

# Georgia Rules and Regulations

## Administrative Bulletin for July 2020

### OFFICE OF SECRETARY OF STATE ADMINISTRATIVE PROCEDURE DIVISION

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# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-37. HISTORIC PRESERVATION**

### **Subject 110-37-1. DESIGNATION OF HISTORIC BUILDINGS AND LANDMARK MUSEUM BUILDINGS**

#### **110-37-1-.01 Definitions**

(1) "Historic Building" means any individual building or any building which contributes to the historic character of a historic district, so designated by the State Historic Preservation Officer, or so designated pursuant to the provisions of Article 2 of Chapter 10 of Title 44, the "Georgia Historic Preservation Act".

(2) "Landmark Museum Building" means a historic building as defined in (1) used as the exhibit of the building itself, which exhibits a high degree of significance and architectural integrity, is open to the public not less than twelve (12) days per year, and is so designated by the State Historic Preservation Officer.

(3) "National Historic Preservation Act" means the Act of Congress codified at 16 U.S.C. Section 470 *et seq.*, as amended (Public Law 89-665, as amended).

(4) "National Register of Historic Places" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of the National Historic Preservation Act.

(5) "State Historic Preservation Office" means the office within state government which carries out the function of the state historic preservation program under the National Historic Preservation Act. In Georgia, this is the Historic Preservation Division, Department of Community Affairs.

(6) "State Historic Preservation Officer" means the official designated by the Governor of Georgia to administer the state's historic preservation program under the National Historic Preservation Act.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-1-.01

**AUTHORITY:** O.C.G.A. § [25-2-13](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

#### **110-37-1-.02 Criteria for Designation**

(1) Historic buildings shall be so designated by the State Historic Preservation Officer if one of the following criteria is met:

(a) The building is in the National Register of Historic Places either as an individual property or as a contributing property to a historic district;

(b) The State Historic Preservation Officer concurs with a federal agency/applicant as the result of a proposed federal action that a building is eligible for listing in the National Register of Historic Places. In the case of property located within a district considered eligible, the particular building must be included as a contributing property to the district;

(c) The State Historic Preservation Officer has recommended to the National Park Service under the provisions of the Economic Recovery Tax Act of 1981 that a building can be:

1. Certified as a contributing building to a district listed in the National Register of Historic Places; or
2. Preliminarily certified as eligible for listing in the National Register of Historic Places or as a contributing building to a district eligible for listing in the National Register of Historic Places; or

(d) The State Historic Preservation Officer determines that a building, or a contributing building in a historic district, meets the criteria for the National Register of Historic Places as a part of the National Register nomination procedures of the State Historic Preservation Office.

(2) A building shall be designated as a landmark museum building if all of the following criteria are met:

(a) The building is used as an exhibit of itself which means it is presented to the public as a work of architecture by means of such activities as tours, seminars, workshops, brochures and/or information made available to visitors. The use of a building as an exhibit should be included in any statement of purpose of the occupying organization, or should be documented by a written statement of the property owner;

(b) The building has a high degree of architectural integrity which means it remains relatively unchanged from its historic appearance, or represents clearly the particular history of a building, including its evolution during various historic architectural periods. Integrity is a quality that applies to historic and prehistoric resources in the following ways:

1. Location, which means the place where the historic resource was constructed or where a historic event or series of events took place (except in rare cases, the relationships between the resource and its natural and man-made surroundings are destroyed if a historic resource is moved);

2. Design, which means the composition of elements that comprise the form, plan, space, structure, and style of a property;

3. Setting, which means the physical environment of a historic property which may include natural or man-made physical features;

4. Materials, which means the physical elements that are combined or deposited in a particular pattern or configuration;

5. Workmanship, which is the physical evidence of the crafts of a particular culture of people during any given period in history or prehistory;

6. Feeling, which is the quality a historic resource has in evoking the aesthetic or historic sense of a past period of time; and

7. Association, which is the direct link between a property and an event or a person for which the property is significant;

(c) The building has been shown to have significance according to the categories of significance established for the National Register of Historic Places. Areas of significance may include prehistoric and historic archaeology, agriculture, architecture, art, commerce, communications, community planning, conservation economics, education, engineering, exploration/settlement, industry, invention, landscape architecture, law, literature, military, music, philosophy, politics/government, religion, science, sculpture, social/humanitarian, theater, transportation; and

(d) The building is open to the public a minimum of twelve (12) days per year.

(3) A building shall be preliminarily designated as a landmark museum building if the building is proposed for use, but not yet used, as an exhibit of itself, pursuant to 110-37-1-.02(2)(a) and (d), and if it is shown to meet the criteria

for landmark museum designation, pursuant to 110-37-1-.02(2)(b) and (c). Preliminary designation is an indication that a building, if put into use according to approved plans, will meet the criteria for landmark museum designation. Actual designation as a landmark museum building will be contingent upon the faithful execution of approved plans. It is the responsibility of the applicant to insure that approved plans are faithfully carried out and to apply for actual designation as a landmark museum building upon completion of the work.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-1-.02

**AUTHORITY:** O.C.G.A. § [25-2-13](#).

**HISTORY:** Original Rule entitled "Criteria for Designation" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-1-.03 Application Procedures**

(1) Designation application forms may be obtained from, and completed applications should be submitted to: Historic Preservation Division, Georgia Department of Community Affairs, 60 Executive Park South, Atlanta, GA 30329.

(2) Designation shall be made by the State Historic Preservation Officer only upon receipt of a completed designation application and such accompanying documentation as is necessary or called for.

(3) Normally such designation shall be made within thirty (30) days. However, should site visits or other evaluative activities by the State Historic Preservation Office staff be required, the thirty (30) day period may be extended as needed at the sole discretion of the State Historic Preservation Officer.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-1-.03

**AUTHORITY:** O.C.G.A. § [25-2-13](#).

**HISTORY:** Original Rule entitled "Application Procedures" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-37. HISTORIC PRESERVATION**

### **Subject 110-37-2. EVALUATION OF PROPERTIES FOR THE GEORGIA REGISTER OF HISTORIC PLACES**

#### **110-37-2-.01 Definitions**

(1) "Building". A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

(2) "Department" means the Department of Community Affairs.

(3) "Georgia Register of Historic Places" or "Georgia Register" means the Georgia Register of districts, sites, buildings, structures, and objects significant in Georgia history, architecture, engineering, and culture.

(4) "Historic District" means a geographically definable area, urban or rural, that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(5) "Historic Property" is defined in O.C.G.A. § [12-3-50.2](#) and means districts, sites, buildings, structures, or objects which possess integrity of location, design, setting, materials, workmanship, feeling, and association and which are determined to meet the criteria for listing in the Georgia Register of Historic Places according to the criteria outlined in these regulations.

(6) "National Historic Preservation Act" means the Act of Congress codified at 16 U.S.C. Section 470 et seq., as amended (Public Law 89-665, as amended).

(7) "National Register of Historic Places" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of the National Historic Preservation Act.

(8) "Site". A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

(9) "State Historic Preservation Office" means the office within state government which carries out the function of the state historic preservation program under the National Historic Preservation Act. In Georgia, this is the Historic Preservation Division, Department of Community Affairs.

(10) "State Historic Preservation Officer" means the official designated by the Governor of Georgia to administer the state's historic preservation program under the National Historic Preservation Act and O.C.G.A § [12-3-50.1\(c\)\(13\)](#).

(11) "State Historic Preservation Review Board". The State Historic Preservation Review Board means a board designated by the State Historic Preservation Officer and consisting of members representing the professional fields of Georgia history, architectural history, historical architecture, prehistoric and historic archaeology, and other professional disciplines which may include citizen members.



(12) "Structure". A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-2-.01

**AUTHORITY:** O.C.G.A. § [12-3-50.2](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

## **110-37-2-.02 Criteria for Evaluation of Properties for the Georgia Register**

(1) The following criteria will be used for evaluation of property for the Georgia Register.

(2) The quality of significance in Georgia history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

(3) Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the Georgia Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with the historical figure's productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

(g) A property achieving significance within the past 50 years if of exceptional importance.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-2-.02

**AUTHORITY:** O.C.G.A. § [12-3-50.1](#).

**HISTORY:** Original Rule entitled "Criteria for Evaluation of Properties for the Georgia Register" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-2-.03 Application Procedures**

(1) Designation application forms may be obtained from, and completed applications should be submitted to: Historic Preservation, Division, Georgia Department of Community Affairs, 60 Executive Park South, Atlanta, GA 30329.

(2) Designation shall be made by the State Historic Preservation Officer only upon receipt of a completed designation application and such accompanying documentation as is necessary or called for.

(3) Applicants shall submit documentation on forms or in a format approved by the Department for this use. At a minimum the application shall include name of property, location, property description, property history, significance, sources of information used to document the property, property ownership and other such information as shall be needed by the Department to determine eligibility and process the application.

(4) Submissions to the Review Board and the State Historic Preservation Officer shall be prepared using the documentation provided by the applicant and on forms developed by the Section.

(5) The State Historic Preservation Review Board shall (1) determine the adequacy of documentation of the application and (2) consider the eligibility for listing of properties submitted for its review by the State Historic Preservation Office. In its consideration, the State Historic Preservation Review Board shall review the State Historic Preservation Office recommendations as well as any comments concerning the property's significance. The State Historic Preservation Review Board shall determine (1) whether or not the property meets the Georgia Register criteria for evaluation and (2) if the documentation is adequate. The State Historic Preservation Review Board shall make a recommendation to the State Historic Preservation Officer Review to approve or disapprove the application.

(6) The State Historic Preservation Officer shall make the final determination of listing a property in the Georgia Register of Historic Places. The State Historic Preservation Review Officer's decision to list such property constitutes a listing in the Georgia Register of Historic Places.

(7) A boundary alteration shall be considered as a new property. An application for eligibility must be submitted and the process for listing followed as stated in (1) through (6) above. Only those owners affected by the boundary change need to be notified.

(a) Four justifications exist for altering a boundary:

1. professional error in the initial application;
2. loss of historic integrity;
3. recognition of additional significance;
4. additional research documenting that a larger or smaller area should be listed.

(b) No enlargement of a boundary should be recommended unless the additional area possesses previously unrecognized significance in Georgia history, architecture, archaeology, engineering or culture. No diminution of a boundary should be recommended unless the area being removed does not meet the Georgia Register criteria for evaluation.

(8) Properties listed in the Georgia Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation,

immediate setting, and general environment. Property should be moved in a manner which retains the historic integrity of the property.

(a) If it is proposed that a property listed in the Georgia Register be moved and the interested party wishes the property to remain in the Georgia Register during and after the move, the applicant shall submit documentation to the State Historic Preservation Office prior to the move. The State Historic Preservation Office shall respond to a properly documented submittal with the final decision on whether the property will remain in the Georgia Register. Any such application submitted will be considered a new property for listing and must follow the same procedures as discussed in (3) and (4) above. The documentation shall discuss and provide:

1. the reasons for the move;
2. the effect on the property's historical integrity;
3. the new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical or archaeological significance that would be adversely affected by the intrusion of the property;
4. photographs and maps showing the proposed location; and
5. the methods to be used to move the property.

(b) The State Historic Preservation Office shall review this documentation and prepare a recommendation to the State Historic Preservation Officer on whether or not the property will continue to meet Georgia criteria of eligibility after the move. Then the State Historic Preservation Office shall make a decision on whether or not the property may continue to meet Georgia criteria of eligibility after the move. Required notification procedures will be followed.

(c) Once the property is moved, the applicant shall submit to the State Historic Preservation Office:

1. a letter stating the date the property was moved;
2. photographs of the property on its new location; and
3. maps showing the new location of the property and current ownership of the property.

(d) In the event that a property is moved, deletion from the Georgia Register will be automatic unless the above procedures are followed prior to the move. If the property has already been moved, it is the responsibility of the applicant to notify the State Historic Preservation Office. If an applicant wishes to have the structure reentered in the Georgia Register, application must be made again on new forms which discuss:

1. the reasons the property was moved;
2. the effect on the property's historical integrity;
3. the new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical or archaeological significance that would be adversely affected by the intrusion of the property;
4. photographs and maps showing the new location; and
5. the methods used to move the property.

(9) Properties are removed from the Georgia Register only under the following circumstances:

(a) Grounds for removing properties from the Georgia Register are as follows:

1. the property has ceased to meet the criteria for listing in the Georgia Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to application and prior to listing;
2. additional information shows that the property does not meet the Georgia Register criteria for evaluation;
3. error in professional judgment as to whether the property meets the criteria or evaluation; or
4. prejudicial procedural error in the application or listing process.

(b) Properties removed from the Georgia Register for procedural error shall be reconsidered for listing by the State Historic Preservation Officer after correction of the error or errors by the State Historic Preservation Officer, the Historic Preservation Division, the State Historic Preservation Office, the Review Board, or the applicant, as appropriate.

(c) Any person or organization may request in writing for removal of a property from the Georgia Register by setting forth the reasons the property should be removed on the grounds established above. Petitions for removal are submitted to the State Historic Preservation Office. The State Historic Preservation Office reviews these petitions for removal and submits its recommendations to the State Historic Preservation Officer for a final decision.

(d) The State Historic Preservation Officer may elect to have a property considered for removal according to the State's application procedures for a new listing unless the petition is on procedural grounds.

(e) The State Historic Preservation Officer may remove a property from the Georgia Register on his/her own motion on the grounds established above. In such cases, the State Historic Preservation Office will notify the affected owner(s) and the applicable chief elected local official and provide them an opportunity to comment. Upon removal, the State Historic Preservation Office will notify the applicant of the basis for the removal.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-2-.03

**AUTHORITY:** O.C.G.A. § [12-3-50.2](#).

**HISTORY:** Original Rule entitled "Application Procedures" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

#### **110-37-2-.04 Relationship of Georgia Register to National Register**

(1) All properties currently listed in the National Register shall be listed in the Georgia Register. Any subsequent listings in the National Register shall be listed in the Georgia Register. However, listing in the Georgia Register does not mean listing in the National Register.

(2) For purpose of state actions associated with the Georgia Register, properties listed as contributing to a National Register or Georgia Register historic district as well as those properties individually listed in the National Register and Georgia Register are considered as listed in the Georgia Register.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-2-.04

**AUTHORITY:** O.C.G.A. § [12-3-50.2](#).

**HISTORY:** Original Rule entitled "Relationship of Georgia Register to National Register" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-37. HISTORIC PRESERVATION**

### **Subject 110-37-3. PRELIMINARY AND FINAL CERTIFICATION OF REHABILITATED HISTORIC PROPERTY**

#### **110-37-3-.01 Definitions**

(1) "Building". A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

(2) "Department" means the Department of Community Affairs.

(3) "Georgia Register of Historic Places" or "Georgia Register" means the Georgia Register of districts, sites, buildings, structures, and objects significant in Georgia history, architecture, engineering, and culture.

(4) "Historic District" means a geographically definable area, urban or rural, that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(5) "Historic Property" is defined in O.C.G.A. § [12-3-50.2](#) and means districts, sites, buildings, structures, or objects which possess integrity of location, design, setting, materials, workmanship, feeling, and association and which are determined to meet the criteria for listing in the Georgia Register of Historic Places according to the criteria outlined in these regulations.

(6) "National Historic Preservation Act" means the Act of Congress codified at 16 U.S.C. Section 470 et seq., as amended (Public Law 89-665, as amended).

(7) "National Register of Historic Places" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of the National Historic Preservation Act.

