

**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**, paragraph (2), “**Emission Limitations and Standards**,” subparagraph (ooo) thereof, relating to “Heavy-Duty Diesel Engine Requirements,” is being amended by deleting and inserting a reference in subparagraphs 11.

**Purpose:** Amendments to subparagraph 11 updates the reference from subparagraph 7 to subparagraph 10. By error, the reference was not updated in the rule amendments that became effective in January 2005.

**Main Features:** Subparagraph 11 incorrectly references subparagraph 7 for the purpose of determining who is responsible for submitting compliance reports to EPD. This amendment revises the reference to subparagraph 10, which correctly identifies those entities that are supposed to submit compliance reports.

**Rule 391-3-1-.02**, paragraph (7), “**Prevention of Significant Deterioration of Air Quality**,” is being amended by striking the paragraph in its entirety and inserting in lieu thereof a new subparagraph (7).

**Purpose:** The existing Prevention of Significant Deterioration of Air Quality rule (abbreviated as PSD), is being amended to incorporate changes made to the Federal Rule as promulgated December 31, 2002. Several changes to the December 31, 2002, Federal Rule are being proposed for incorporation into the Georgia rule.

**Main Features:** The December 31, 2002, Federal rule changes address five areas of the PSD regulation: 1) applicability test for modification of existing units, 2) calculation of baseline actual emissions, 3) clean unit provisions, 4) pollution control projects, and 5) plant-wide applicability limits. The proposed changes to the Georgia rules incorporate three of these (the clean unit and pollution control project provisions have been vacated by Federal Court and are not being adopted here) provisions plus propose a number of Georgia specific changes in order to protect air quality, provide clarification, ensure enforceability, and provide consistency with other existing Georgia rules.

**Rule 391-3-1-.03(6), “Exemptions,”** subparagraph (b) thereof, is being amended by adding new subparagraph (b)14. and (b)15.

**Purpose:** Stationary sources that install temporary boilers and electric generators to replace that source’s primary boiler or generator during periods of maintenance or repair will no longer be required to obtain a permit for the temporary equipment.

**Main Features:** Subparagraph (b)14 provides the exemption for temporary stationary engines used to generate electricity (commonly referred to as electric generators) when they are used to replace the source’s main generators. Subparagraph (b)15 provides the exemption from fuel-burning equipment (commonly referred to as boilers) when they are used to replace the source’s main boilers. Both exemptions apply when the main units are not operated for purposes of repair or maintenance. The exemptions specify that the temporary equipment must have both actual and potential (i.e., allowable) emissions less than that of the main unit. The exemption for temporary boilers specifies that if the unit remains at a location for longer than 180 are no longer considered temporary boilers. Minor typographical corrections are also made to existing language in the rule.

**Rule 391-3-1-.03,** paragraph (8) thereof relating to, **“Permit Requirements,”** subparagraph (c) thereof, is hereby amended by striking subparagraph (c) in its entirety and inserting in lieu thereof a new subparagraph (c).

**Purpose:** The existing Non-Attainment New Source Review (commonly referred to as Non-Attainment NSR) rule is being amended to clarify that the provisions of Rule 391-3-1-.02(7), “Prevention of Significant Deterioration of Air Quality,” also apply to sources subject to non-attainment new source review including the changes to that rule which are being proposed simultaneously with this rule.

**Main Features:** Changes to the Non-Attainment NSR rule include the addition of language that states that the requirements of 391-3-1-.02(7) apply to sources subject to this rule and language which states that when there is a conflict between the provisions of 391-3-1-.03(8)(c) (the Non-Attainment NSR provisions) and 391-3-1-.02(7) (the PSD provisions), the Non-Attainment NSR provisions apply. Minor typographical corrections are also made to existing language in the rule.

## STATEMENT OF RATIONALE

### *Rules for Air Quality Control*

#### **Rule 391-3-.02(2)(ooo) – Heavy-Duty Diesel Engine Requirements**

EPD is replacing the reference to subparagraph 7 in subparagraph 11 with a reference to subparagraph 10. This error occurred when the subparagraphs were renumbered in the amendments to the rule that became effective in January 2005.

This rule revision provides for an error correction of existing requirements and does not impose any additional cost to the regulated industry or the public or require additional EPD staff or budget increases.

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

On December 31, 2002, U.S. EPA adopted revisions to the Federal Prevention of Significant Deterioration (PSD) regulations. State permitting authorities are required to adopt these changes into their PSD regulations by January 2, 2006. EPD is proposing to incorporate the Federal rule changes into the Georgia PSD rules. The December 31, 2002, Federal rule changes address five areas of the PSD regulation: 1) applicability test for modification of existing units, 2) calculation of baseline actual emissions, 3) clean unit provisions, 4) pollution control projects, and 5) plant-wide applicability limits (PALs). The clean unit and pollution control project provisions have been vacated by a Federal Court and are not being incorporated into the Georgia PSD rules. EPD is proposing several provisions that differ from the December 31, 2002, Federal Rule. These differences include:

- Options that streamline the emissions calculations, such as the option to exclude malfunction emissions from calculations.
- Increased record keeping and reporting to provide EPD with sufficient information to ensure enforceability.
- Elimination or clarification of vague provisions
- Incorporation of important information that is included in the preamble but not in the rule
- Changes to permitting requirements to make them consistent with Georgia permitting requirements.

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There is no economic impact to the regulated industry as this rule may actually provide relief by reducing the number of modifications that will be required to undergo major new source review. Any impact on EPD's staffing or budgetary needs that result from these rule revisions will be a result of the mandatory requirements of federal rules. No costs will be imposed on local governments or the general public.

#### **Rule 391-3-1-.03(6)(b) Permit Exemption for Combustion Equipment**

The basis of this rule is to provide for an exemption from obtaining an operating permit for certain activities. The purpose of this revision is to change the existing rule to exempt temporary boilers and electric generators that are used to replace a facility's boilers or generators during periods of repair or maintenance from the requirement to obtain a permit.

There is no economic impact to the regulated industry as this rule may actually provide relief by streamlining the permitting process for certain operations. The proposed amendment will likely reduce EPD's permitting workload and thus we do not anticipate hiring new staff or asking for an increased budget to handle the workload. No costs will be imposed on local governments or the general public.

#### **Rule 391-3-1-.03(8)(c) Permit Requirements**

The basis of this rule is to provide permitting requirements for new major sources and major modifications to existing major sources located in air quality non-attainment areas (commonly referred to as Non-attainment NSR). On December 31, 2002, U.S. EPA adopted revisions to the Federal Non-Attainment NSR regulations. The changes to the Federal Non-Attainment NSR regulations are identical to changes made to the Federal Prevention of Significant Deterioration (PSD) rules on the same date. EPD is proposing changes to Georgia's PSD rules to incorporate (with some differences) the changes to the Federal PSD rules. The proposed revisions to 391-3-1-.03(8)(c) (Georgia's Non-Attainment NSR rule) adds language that clarifies that the Georgia PSD rules, including the proposed revisions.

There is no economic impact to the regulated industry as this rule may actually provide relief by reducing the number of modifications that will be required to undergo major non-attainment new source review. Any impact on EPD's staffing or budgetary needs that result from these rule revisions will be a result of the mandatory requirements of federal rules. No costs will be imposed on local governments or the general public.