendment"). The Director of EPD certifies that the revision of these rules are required to comply with Sections 110(a)(2)(F) and 110(a)(2)(H) and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Sections 110(a)(2)(C), 112, 172, 174, 176, and 173 and Title V of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-01(cccc), the definition of "Synthetic minor permit," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. Note: For a permit to be "enforceable as a practical matter," the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limits. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment. Rule 391-3-1-01(nnnn), the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants" is amended to reference the most recent revision of the manual.

Rule 391-3-1-02(4), "Ambient Air Standards," is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards. Rule 391-3-1-02, Subparagraph (8)(b), "Emission Standards for stationary Air Pollutants" is updated with the latest amendment dates of the existing rules incorporated into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Rule 391-3-1-03(11), "Permit by Rule," is being amended to revise the applicability provisions of each of the eleven permit by rule standards from sources without "federally enforceable" permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter."

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://geepd.org/environet/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise. Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 2, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244

The Columbus

Ledger-Enquirer

4/2/2011

GA DEPT OF NATURAL RESOURCES
2 MARTIN L KING BLVD SE
SUITE 1154
ATLANTA, GA 30334

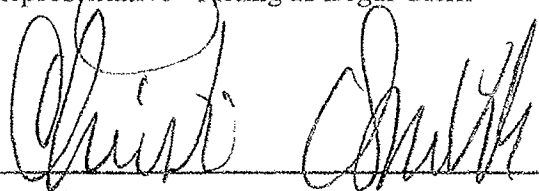
To Whom It May Concern:

re: Publication Affidavit
Account #004302
MISC RULES LGL
Ad #2432699 *Miscellaneous Rules*

This is to certify the legal advertisement in the above stated case was published in the Columbus Ledger-Enquirer legal section 1 time(s) ending on 3/17/2011.



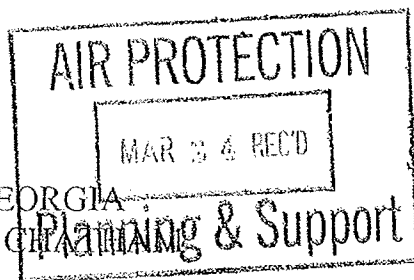
Blaire Enfinger
Representative - Acting as Legal Clerk



Christi Smith
Notary Public, Muscogee County, GA

CHRISTI DANIELLE SMITH
NOTARY PUBLIC
MUSCOGEE COUNTY
STATE OF GEORGIA
My Commission Expires April 14, 2013

STATE OF GEORGIA
COUNTY OF CHATHAM



AFFIDAVIT OF PUBLICATION
SAVANNAH MORNING NEWS

Personally appeared before me, Alaina Fincher, to me known, who being sworn, deposes and says:

That she is the Obituary/Legal Clerk for Southeastern Newspaper Corporation, a Georgia corporation, doing business in Chatham County, GA, under the trade name of Savannah Morning News, a daily newspaper published in said county;

That he is authorized to make affidavits of publication on behalf of said published corporation;

That said newspaper is of general circulation in said county and in the area adjacent thereto;

That he has reviewed the regular editions of the Savannah Morning News, published on:

March 18, 2011, _____, 2011,

_____, 2011, _____, 2011,
and finds that the following advertisement, to-wit:

Appeared in each of said editions.
Sworn to and subscribed before me

This 21 day of March 2011

A handwritten signature in cursive script, appearing to read "Alaina Fincher".

(Deponent)

A handwritten signature in cursive script, appearing to read "Eugene J. Cronk".
Notary Public, Chatham County, Ga.

EUGENE J. CRONK
Notary Public, Chatham County, GA
My Commission Expire January 25, 2014

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING
AND PROPOSED AMENDMENTS
TO GEORGIA'S RULES
FOR AIR QUALITY CONTROL
CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules are required to comply with Sections 110(a)(2)(F) and 110(a)(2)(H) and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Sections 110(a)(2)(C), 112, 161, 172(c)(5), and 173 and Title V of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-.01(cccc), the definition of "Synthetic minor permit," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. Note: For a limit to be "enforceable as a practical matter," the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limit. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment.

Rule 391-3-1-.01(nnnn), the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants" is amended to reference the most recent revision of the manual.

Rule 391-3-1-.02(4), "Ambient Air Standards," is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards.

Rule 391-3-1-.02, Subparagraph (9)b, "Emission Standards for Hazardous Air Pollutants," is updated with the latest amendment dates of the existing rules incorporated into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(11), "Permit by Rule," is being amended to revise the applicability provisions of each of the eleven permit by rule standards from sources without "federally enforceable" permit conditions to sources without conditions "that are federally enforceable or enforceable as a practical matter."