(8) "Rehabilitated Historic Property" means tangible real property which:

(a) qualifies for listing on the Georgia Register of Historic Places as provided in O.C.G.A. § 12-3-3.1;

(b) is in the process of or has been substantially rehabilitated and is owner occupied residential real property, income-producing real property, or real property used primarily as residential property but partially as income-producing property;

(c) has been rehabilitated and meets the DCA's rehabilitation standards; and

(d) has been certified by the DCA as rehabilitated historic property eligible for preferential assessment.

(9) "Rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) which are significant to its historic, architectural and cultural values.

(10) "State Historic Preservation Office" means the office within state government which carries out the function of the state historic preservation program under the National Historic Preservation Act. In Georgia, this is the Historic Preservation Division, Department of Community Affairs.

(11) "State Historic Preservation Officer" means the official designated by the Governor of Georgia to administer the state's historic preservation program under the National Historic Preservation Act and O.C.G.A. § [12-3-50.1\(c\)\(13\)](#).

(12) "Substantially Rehabilitated Property". A building shall be treated as having been substantially rehabilitated for a taxable year only if:

(a) rehabilitation began after January 1, 1989;

(b) rehabilitation is completed within 24 months from the date that preliminary certification is received pursuant to these rules; and

(c) the rehabilitation has increased the fair market value of the building by not less than:

1. 50 percent of fair market value of the building or structure at the time of preliminary certification for owner occupied residential real property; or

2. 100 percent of fair market value of the building or structure at the time of preliminary certification for income-producing real property; and/or

3. 75 percent of fair market value of the building or structure at the time of preliminary certification for mixed residential and income-producing property, as long as the property is primarily residential. The county tax board in which the property is located shall make this determination.

(d) If rehabilitation work was initiated after January 1, 1989, and before August 1, 1990, special consideration shall be granted. Rehabilitation work during this time period shall be considered made after the date preliminary certification is filed with the tax assessor.

(e) The County tax board in which the property is located shall make the determinations set forth in (c), 1., 2., 3 above.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-3-.01

**AUTHORITY:** O.C.G.A. § [48-5-7.2](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

## **110-37-3-.02 Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties**

(1) In order to be eligible for certification as rehabilitated historic property a property must:

(a) qualify for listing in the Georgia Register; and

(b) be substantially rehabilitated in accordance with the Department's Standards for Rehabilitation; and

(c) Matters of valuation are not the concern of the Department.

(2) Certification of rehabilitated historic property shall apply to the building or structure which is rehabilitated, the real property on which the building is located, and not more than two (2) acres of real property surrounding the

building or structure. The remaining property may be assessed by local authorities for tax purposes as otherwise provided by law.

(3) To qualify for certification of rehabilitated historic property, the property owner must:

(a) submit an application for preliminary certification (Part A) and receive approval from the Department that the property qualifies as rehabilitated historic property. Specific requirements of the application are further defined in 110-37-3-.03 of these rules.

(b) upon completion of the rehabilitation, submit a request to the Department for final certification (Part B) and receive approval of the request.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-3-.02

**AUTHORITY:** O.C.G.A. § [48-5-7.2](#).

**HISTORY:** Original Rule entitled "Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-3-.03 Standards for Rehabilitation**

(1) The following "Standards for Rehabilitation" are used to determine if a rehabilitation project of a certified historic property qualifies as a certified rehabilitation for certification. The Standards shall be applied taking into consideration the economic and technical feasibility of each project; in the final analysis, however, to be certified, the rehabilitation project must be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located.

(a) A property shall be used or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(e) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(g) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(h) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(j) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-3-.03

**AUTHORITY:** O.C.G.A. § [48-5-7.2](#).

**HISTORY:** Original Rule entitled "Standards for Rehabilitation" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-3-.04 Decertification as Rehabilitated Historic Property Conditions**

(1) Certification may be revoked by the Department if it is determined that the property ceases to qualify as rehabilitated historic property. The Department has the authority to decertify any property which no longer possesses the qualities and features which made it eligible for the Georgia Register of Historic Places, or if a rehabilitation project was not undertaken as presented in the rehabilitated historic property application and supporting documentation, or where the owner, upon obtaining certification, undertook unapproved further alterations as part of the rehabilitation project inconsistent with the Standards for Rehabilitation, or if the owner failed to comply with any conditions of certification. Projects may be inspected by an authorized representative of the Department to determine if the work meets the Standards for Rehabilitation.

(2) A rehabilitated historic property not in conformance with the Standards for Rehabilitation and which is determined to have lost those qualities which cause it to be nominated to the Georgia Register, will be removed from the Georgia Register. Delisting or certification of non-significance is considered effective as of the date of issue and is not considered to be retroactive. The tax consequences of a decertification will be determined by the Georgia Department of Revenue.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-3-.04

**AUTHORITY:** O.C.G.A. § [48-5-7.2](#).

**HISTORY:** Original Rule entitled "Decertification as Rehabilitated Historic Property Conditions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-3-.05 Certification Procedures**

(1) A Rehabilitated Historic Property Application has two parts. Part A determines the preliminary historic significance and provides preliminary approval of proposed or ongoing rehabilitation work. Part B must be submitted and approved by the Department after the rehabilitation is completed and within 24 months of receiving a Preliminary Certification pursuant to these rules. Approval of this application certifies documented rehabilitation as meeting the Department's Standards for Rehabilitation. Part A is used to determine the preliminary historic significance and whether preliminary approval of proposed or ongoing rehabilitation work shall be granted. Part B must be submitted for approval to the Department after the rehabilitation is completed. Approval of Part B certifies that the documented rehabilitation meets the Department's Standards for Rehabilitation and constitutes certification of the property by the Department as rehabilitated Historic Property.

(2) A \$50.00 application fee must accompany each application for the review process to begin. Fees are payable only by cashier's check. Check should be made payable to the Georgia Department of Community Affairs. All fees are non-refundable.



(3) The Department is responsible for receiving applications to determine eligibility as rehabilitated historic property. The State Historic Preservation Officer shall make the preliminary and final determination for certification of rehabilitated historic property.

(4) Applicants shall submit documentation on forms developed by the Department for certification. The Part A form shall be used for preliminary certification of rehabilitation work and for preliminary determination of historic significance. At a minimum, this application shall include property ownership, property location, property history, description of rehabilitation, photographs, and other such information as delineated in Department instructions that shall be needed by the Department to determine rehabilitated historic certification.

(5) Once an application has been approved, substantive changes in the work as described in the application shall be brought to the attention of the Department by written statement using Department forms for such.

(6) The Part B - Final Certification form shall be used to certify the property as rehabilitated historic property as defined in these regulations.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-3-.05

**AUTHORITY:** O.C.G.A. § [48-5-7.2](#).

**HISTORY:** Original Rule entitled "Certification Procedures" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-37. HISTORIC PRESERVATION**

### **Subject 110-37-4. STATE GRANTS PROGRAM-HISTORIC PRESERVATION GRANTS PROGRAM GEORGIA HERITAGE GRANTS**

#### **110-37-4-.01 Georgia Heritage Grants Historic Preservation Grants Program**

(1) **Statutory Basis:** The Georgia Heritage Grants historic preservation grants program is established in accordance with and under the authority provided to the Georgia Department of Community Affairs by O.C.G.A. § [12-3-5](#), § [12-3-50.1](#), and § [12-3-58](#).

(2) **Purpose:** The purpose of the Georgia Heritage Grants historic preservation grants program is to encourage the preservation of historic properties, to stimulate economic development and neighborhood revitalization, to support community preservation projects that provide a public benefit, and to assist local communities in developing sound preservation projects.

#### **(3) Program Administration:**

(a) The Georgia Department of Community Affairs - Historic Preservation Division (HPD) shall develop procedures, applications, forms, contracts, and other materials as necessary to administer the Georgia Heritage Grants program, which shall include, but not be limited to: establishing timelines and deadlines on an annual, cyclical basis for announcing grant application availability, application due date, project awards date, project reporting dates, and project completion date; developing application and project review procedures; establishing minimum requirements for project management of grants by recipients; developing guidance and informational materials, including providing definitions; and developing policies and procedures to rescind grant awards for non-performance and to re-award recaptured funds.

(b) Notice of the start of the grant cycle shall be posted by the fourth Friday in April through HPD's electronic newsletter, website posting, and by other means as determined appropriate by HPD. The notice shall include, at a minimum, a summary description of the grant program and eligibility and eligible activities requirements, date of application availability, deadline for submitting applications, and directions for obtaining an application.

(c) Grant application forms and instructions shall be available in electronic format; paper format application materials shall be available upon request.

#### **(4) Eligibility Requirements:**

##### **(a) Eligible applicants include:**

1. Any Georgia local government entity, including counties, municipalities, and duly authorized agencies or instrumentalities of a county or municipality, including but not limited to, local authorities and local boards; and
2. Private, secular non-profit organizations.

(b) Eligible resources include historic properties such as buildings, structures, sites, districts, objects, and archaeological sites and as further defined in program application instructions.

1. Properties and resources owned or controlled by a church, religious denomination, or sectarian institution are not eligible.

(c) Project properties must be listed, either individually or as a contributing property to a historic district, in the Georgia Register of Historic Places, or be eligible for listing and officially listed prior to the disbursement of funds.

(d) Eligible project activities fall into two categories:

1. **Development activities**, including stabilization, preservation, rehabilitation, restoration, and archaeological investigation of historic properties; and

2. **Pre-development activities**, including plans and specifications, historic structure reports, feasibility studies, and other building-specific or site-specific preservation plans, and survey and planning activities, including historic resource surveys, archaeological surveys, National Register nominations, preservation planning projects, and information and education activities.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-4-.01

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#).

**HISTORY:** Original Rule entitled "Georgia Heritage Grants Historic Preservation Grants Program" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

## **110-37-4-.02 General Terms and Conditions**

(a) Individual grant award limits will be established and announced for each grant cycle based on available funding. Recipients must provide a cash match equal to 40% of the approved total project cost, as defined by HPD.

(b) Recipients may be required to attend a grant workshop immediately after grant awards are announced.

(c) Grant-assisted project work must follow recognized applicable preservation standards and techniques as provided for in the **Secretary of the Interior's Standards for Archeology and Historic Preservation**. These include: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

(d) Recipients must execute a grant agreement with HPD and comply with all its provisions, including maintaining complete financial records for all activities covered by the grant agreement and providing an audited report after completion of the project.

1. Adequate progress toward completion of the project must be documented by the recipient and approved by HPD before payment of intermediate reimbursements.

2. Twenty (20) percent of the grant funds shall be withheld until HPD approval of the completed project.

(e) For projects receiving grant assistance for development activities, a preservation agreement will be executed to assure public access, maintenance, and compliance with preservation standards for five years from completion and approval of the project.

(f) Project planning and construction documents and work product shall be reviewed and approved by HPD under terms established by the grant agreement.

(g) Projects and/or project areas will be available for inspection by HPD staff during construction or the grant period, as applicable, and be facilitated by the grant recipient upon reasonable notice. Reasonable notice shall include pre-arranged scheduled visits, mutually agreed upon times, or 1-week notice of intent to visit by HPD staff.

(h) Non-compliance with (5) (a) through (g) above and any terms & conditions of the grant agreement may result in the rescission of the grant award.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-4-.02

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#).

**HISTORY:** Original Rule entitled "General Terms and Conditions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-4-.03 Application Procedures**

(a) Applicants shall make application to the Historic Preservation Division, Georgia Department of Community Affairs, by specified deadlines, on current state fiscal year grant application forms, and in the manner and format provided for in the grant application instructions.

(b) At the sole discretion of HPD, a prior year application form for an unfunded project may be accepted in lieu of a current state fiscal year application form, provided that the scope of the proposed project is unchanged and other information is current or updated, including project contact and administrator information, authorized signatures, and matching fund resolution.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-4-.03

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#).

**HISTORY:** Original Rule entitled "Application Procedures" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-4-.04 Selection Criteria**

(a) Applications will be reviewed by a committee composed of HPD staff.

(b) Proposed projects shall be evaluated by the following criteria:

1. Resource meets eligibility requirements
2. Project concept is appropriate for resource
3. Project design is consistent with applicable preservation and/or professional standards
4. Project fills demonstrated preservation need
5. Project provides a public benefit
6. Resource is exceptionally significant or one of a few surviving examples of an important type
7. Resource is of a type identified by HPD as having a high priority for preservation assistance
8. Statewide distribution of projects in applicant pool
9. Urgency of need/degree to which the historic resource is threatened

(c) Grants shall be awarded to the extent of established available funding based on HPD staff recommendations as approved by the Commissioner of the Georgia Department of Community Affairs or duly delegated authority.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-4-.04

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#).

**HISTORY:** Original Rule entitled "Selection Criteria" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-37. HISTORIC PRESERVATION**

### **Subject 110-37-5. FEDERAL GRANTS PROGRAM-HISTORIC PRESERVATION GRANTS PROGRAM HISTORIC PRESERVATION FUND GRANTS**

#### **110-37-5-.01 Historic Preservation Fund Preservation Grants Program**

(1) **Statutory Basis:** The Historic Preservation Fund preservation grants program is established in accordance with and under the authority provided to the Georgia Department of Community Affairs by the National Historic Preservation Act, as amended (16 USC 470), O.C.G.A. § [12-3-5](#), § [12-3-50.1](#), and § [12-3-58](#).

(2) **Purpose:** The purpose of the Historic Preservation Fund preservation grants program is to provide financial assistance for projects that encourage the preservation of historic properties, that support the programs and services authorized in the National Historic Preservation Act, that strengthen community abilities for developing sound preservation projects, and that address the goals and objectives of the State Historic Preservation Plan. These federal grants are available through the Historic Preservation Fund, as authorized by the National Historic Preservation Act, appropriated by the U.S. Congress, and administered by the National Park Service, U.S. Department of the Interior.

#### **(3) Program Administration:**

(a) The Georgia Department of Community Affairs - Historic Preservation Division (HPD) shall develop procedures, applications, forms, contracts, and other materials as necessary to administer the Historic Preservation Fund Grants program, which shall include, but not be limited to: establishing timelines and deadlines on an annual, cyclical basis for announcing grant application availability, application due date, project awards date, project reporting dates, and project completion date; developing application and project review procedures; establishing minimum requirements for project management of grants by recipients; developing guidance and informational materials, including providing definitions; and developing policies and procedures to rescind grant awards for non-performance and to re-award recaptured funds.

(b) Notice of the start of the grant cycle shall be posted by the first Friday in December through HPD's electronic newsletter, website posting, and by other means as determined appropriate by HPD. The notice shall include, at a minimum, a summary description of the grant program and eligibility and eligible activities requirements, date of application availability, deadline for submitting applications, and directions for obtaining an application.

(c) Grant application forms and instructions shall be available in electronic format; paper format application materials shall be available upon request.

#### **(4) Eligibility Requirements:**

(a) Eligible applicants include any designated Certified Local Government in Georgia, officially designated by the U.S. Department of the Interior, National Park Service.

1. Applicants must be current in their CLG Annual Report submittals.

(b) Eligible project activities fall into three categories:

1. **Survey and planning activities**, including historic resource surveys, archaeological surveys, historic contexts, National Register nominations, preservation planning projects, and public education activities and as further defined in program application instructions.

2. **Pre-development activities**, including plans and specifications, historic structure reports, feasibility studies, and other building-specific or site-specific preservation plans.

(i) Eligible resources for pre-development projects include historic properties such as buildings, structures, sites, districts, objects, and archaeological sites and as further defined in program application instructions.

