

**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**, paragraph (2) thereof, relating to “**Emission Standards and limitations**,” is hereby amended by striking subparagraphs (jjj)4, 5, and 6 in their entirety and inserting in lieu thereof new subparagraphs (jjj)4, 5, 6, 7, and 8.

**Purpose:** To establish an ozone season NOx emission limit for Georgia Power’s Plant Scherer, located in Monroe County. This limit takes effect beginning with the 2007 ozone season. The limit reflects the NOx emission levels currently achieved by existing control technology and operating conditions. This limit will be part of the Macon 8-hour ozone maintenance or attainment plan.

**Main Features:** Subparagraph 5 is added to adjust the existing 7-plant average to account for the lower NOx emissions from Plant Scherer. Subparagraph 6 contains the new ozone season NOx limit for Plant Scherer (0.17 lb/MMBtu, 30-day rolling average, averaged over all four existing units). Consistent with the existing regulation, unit-specific NOx limits are to be established in a permit. The combination of these unit-specific limits must be no greater than the 7-plant average. If any unit exceeds its unit-specific NOx limit, then the owner/operator must demonstrate compliance with the overall NOx emission limit.

**Rule 391-3-1-.02**, paragraph (6) thereof, relating to “**Source Monitoring**,” is hereby amended by striking subparagraph (a)4 in its entirety and inserting in lieu thereof a new paragraph (a)4.

**Purpose:** To revise the Emission Statement requirements to be consistent with the Federal 8-hour ozone implementation rule.

**Main Features:** The Emission Statement deadline is changed from July 31 to June 15 each year. Applicability is expanded to include the seven counties that are part of the 8-hour ozone non-attainment area but were not part of the 1-hour ozone non-attainment area.

**Rule 391-3-1-.02**, paragraph (7), “**Prevention of Significant Deterioration of Air Quality**,” is being amended by striking subparagraphs (7)(a)2(i)(I)I, (7)(a)2(i)(I)V, (7)(a)2(i)(II)VI, (7)(a)2(ii)(II)III, (7)(a)3, (7)(a)4(vi), (7)(b)15(i)(III), and (7)(b)21(vii)(I), in their entirety and inserting in lieu thereof new subparagraphs (7)(a)2(i)(I)I, (7)(a)2(i)(I)V, (7)(a)2(i)(II)VI, (7)(a)2(ii)(III), (7)(a)3, (7)(a)4(vi), (7)(a)4(ix), (7)(b)15(i)(III), (7)(b)21(vii)(I), and (7)(b)21(ix).

**Purpose:** The purpose of these revisions are to correct grammatical and typographical errors and inadvertent omissions.

**Main Features:** Typographical and grammatical errors are corrected in the following

subparagraphs: (7)(a)2(i)(I), (7)(a)2(i)(IV), (7)(a)2(i)(II)VI, (7)(a)2(ii)(II)III, (7)(a)3 (opening sentence), (7)(a)4(vi), (7)(b)15(i)(III), and (7)(b)21(vii)(I). Subparagraphs (7)(a)4(ix) and (7)(a)21(xi) are added to address inadvertent omissions.

**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:** Subparagraph (c) is revised to incorporate changes resulting from the designation of 20 counties in and around the Atlanta metropolitan area as non-attainment under the new 8-hour ozone standard. Changes are also made to reflect a recent federal court vacatur of the Federal “pollution control project” regulatory and policy provisions and to make changes so as to be consistent with Federal nonattainment new source review requirements.

**Main Features:** Changes are made to subparagraphs 13., 14., and 15. of subparagraph (c) to incorporate changes resulting from the designation of 20 counties in and around the Atlanta metropolitan area as non-attainment under the new 8-hour ozone standard. Subparagraphs 14.(v) and 15.(v) are struck to remove the pollution control project provisions. Sentences are added at the end of subparagraphs 13.(i), 14.(i), and 15.(i), changes are made to subparagraph 7, and subparagraph 12.(v) is removed to make the Georgia non-attainment NSR rule consistent with Federal rules. The opening language of subparagraph (c) is also revised to reference new subparagraph (g).

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

**Purpose:** Subparagraph (e) is revised to incorporate changes resulting from the designation of 20 counties in and around the Atlanta metropolitan area as non-attainment under the new 8-hour ozone standard.