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://geod.org/environment/> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To ensure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

THE ALBANY HERALD

PUBLISHING COMPANY INC.

Affidavit of Publication

State of Georgia,
County of Dougherty



Personally, appeared before the undersigned, an officer, authorized to administer oaths, **Mary Bickerstaff**, who being sworn, says that she is the **Classified Manager** for The Albany Herald Publishing Inc., a corporation with principle offices at Albany, Dougherty County, Georgia, and having general circulation within the area of Dougherty, Early, Clay, Calhoun, Mitchell, Decatur, Baker, Worth, Lee, Terrell, Miller, Randolph, Turner, Sumter and Seminole counties, and that the ad for

Notice of Public Hearing and Proposed Amendments

SERVICE BY PUBLICATION, a True Copy of which is affixed hereto, was published in the Albany Herald in all its editions for

March 17

2011

Mary Bickerstaff

Mary Bickerstaff
Classified Manager

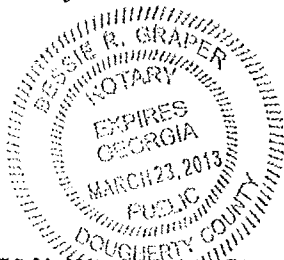
Sworn to and subscribed before

me at Albany, Georgia this

18th

Day of March, 2011

Bessie R. Graper
Notary Public



Elliott Sons

S. HERBERT ELLIOTT, JR.
www.elliottsonfunerals.com

Mrs. Jean A. Storey

Funeral Services
Former Owner of Salon of Beauty

HEPHZIBAH, Ga. - Jean A. Storey, 69, entered into rest on Tuesday, March 15, 2011 at MCG. She was a native of Glascock County before moving to Augusta at a young age.

She was born in 1941 in Hephzibah, Ga. She was the former owner of Salon of Beauty, and she enjoyed working in hair.

Survivors include her son, Larry L. (Joyce) Storey, Sr. of Augusta, and Ricky W. (Carol) Storey, Sr. of Evans; sisters, Sylvia B. Prondargast of Martinez, and Angela M. (Arthur) Ash of Hephzibah; her beloved companion, James C. McCall of Hephzibah, and 12 nieces and nephews.

The family would like to give a special thank you to her nurse, Priscilla Lamb.

Funeral services will be held at 11:00 a.m. Friday, March 18, 2011 at Elliott Sons Funeral Home.

Interment will be in Mitchell Baptist Church Cemetery in Mitchell, Ga. Pallbearers will be Larry Storey, Jr., Ricky Storey, Jr., Ryan Storey, Steven Prondargast, Jason Zahner, and Stanley Storey.

The family will receive friends Thursday, March 17, 2011 from 6:00 p.m. to 8:00 p.m. at the funeral home.

Elliott Sons Funeral Home
2521 Loughlin Road
Augusta, GA 30906
706-722-0121

Condolences may be offered at www.elliottsonfunerals.com

The Augusta Chronicle-March 18, 2011

Mrs. Margaret J. James

Funeral Services
Weeks James, wife of the late William O. "Bill" James, entered into rest March 16, 2011.

Mrs. James was a long time member of Hillcrest Baptist Church where she served as a Sunday School teacher for over 50 years. She was author and publisher of a book of poems entitled *A Light into My Path*.

Survivors include three sons, Mickey (Cindy) James; Randy (Joyce) James; and Toby James; two daughters, Gina (Steve) Shapiro; and Tamara Dyson; twelve grandchildren; thirteen great grandchildren; and a sister, Nina Stafford.

Funeral services will be held 1PM Saturday, March 19, 2011 at Hillcrest Baptist Church with Dr. Gordon Robinson officiating. Interment will follow at West View Cemetery. Pallbearers will be Jeffrey Dyson, Jeremy Dyson, Justin Dyson, Michael James, Larry Crawford and Don Baker. Honorary pallbearers will be Margaret James, Sandra Scott, and Gina.

The family will receive friends from 6:00 p.m. until 8:00 p.m. on Friday, March 18, 2011 at Elliott Sons Funeral Home, 2521 Loughlin Road, Augusta, Georgia 30906.

In lieu of flowers, memorial contributions may be made to Hillcrest Baptist Church, 3045 Deane Bridge Road, Augusta, Georgia 30906.

Elliott Sons Funeral Home
2521 Loughlin Road
Augusta, GA 30906
706-722-0121

Condolences may be offered at www.elliottsonfunerals.com

The Augusta Chronicle-March 18, 2011

Amos & Sons

Funeral Services
Cleveland Nicholson

JOHNSTON, S.C. - Cleveland Nicholson was born on December 23, 1951 in Johnston, SC to the late

CHANCE & HYDRICK
Funeral Directors
& Cremation Service
2503 RICHMOND HILL ROAD
706-790-8567

William Stanley Redd

Funeral Services
"Bubba"

AUGUSTA, Ga. - William Stanley "Bubba" Redd, 48, entered into rest March 8, 2011.