3. **Development activities**, including stabilization, preservation, rehabilitation, restoration, and archaeological investigation of historic properties; restoration and protection of historic landscaping; and archaeological site protection.

(i) Eligible resources for development projects include historic properties such as buildings, structures, sites, districts, objects, and archaeological sites and as further defined in program application instructions.

(ii) Ground disturbing activities shall require archaeological investigation to identify and locate any archaeological resources and to collect information to evaluate National Register eligibility prior to finalizing the development proposal.

(iii) Archaeological site protection and stabilization projects shall require resurvey of the site to confirm boundaries, location, and condition prior to finalizing plans and specifications for proposed treatments.

(iv) Properties and resources owned or controlled by a church, religious denomination, or sectarian institution are not eligible for development projects.

(c) For development projects:

1. Properties must be listed, either individually or as a contributing property to a historic district, in the National Register of Historic Places prior to the awarding of funds; and

2. Prior completed pre-development documentation for the project property must be submitted with the application, including reports, plans, project design/architectural drawings, and specifications that:

(i) Are relevant and sufficient to assess the potential impact of the proposed work on the historic resource; and

(ii) Demonstrate conformity with the Secretary of the Interior's "Standards for the Treatment of Historic Properties."

**Cite as** Ga. Comp. R. & Regs. R. 110-37-5-.01

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-58](#).

**HISTORY:** Original Rule entitled "Historic Preservation Fund preservation grants program" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

## **110-37-5-.02 General Terms and Conditions**

(a) Ten percent of the total annual Historic Preservation Fund allocation for Georgia must be awarded to Certified Local Governments. Individual grant award limits will be established and announced for each grant cycle based on available funding. Recipients must provide a cash or *in-kind* match equal to 40% of the approved total project cost, as defined by HPD.

(b) Recipients may be required to attend a grant workshop immediately after grant awards are announced.

(c) Grant-assisted project work must follow recognized applicable preservation standards and techniques as provided for in the **Secretary of the Interior's Standards for Archeology and Historic Preservation**. These include: 1) Standards and Guidelines for Preservation Planning, 2) Standards and Guidelines for Identification, 3) Standards and Guidelines for Evaluation, 4) Standards and Guidelines for Registration, 5) Standards and Guidelines for Historical Documentation, 6) Standards and Guidelines for Architectural and Engineering Documentation, 7) Standards and Guidelines for Archeological Documentation, 8) Standards for the Treatment of Historic Properties, 9) Standards and Guidelines for the Rehabilitation of Historic Buildings, and 10) Historic Preservation Professional Qualification Standards.

(d) Recipients must execute a grant agreement with HPD and comply with all its provisions, including maintaining complete financial records for all activities covered by the grant agreement and providing an audited report after completion of the project.

1. Adequate progress toward completion of the project must be documented by the recipient and approved by HPD before payment of intermediate reimbursements.

2. Twenty (20) percent of the grant funds shall be withheld until HPD approval of the completed project.

(e) For projects receiving grant assistance for development activities, a preservation agreement will be executed to assure public access, maintenance, and compliance with preservation standards for five years from completion and approval of the project or as otherwise required by Federal regulations.

(f) Project planning and construction documents and work product shall be reviewed and approved by HPD under terms established by the grant agreement.

(g) Projects and/or project areas will be available for inspection by HPD staff during construction or the grant period, as applicable, and be facilitated by the grant recipient upon reasonable notice. Reasonable notice shall include pre-arranged scheduled visits, mutually agreed upon times, or 1-week notice of intent to visit by HPD staff.

(h) Non-compliance with (5) (a) through (g) above and any terms & conditions of the grant agreement may result in the rescission of the grant award.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-5-.02

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-58](#).

**HISTORY:** Original Rule entitled "General Terms and Conditions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-5-.03 Application Procedures**

(a) Applicants shall make application to the Historic Preservation Division, Georgia Department of Community Affairs, by specified deadlines, on current federal fiscal year grant application forms, and in the manner and format provided for in the grant application instructions.

(b) At the sole discretion of HPD, a prior year submitted application for an unfunded project may be accepted in lieu of a current/new federal fiscal year application form, provided that the scope of the proposed project is unchanged and other information is current or updated, including project contact and administrator information, authorized signatures, and matching fund resolution.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-5-.03

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-58](#).

**HISTORY:** Original Rule entitled "Application Procedures" adopted. F. July 17, 2020; eff. Aug. 6, 2020.



### **110-37-5-.04 Evaluation & Selection Criteria**

(a) Applications will be reviewed by a committee composed of HPD staff.

(b) Proposed **Survey & Planning** projects shall be evaluated by the following criteria:

1. Project or activity is appropriate in relation to previous and/or future preservation activities
2. Project or activity is consistent with applicable preservation and/or professional standards and methodology
3. Project or activity fills demonstrated preservation need
4. Project or activity provides a public benefit
5. Project or activity is of a type identified by HPD as having a high priority for preservation assistance
6. Statewide distribution of projects in applicant pool
7. Urgency of need/degree to which the (potential) historic resource/area is threatened
8. Project or activity is an ongoing, recurring, or concluding project or activity that is identified by HPD as also beneficial to HPD programs/outreach activities

(c) Proposed **Pre-development and Development** projects shall be evaluated by the following criteria:

1. Resource meets eligibility requirements
2. Project concept is appropriate for resource
3. Project design is consistent with applicable preservation and/or professional standards
4. Project fills demonstrated preservation need
5. Project provides a public benefit
6. Resource is exceptionally significant or one of a few surviving examples of an important type
7. Resource is of a type identified by HPD as having a high priority for preservation assistance
8. Statewide distribution of projects in applicant pool
9. Urgency of need/degree to which the historic resource is threatened

(d) Grants shall be awarded to the extent of established available funding based on HPD staff recommendations and subsequently approved by the Commissioner of the Georgia Department of Community Affairs or duly delegated authority.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-5-.04

**AUTHORITY:** O.C.G.A. §§ [12-3-5](#), [12-3-32](#), [12-3-50.1](#), [12-3-50.2](#), [12-3-58](#).

**HISTORY:** Original Rule entitled "Evaluation & Selection Criteria" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

# **Department 110. RULES OF GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS**

## **Chapter 110-37. HISTORIC PRESERVATION**

### **Subject 110-37-6. GEORGIA STATE INCOME TAX CREDIT PROGRAM FOR REHABILITATED HISTORIC PROPERTY**

#### **110-37-6-.01 Definitions**

- (1) "Certified rehabilitation" as defined in O.C.G.A. § [48-7-29.8](#) means "repairs or alterations to a certified structure which are certified by the Department as meeting the United States Secretary of Interior's Standards for Rehabilitation or the Georgia Standards for Rehabilitation" as provided in this chapter.
- (2) "Certified structure" as defined in O.C.G.A. § [48-7-29.8](#) means "a historic building or structure that is located within a national historic district, individually listed in the National Register of Historic Places, individually listed in the Georgia Register of Historic Places, or is certified by the Department as contributing to the historic significance of a Georgia Register Historic District."
- (3) "Department" means the Department of Community Affairs.
- (4) "Division" means the Historic Preservation Division of the Department of Community Affairs.
- (5) "Final certification" means approval of a completed rehabilitation associated with review of a Rehabilitated Historic Property Application Form Part B and which meets the requirements of a certified rehabilitation.
- (6) "Functionally related historically" means a group of buildings and/or structures judged by the Department to have been directly associated to serve an overall purpose or share an associative relationship within a designated or identifiable historic or operational period. Buildings and/or structures that are functionally related historically may or may not exhibit the same or similar functions, but will exhibit usages that are related within their historic contexts.
- (7) "Georgia Register of Historic Places" or "Georgia Register" means the Georgia Register of districts, sites, buildings, structures, and objects significant in Georgia history, architecture, engineering, and culture. For the purposes of this chapter, reference to the Georgia Register shall also denote reference to the National Register of Historic Places.
- (8) "Georgia State Income Tax Credit Program for Rehabilitated Historic Property" means the program established by O.C.G.A. § [48-7-29.8](#).
- (9) "Historic building" or "historic structure" means a building or structure that is listed individually in the Georgia Register, or is located within a Georgia Register listed historic district and is certified by the Department, at the time of Rehabilitated Historic Property Application Form Part A evaluation, as contributing to the historic significance of that district. For purposes of the chapter, reference to "property" shall be interchangeable with historic building and historic structure where applicable within the context of a rule.
- (10) "Historic District" means a geographically definable area, urban or rural, that possesses a significant concentration, linkage or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
- (11) "Historic Home" as defined in O.C.G.A. § [48-7-29.8](#) means "a certified structure which, or any portion of which is or will, within a reasonable period, be owned and used as the principle residence of the person claiming the

tax credit allowed under O.C.G.A. § [48-7-29.8](#). Historic home shall include any structure or group of structures that constitute a multifamily or multipurpose structure, including a cooperative or condominium. If only a portion of a building is used as such person's principal residence, only those qualified rehabilitation expenditures that are properly allocable to such portion shall be deemed to be made to a historic home."

(12) "Internal Revenue Code of 1986" is defined in O.C.G.A. § [48-1-2](#).

(13) "National historic district" means a historic district that is listed in the National Register of Historic Places.

(14) "Net Profit of the Sale" means the gain upon the sale determined based upon the Internal Revenue Code of 1986 with any adjustments required by O.C.G.A. § [48-7-1](#). In the event the gain is deferred and or exempted based on provisions of the Internal Revenue Code of 1986, the deferral and or exemption shall be disregarded in determining the net profit of the sale.

(15) "Potential historic district" means a historic district that appears to meet Georgia Register criteria and possesses historic integrity based on current information, and for which listing in the Georgia Register is imminent.

(16) "Preliminary certification" means approval of a proposed rehabilitation, with conditions as applicable, associated with review of a Rehabilitated Historic Property Application Form Part A.

(17) "Principal residence" means the principal domicile of the taxpayer and not a secondary residence of the taxpayer.

(18) "Qualified rehabilitation expenditure" as defined in O.C.G.A. § [48-7-29.8](#) means "any amount properly chargeable to a capital account expended in the substantial rehabilitation of a structure that by the end of the taxable year in which the certified rehabilitation is completed is a certified structure. This term does not include the cost of acquisition of the certified structure, the cost attributable to enlargement or additions to an existing building, site preparation, or personal property." For purposes of this chapter, for a historic home qualified rehabilitation expenditures shall include expenditure types defined by Section 47(c)(2) of the Internal Revenue Code of 1986 and allowed by Internal Revenue Service Regulation 1.48-12. Expenditures directly associated with the rehabilitation not incurred by the owner of the certified structure are not considered qualified rehabilitation expenditures.

(19) "Reasonable period" means a period not to exceed six months following the completion of the certified rehabilitation.

(20) "Receiving the Credit" means the last day of the taxable year in which the certified rehabilitation is completed.

(21) "Rehabilitated Historic Property" means property that qualifies for the credit provided by O.C.G.A. § [48-7-29.8](#).

(22) "Rehabilitation" means the process of returning or bringing a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the building(s) which are significant to its historic, architectural and cultural values. Repairs or alterations exclusively or principally associated with additions, updating kitchens and/or bathrooms, cosmetic finish treatments, or replacing building components at the end of their expected service life are not rehabilitations within the meaning of this definition.

(23) "Standards for Rehabilitation" or "Standards" means the United States Department of Interior's Standards for Rehabilitation provided by [36 CFR Part 67.7](#) or the Georgia Standards for Rehabilitation provided by Department of Community Affairs' rules.

(24) "State Historic Preservation Officer" (SHPO) means the official designated by the Governor of Georgia to administer the state's historic preservation program under the National Historic Preservation Act and O.C.G.A. § [12-3-50.1\(c\)\(13\)](#). SHPO may also refer to the agency that carries out the functions of the State Historic Preservation Officer, which for Georgia is the Historic Preservation Division.

(25) "Substantial rehabilitation" as defined in O.C.G.A. § [48-7-29.8](#) means "rehabilitation of a certified structure for which the qualified rehabilitation expenditures, at least 5 percent of which must be allocable to the exterior during the 24 month period selected by the owner ending with or within the taxable year, exceed:

(A) For a historic home, the lesser of \$25,000 or 50 percent of the adjusted basis of the property at the beginning of the 24 month period as defined in subparagraph (a)(1)(B) of O.C.G.A. § [48-5-7.2](#), which is the fair market value as determined by the county tax assessor; or, in the case of a historic home located in a target area, \$5,000; or

(B) For any other certified structure, the greater of \$5,000 or the adjusted basis of the property at the beginning of the 24 month period."

(C) For purposes of this chapter, substantial rehabilitation and substantially rehabilitated may also generally refer to project costs as meeting minimum expenditure requirements as defined in O.C.G.A. § [48-7-29.8](#) and as provided in this chapter.

(26) "Target area" as defined in O.C.G.A. § [48-7-29.8](#) means "a qualified census tract under Section 42 of the Internal Revenue Code of 1986, found in the United States Department of Housing and Urban Development document number N-94-3821; FR-3796-N-01." For purposes of this chapter, the Department of Housing and Urban Development may also be referred to as HUD.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.01

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.02 Program Administration**

(1) The Historic Preservation Division of the Georgia Department of Community Affairs shall develop applications, forms, and other materials as necessary to administer eligibility and certification for the Georgia State Income Tax Credit Program for Rehabilitated Historic Property provided by O.C.G.A. § [48-7-29.8](#).

(2) The Division may utilize any relevant guidance materials for use in reviewing projects and providing guidance to applicants.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.02

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Program Administration" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.03 Program Benefits and Limitations; Substantial Rehabilitation**

(1) The amount of the credit shall be determined pursuant to O.C.G.A. § [48-7-29.8](#).

(a) For all certified rehabilitations the amount of the credit equals 25% of qualified rehabilitation expenditures.

(b) For certified rehabilitation of a historic home in a HUD designated target area the amount of the credit equals 30% of qualified rehabilitation expenditures.

(2) Effective for tax years beginning on or after January 1, 2009:

(a) The amount of the credit for a certified rehabilitation of a historic home may not exceed \$100,000 in any 120 month (10-year) period.

1. If only a portion of a historic home is used as the owner's principal residence, only those qualified rehabilitation expenditures that are properly allocable to such portion shall be deemed to be made to a historic home. The expenditures that then are allocable to the remainder of the building are not eligible for the credit.

2. In the case of a certified rehabilitation of a historic home that is a unit of a multifamily or multipurpose structure or group of structures the credit for the entire certified structure is limited to \$100,000. In this situation the \$100,000 credit shall be allocated between the owners based upon the qualified rehabilitation expenditures of each owner.

(b) The amount of the credit for a certified rehabilitation of a certified structure, excluding historic homes, may not exceed \$300,000 in any 120 month (10-year) period.

1. Individual buildings within a group of buildings listed in the Georgia Register as an individual property/building(s), judged by the Department to be functionally related historically and with distinct primary/secondary hierarchical and proportional relationships, are collectively a single certified structure. Accordingly, the credit for the certified structure in aggregate is limited to \$300,000.

2. Individual buildings within a group of buildings listed in the Georgia Register as an individual property/building(s), judged by the Department to be functionally related historically and without distinct primary/secondary hierarchical and proportional relationships, may be separately eligible for the credit.

3. Individual buildings within a group of buildings determined to be contributing to a Georgia Register listed historic district, judged by the Department to be functionally related historically and with distinct primary/secondary hierarchical and proportional relationships, are collectively a single certified structure. Accordingly, the credit for the certified structure in aggregate is limited to \$300,000.