**Main Features:** The seven counties which are part of the Atlanta 8-hour ozone non-attainment area, but were not part of the 1-hour ozone non-attainment area, are removed from the list of counties that contribute to ambient levels of ozone in the Atlanta ozone non-attainment area and are added to the list of counties that form the Atlanta ozone non-attainment area.

**Rule 391-3-1-.03**, paragraph (8) thereof relating to, “**Permit Requirements**,” is amended by adding new subparagraph (g).

**Purpose:** Subparagraph (g) is added to make Georgia’s existing non-attainment NSR regulation consistent with Federal non-attainment NSR regulations.

**Main Features:** Subparagraph (g) identifies the provisions of Georgia’s PSD regulation [391-3-1-.02(7)] that apply to sources subject to non-attainment NSR. Existing subparagraph (c) already identifies the additional provisions that only apply to

sources subject to non-attainment NSR.

**Rule 391-3-1-.03**, paragraph (13) thereof relating to, “**Emission Reduction Credits,**” is amended by striking subparagraph (c) in its entirety and inserting in lieu thereof a new subparagraph (c).

**Purpose:** To make the required method for determining actual emission prior to an emissions reduction consistent with recent changes to federal regulations.

**Main Features:** Subparagraph 1.(i) is revised to reference the procedures for determining “baseline actual emissions” contained in Georgia’s major NSR regulation as the proper method for determining actual emissions prior to an emission reduction.

# STATEMENT OF RATIONALE

## Rules for Air Quality Control

### **Rule 391-3-1-.02(2)(jjj) NOX Emissions from Electric Utility Steam Generating Units**

The basis of this rule is to limit nitrogen oxides (NOx) emissions (a precursor to ozone formation) from existing coal-fired power plants that are located within or contribute to ozone levels in ozone non-attainment areas. The purpose of this revision is to establish a NOx limit for Georgia Power's Plant Scherer, which is located within the Macon non-attainment area and also contributes to ozone levels in the Atlanta non-attainment area, and revise the existing 7-plant NOx limit to reflect the lower emissions from Plant Scherer. The NOx limit is based on currently installed and operating technology.

There is no economic impact to the regulated industry or EPD as this rule is based on technology already in place. No costs will be imposed on local governments or the general public.

### **Rule 391-3-1-.02(6)(a)4 Emission Statements**

The basis of this rule is to require submission of nitrogen oxides (NOx) and volatile organic compound (VOC) emission inventories for sources located in the Atlanta ozone non-attainment area. The purpose of this revision is to make the rule consistent with current federal regulations for 8-hour ozone non-attainment areas.

This revision is in no way more restrictive than the federal requirements and does not incur any additional costs to EPD or the regulated industry beyond what is required by federal regulations. No costs will be imposed on local governments or the general public.

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

The basis of this rule is to provide permitting requirements for new major sources and major modifications to existing major sources. The purpose of this revision is to correct typographical errors, grammatical errors, and inadvertent omissions.

This revision is administrative in nature and does not incur any additional costs to EPD, the regulated industry, local governments, or the 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). The purpose of this revision is to make Georgia's rule consistent with current federal requirements.

This revision is in no way any more restrictive than the federal requirements and does not incur any additional costs to the regulated industry beyond what is required by federal regulations. No costs will be imposed on local governments or the general public.

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

The basis of this rule is to designate areas of the State which are not attaining a National Ambient Air Quality Standard and any area which contributes to ambient levels of such pollutant in areas of non-attainment. The purpose of this revision is to update the listed counties to reflect the designation of the 20-county Atlanta area as non-attainment for the 8-hour ozone standard.

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

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

The basis of this rule is to provide clarification on which permitting requirements that apply to new and modified major sources located in attainment areas also apply to new and modified major sources located in non-attainment areas.

This revision is in no way any more restrictive than federal requirements and does not incur any additional costs to regulated industry or EPD beyond what is required by federal regulations. No costs will be imposed on local governments or the general public.

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

The basis of this rule is to provide a program for the creation, banking, transfer and use of nitrogen oxides and VOC Emission Reduction Credits for facilities that voluntarily reduce emissions. The purpose of this revision is to modify the method for determining actual emission prior to a reduction in emissions so that it is consistent with other Georgia regulations.

There is possible economic benefit to the regulated industry as this rule may actually increase the number of emission reduction credits that may be created from an emissions reduction project. 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.