Memorial services will be held Saturday, March 19, 2011 at 12:00 Noon from the Flowing Wells Worship Center.

Mr. Redd was born in Rockdale County Georgia and was a painter. Mr. Redd was preceded in death by his grandson, Albert Logan.

Survivors include son, William Stanley Redd, Jr. of Augusta, daughter, Brandy Nicole Redd of West Hills, GA, mother & step-father, Annette V. and William of Augusta, brother, Albert Wayne Redd, Waynesboro, sisters, Rita Burke of Milton, Patricia Folger, Donna Shorff and Lisa Hancock all of Grovetown and two grandchildren.

Funeral services will be held at 11:00 a.m. Friday, March 18, 2011 at 11:00 a.m. at the funeral home.

Interment will be in Mitchell Baptist Church Cemetery in Mitchell, Ga. Pallbearers will be Larry Storey, Jr., Ricky Storey, Jr., Ryan Storey, Steven Prondargast, Jason Zahner, and Stanley Storey.

The family will receive friends Thursday, March 17, 2011 from 6:00 p.m. to 8:00 p.m. at the funeral home.

Elliott Sons Funeral Home
2521 Loughlin Road
Augusta, GA 30906
706-722-0121

Condolences may be offered at www.elliottsonfunerals.com

The Augusta Chronicle-March 18, 2011

Beggs

Funeral Services
Mr. James D. Reese

"Jimmy"

THOMSON, Ga. - Mr. James "Jimmy" D. Reese, 52 of Cobbham Rd, died Thursday, March 17th, 2011 at his residence.

Funeral services will be held Sunday, March 20, 2011 at 11:00 a.m. at the funeral home.

Interment will be in Mitchell Baptist Church Cemetery in Mitchell, Ga. Pallbearers will be Larry Storey, Jr., Ricky Storey, Jr., Ryan Storey, Steven Prondargast, Jason Zahner, and Stanley Storey.

The family will receive friends Thursday, March 17, 2011 from 6:00 p.m. to 8:00 p.m. at the funeral home.

Elliott Sons Funeral Home
2521 Loughlin Road
Augusta, GA 30906
706-722-0121

Condolences may be offered at www.elliottsonfunerals.com

The Augusta Chronicle-March 18, 2011

Robert Norris

Funeral Services
KNOXVILLE, Tenn. - Mr. Robert Norris, 68, entered into rest March 17, 2011 at Doctors Hospital, Augusta, Ga. Mr. Norris will be cremated.

McNeill Funeral Home 109 Shaw St. Martinez, Ga. 706-364-9122

The Augusta Chronicle-March 18, 2011

Mr. William E. Robinson

Funeral Services
WILLISTON, S.C. - Mr. William E. Robinson funeral services will be held Saturday, March 19, 2011 at 1:00 p.m. at the Ebenezer Baptist Church, Hwy. 61 Legion Road, Blackville, S.C. with Reverend Ruth K. Green, Reverend Joseph Jackson officiating. Burial will be in the church cemetery. Survivors are his wife, Peggy Robinson, Williston, S.C.; 3 daughters, Michelle Price (Tooy), Uniontown, Ga., Priscilla Ann Robinson, Lenoza Rana Robinson, both of Spartanburg, S.C.; his mother Kayville Ferguson, Williston, S.C.; 6 brothers, Willie Edward Ferguson (Connie), Bamberg, S.C., Monroe Robinson III (Shirley), Orangeburg, S.C., Ezell Ferguson (Bonnie), Raleigh, N.C., George Ferguson and Dennis Ferguson (Lancelot) all of Williston, S.C.; 4 sisters, Linda Joy (Machon), Blackville, S.C., Lisa Dunbar (Michael), Windsor, S.C., Sheila Broughton (Charlie), Blackville, S.C., Ann Ferguson, Williston, S.C.; 2 grandchildren and a host of aunts, uncles and other relatives and friends.

Family and friends may call at the residence of 16675 Hwy. 39, Williston, S.C. or Simmons Memorial Chapel of Elko, 803-266-2939, Friday 10 a.m. - 8 p.m., Saturday 9 a.m. - 1 p.m.

Sign the guestbook at AugustaChronicle.com

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Thomas D. King

Funeral Services
Nancy B. Foster & Tammy Kane, Jr.

AUGUSTA, Ga. - Entered into rest at the VA Hospital in Augusta, on March 16, 2011, Mr. Robert Lee Couch.