4. Individual buildings within a group of buildings determined to be contributing to a Georgia Register-listed historic district, judged by the Department to be functionally related historically and without distinct primary/secondary hierarchical and proportional relationships, may be separately eligible for the credit.

5. In the case of a certified rehabilitation of a certified structure with multiple units and ownership, the credit for the entire certified structure is limited to \$300,000. In this situation the \$300,000 credit shall be allocated between the owners based upon the qualified rehabilitation expenditures of each owner.

(3) Effective for certified rehabilitations completed on or after January 1, 2017 and on or before December 31, 2021:

(a) The amount of the credit for a certified rehabilitation of a certified structure, excluding historic homes, may not exceed \$5,000,000 in any 120 month (10-year) period.

1. Individual buildings within a group of buildings listed in the Georgia Register as an individual property/building(s), judged by the Department to be functionally related historically and with distinct primary/secondary hierarchical and proportional relationships, are collectively a single certified structure. Accordingly, the credit for the certified structure in aggregate is limited to \$5,000,000.

2. Individual buildings within a group of buildings listed in the Georgia Register as an individual property/building(s), judged by the Department to be functionally related historically and without distinct primary/secondary hierarchical and proportional relationships, may be separately eligible for the credit.

3. Individual buildings within a group of buildings determined to be contributing to a Georgia Register listed historic district, judged by the Department to be functionally related historically and with distinct primary/secondary hierarchical and proportional relationships, are collectively a single certified structure. Accordingly, the credit for the certified structure in aggregate is limited to \$5,000,000.

4. Individual buildings within a group of buildings determined to be contributing to a Georgia Register-listed historic district, judged by the Department to be functionally related historically and without distinct primary/secondary hierarchical and proportional relationships, may be separately eligible for the credit.

5. In the case of a certified rehabilitation of a certified structure with multiple units and ownership, the credit for the entire certified structure is limited to \$5,000,000. In this situation the \$5,000,000 credit shall be allocated between the owners based upon the qualified rehabilitation expenditures of each owner.

(b) The amount of the credit for a certified rehabilitation of a certified structure, excluding historic homes, where the project creates 200 or more full-time, permanent jobs or \$5,000,000 in annual payroll within two years of the placed in service date may not exceed \$10,000,000 in any 120 month (10-year) period.

1. Individual buildings within a group of buildings listed in the Georgia Register as an individual property/building(s), judged by the Department to be functionally related historically and with distinct primary/secondary hierarchical and proportional relationships, are collectively a single certified structure. Accordingly, the credit for the certified structure in aggregate is limited to \$10,000,000.

2. Individual buildings within a group of buildings listed in the Georgia Register as an individual property/building(s), judged by the Department to be functionally related historically and without distinct primary/secondary hierarchical and proportional relationships, may be separately eligible for the credit.

3. Individual buildings within a group of buildings determined to be contributing to a Georgia Register-listed historic district, judged by the Department to be functionally related historically and with distinct primary/secondary hierarchical and proportional relationships, are collectively a single certified structure. Accordingly, the credit for the certified structure in aggregate is limited to \$10,000,000.

4. Individual buildings within a group of buildings determined to be contributing to a Georgia Register-listed historic district, judged by the Department to be functionally related historically and without distinct primary/secondary hierarchical and proportional relationships, may be separately eligible for the credit.

5. In the case of a certified rehabilitation of a certified structure with multiple units and ownership, the credit for the entire certified structure is limited to \$10,000,000. In this situation the \$10,000,000 credit shall be allocated between the owners based upon the qualified rehabilitation expenditures of each owner.

(c) The aggregate amount of credits for certified rehabilitations earning and applying for more than \$300,000 in credits may not exceed \$25,000,000 in any calendar year.

1. Assignment and award of credits shall be in accordance with rules and procedures established by the Department of Revenue.

2. Determination and assignment of actual amount of available credit for an individual project shall be in accordance with rules and procedures established by the Department of Revenue.

(4) Assignment, sale, or transfer of tax credits provided by O.C.G.A § [48-7-29.8](#) shall be in accordance with rules and procedures established by the Department of Revenue.

(5) Substantial rehabilitation of a certified structure requirements:

(a) Qualified rehabilitation expenditures for substantial rehabilitation purposes must be expended during a continuous 24 month period selected by the taxpayer.

1. For phased projects a 60 month period may be substituted for the 24 month period.

(i) Phased projects must be identified at preliminary certification application.

(b) A minimum of 5 percent of qualified rehabilitation expenditures for substantial rehabilitation purposes must be allocable to the exterior of the certified structure.

(c) For a historic home the qualified rehabilitation expenditures for substantial rehabilitation purposes must exceed the lesser of \$25,000 or 50 percent of the adjusted basis of the property at the beginning of the 24 month period, as

defined in O.C.G.A. § [48-5-7.2\(a\)\(1\)\(B\)](#), which is the fair market value of the building (exclusive of the land) as determined by the county tax assessor.

1. For a historic home located in a target area the qualified rehabilitation expenditures for substantial rehabilitation purposes must be at least \$5,000.

(d) For any other certified structure the qualified rehabilitation expenditures for substantial rehabilitation purposes must exceed the greater of \$5,000 or the adjusted basis of the property as of the beginning of the 24 month period (60 month period for phased projects). For purposes of this subparagraph, the term "adjusted basis of the property" means the same as used in the Internal Revenue Code of 1986 (exclusive of the land), which is the basis used to determine gain or loss upon sale or disposition exclusive of the land.

(e) Qualified rehabilitation expenditures may only be counted once in determining substantial rehabilitation or determining the amount of the credit.

1. More than one entity may not claim a credit for the same qualified rehabilitation expenditures.

(6) For purposes of the Georgia State Income Tax Credit Program for Rehabilitated Historic Property, no costs pertaining to new additions to the certified structure(s) or new construction adjacent to or related to the certified structure(s) shall be considered a qualified rehabilitation expenditure or be recoverable as a tax credit.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.03

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Program Benefits and Limitations; Substantial Rehabilitation" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

## **110-37-6-.04 Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties; Certification Procedures**

(1) In order to be eligible for certification as rehabilitated historic property:

(a) A property must be a certified structure; and

(b) The rehabilitation must be a certified rehabilitation; and

(c) A property must be substantially rehabilitated.

(2) Who may apply:

(a) Ordinarily, only the fee simple owner of the property in question may apply for the certifications described in this chapter. If someone other than the fee simple owner makes an application for an evaluation of significance or rehabilitation project, the application must be accompanied by a written statement from the fee simple owner indicating that he or she is aware of the application and has no objection to the request for certification.

(b) Owners of properties which appear to meet the Georgia Register criteria but are not yet listed in the Georgia Register of Historic Places or which are located within potential historic districts may request preliminary determinations from the Department as to whether such properties may qualify as certified structures when and if the properties or the potential historic districts in which they are located are listed in the Georgia Register. Preliminary determinations may also be requested for properties within the boundaries, but outside the period or area of significance of a Georgia Register-listed historic district.

1. Procedures for obtaining these determinations shall be the same as those described in Rule 110-37-6-.05. Such determinations are preliminary.

(i) Preliminary determinations of significance will become final as of the date of the listing of the individual property or potential district in the Georgia Register.

(ii) For properties outside the period or area of significance of a Georgia Register-listed historic district, preliminary determinations of significance will become final when the district documentation on file with the Department is formally amended.

(iii) If during review of a request for certification of rehabilitation the Department determines that the property does not contribute to the significance of the district because of changes which occurred after the preliminary determination of significance was made, certified structure designation will be denied.

(c) Owners of properties not yet designated certified structures may obtain determinations from the Department on whether or not rehabilitation proposals meet the Standards for Rehabilitation. Such determinations will be made only when the owner has requested a preliminary determination of the significance of the property as described in this paragraph and such request for determination has been acted upon by the Department. Final certifications of rehabilitation will be issued only to owners of certified structures.

(3) Requests for certifications of historic significance and rehabilitation and certification by the owner of the substantial rehabilitation shall be made on Rehabilitated Historic Property Application Forms.

(a) Part A - Preliminary Certification must be submitted to request certification of historic significance or to request a preliminary determination of significance, and in providing preliminary certification approval of proposed or ongoing rehabilitation work.

1. Two (2) copies of the Part A application are required; one to be retained by the Department and one to be returned to the applicant with the official comments attached and to be used by the owner to apply for preapproval to claim tax credits from the Department of Revenue.

2. Owners must include adequate documentation as established by the Division for each request, in accordance with information requested in the application and instructions, in order for the application to be processed. Such documentation includes, but is not limited to:

(i) Name and mailing address of owner;

(ii) Name and address of property;

(iii) Name of historic district;

(iv) Photographs representing the condition and appearance of the property (building, site and landscape features) immediately prior to the start of rehabilitation work; photographs at the time of Part A application if rehabilitation activity has been started or completed; photograph(s) showing the property along with adjacent properties, buildings and/or structures on the street; and photographs of interior features and spaces adequate to document significance and integrity;

(I) Photo-keys depicting locational information about the views provided in the photographs.

(II) Additional photographs may be required, as determined by the Department.

(v) Brief description of the condition and appearance immediately prior to the start of rehabilitation work, including alterations, distinctive features and spaces, and date(s) of construction;

(vi) Brief statement of significance summarizing how the property does or does not reflect the values that give the district in which it is located its distinctive historical and visual character, and/or explaining any significance attached to the property itself (i.e., unusual building techniques, important event that took place there, etc.);



(vii) Sketch map clearly delineating property's location;

(viii) Signature of fee simple owner requesting or concurring in a request for evaluation;

(ix) Descriptions of existing conditions and all work associated with the rehabilitation; and

(x) Plans and other drawings providing visual information about project scope and details.

3. Determination that the structure is a certified structure must be confirmed before any proposed rehabilitation work is certified.

4. Reviews of rehabilitation projects will not be undertaken if the owner has objected to the listing of the property in the Georgia Register.

(b) Part B - Final Certification must be submitted to request final certification of a completed project. Approval of Part B certifies that the documented rehabilitation meets the Standards, constitutes a certification of completed rehabilitation work and indicates that the Department has certified that the owner has certified that the rehabilitation project for a certified structure is a substantial rehabilitation, as described in Rule 110-37-6-.03. Information contained in the application is required to obtain a benefit.

1. Two (2) copies of the Part B application are required; one to be retained by the Department and one to be returned to the applicant to be used by the owner to claim tax credits from the Department of Revenue.

(c) Amendment forms must be submitted to request approval of changes to the project subsequent to preliminary certification, request approval of individual project phases, or document changes to the property after final certification for a period of three (3) years.

(d) Application forms are available from the Division.

(4) Reviews of certification requests are processed upon receipt of a complete, adequately documented application, as defined in Rule 110-37-6-.05 and Rule 110-37-6-.07. Where adequate documentation is not provided, the owner will be notified of the additional information needed to undertake or complete review.

(a) In the event the review of the certification is not completed by the due date of the income tax return (including extensions if applicable), the credit provided by O.C.G.A. § [48-7-29.8](#) shall not be claimed on the original income tax return filed by the taxpayer. However, when certification is completed the taxpayer shall be entitled to claim the credit provided by O.C.G.A. § [48-7-29.8](#) on an amended income tax return for the taxable year in which the certified rehabilitation is completed and if applicable shall be entitled to receive a refund subject to the limitations provided in O.C.G.A. § [48-2-35](#).

(5) Approval of applications and amendments to applications is conveyed only in writing by duly authorized officials of the Division acting on behalf of the Department.

(a) Decisions with respect to certifications are made on the basis of the descriptions contained in the application form and other available information. In the event of any discrepancy between the application and any accompanying information submitted with it (such as architectural plans, drawings, specifications, etc.), the owner shall be requested to resolve the discrepancy in writing. In the event the discrepancy is not resolved, the description in the application form shall take precedence.

(6) Certification of substantial rehabilitation of a certified structure requirements:

(a) Owners must certify to the Department that the rehabilitation project for a certified structure is a substantial rehabilitation. When certifying the substantial rehabilitation, the owner shall submit a Part B application and provide:

1. Certification that the rehabilitation project for a certified structure is a substantial rehabilitation; and

2. The amount of the qualified rehabilitation expenditures incurred in the substantial rehabilitation; and
  3. For a historic home, the adjusted basis as defined in Rule 110-37-6-.03(5)(c); and
  4. For any other certified structure, the adjusted basis as defined in Rule 110-37-6-.03(5)(d); and
  5. For a historic home, the date the home was first owned and used as the principal residence, whether the historic home is currently being used as such, and if the historic home is not yet being owned and used as the principal residence, the date on which it will be; and
  6. Any other information determined necessary by the Department.
- (b) The Department shall certify that the owner has completed this certification.
- (c) The certification of substantial rehabilitation by the owner and the amount of the qualified rehabilitation expenditures incurred in the substantial rehabilitation shall be subject to examination by the Department of Revenue. At the request of the Department of Revenue, the owner shall make available the documents that support the substantial rehabilitation and the qualified rehabilitation expenditures incurred in the substantial rehabilitation. The Department of Revenue shall have the authority to disallow the credit provided by O.C.G.A. § [48-7-29.8](#) based on this examination or based on the failure to provide the documents requested.
- (1) Applications describing projects that are not rehabilitations or are lacking necessary information shall not be processed.
- (a) An application returned to the property owner because the project is not a rehabilitation or for lack of necessary information must be resubmitted in order to be processed and include all necessary information and other requirements to comprise a complete application that describes a rehabilitation as defined in this chapter.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.04

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Requirements for Preliminary and Final Certification of Rehabilitated Historic Properties; Certification Procedures" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.05 Certification of Historic Significance**

- (1) Requests for certifications of historic significance should be made by the owner to determine:
- (a) That a property is individually listed in the Georgia Register of Historic Places; or
  - (b) That a property for which individual listing in the Georgia Register is imminent appears, before the start of rehabilitation, to meet Georgia Register criteria and possess historic integrity; or
  - (c) That a property is located within a Georgia Register-listed historic district and contributes, before the start of rehabilitation, to the historic significance of such district; or
  - (d) That a property is located within a potential historic district and appears, before the start of rehabilitation, to contribute to the significance of such district.
- (2) To determine whether or not a property is individually listed or is part of a Georgia Register-listed historic district, the owner should contact the Division.

(a) Properties individually listed in the Georgia Register are generally considered a certified structure, however, completion in full of a Part A - Preliminary Certification, according to the instructions accompanying the application, is required for the purposes of this program.

(b) Applications for preliminary determinations of significance for individual listing must show how the property individually meets the Criteria for Evaluation of Properties for the Georgia Register, Rule 110-37-6-.02. Submission of a substantially complete Historic Property Information Form in tandem with the Part A - Preliminary Certification is required. These forms are available from the Department.

1. Preliminary determination of significance by the Department does not constitute listing in the Georgia Register, nor does it constitute a certification of significance as required by law for state tax incentives under the Georgia State Income Tax Credit Program for Rehabilitated Historic Property.

2. If the property is not listed in the Georgia Register for procedural, substantive or other reasons, or if the significance and/or integrity of the property has been lost as a result of alterations or damage, these preliminary determinations of significance will not become final.

(c) Properties located within the boundaries of Georgia Register-listed historic districts must be certified as contributing to the historic significance of the district at the time of Part A application for the purposes of this program. Completion in full of the Part A - Preliminary Certification according to the instructions accompanying the application is required.