Mr. Couch was born in 1921 in Georgia. He was a member of the Augusta Chapter of the United Confederate Veterans, No. 1001. He was a member of the Augusta Chapter of the United Confederate Veterans, No. 1001. He was a member of the Augusta Chapter of the United Confederate Veterans, No. 1001.

Funeral services will be held 1:00 PM Sunday, March 20, 2011 at the Savannah Rapids Outdoor Pavilion, in Des Moines, IA. In April.

Sign the guestbook at AugustaChronicle.com

The Augusta Chronicle-March 18, 2011

Mr. Steve May

Funeral Services
THOMSON, Ga. - Cecil Steve May, 55 entered into rest March 14, 2011.

Funeral services will be 1:00 p.m., Friday, March 18, 2011 at the Beggs Funeral Home Chapel with Rev. Mike Suttin officiating. Interment services will follow in Westview Cemetery.

Please visit: BeggsFuneralHome.com for additional obituary information or to sign the family's personal guest book.

Beggs Funeral Home, 798 Cobham Road, NE, Thomson, Georgia 706/595-4100.

The Augusta Chronicle-March 18, 2011

Marlon Crosby, Jr.

Funeral Services
GROVETOWN, Ga. - Mr. Marlon Crosby, Jr., 39, son of Virginia Wiggins Crosby, entered into rest March 15, 2011 at his residence. No services will be held.

McNeill Funeral Home 109 Shaw St. Martinez, Ga. 706-364-9122

The Augusta Chronicle-March 18, 2011

Mrs. Marcy Baze

Funeral Services
AUGUSTA, Ga. - Mrs. Marcy Baze, 57, entered into rest March 17, 2011 at her residence. Mrs. Baze was a Graphic Artist and was survived by her friends. A private service will be held at a later date.

McNeill Funeral Home 109 Shaw St. Martinez, Ga. 706-364-9122

The Augusta Chronicle-March 18, 2011

Robert Norris

Funeral Services
KNOXVILLE, Tenn. - Mr. Robert Norris, 68, entered into rest March 17, 2011 at Doctors Hospital, Augusta, Ga. Mr. Norris will be cremated.

McNeill Funeral Home 109 Shaw St. Martinez, Ga. 706-364-9122

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Ronald H. Hicks

"Ron"

EVANS, Ga. - Ronald Harold Hicks (Ron), 58, of Evans, Ga., passed away at home on March 17th, 2011, of a heart attack.

Ron had been in poor health for some time. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia. He was a member of the Evans Baptist Church, 116 Atlanta, Georgia.

Funeral services will be held 1:00 PM Saturday, March 19, 2011 at the Evans Baptist Church, 116 Atlanta, Georgia. Burial will follow in the Evans Baptist Church cemetery.

Friends may call at the residence or at Jackson-Brooks Funeral Home, 116 Atlanta, Georgia, until 10:00 p.m. on Friday, March 18, 2011.

The Augusta Chronicle-March 18, 2011

DeLoach-McKerley
Funeral Home & Cremation Service

Mrs. Ellen M. Tapley

Funeral Services
ALEXANDER, Ga. - Mrs. Ellen McKlein Tapley, 67 years old, passed away Wednesday, March 16, at Trinity Hospital after an extended illness.

Funeral services will be held on Saturday, March 19, at 11:00 a.m. at Bolsh Baptist Church with Pastor Matthew Shryock officiating. Interment will follow at Bolsh Baptist Cemetery. Pallbearers will be her grandson and nephews.

She was preceded in death by her parents, Mr. and Mrs. W. Z. McKlein; a sister, Becky McKlein; and two brothers, James "Jack" McKlein and Rayford Flakes.

Survivors include her husband of 43 years, David Tapley; one son, Randall Tapley (Melissa); two grandchildren, Eric and Ashley Tapley; one sister, Ann M. Mack; two brothers, Howard McKlein and Wiley "E" McKlein; and several nieces and nephews.

Visitation will be Friday, March 18, from 6-8 p.m. at DeLoach-McKerley Funeral Home, 845 N. Liberty Street, Waynesboro, Ga. 30370 (706-554-3531).

You may sign the family's personal guestbook at: www.deloch-mckrley.com

Sign the guestbook at AugustaChronicle.com

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Elise Smith Sharpe

SAVANNAH, Ga. - Mrs. Elise Smith Sharpe, 89, died Thursday, March 17, 2011 in Savannah, Ga. Funeral: 2 p.m. Sunday, March 20, 2011, Bonaventure Funeral Home, 1160 Bonaventure Blvd., Savannah, Ga. 31406. Visitation: Saturday, March 19, 2011 from 5-7 p.m. at the funeral home.

Bonaventure Funeral Home is in charge of arrangements.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mr. Robert L. Anderson, Sr.

AIKEN, S.C. - Mr. Robert L. Anderson, Sr., 58, passed away on March 14, 2011. Visitation will be held on Friday, 3/18/2011 from 6-8 p.m. at Dychos Funeral Home of Barnwell, S.C. Funeral services will be held at St. Peter Baptist Church of Elko, Interment in Free Will Christian Missionary Cemetery, Williston, S.C. Home: Funeral Home, Aiken, S.C. is in charge of arrangements.

The Augusta Chronicle-March 18, 2011

Area Funeral Homes

Funeral Services
Mrs. Eloise B. Hall

WADLEY, Ga. - Mrs. Eloise Brown Hall entered into eternal rest on Saturday, March 12, 2011 in Gibsons, Glascock County, Ga.

Her funeral will be held on Saturday, March 1

PSD Rules
Public Notice

**The Atlanta
Journal-
Constitution**



PUBLISHER'S AFFIDAVIT

ACCOUNT NAME GA DEPT NATURAL RESOURCES

ACCOUNT NO. 041293700

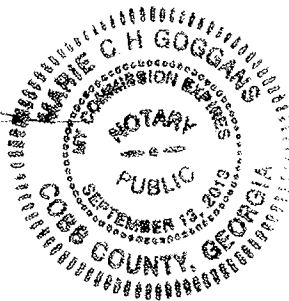
ROSHALL ANDERSON personally appeared before me, the undersigned Notary Public, who states that she is an ACCOUNT EXECUTIVE for **THE ATLANTA JOURNAL AND CONSTITUTION** newspaper, a newspaper of general circulation published in the City of Atlanta, Georgia, and who further states under oath that the advertisement attached hereto and made part of this affidavit appeared in The Atlanta Journal-Constitution on the following date(s): MARCH 09, 2011.

Roshall Anderson
(ACCOUNT EXECUTIVE SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME,

THIS 15th DAY OF MARCH, 2010

[Signature]
(NOTARY SIGNATURE)



Metro & Obituaries

Sally Bethea, the executive director of the Upper Chattahoochee Riverkeeper, made her own case Tuesday.

"We don't think we can or should afford these very expensive reservoirs," she said during a news conference for presentation of its awards. "We're hoping to convince them there is another way."

In a new report, Bethea's group claims metro Atlanta could save more than 164 million gallons per day by 2035 by fixing leaky pipes, replacing outdated toilets, mandating high-efficiency clothes washers and dishwashers, and implementing "aggressive" increases in water rates, especially for businesses.

"In three years we could find close to 50 million gallons per day through a toilet replacement program," Bethea said.

The group estimates such a swap program in metro Atlanta would cost about \$190 million in taxpayer money. But Bethea said that is a lot less than \$350 million to \$650 million for a new reservoir and delivered much quicker.

Pat Stevens, chief of environmental planning for the Atlanta Regional Commission and manager of the Metropolitan North Georgia Water Planning District, applauded the goals of the report. But

@ajc.com

Find news obituaries and family-placed death notices from the past 30 days, send or read condolences online and search obituary archives

Atlanta

Ruth Sybil Bender, 77, died March 2. The body will be cremated. Private memorial service will be held. SouthCare Cremation Society and Memorial Centers, Stockbridge. Keith Jacobs, 29, died March 3. Funeral, 1 p.m. Friday, Warren Memorial United Methodist Church. Knox Funeral Home. Eunice S. Walden, 68, died March 3. Funeral was Sunday, Macford-Paden Funeral Home, Marietta. John Arnold Wurz, 75, died Sunday. The body will be cremated. Memorial service, 1:30 p.m. Friday, Trinity Presbyterian Church. SouthCare Cremation Society and Memorial Centers, Marietta.

Bartow County

Lila Mae Callaway Swanson, 91, of Acworth died Monday. Funeral, 2 p.m. Thursday, Winkhofer Pine Ridge Funeral Home, Kennesaw.

Carroll County

Michael D. Gove, 49, of Whitesburg died Sunday. Funeral, 4 p.m. Thursday, Martin & Hightower Heritage Chapel, Carrollton.

Cherokee County

Kenneth Joseph Elrod, 72, of Waleska died Sunday. Funeral, 2 p.m. Thursday, Rock of Ages Baptist Church. Sosebee Funeral Home, Canton.

Clayton County

Michael Wade Fields, 54, of Jonesboro died Sunday. Funeral, 2

Hugh Medlock, 97, of Douglasville died Monday. Graveside service, 1 p.m. Thursday, Westview Cemetery. Roy Davis Funeral Home, Austell.