1. If the significance and/or integrity of the property is lost as a result of alterations or damage during rehabilitation, this certification of significance will be jeopardized.

(d) An application for a property located in a potential historic district must document how the district meets the criteria and how the property contributes to the significance of that district. This documentation requires submission of a substantially complete Historic District Information Form in tandem with the Part A - Preliminary Certification. These forms are available from the Department.

1. Confirmation by the Department of intent to nominate a potential historic district does not constitute listing in the Georgia Register, nor does it constitute a certification of significance as required by law for state tax incentives under the Georgia State Income Tax Credit Program for Rehabilitated Historic Property.

2. If the potential historic district is not listed in the Georgia Register for procedural, substantive or other reasons, or if the significance and/or integrity of the property has been lost as a result of alterations or damage, these preliminary determinations of significance will not become final.

(e) A property that is within a Georgia Register-listed historic district but was constructed outside the period of significance or has no association with the areas of significance is usually considered non-contributing to the district. An application for a preliminary determination of significance for such a property could propose amendment of the district's Georgia Register listing. Such an application must document and justify expanded significance of the district and how the property contributes to the proposed expanded significance of the district. This documentation requires submission of a substantially complete Historic District Information Form in tandem with the Part A - Preliminary Certification. These forms are available from the Department.

1. Confirmation by the Department of intent to expand the significance of a historic district does not constitute listing in the Georgia Register, nor does it constitute a certification of significance as required by law for state tax incentives under the Georgia State Income Tax Credit Program for Rehabilitated Historic Property.

2. If the district documentation is not formally amended, or if the significance and/or integrity of the property has been lost as a result of alterations or damage, these preliminary determinations of significance will not become final.

3. For information on amending listings to the Georgia Register and additional information on the use of Georgia Register documentation, owners should contact the Division.

(3) Some properties include more than one building. In such cases, the owner must submit a single Part A - Preliminary Certification, which includes descriptions of the condition and appearance of all the buildings on the property immediately prior to the start of rehabilitation work. The Department will utilize the Standards for Evaluating Significance, as set forth in Rule 110-37-6-.06, for the purpose of determining which of the buildings are of historic significance to the property.

(4) The Department discourages the moving of historic buildings from their original sites. However, if a building is to be moved as part of a rehabilitation for which certification is sought, or if certification is sought for a building that has been relocated, the owner must follow different procedures depending on whether the building is individually listed in the Georgia Register or is within a Georgia Register-listed historic district. Moving a building may result in removal of the property from the Georgia Register or denial or revocation of a certification of significance; consequently, a moved building may, in certain circumstances, be ineligible for rehabilitation certification. Applicants should contact the Department for guidance regarding evaluations and certifications of historic significance for moved buildings or buildings that are proposed to be moved.

(a) Moved buildings or buildings proposed to be moved are reviewed by the Department in accordance with Rule 110-37-6-.03.

(5) Certifications of significance will be made based on documentation of the property's condition and appearance immediately prior to the start of rehabilitation work in accordance with Rule 110-37-6-.04.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.05

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Certification of Historic Significance" adopted. F.July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.06 Standards for Evaluating Significance**

(1) The Standards for Evaluating Significance shall be used in determining the significance of all properties for which a Part A - Preliminary Certification is received by the Department.

(a) Properties that consist of an individual building are reviewed by the Department to determine if they appear to meet Georgia Register criteria for significance and possess historic integrity by applying the Criteria for Evaluation of Properties for the Georgia Register, Rule 110-37-6-.02.

(b) Some properties consist of multiple buildings or structures whose concentration or continuity possesses greater historical significance than many of their individual component buildings and structures.

1. Properties that comprise multiple buildings will be reviewed by the Department to determine if they appear to meet Georgia Register criteria for significance and possess historic integrity by applying the Criteria for Evaluation of Properties for the Georgia Register, Rule 110-37-6-.02.

(i) This review will include a determination as to whether the property is most appropriately evaluated as a historic district or an individual property for the purposes of meeting Georgia Register criteria for significance. This determination will be made based on an assessment of the concentration or continuity of resources that comprise the property and the relationship of those resources, including but not limited to:

(I) Whether there are identifiable primary and secondary hierarchical and/or proportional relationships;

(II) Whether the property comprises multiple tax parcels;

(III) Whether the property is composed of elements with separate owners;

(IV) The acreage of the property and the relationship of that acreage to the property's historical significance;

(V) The relationship of the association between the property's resources to the property's historical significance; and

(VI) Additional related factors, as determined by the Department.

2. Buildings must be determined contributing to the significance of the individual property or district for the purposes of this program.

(c) Properties located within Georgia Register-listed or potential historic districts are reviewed by the Department to determine if they contribute to the significance of the listed or potential district.

1. A property contributing to the significance of a district is one which was present during the district's period of significance and which, by integrity of its historic location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.

2. A property not contributing to the significance of a district is one which was not present during the district's period of significance; or one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the property has been irretrievably lost.

3. In the case of a Georgia Register-listed historic district for which no defined period of significance has been documented, properties that have been constructed within the past 50 years generally shall not be considered contributing to the significance of the district unless a strong justification concerning their historical or architectural relationship to the district is provided in the district's Georgia Register nomination documentation, or the significant historical attributes of the district are documented to be less than 50 years old and the property is documented as contributing to that significance.

(2) If a nonhistoric surface material obscures some or all of a building's façade, the owner of the building must demonstrate that the underlying façade retains substantial historic integrity and the property otherwise contributes to the historic district in order to obtain a determination of significance.

(a) Demonstrating integrity may be achieved by removing a sufficient portion of the covering material or by other means as determined acceptable by the Department.

(b) Applicants should contact the Division for guidance.

(3) The Department shall determine the level of documentation necessary to evaluate the significance of a property. Determinations of significance and nonsignificance will be made on the basis of the application documentation, existing Georgia Register documentation (where applicable), and other available information as needed.

(4) The requirements of this rule are applicable to certification requests received by the Department upon the effective date of these regulations. Properties contributing to locally designated historic districts are not considered eligible to participate in the program unless the locally designated historic district is found to be a potential historic district in accordance with the procedures in Rule 110-37-6-.05.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.06

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Standards for Evaluating Significance" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

## **110-37-6-.07 Certifications of Rehabilitation**

(1) Owners who want rehabilitation projects for certified structures to be certified by the Department as being consistent with the historic character of the structure, and, where applicable, the district in which the structure is located, thus qualifying as a certified rehabilitation, shall comply with the following procedures:

(a) Complete and submit Part A - Preliminary Certification according to instructions accompanying the application. The Part A Description of Rehabilitation section may describe a proposed rehabilitation project, a project in progress, or a completed project. Owners are strongly encouraged to submit the application prior to undertaking any rehabilitation work.

1. Owners who undertake rehabilitation projects without prior approval from the Department do so strictly at their own risk.

2. Because the circumstances of each rehabilitation project are unique to the particular certified structure involved, certifications that may have been granted to other rehabilitations are not specifically applicable and may not be relied on by owners as applicable to other projects.

(b) Provide necessary documentation to understand the existing condition of the property immediately prior to the start of rehabilitation, including but not limited to:

1. Photographs representing the condition and appearance of the property immediately prior to the start of the rehabilitation, including interior and exterior views and views of its site and environment, must accompany the application;

2. Additional photo-documentation, such as current existing condition photographs for projects that have proceeded prior to application, as may be required by reviewing official;

3. Descriptions of existing conditions and all work associated with the rehabilitation;

4. Plans and other drawings providing visual information about project scope and details;

5. Other documentation, such as window surveys or technical details for specific treatments, as may be required by reviewing officials.

6. Where necessary documentation is not provided, review and evaluation may not be completed and a denial of certification will be issued on the basis of lack of information.

(c) Complete and submit amendment forms in accordance with paragraph (4) of this rule.

(d) Complete and submit Part B - Final Certification, according to instructions accompanying the application. All information requested on the Part B form must be furnished in order for the application to be processed. A project does not become a certified rehabilitation until it is completed and so designated by the Department.

(e) Provide necessary documentation to understand the completed project, including:

1. Photographs representing the condition and appearance of the property at completion of the rehabilitation, including interior and exterior views and views of its site and environment, must accompany the application.

2. Other documentation determined necessary by reviewing officials and the Department of Revenue.

3. Where necessary documentation is not provided, review and evaluation may not be completed and a denial of certification will be issued on the basis of lack of information.

(2) A determination that the completed rehabilitation of a property not yet designated a certified structure meets the Standards for Rehabilitation does not constitute a certification of rehabilitation.

(3) A rehabilitation project for certification purposes encompasses all work on the interior and exterior of the certified structure(s) and its site and environment, as determined by the Department, as well as related demolition or rehabilitation work which may affect the historic qualities, integrity or site, landscape features, and environment of the certified structure(s). More specific considerations in this regard are as follows:

(a) All elements of the rehabilitation project must meet the Standards; portions of the rehabilitation project not in conformance with the Standards may not be exempted.

(b) In general, an owner undertaking a rehabilitation project will not be held responsible for prior rehabilitation work not part of the current project, or rehabilitation work that was undertaken by previous owners or third parties. However, if the Department considers or has reason to consider that a project submitted for certification does not include the entire rehabilitation project subject to review hereunder, the Department may choose to deny a preliminary certification or to withhold a decision on such a certification.

(c) Conformance to the Standards will be determined on the basis of the application documentation and other available information by evaluating the property as it existed prior to the commencement of the rehabilitation project, regardless of when the property becomes or became a certified structure.

(d) For rehabilitation projects involving more than one building where the buildings are judged by the Department to have been functionally related historically, certifications will be issued in accordance with Rule 110-37-6-.03. In cases of common or interconnected ownership where buildings functionally related historically and without distinct primary/secondary hierarchical and proportional relationships are individually or concurrently rehabilitated, all final certifications are dependent on each rehabilitation being a certified rehabilitation.

1. Buildings that do not apply for the program that are rehabilitated within three (3) years of any other rehabilitation seeking final certification must also be or have been completed consistent with the Standards, as determined by the Department.

2. Denial of certification for a subsequent project after final certification of one or more other buildings or future work that is not consistent with the Standards may result in revocation of previously certified rehabilitations.

(e) Demolition of a building as part of a rehabilitation project involving multiple buildings may result in denial of certification at preliminary certification.

1. In rehabilitation projects where the structures have been determined to be functionally related historically, demolition of a component may be approved, in limited circumstances, when:

(i) The component is outside the period of significance of the property, or

(ii) The component is so deteriorated or altered that its integrity has been irretrievably lost; or

(I) A condemnation order may be presented as evidence of physical deterioration of a building. In certain cases it may be necessary for the owner to submit a structural engineer's report to help substantiate physical deterioration and/or structural damage. Guidance on preparing a structural engineer's report is available from the Division.

(iii) The component is a secondary one that generally lacks historic, engineering, or architectural significance or does not occupy a major portion of the site and persuasive evidence is present to show that retention of the component is not technically or economically feasible.

2. In projects where structures are not functionally related historically, related new construction which physically expands one certified structure undergoing rehabilitation and, therefore, directly causes the demolition of an adjacent structure will generally result in denial of certification of the rehabilitation at preliminary certification unless a determination has been made that the building to be demolished is not a certified structure.

(f) In situations involving rehabilitation of a certified structure in a historic district, the Department will review the rehabilitation project first as it affects the certified structure and second as it affects the district.

(g) In the event that an owner of a portion of a certified structure requests certification for a rehabilitation project related only to that portion, but that project is concurrent with or immediately subsequent to a larger rehabilitation project(s) for the certified structure, the Department's decision on the requested certification will be based on review of the overall rehabilitation project(s).

(h) Rehabilitation projects expected to be completed in phases, including using the alternate 60-month period for meeting substantial rehabilitation requirements, must identify the project as a phased project on the Part A application form, include a summary description of the overall project and number and order of phases in the Description of Rehabilitation section, and supporting plans and other project documents should identify the project as phased.

1. Phased projects are considered a single rehabilitation. Accordingly, certification as a certified rehabilitation will not be issued until completion of the final phase.

(i) In the event an owner chooses to declare the project completed without completing all phases, the Department shall determine whether a certification as a certified rehabilitation may be issued.

(I) Future work on previously completed or uncompleted phases of a certified rehabilitation must be reviewed and approved by the Department for a period of three (3) years after the later of the date the owner files their income tax return or the due date of the income tax return (including extensions). Failure of future work as meeting the Standards for Rehabilitation may result in certification as a certified rehabilitation being revoked. The Department shall notify the Department of Revenue of revocation of certification of a certified rehabilitation.

2. All phases of a phased project must meet the Standards for Rehabilitation.

(4) Upon receipt of a fully completed Part A application, the Department shall determine if the project is consistent with the Standards. If the project does not meet the Standards, the owner shall be advised of that fact in writing and, where possible, will be advised of necessary revisions to meet such Standards.

(5) Once a proposed or ongoing project has been approved, substantive changes in the work as described in the application must be brought promptly to the attention of the Department by written statement by using a Rehabilitated Historic Property Application Amendment Sheet. The Department will notify the owner in writing whether the revised project continues to meet the Standards. Oral approvals of revisions are not authorized or valid.

(6) If a proposed, ongoing, or completed rehabilitation project does not meet the Standards for Rehabilitation, an explanatory denial of certification letter will be sent to the owner. Accordingly, the credit provided by O.C.G.A. § [48-7-29.8](#) will not be allowed.

(7) Completed projects may be inspected by an authorized representative of the Department to determine if the work meets the Standards. The Department reserves the right to make inspections after completion of the rehabilitation and to revoke a certification if it is determined that the rehabilitation project was not undertaken as represented by the owner in his or her application and supporting documentation, or the owner, upon obtaining final certification, undertook further unapproved project work inconsistent with the Standards. The Department shall notify the Department of Revenue of revocation of certification of a certified rehabilitation.

(8) A rehabilitated property not in conformance with the Standards will be removed from the Georgia Register when:

(a) The Department determines the property has lost those qualities that caused it to be individually listed.

(b) The Department determines the property has lost those qualities that caused it to be designated a certified structure as a contributing property within a listed historic district.

1. A property that has lost those qualities which caused it to be designated a certified structure will be certified by the Department as a noncontributing property within a listed historic district.



(c) The Department shall notify the Department of Revenue of revocation of certification of a certified rehabilitation resulting from the removal of a property from the Georgia Register or certifying it as noncontributing.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.07

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Certifications of Rehabilitation" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.08 Standards for Rehabilitation**

(1) The Georgia Standards for Rehabilitation are the criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction.

(2) Projects meeting the Standards for Rehabilitation must be in accordance with the Standards individually and collectively, as applicable to existing conditions prior to the start of the project, proposed work, and completed work, to be determined a certified rehabilitation.

(a) The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(3) The quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: improper repointing techniques; improper exterior masonry cleaning methods; or improper introduction of insulation where damage to historic fabric would result. In almost all situations, use of these materials and treatments will result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will result in denial of certification. For further information on appropriate and inappropriate rehabilitation treatments, owners are encouraged to consult the Division. Owners are responsible for procuring this material as part of property planning for a certified rehabilitation.

(4) In certain limited cases, it may be necessary to dismantle and rebuild portions of a certified structure to stabilize and repair weakened structural members and systems. In such cases, the Department will consider such extreme intervention as part of a certified rehabilitation if:

(a) The necessity for dismantling is justified in supporting documentation;

(b) Significant architectural features and overall design are retained; and

(c) Adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure.