Fayette County

James Clifford Ison Jr., 81, of Brooks died Sunday. Funeral, 11 a.m. today, Carl J. Mowell & Son Funeral Home, Fayetteville. Donald Edward McEachern, 72, of Fayetteville died Sunday. Funeral, 2 p.m. today, Carl J. Mowell & Son Funeral Home.

Forsyth County

Jean Morton Cassimus, 87, of Cumming died Sunday. Private graveside service will be held. Byars Funeral Home. Ruth Echoles, 95, of Cumming died Saturday. Funeral was Tuesday. Byars Funeral Home. Hoyt Franklin Mooney, 74, of Cumming died Monday. Funeral, 11 a.m. today, Ingram Funeral Home.

Gwinnett County

Ashleyda Cristina Nunez Fernandez, 29, of Lawrenceville died Sunday. The body was cremated. Funeral was Tuesday. Metro Embalming & Crematory, Conyers.

Frank Richard Ziegler, 87, of Gainesville died Sunday. Funeral, 1 p.m. today, Bill Head Funeral Home, Duluth.

Henry County

Jerome H. Crittbs, 97, of Stockbridge died Saturday. The body was cremated. Memorial service, 5 p.m. Friday, Eagle's Landing Country Club. Cannon-Cleveland Funeral Directors, McDonough.

Newton County

Mark Anthony Lavelle, 57, of Covington died Sunday. Funeral, 1 p.m. Thursday, The Church at Covington, Oxford. Young Funeral Home.

Paulding County

George Washington Beech, 55, of Dallas died March 2. Funeral, 3 p.m. Saturday, Benson Funeral Home.

Jimmy K. Bell Sr., 64, of Dallas died Feb. 23. The body was cremated. Memorial service, 11 a.m. Friday, Wesley Chapel United Methodist Church, Marietta. Collins Funeral Home, Acworth. Jeffery D. Cochrane, 44, of Dallas died Monday. Funeral, 1 p.m. today, Benson Funeral Home.

Parkinson's disease changes the way you look at life.

If you have been diagnosed with Parkinson's disease, are experiencing slowed movement or motor fluctuations and are 50 to 85 years old, you may be qualified for a research study to test the safety and effectiveness of investigational medication for people with Parkinson's disease.

All study-related office visits, medical examinations, and study medication will be provided to qualified participants at no cost.

Dr. Marshall Nash and NeuroStudies.Net are enrolling for Parkinson's clinical studies now.

For more information visit
NeuroStudies.net
or call 404-475-0552

Legal Notices

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
NOTICE OF PUBLIC HEARING AND PROPOSED
AMENDMENTS TO GEORGIA'S RULES FOR AIR
QUALITY CONTROL CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:
Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules is required to comply with Sections 110(a)(2)(C), 161, 172(c)(5), and 173 of the Clean Air Act. The proposed Air rule amendments are described below:
Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being amended to add the definition of "Regulated NSR Pollutant."
Rule 391-3-1-.03(8) "Permit Requirements," is being amended to add nonattainment new source review requirements for fine particulate matter to the rule.

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://gaepd.org/environment1> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/653-7000 or the Environmental Protection Division Director's Office at 1-888-373-5547.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.
Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendments are proposed for adoption pursuant to authority

tional Parkway, Suite 120; Atlanta, Georgia, 30354.

The proposed Air rule amendment will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public. The proposed Air rule amendment is proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et seq.). For further information, contact the Air Protection Branch at 404/653-7000.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

NOTICE OF PUBLIC HEARING AND PROPOSED
AMENDMENTS TO GEORGIA'S RULES FOR AIR
QUALITY CONTROL CHAPTER 391-3-1

TO ALL INTERESTED PERSONS AND PARTIES:
Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules are required to comply with Sections 110(a)(2)(C) and 110(a)(2)(4) and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Sections 110(a)(2)(C), 161, 172(c)(5), and 173 and Rule V of the Clean Air Act. The proposed Air rule amendments are described below:
Rule 391-3-1-.01(cccc), the definition of "Synthetic minor permit," is amended to specify that synthetic minor permits may be federally enforceable or enforceable as a practical matter. Note: For a limit to be "enforceable as a practical matter," the limit must be both legally enforceable and practically enforceable. That is, the permitting agency must be able to determine that the source is actually complying with the permit limit. This often requires record-keeping, monitoring, and reporting requirements verifying self-imposed limitations on emissions. For a limit to be "federally enforceable," the limit must also go through public notice and comment.

Rule 391-3-1-.01(mmm), the definition of "Procedures for Testing and Monitoring Sources of Air Pollutants" is amended to reference the most recent revision of the manual.
Rule 391-3-1-.02(6), "Ambient Air Standards," is being revised to update the ambient air standards for Sulfur Dioxide and Nitrogen Dioxide to be consistent with the federal standards.
Rule 391-3-1-.02, Subparagraph (9)(b), "Emission Standards for Hazardous Air Pollutants" is updated with the latest amendment dates of the existing rules incorporated into the Georgia Rules by reference and to make minor changes to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(11), "Permit by Rule," is being amended to revise the applicability

al, 2 p.m. today, Olin L. Gammage & Sons Funeral Home, Cedartown.

The Columbus

Ledger-Enquirer

4/2/2011

GA DEPT OF NATURAL RESOURCES
2 MARTIN L KING BLVD SE
SUITE 1154
ATLANTA, GA 30334

RECEIVED

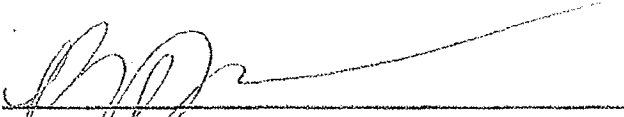
APR 15 2011

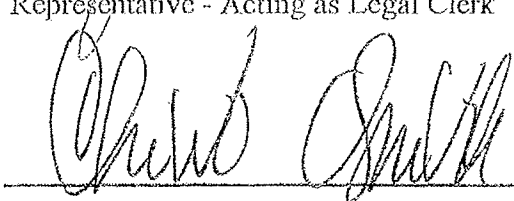
Hazardous Waste
Land Protection Branch

To Whom It May Concern:

re: Publication Affidavit
Account #004302
PSD and NSR LGL
Ad #2432697 *PSD Rules*

This is to certify the legal advertisement in the above stated case was published in the Columbus Ledger-Enquirer legal section 1 time(s) ending on 3/17/2011.


Blaire Erlinger
Representative - Acting as Legal Clerk


Christi Smith
Notary Public, Muscogee County, GA

CHRISTI DANIELLE SMITH
NOTARY PUBLIC
MUSCOGEE COUNTY
STATE OF GEORGIA
My Commission Expires April 14, 2013

THE ALBANY HERALD

PUBLISHING COMPANY INC.

Affidavit of Publication

State of Georgia,
County of Dougherty



Personally, appeared before the undersigned, an officer, authorized to administer oaths, **Mary Bickerstaff**, who being sworn, says that she is the **Classified Manager** for The Albany Herald Publishing Inc., a corporation with principle offices at Albany, Dougherty County, Georgia, and having general circulation within the area of Dougherty, Early, Clay, Calhoun, Mitchell, Decatur, Baker, Worth, Lee, Terrell, Miller, Randolph, Turner, Sumter and Seminole counties, and that the ad for

Notice Of Public Hearing and Proposed Amendment
SERVICE BY PUBLICATION, a True Copy of which is affixed hereto, was published in the Albany Herald in all its editions for

March 17 2011

Mary Bickerstaff
Mary Bickerstaff
Classified Manager

Sworn to and subscribed before
me at Albany, Georgia this 18th
Day of March, 2011

Bessie R. Graper
Notary Public



126 N. Washington St.

P.O. Box 48

Albany, Georgia 31702-0048

229-888-9300

STATE OF GEORGIA
COUNTY OF CHATHAM



AFFIDAVIT OF PUBLICATION
SAVANNAH MORNING NEWS

Personally appeared before me, Alaina Fincher, to me known, who being sworn, deposes and says:

That she is the Obituary/Legal Clerk for Southeastern Newspaper Corporation, a Georgia corporation, doing business in Chatham County, GA, under the trade name of Savannah Morning News, a daily newspaper published in said county;

That he is authorized to make affidavits of publication on behalf of said published corporation;

That said newspaper is of general circulation in said county and in the area adjacent thereto;

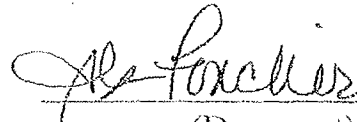
That he has reviewed the regular editions of the Savannah Morning News, published on:

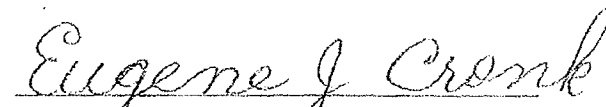
March 18, 2011, 2011,

_____, 2011, _____, 2011,
and finds that the following advertisement, to-wit:

Appeared in each of said editions.
Sworn to and subscribed before me

This 21 day of March 2011


(Deponent)


Notary Public, Chatham County, Ga.