(5) Owners are cautioned that the Standards require retention of distinguishing historic materials of external and internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, i.e., external walls that detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the Standards for Rehabilitation.

(6) Prior approval of a project by the Department and/or local agencies and organizations does not ensure certification by the Department for state tax purposes.

(7) The qualities of a property and its environment which qualify it as a certified structure are determined taking into account all available information, including information derived from the physical and architectural attributes of the building; such determinations are not limited to information contained in Georgia Register or related documentation.

(8) To be a certified rehabilitation, a project must be determined by the Department to be consistent with the Standards and the historic character of the structure(s) and, where applicable, the district in which it is located.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.08

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Standards for Rehabilitation" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.09 Revocation and Recapture**

(1) The credit allowed for a certified rehabilitation is subject to revocation by the Department of Revenue in the event:

(a) The Department, on inspection within three years after completion of the project, determines that certification as a certified rehabilitation should be revoked because the project was not undertaken as represented by the owner in

his or her application and supporting documentation, or the owner, upon obtaining final certification, undertook further unapproved project work inconsistent with the Standards.

(b) The Department, on inspection within three years after completion of the project, determines that certification as a certified structure should be revoked because the project was not undertaken as represented by the owner in his or her application and supporting documentation, or the owner, upon obtaining final certification, undertook further unapproved project work that caused the property to lose those qualities that caused it to be individually listed or designated a certified structure as a contributing property within a listed historic district.

(c) For circumstances described in subparagraph (1)(a) and (1)(b) of this rule, the owner shall reimburse the entire amount of the credit to the Department of Revenue.

(d) In the event revocation is required pursuant to this rule, the taxpayer shall file an amended income tax return within the latter of 60 days of revocation of certification as a certified rehabilitation or certified structure or final decision of an appeal.

(2) The credit allowed for a certified rehabilitation is subject to recapture by the Department of Revenue in the event the owner of a historic home sells the property within three years of taking the credit.

(a) The owner shall recapture the credit to the Department of Revenue as follows:

1. If the property is sold within one year of receiving the credit, the recapture amount will equal the lesser of the credit or the net profit of the sale;

2. If the property is sold within two years of receiving the credit, the recapture amount will equal the lesser of two-thirds of the credit or the net profit of the sale; or

3. If the property is sold within three years of receiving the credit, the recapture amount will equal the lesser of one-third of the credit or the net profit of the sale.

(b) The recapture provisions of this rule shall not apply to a sale by a nonprofit corporation of a historic home.

(c) The recapture provisions of this rule shall not apply to a sale resulting from the death of the owner.

(d) In the event recapture is required pursuant to this rule, the taxpayer shall file an amended income tax return within 60 days of the date the property is sold.

(3) Specific means of revocation and/or recapture of credits provided by O.C.G.A. § [48-7-29.8](#) by a taxpayer shall be in accordance with rules and procedures established by the Department of Revenue.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.09

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Revocation and Recapture" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.10 Effective Date**

(1) The Georgia State Income Tax Credit Program for Rehabilitated Historic Property shall become effective as of January 1, 2004. Rehabilitation projects initiated before this date will not be considered for the Program under any circumstances.

(2) Georgia State Income Tax Credit Program for Rehabilitated Historic Property rules as amended shall be applicable to taxable years beginning on or after January 1, 2009. Certified rehabilitation projects completed after this date shall be subject to such amended rules and law that are in effect for taxable years beginning on or after January 1, 2009.

(3) Georgia State Income Tax Credit Program for Rehabilitated Historic Property rules as amended shall become effective as of January 1, 2016 for projects applying for credits allowed by O.C.G.A. § [48-7-29.8\(c\)\(2\)](#), for projects where Part A - Preliminary Certification applications are received on or after January 1, 2016, or for projects where Part B - Final Certification applications are received on or after January 1, 2017 for projects completed on or after January 1, 2017.

(4) Rules in effect at the time any portion of O.C.G.A. § [48-7-29.8](#) is repealed by the General Assembly shall remain in effect for those portions of this chapter where they are still applicable.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.10

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Effective Date" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

### **110-37-6-.11 Fees for Processing Certification Requests**

(1) For applications received by the Division prior to January 1, 2016:

(a) Fees are charged for reviewing Part A - Preliminary Certification Applications. The fee for review of proposed, ongoing, or completed rehabilitation projects is \$50.00. If the applicant is applying for the Georgia Preferential Property Tax Assessment Program provided by O.C.G.A § [48-5-7.2](#) and the Georgia State Income Tax Credit Program provided by O.C.G.A § [48-7-29.8](#), then the fee for review of proposed, ongoing, or completed rehabilitation projects is \$75.00 for both programs.

(b) Payment shall be made when the application is submitted to the Division for review. Fees are payable only by a cashier's check or money order. Checks should be made payable to the Georgia Department of Natural Resources. Preliminary Certification decisions will not be issued on an application until the appropriate remittance is received. All fees are non-refundable.

(c) Each rehabilitation of an individual certified structure will be considered a separate project for purposes of computing fees.

(d) In the case of a rehabilitation project which includes more than one building where the buildings are judged by the Department to have been functionally related historically and with distinct primary/secondary hierarchical and proportional relationships and so collectively are a single certified structure, the fee is \$50.00 or \$75.00, whichever is applicable.

(2) For applications received by the Division on or after January 1, 2016 or for projects that are applying for credits allowed by O.C.G.A. § [48-7-29.8\(c\)\(2\)](#):

(a) Fees are charged for reviewing Part A - Preliminary Certification and Part B - Final Certification applications in accordance with the following schedule:

Project Qualified Rehabilitation Expenditures (QRE)	Part A - Preliminary Certification Review Fee	Part B - Final Certification Review Fee
\$100,000 or under	\$250	None
Over \$100,000 up to \$500,000	0.375% of estimated QRE	0.125% of actual QRE
Over \$500,000	\$1875 plus 0.75% of estimated QRE exceeding \$500,000	\$625 plus 0.25% of actual QRE exceeding \$500,000
Maximum Total Fee for any single project shall not exceed \$10,000		

(b) Payment shall be made upon invoice by the Division. Fees are payable only by a cashier's check or money order. Checks should be made payable to the Georgia Department of Community Affairs.

1. Certification decisions will not be issued on an application until the appropriate remittance is received.

2. All fees are non-refundable.

(3) Each rehabilitation of an individual certified structure will be considered a separate project for purposes of computing fees.

(a) In the case of a rehabilitation project which includes more than one building where the buildings are judged by the Department to have been functionally related historically and with distinct primary/secondary hierarchical and proportional relationships and so collectively are a single certified structure, the fee is computed using total qualified rehabilitation expenditures of all the buildings.

(4) For Part A - Preliminary Certification applications received prior to January 1, 2016 for projects where the completion date will be on or after January 1, 2017, Part A - Preliminary Certification review fees will be charged in accordance with paragraph (1) of this rule and Part B - Final Certification review fees will be charged in accordance with paragraph (2) of this rule.

**Cite as** Ga. Comp. R. & Regs. R. 110-37-6-.11

**AUTHORITY:** O.C.G.A. § [48-7-29.8](#).

**HISTORY:** Original Rule entitled "Fees for Processing Certification Requests" adopted. F. July 17, 2020; eff. Aug. 6, 2020.

# **Department 300. RULES OF GEORGIA DEPARTMENT OF LABOR**

## **Chapter 300-2. EMPLOYMENT SECURITY LAW**

### **Subject 300-2-1. DEFINITIONS**

#### **300-2-1-.01 Meaning Of Terms Used**

(1) "Law" means the Employment Security Law of Georgia, Official Code of Georgia Annotated (O.C.G.A.), Title 34, Chapter 8.

(2) "Commissioner" means the Commissioner of Labor of Georgia. Where appropriate, Commissioner shall also mean any duly authorized representative of the Commissioner.

(3) "Department" means the Georgia Department of Labor.

(4) "Reimbursable Basis" means the method of payment wherein an employing unit has elected to reimburse this department for the amount of benefits chargeable to such unit in lieu of making quarterly contributions to the department.

(5) Total, Part-Total, and Partial Unemployment.

(a) "Total Unemployment" means the unemployment of any individual in any week during which the individual performs no services and with respect to which no wages are payable to the individual.

(b) "Part-Total Unemployment" means any claim week during which an otherwise qualified individual performs services and earns wages not exceeding the weekly unemployment insurance amount plus Non-deductible earnings.

(c) "Partial Unemployment" means any complete pay-period week during which an individual is attached to the individual's regular employer and works less than full-time, due only to lack of work, and earns wages not exceeding the individual's weekly unemployment insurance amount plus Non-deductible earnings. Partial unemployment claims are initiated by the employer.

**NOTE:** The Georgia Employment Security Law provides for benefit payments to be made in multiples of \$1.00. Therefore, Deductible Earnings must be adjusted to the nearest dollar, i.e., the odd cents .01 through .49 will be adjusted to the next lower dollar; .50 through 99 will be adjusted to the next higher dollar.

(6) Week of Unemployment. Unless otherwise authorized by the Commissioner, a week of unemployment shall be the calendar week beginning on Sunday and ending at midnight the following Saturday.

(7) The following definitions shall apply in the application of the disqualification provisions of O.C.G.A. Sections [34-8-194](#) and [34-8-195](#):

(a) "Bodily Injury" is physical harm, damage or injury inflicted on an individual by another individual.

(b) "Conscious Neglect" is a failure to use that degree of care which would be exercised by an ordinarily prudent person under the same or similar circumstances. It does not require a willful intent to abuse an employer's business but it does require a showing of disregard for the normal or acceptable consequences of the action or the failure to perform one's job duties. It is to be distinguished from the claimant's inability to satisfactorily perform the duties of the job. A showing by the employer that the claimant failed to perform a task for which the claimant had previously demonstrated a degree or level of proficiency by satisfactorily performing the task in the past will shift the burden of proof to the claimant to show that the individual had an inability to perform the task in question.

(c) "Fault" is a failure to follow rules, orders or instructions, or failure to discharge the duties for which the claimant was employed. Fault which is of a disqualifying nature cannot be a technical failing, a minor mistake or the mere inability to do the job. Rather, a breach of duty to constitute fault must take into consideration such factors as length of service, nature of duties, prior warnings, equal enforcement of all progressive discipline programs and any other factors which might be used to establish reasonable expectations that the discharge was imminent. The claimant must have been aware that a discharge would likely result from the violation of the rule. In the case of a discharge due to a violation of an employer's rule, order or instruction, an employer has the burden of proving that the claimant knew or should have known that the violation of the rule, order or instruction could have resulted in termination.

(d) "Full-time Continuous Employment" for the purposes of O.C.G.A. Section [34-8-24](#) is normally considered to be at least thirty (30) hours of work in a week or such other number of hours as is normal in a particular industry. A claimant who worked full-time during a majority of the weeks of work in the base period shall be expected to look for full-time continuous employment and shall be expected to accept an offer to such work after filing an otherwise valid claim for benefits. A claimant may accept part-time work at any time as long as the part-time work does not unreasonably interfere with the claimant's search for full-time continuous employment, but the claimant must report gross earnings for such work to the Department.

(e) "Intentional Conduct" is that personal behavior or action by an individual which is willful, conscious or deliberate that results in damage to another person's property or results in bodily harm to another individual. A claimant who commits an act which a reasonably prudent person would contemplate to result in damage may be said to intend that result, whether he desired it or not; for every person is presumed to intend the natural consequences of his or her own actions.

(f) "Misconduct" is conduct evincing such willful or wanton disregard of an employer's interest as is found in violation or disregard of standards of behavior which the employer has the right to expect of an employee, or in carelessness or negligence in such degree, or recurrence as to manifest fault, or to show a disregard of the employer's interests or of the employee's duties and obligation to the employer. Misconduct includes but is not limited to a violation of a known work rule which is reasonable and related to the job being performed.

(g) "Part-time Employment" shall be construed to be work which is other than full-time continuous employment as defined above, without regard to whether it is of limited duration as to days, weeks or months. A claimant who worked part-time during a majority of the weeks of work in the base period must be available to work for at least 20 hours per week.

(h) "Physical Assault" is touching the person of another against his/her will with physical force, in an intentional, hostile or aggressive manner.

(i) "Suitable Work" means work in the individual's usual occupation or work for which the individual is reasonably fitted. In determining whether an individual is reasonably fitted for a particular job, the department shall consider the totality of circumstances, including, but not limited to:

1. The degree of risk involved to the claimant's health, safety and morals;
2. The claimant's physical fitness;
3. The claimant's prior training;
4. The claimant's experience;
5. The claimant's prior earnings;
6. The length of the claimant's unemployment;
7. If the work is not directly related to claimant's recent work experience, the claimant's prospects for obtaining local work in such claimant's customary occupation; and

8. The distance and time for commuting.

(j) "Theft" is the taking of an employer's property, or the property of any other employee or the property of any other person while on the employer's premises or otherwise within the scope of the employee's job duties, without the consent of the owner of the property, with the intent to deprive the owner of the value of the property, and to appropriate it for the use and benefit of the person taking the property. The value of the property taken shall be the fair market value at the time of replacement.

(8) "Personal services" mean work performed by an individual for personal remuneration. Work performed by an individual or sole proprietorship is presumed to be personal services unless otherwise exempted by the Employment Security Law or the Rules of the Georgia Department of Labor. Work performed by a corporation or a partnership does not meet the definition of personal services.

(9) "Rate buy down" with respect to voluntary contributions pursuant to O.C.G.A. Section [34-8-178](#) means the payment of such additional amounts in response to notice from the Department as to enable an employer to receive a lower rate of contributions.

(10) Most Recent Employer.

(a) "Most Recent Employer" as defined under O.C.G.A. [34-8-43](#) shall not include an employer subject to the provisions of the federal Railroad Unemployment Insurance Act.

(b) "Most Recent Employer" as defined by O.C.G.A. [34-8-43\(a\)](#) shall mean the last employer for whom an individual worked and was separated.

(c) An entity must be an "Employer", as defined by O.C.G.A. [34-8-33](#), to qualify as an individual's "Most Recent Employer".

(11) "Deductible Earnings" means all wages in excess of \$300.00 each week earned by a claimant for services performed, whether or not received by such claimant. Deductible earnings shall be subtracted from the weekly benefit amount of the claim.

(12) "Non-deductible Earnings" means all wages earned each week by a claimant less than or equal to the amount established by the Commissioner for Deductible Earnings.

**Cite as** Ga. Comp. R. & Regs. R. 300-2-1-.01

**AUTHORITY:** O.C.G.A. §§ [34-2-6\(a\)\(4\)](#), [34-8-30](#), [34-8-70](#), [34-8-190](#), [34-8-191](#), [34-8-193\(e\)](#).

**HISTORY:** Original Rule entitled "Investigation of Accidental Injuries" was filed and effective on May 18, 1965.

**Amended:** Rule renumbered as [300-3-1-.01](#) and Rule [300-1-1-.01](#), entitled "Meaning of Terms Used," renumbered as 300-2-1-.01. Filed May 20, 1966; effective June 8, 1966.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed October 16, 1974; effective November 5, 1974.

**Amended:** Filed November 4, 1976; effective November 24, 1976.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed June 29, 1979; effective July 19, 1979.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed October 24, 1983; effective November 13, 1983.