EUGENE J. CRONK
Notary Public, Chatham County, GA
My Commission Expires January 25, 2014

DEPARTMENT OF
NATURAL RESOURCES
ENVIRONMENTAL
PROTECTION
DIVISION

NOTICE OF
PUBLIC HEARING
AND PROPOSED
AMENDMENTS
TO GEORGIA'S RULES
FOR AIR QUALITY
CONTROL
CHAPTER 391-3-1

TO ALL INTERESTED
PERSONS AND
PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Chapter 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the revision of these rules is required to comply with Sections 110(a)(2)(C), 161, 172(c)(3), and 173 of the Clean Air Act. The proposed Air rule amendments are described below:

Rule 391-3-1-.02(7), "Prevention of Significant Deterioration of Air Quality," is being amended to add the definition of "Regulated NSR Pollutant."

Rule 391-3-1-.03(8) "Permit Requirements," is being amended to add nonattainment new source review requirements for fine particulate matter to the rule.

This notice, together with an exact copy of the proposed Air rule amendments, a synopsis, and a statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <http://goepd.org/environe/t/1> or during normal business hours of 8:00 a.m. to 4:30 p.m. at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Copies may also be requested by contacting the Air Protection Branch at 404/363-7000 or the Environmental Protection Division Director's Office at 1-888-373-5947.

To provide the public an opportunity to comment upon and provide input into the proposed Air rule amendments, a public hearing will be held at 3:00 p.m. on April 11, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. At the hearing, anyone may present data, make

a statement, comment, or offer a viewpoint or argument either orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously-recorded messages, must be submitted in writing for the official record. Oral statements should be concise.

Written comments are welcomed. To insure their inclusion in EPD's package for the Board of Natural Resources, written comments should be received by close of business on May 9, 2011. Written comments may be emailed to EPDComments@dnr.state.ga.us or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air rule amendments will be considered for adoption by the Board of Natural Resources at its meeting of 9:00 a.m. on June 29, 2011, in the DNR Board Room located at 2 Martin Luther King, Jr. Drive, Suite 1252, East Tower, Atlanta, Georgia 30334. The meeting is open to the public.

The proposed Air rule amendments are proposed for adoption pursuant to authority contained in Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact the Air Protection Branch at 404/363-7000.

Georgia Department of Natural Resources

Environmental Protection Division, Air Protection Branch

4244 International Parkway, Suite 120, Atlanta, Georgia 30354

Phone: 404/363-7000; Fax: 404/363-7100

Mark Williams, Commissioner

F. Allen Barnes, Director

CERTIFICATE OF PUBLIC HEARING AND RULE ADOPTION

I do hereby certify that a public hearing was held on April 26, 2011, concerning proposed amendments to Georgia's Rules for Air Quality, Chapter 391-3-1.

A public notice was published in The Atlanta Journal/Constitution, a newspaper of statewide circulation; the Albany Herald; the Savannah Morning News; and the Augusta Chronicle, providing at least 30 days for review and comments.

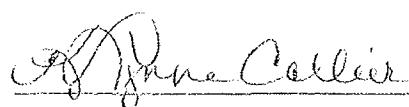
I do further certify that the proposed rule amendments were adopted in accordance with the State of Georgia's procedures for rule adoption. The proposed rule amendments were adopted by the Board of Natural Resources on June 29, 2011; were filed with the Secretary of State's office on August 24, 2011; and will become effective September 13, 2011.



James P. Johnston, Manager
Planning and Support Program

11/16/2011

Date



Notary Public – K. Lynne Collier
Notary Public; Fayette County, Georgia
My Commission Expires January 13, 2013

November 16, 2011

Date

Georgia Department of Natural Resources

Environmental Protection Division, Air Protection Branch

4244 International Parkway, Suite 120, Atlanta, Georgia 30354

Phone: 404/363-7000; Fax: 404/363-7100

Mark Williams, Commissioner

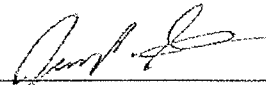
F. Allen Barnes, Director

CERTIFICATE OF PUBLIC HEARING AND RULE ADOPTION

I do hereby certify that a public hearing was held on April 11, 2011, concerning proposed amendments to Georgia's Rules for Air Quality, Chapter 391-3-1.

A public notice was published in The Atlanta Journal/Constitution, a newspaper of statewide circulation; the Albany Herald; the Savannah Morning News; and the Augusta Chronicle, providing at least 30 days for review and comments.

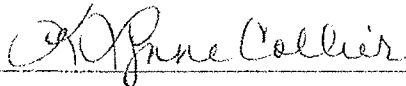
I do further certify that the proposed rule amendments were adopted in accordance with the State of Georgia's procedures for rule adoption. The proposed rule amendments were adopted by the Board of Natural Resources on June 29, 2011; were filed with the Secretary of State's office on August 24, 2011; and will become effective September 13, 2011.



James P. Johnston, Manager
Planning and Support Program

11/16/2011

Date



Notary Public – K. Lynne Collier
Notary Public, Fayette County, Georgia
My Commission Expires January 13, 2013

November 16, 2011

Date