**Amended:** F. Apr. 5, 1991; eff. Apr. 25, 1991.



**Repealed:** New Rule of same title adopted. F. Aug. 28, 1992; eff. Sept. 17, 1992.

**Amended:** F. Jun. 25, 1998; eff. Jul. 15, 1998.

**Amended:** F. Dec. 11, 2015; eff. Dec. 31, 2015.

**Amended:** F. Jan. 31, 2017; eff. Jan. 31, 2017, as specified by the Agency.

**Amended:** F. Mar. 24, 2017; eff. Apr. 1, 2017, as specified by the Agency.

**Amended:** New title "Meaning Of Terms Used." F. Jan. 24, 2020; eff. Jan. 19, 2020, as specified by the Agency.

**Amended:** F. July 17, 2020; eff. July 19, 2020, as specified by the Agency.

# Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

## Chapter 375-1. ADMINISTRATION

### Subject 375-1-1. ORGANIZATION

#### 375-1-1-.01 Organization

(1) The Department of Driver Services is composed of ten (10) divisions: the Office of the Commissioner, Human Resources Division, Legal Division, Field Operations Division, Governmental Affairs and Communications Division, Regulatory Compliance Division, Finance and Customer Service Support Division, Information Technology Division, Program Management Office, and the Office of Investigative Services.

(2) The Department's Headquarters is located at 2206 East View Parkway, Conyers, Georgia 30013.

(3) The Department's Headquarters mailing address is P.O. Box 80447, Conyers, Georgia 30013.

**Cite as** Ga. Comp. R. & Regs. R. 375-1-1-.01

**AUTHORITY:** O.C.G.A. §§ [40-5-4](#), [40-5-101](#), [40-16-1](#), [40-16-2](#), [40-16-3](#), [40-16-4](#), [40-16-5](#).

**HISTORY:** Original Rule entitled "DMVS Organization" adopted. F. June 10, 2002; eff. June 30, 2002.

**Amended:** F. Jan. 24, 2005; eff. Feb. 13, 2005.

**Repealed:** New Rule entitled "Organization" adopted. F. Dec. 14, 2005; eff. Jan. 3, 2006.

**Amended:** F. May 16, 2008; eff. June 5, 2008.

**Amended:** New title "Organization. Amended." F. Jun. 4, 2013; eff. Jun. 24, 2013.

**Amended:** F. July 19, 2018; eff. Aug. 8, 2018.

**Amended:** F. July 13, 2020; eff. Aug. 2, 2020.

#### 375-1-1-.02 Service of Process

(1) Appeals to Superior Courts

(a) Appeals to the superior courts from a final agency decision rendered by the Office of State Administrative Hearings under the Administrative Procedure Act, pursuant to O.C.G.A. § [50-13-41\(e\)\(3\)](#) shall be served by personal delivery to the Legal Division of the Department at 2201 Eastview Parkway, Conyers, Georgia 30013, or by mail to the Department of Driver Services, Legal Division, P.O. Box 80447, Conyers, Georgia 30013. The party or counsel shall also furnish a copy of the appeal by mail to the Office of State Administrative Hearings and to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(b) Appeals to the superior courts from a final agency decision rendered by the agency itself under the Administrative Procedure Act, pursuant to O.C.G.A. § [50-13-41\(e\)\(3\)](#) shall be served by personal delivery to the Legal Division of the Department at 2201 Eastview Parkway, Conyers, Georgia 30013, or by mail to the Department of Driver Services, Legal Division, P.O. Box 80447, Conyers, Georgia 30013. The party or counsel shall also furnish a copy of the appeal by mail to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(c) Appeals to the Superior Court from a final agency decision not governed by the Administrative Procedure Act shall be served on the Department by personal service to the Legal Division of the Department of Driver Services at 2201 Eastview Parkway, Conyers, Georgia 30013. The party or counsel shall also furnish a copy of the appeal by mail to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.

(d) Service upon any other person, agency, or entity shall not be considered service on or notice to the Department of the action for the purpose of appeals of contested cases under the Act.

(2) Service of process of all other actions to which the Department or its Commissioner are named as parties shall be as provided by law.

(3) The General Counsel, Deputy General Counsel, Assistant General Counsel, and such other persons as may be designated by the Commissioner, are authorized to accept service of process on behalf of the Department and the Commissioner.

**Cite as** Ga. Comp. R. & Regs. R. 375-1-1-.02

**AUTHORITY:** O.C.G.A. § [40-16-1](#) et seq.

**HISTORY:** Original Rule entitled "Service of Process" adopted. F. June 10, 2002; eff. June 30, 2002.

**Amended:** F. July 19, 2016; eff. Aug. 8, 2016.

**Amended:** F. July 13, 2020; eff. Aug. 2, 2020.

### **375-1-1-.05 Procedures for Requesting Rule Changes**

(1) A person whose legal rights are affected by these rules may petition the Board of Driver Services to enact, amend, or repeal any rule pertaining to the primary responsibilities of the Department as set forth in O.C.G.A. § [40-16-2](#).

(2) The petition must set forth the proposed new regulation or amendment, or identify the rule for which repeal is sought and the reasons therefore. In addition, the petition must include the petitioner's name and address, and a statement of their interest in the matter. The petition shall be sent by certified mail, return receipt requested, addressed to "Legal Division, Department of Driver Services, P.O. Box 80447, Conyers, Georgia 30013."

(3) Upon receipt of such petition by the Legal Division, the division shall consider the petition in accordance with O.C.G.A. § [50-13-9](#).

**Cite as** Ga. Comp. R. & Regs. R. 375-1-1-.05

**AUTHORITY:** O.C.G.A. §§ [40-16-2](#), [50-13-9](#).

**HISTORY:** Original Rule entitled "Procedure for Requesting Rule Changes" adopted. F. May 16, 2008; eff. June 5, 2008.

**Amended:** F. Oct. 27, 2014; eff. Nov. 16, 2014.

**Amended:** F. July 13, 2020; eff. Aug. 2, 2020.

# **Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES**

## **Chapter 375-3. DRIVER LICENSE SERVICES**

### **Subject 375-3-1. GENERAL PROVISIONS**

#### **375-3-1-.31 Satisfaction of School Requirements for Customers Under Age Eighteen (18)**

(1) Any customer under age eighteen (18) who is applying for a driver's license or instructional permit shall provide satisfactory documentation of his or her enrollment in school. Documents that will satisfy this requirement must contain the first and last name of the customer. These documents include, but are not limited to, the following:

- (a) Form DS-1, Certificate of School Enrollment. The form must be completed and dated within the past six (6) months.
- (b) Transcript provided by the customer's most recent school of attendance.
- (c) Most recent progress or grade report.
- (d) Current school identification card issued by the school or school system.
- (e) Other forms of school identification.

(2) Customers under age eighteen (18) who are home-schooled may satisfy the school requirements of O.C.G.A. § [40-5-22](#) by supplying a Certificate of Enrollment from the Georgia Department of Education or a Declaration of Intent To Utilize a Home Study Program filed with the Georgia Department of Education.

**Cite as** Ga. Comp. R. & Regs. R. 375-3-1-.31

**AUTHORITY:** O.C.G.A. §§ [40-5-4](#), [40-5-22](#).

**HISTORY:** Original Rule entitled "Satisfaction of School Requirements for Customers Under Age Eighteen (18)" adopted. F. Dec. 26, 2012; eff. Jan. 15, 2013.

**Amended:** F. Sep. 15, 2015; eff. Oct. 5, 2015.

**Amended:** F. July 13, 2020; eff. Aug. 2, 2020.

# **Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES**

## **Chapter 375-3. DRIVER LICENSE SERVICES**

### **Subject 375-3-3. REVOCATION AND SUSPENSION**

#### **375-3-3-.09 Extension of Temporary Driving Permits**

##### **(1) Extension of 45-day temporary driving permit**

(a) At the time a law enforcement officer takes a person's driver's license for refusal to submit to chemical testing or because the person's blood alcohol concentration is at a level requiring administrative license suspension, the officer shall issue the person a 45-day temporary driving permit. This temporary driving permit shall be on DDS Form 1205 and shall be valid until the expiration of 45 days from the incident date.

(b) If the person files an appeal of the license suspension within 30 days, the Department shall extend the temporary driving permit for an additional 90 days, but not beyond the date when the person's driving privilege is suspended or revoked.

(c) The 90-day extension will be a DDS form which, when accompanied with the driver's copy of DDS Form 1205, will serve as the temporary driver's permit for the 90-day extension.

(d) The Department may issue an extension of the 90-day temporary driving permit upon receipt of documentation from the Office of State Administrative Hearings (OSAH) indicating that a final decision has not yet been entered in the case and will not be entered prior to the expiration of the temporary driving permit.

(e) In the event an officer issues a DDS Form 1205 to a person whose driver's license or driving privilege is otherwise valid but neglects to sign the temporary driving permit at the bottom of such form, the Department shall issue a temporary driving permit to such person for the balance of the 45 days from the incident date. Such permit shall be subject to extension pursuant to paragraphs (b) and (d) of this subsection.

##### **(2) Extension of 180-day temporary driving permit**

(a) At the time a law enforcement officer takes a person's driver's license for a violation of O.C.G.A. § [40-6-391](#) for which the officer has not initiated an administrative license suspension under O.C.G.A. § [40-5-67.1](#), the officer shall issue a 180-day temporary driving permit.

(b) This permit shall be valid until the expiration of 180 days or until the person's driving privilege is suspended or revoked.

(c) In the event the case has not been resolved within 180 days, the Department shall issue another 180-day temporary driving permit. Additional extensions may be issued for as long as the case remains pending at OSAH.

(d) The Department shall extend the permit only upon receipt of documentation from the judge, clerk of court, or prosecutor from the court of jurisdiction stating that the case has not yet been adjudicated.

##### **(3) Replacement of lost, stolen or destroyed temporary driving permits**

(a) In the event a customer's temporary driving permit is lost, stolen or destroyed, a replacement may be issued by the Commissioner's designee on a form designated by the Department upon receipt of a written request from the customer.

(b) Customers seeking replacement of a 180-day temporary driving permit shall provide both a copy of the citation and documentation from the Court that such charge remains pending. Such permit shall be valid for the applicable period provided in paragraph (2).

**Cite as** Ga. Comp. R. & Regs. R. 375-3-3-.09

**AUTHORITY:** O.C.G.A. §§ [40-5-4](#), [40-5-67](#), [40-5-67.1](#), [40-6-391](#).

**HISTORY:** Original Rule entitled "Extension of 30 Day Permit and 180 Day Permit" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

**Repealed:** New Rule entitled "Extension of Temporary Driving Permits" adopted. F. Apr. 23, 2009; eff. May 13, 2009.

**Amended:** F. Jul. 24, 2012; eff. Aug. 13, 2012.

**Amended:** F. Apr. 24, 2014; eff. May 14, 2014.

**Amended:** F. July 13, 2020; eff. Aug. 2, 2020.

# Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

## Chapter 391-3. ENVIRONMENTAL PROTECTION

### Subject 391-3-1. AIR QUALITY CONTROL

#### 391-3-1-.01 Definitions. Amended

Unless a different meaning is required by the context, the following terms as used in these rules shall have the meaning hereinafter respectively ascribed, except that to the extent terms are not defined in these rules the Act's definitions control; and provided, that definitions within any subsequent rule, or subdivision thereof, which are expressly made applicable to the rule or subdivision within which they appear, shall apply for purposes of such specific rule or subdivision thereof; and provided the definitions appearing in Federal regulations adopted by reference shall control in the application of the related Federal regulations to which they apply under the Federal Act; and provided further, that in officially designated non-attainment areas the definitions contained in [40 CFR 51.165\(a\)\(1\)\(i\)](#) through [\(xix\)](#) shall apply. [40 CFR 51.165\(a\)\(1\)\(i\)](#) through [\(xix\)](#), as amended, is hereby incorporated and adopted by reference.

(a) "**Act**" means Part I of Chapter 9 of Title 12 of the Official Code of Georgia Annotated (O.C.G.A. Section [12-9-1](#), et seq.) "The Georgia Air Quality Act."

(b) "**Air-cleaning device**" means any method, process or equipment which removes, reduces, or renders less noxious air contaminants discharged into the atmosphere.

(c) "**Air contaminant**" means solid or liquid particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any matter or substance either physical, chemical, biological, or radioactive (including source material, special nuclear material, and by-product material); or any combination of any of the above.

(d) "**Air pollution**" means the presence in the outdoor atmosphere of one or more air contaminants.

(e) "**Black liquor solids**" means the dry weight of the solids that enter the recovery furnace in the black liquor.

(f) "**CFR**" means the "Code of Federal Regulations."

(g) "**Capacity factor**" means the ratio of the average load on a machine or equipment for the period of time considered, to the design capacity rating of the machine or equipment.

(h) "**Capture system**" means the equipment (including hoods, ducts, fans, etc.) used to contain, capture, or transport a pollutant to an air-cleaning device.

(i) "**Coating applicator**" means an apparatus used to apply a surface coating.

(j) "**Coating line**" means one or more apparatus or operations which include a coating applicator, flash-off area, and oven wherein a surface coating is applied, dried, or cured.

(k) "**Conditions beyond the control of**" shall mean only those conditions which, though ordinary diligence be employed, remain unforeseeable, or unpredictable, such as, strikes, walkouts, or other industrial disturbances acts of God, civil disturbances, embargoes, or other causes of like character provided, however, that this term shall not include conditions solely because they are dependent upon contingencies, that is, conditions such as but not limited to, the variable cost or availability of maintenance, equipment, labor, raw materials, fuel or energy.

- (l) **"Construction"** means any fabrication, erection or installation. The term "construction" includes any modification as defined in Section (pp).
- (m) **"Cross recovery furnace"** means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which, on a quarterly basis, contains more than seven (7) weight percent of the total pulp solids from a soda-based semi-chemical pulping process.
- (n) **"Day"** means a 24-hour period beginning at midnight or such other 24-hour period as agreed by the Director.
- (o) **"Department"** means the Department of Natural Resources of the State of Georgia.
- (p) **"Digester system"** means each continuous digester or each batch digester used for the coating of wood in white liquor, and associated flask tank(s), blow tank(s), ship steamer(s), and condenser(s).
- (q) **"Director"** means the Director of the Division of Environmental Protection, Department of Natural Resources of the State of Georgia, or his designee.
- (r) **"Division"** means the Environmental Protection Division of the Department of Natural Resources, State of Georgia.
- (s) **"Dust"** means minute solid particles caused to be suspended in air by natural forces or by mechanical processes such as but not limited to crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, mixing, sweeping, digging, scooping, and grading.
- (t) **"EPA"** means the United States Environmental Protection Agency.
- (u) **"Emission" or "emitting"** means any discharging, giving off, sending forth, placing, dispensing, scattering, issuing, circulating, releasing or any other emanation of any air contaminant or contaminants into the atmosphere.
- (v) **The terms "Emission limitation" and "Emission standard"** means a requirement established which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the equipment or operation or maintenance of a source to assure continuous emission reduction.
- (w) **"Excessive emissions"** means emissions of an air pollutant in excess of an emission standard.
- (x) **"Flashoff area"** means the space between the application area and the oven.
- (y) **"Fluo-solids calciner"** means a unit other than a lime kiln used to calcine lime mud, which consist primarily of calcium carbonate, into quicklime, which is primarily calcium oxide. For the purpose of these regulations, all references or emission standards applicable to lime kilns shall also apply to fluo-solids calciners.
- (z) **"Fly ash"** means particulate matter capable of being gasborne or airborne and consisting essentially of fused ash or other burned or unburned materials resulting from a process of combustion of fuel or solid waste.
- (aa) **"Fossil fuel-fired steam generator"** means a furnace or boiler used in the process of burning a fossil fuel for the primary purpose of producing steam by heat transfer.
- (bb) **"Foundry cupola"** means a stack-type furnace used for melting of metals, consisting of, but not limited to, furnace proper, tuyeres, fans or blowers, tapping spout, charging equipment, gas cleaning devices and other auxiliaries.
- (cc) **"Fuel-burning equipment"** means equipment the primary purpose of which is the production of thermal energy from the combustion of any fuel. Such equipment is generally that used for, but not limited to, heating water, generating or super heating steam, heating air as in warm air furnaces, furnishing process heat indirectly, through transfer by fluids or transmissions through process vessel walls.



(dd) "**Fugitive dust**" means solid airborne particulate matter emitted from any source other than through a stack, vent, or chimney.

(ee) "**General permit**" means a Permit by Rule or a Generic Permit established in or under the Georgia Rules for Air Quality Control covering numerous similar sources.

(ff) "**Generic permit**" means a General permit issued by the Director covering numerous similar sources.

(gg) "**Hydrocarbon**" means any organic compound consisting predominantly of carbon and hydrogen.

(hh) "**Incinerators**" means all devices intended or used for the reduction or destruction of solid, liquid, or gaseous waste by burning.

(ii) "**Intermediate vapor control system**" means a vapor control system that employs an intermediate vapor holder to accumulate vapors displaced from tanks during filling. The control device treats the accumulated vapors only during automatically controlled cycles.

(jj) "**Jobbing foundry**" means any foundry where the operation is run intermittently and for that length of time necessary to pour molds on a job-to-job basis.

(kk) "**Kraft pulp mill**" means any stationary source which produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of the cooking chemicals through a recovery process is also considered part of the kraft pulp mill.

(ll) "**Lime kiln**" means a unit used to calcine lime and, which consists primarily of calcium carbonate, into quicklime, which is calcium oxide.

(mm) "**Loading rack**" means any aggregation or combination of gasoline loading equipment arranged so that all loading outlets in the combination can be connected to a tank truck or trailer parked in a specified loading space.

(nn) "**Malfunction**" means mechanical and/or electrical failure of a process, or of air pollution control process or equipment, resulting in operation in an abnormal or unusual manner.

(oo) "**Manager**" means the administrator of the small business stationary source technical and environmental compliance assistance program. The manager may be referred to as the ombudsman.

(pp) **The term "modification"** means any change in or alteration of fuels, processes, operation or equipment, (including any chemical changes in processes or fuels) which affects the amount or character of any air pollutant emitted or which results in the emission of any air pollutant not previously emitted. [No source shall, by reason of a change which decreases emissions, become subject to the New Source Performance Standards [42 U.S.C. Sec. 7411](#), unless required by the Federal Act. This definition does not apply where the word "modification" is used to refer to action by the Director, Division, or Board, in modifying or changing rules, regulations, orders, or permits. In that context the word has its ordinary meaning.] The following operations are not considered modifications under this definition:

1. routine maintenance, repair, and replacement.
2. an increase in production rate (not to exceed maximum production rate stated in a pertinent application), if that increase can be accomplished without a capital expenditure, unless that increase is prohibited by a permit condition.
3. an increase in the hours of operation unless that increase is prohibited by a permit condition.
4. the use of an alternative fuel or raw material that the source is designed to accommodate. A source shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications prior to the change and that use is allowed under a current air quality permit.

(qq) **"Multiple chamber incinerator"** means any article, machine, equipment, or contrivance which is used for the reduction or destruction of solid, liquid, or gaseous waste by burning and consists of a series of three or more combustion chambers physically separated by refractory walls, interconnected by gas passages or ducts, and lined with refractories having a pyrometric cone equivalent of at least 31, tested according to ASTM Method C-24, and is designed for efficient combustion of the type and volume of material to be burned.

(rr) **"Multiple-effective evaporator system"** means the multiple-effect evaporators and associated condenser(s) and hotwell(s) used to concentrate the spent cooking liquid that is separate from the pulp (black liquor).

(ss) **"Opacity"** means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, and is expressed in terms of percent opacity. As used in these Regulations, the measurement of percent opacity does not include the measurement of the obscuration of view due to uncombined water droplets. Any determination of the percent opacity shall be made by the arithmetic average of six minutes of data. With respect to the determination of percent opacity, the six minute average shall be based on either an average of 24 or more opacity data points equally spaced over a six minute period or an integrated average of continuous opacity data over a six minute period. The six minute period for continuous opacity monitors shall be considered to be any one of ten equal parts of a one hour period commencing on the hour. Any visual observation or determination of opacity taken for the purpose of determining compliance with any requirement of this Chapter 391-3-1 shall be made by personnel certified according to procedures established for such certification by the Division or by EPA to make such observation or determination.

(tt) **"Open-burning"** means any outdoor fire from which the products of combustion are emitted directly into the open air without passing through a stack, chimney or duct.

(uu) **"Organic material"** means a chemical compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

(vv) **"Oven"** means a chamber within which heat is used to bake, cure, polymerize, or dry a surface coating.

(ww) **"Part 70 permit"** means a Title V operating permit issued by the Director under [391-3-1-.03\(10\)](#) for a facility subject to [40 CFR Part 70](#) requirements.

(xx) **"Particulate matter"** means any airborne, finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(yy) **"Particulate matter emissions"** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, established by the U.S. EPA. Whenever the term "Particulate Emissions" is used in these rules, it shall have the same meaning as "Particulate Matter Emissions."

(zz) **"Permit-by-rule"** means a General permit established in the Georgia Rules for Air Quality Control [[391-3-1-.03\(11\)](#)] covering numerous similar sources.

(aaa) **The term "person"** includes any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States, or any other entity, and includes any officer, agent, or employee of any of the above.

(bbb) **"PM<sub>10</sub>"** means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers as measured by a reference method based on Appendix J of [40 CFR Part 50](#) and designated in accordance with [40 CFR Part 53](#) or by an equivalent method designated by the U.S. EPA.

(ccc) **"PM<sub>10</sub> emissions"** means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten micrometers emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, established by the U.S. EPA.

(ddd) **"Potential to emit"** means the maximum capacity of a stationary source to emit any regulated air pollutant under its physical and operational design. Any physical and operational limitation on the capacity of the source to emit a regulated air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is legally and practically enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(eee) **"Prime coat"** means the first film of coating applied in a multicoat operation.

(fff) **"Process equipment"** means any equipment, device or contrivance for changing, melting, storing, handling, or altering chemically or physically any material, the use or existence of which may cause any discharge of air contaminants into the open air, but excluding that equipment defined herein as "Fuel-Burning Equipment."

(ggg) **"Process input weight rate"** means a rate established as follows:

1. For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period.
2. For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.
3. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. When recycled material is handled by the process equipment, it shall be included in the total process weight. Moisture shall not be considered as a part of process weight.

(hhh) **"Recovery furnace"** means either a straight kraft recovery furnace or a cross recovery furnace, and includes the direct-contact evaporator for a direct-contact furnace.

(iii) **"Reid vapor pressure"** means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquefied petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-82 (Reapproved 1987).

(jjj) **"Shutdown"** means the cessation of the operation of a source or facility for any purpose.

(kkk) **"Small Business Compliance Advisory Panel"** means the small business stationary source technical and environmental compliance advisory panel created by Code Section [12-9-25](#).

(lll) **"Small business stationary source or facility"** means an entity that:

1. Is owned or operated by a person employing 100 or fewer individuals;
2. Is a small business under the federal Small Business Act;
3. Is not a major stationary source as defined in Titles I and III of the Clean Air Act;
4. Does not emit 50 tons or more per year of any regulated pollutant; and
5. Emits less than 75 tons/year of all regulated pollutants.

(mmm) **"Small business stationary source technical and environmental compliance assistance program"** means a program established within the Department of Natural Resources.

(nnn) **"Smelt dissolving tank"** means a vessel used for dissolving the smelt collected from the recovery furnace.

(ooo) **"Smoke"** means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash and other combustible materials, that form a visible plume.

(ppp) **"Soda-based semichemical pulping operation"** means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a soda-based semichemical pulping solution followed by mechanical defibrating (grinding).

(qqq) **"Solvent"** means organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(rrr) **"Soot"** means agglomerated particles consisting mainly of carbonaceous material.

(sss) **"Source" or "facility"** means any property, source, facility, building, structure, location, or installation at, from, or by reason of which emissions or air contaminants are or may reasonably be expected to be emitted into the atmosphere. Such terms included both real and personal property, stationary and mobile sources or facilities, and direct and indirect sources or facilities, without regard to ownership, and both public or private property. An "indirect" source or facility is a source or facility which attracts or tends to attract activity that results in emissions of any air pollutant for which there is an ambient air standard.

(ttt) **"Special circumstances"** shall mean only such circumstances as are caused by special physical conditions or causes and are unique or peculiar to a pollution source.

(uuu) **"Special physical conditions or causes"** shall mean only those physical conditions or causes which are intrinsically related to the process, giving rise to a pollutant, the equipment used in such process, or the structure housing such equipment, and such term shall in no case include external conditions such as (1) the ambient air quality in the locale, area or region of the pollution source, or (2) the cost or availability of raw materials, including fuel or energy, used in the process.

(vvv) **"Stack"** means any point in a source designed to emit solids, liquids, or gasses into the air, including a pipe or duct but not including flares.

(www) **"Stack in existence"** means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed within a reasonable time.

(xxx) **"Stack height"** means the physical height of a flue, chimney, vent or other point of pollutant discharge above ground level.

(yyy) **"Standard conditions"** means a temperature of 20°C (68°F) and pressure of 760 millimeters of mercury (29.92 inches of mercury).

(zzz) **"Startup"** means the commencement of operation of any source.

(aaaa) **"Stationary source"** means any source or facility emitting, either directly or indirectly, from a fixed location.

(bbbb) **"Straight kraft recovery furnace"** means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains seven (7) weight percent or less of the total pulp solids from a soda-based semichemical pulping process.

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

(dddd) **"Topcoat"** means the final film of coating applied in a multiple coat operation.

(eeee) "**Total reduced sulfur (TRS)**" means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during the Kraft pulping operation and measured by EPA Method 16 ([40 CFR 60](#)).

(ffff) "**Total suspended particulates**" means particulate matter as measured by the method described in Appendix B of [40 CFR Part 50](#).

(gggg) "**True vapor pressure**" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin, 2597, "Evaporation Loss from Floating Roof Tanks," 1962.

(hhhh) "**Vapor**" means the gaseous form of a substance.

(iiii) "**Vapor collection system**" means a vapor transport system which used direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.

(jjjj) "**Vapor control system**" means a system that prevents release to the atmosphere of at least 90 percent by weight of organic compounds in the vapors displaced from a tank during the transfer of gasoline.

(kkkk) "**Visible emissions**" means any emission which is capable of being perceived visually.

(llll) "**Volatile organic compound**" (also denoted as VOC) means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the Administrator of the U.S. Environmental Protection Agency designates as having negligible photochemical reactivity, including: carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane; 1,1,1-trichloroethane (methyl chloroform); methylene chloride (dichloromethane); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub> or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OCH<sub>3</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub> or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CFCF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH<sub>3</sub>); t-butyl acetate; 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300), propylene carbonate, dimethyl carbonate, *trans*-1,3,3,3-tetrafluoropropene; HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134); HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236cal2); HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338pcc13); HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol (AMP); 1,1,2,2-Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane; cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z); and perfluorocarbon compounds which fall into these classes:

1. Cyclic, branched, or linear, completely fluorinated alkanes;
2. Cyclic, branched, or linear, completed fluorinated ethers, with no unsaturations;

3. Cyclic, branched, or linear, completely fluorinated tertiary-amines with no unsaturations;
4. Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine; and
5. VOC may be measured by the referenced method, an equivalent method, an alternate method or by procedures specified under [40 CFR Part 60](#). A referenced method, an equivalent method, or an alternate method, however, may also measure non-reactive organic compounds. In such cases, an owner or operator may exclude the non-reactive organic compound when determining compliance with a standard.

(mmmm) "**Hazardous air pollutant**" (also denoted as HAP) means any air pollutant listed in or pursuant to section 112(b) of the Federal Clean Air Act, and as amended by [40 CFR Part 63](#), Subpart C.

(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 March 31, 2019.

(oooo) "**Banking**" means a system for quantifying, recording, storing and preserving Emission Reduction Credits for use or transfer at a later date.

(pppp) "**Emission reduction credit**" means a unit of reduction in actual emissions of either nitrogen oxides or VOC, expressed in tons per year that has been certified by the Director in accordance with Section 391-3-1-.03(13) of these Rules.

(qqqq) "**Pollution control project**" (PCP) means an environmentally beneficial activity, set of work practices or project undertaken at an existing emissions unit that reduces emissions of air pollutants from such unit as listed below, provided that any associated collateral emissions increase is less than the thresholds listed in subparagraphs [391-3-1-.03\(6\)\(i\)3.\(i\)-\(v\)](#). Such qualifying activities or projects can include the replacement or upgrade of an existing emissions control technology with a more effective unit. Other changes that may occur at the source are not considered part of the PCP if they are not necessary to reduce emissions through the PCP. The replacement or reconstruction of an entire existing emissions unit with a newer or different one does not qualify as a PCP. Projects listed in subparagraphs (qqqq) 1. and 2. of this subparagraph are presumed to be environmentally beneficial and qualify as a PCP. The Director has the authority to rebut the presumption that projects listed in subparagraphs (qqqq) 1. and 2. are environmentally beneficial if the Division determines that a particular proposed PCP project would be improperly applied or site-specific factors indicate that the project's application would not be environmentally beneficial.

1. Electrostatic precipitators, baghouses, high-efficiency multiclones, or scrubbers for control of particulate matter or other air contaminants.

2. Regenerative thermal oxidizers, catalytic oxidizers, condensers, thermal incinerators, hydrocarbon combustion flares, biofiltration, absorbers and adsorbers, and floating roofs for storage vessels for control of volatile organic compounds or hazardous air pollutants. For the purpose of this section, "hydrocarbon combustion flare" means either a flare used to comply with an applicable New Source Performance Standard (NSPS) or Maximum Available Control Technology (MACT) standard (including uses of flares during startup, shutdown, or malfunction permitted under such a standard), or a flare that serves to control emissions of waste streams comprised predominately of hydrocarbons and containing no more than 230 mg/dscm hydrogen sulfide.

(rrrr) "**PM<sub>2.5</sub>**" or "**Fine Particulate Matter**" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on Appendix L of [40 CFR Part 50](#) and designated in accordance with [40 CFR Part 53](#) by an equivalent method.

(ssss) "**PM<sub>2.5</sub> Emissions**" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by applicable reference methods or an equivalent or alternate method established by the U.S. EPA.

**Cite as** Ga. Comp. R. & Regs. R. 391-3-1-.01

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**Amended:** F. Dec. 10, 2002; eff. Dec. 30, 2002.

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**Amended:** F. June 23, 2006; eff. July 13, 2006.

**Amended:** F. July 5, 2007; eff. July 25, 2007.

**Amended:** F. May 19, 2008; eff. June 8, 2008.

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**Amended:** F. Aug. 24, 2011; eff. Sep. 13, 2011.

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**Amended:** F. Jul. 20, 2012; eff. Aug. 9, 2012.

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**Amended:** F. July 25, 2016; eff. Aug. 14, 2016.

**Amended:** F. June 30, 2017; eff. July 20, 2017.

**Amended:** F. July 3, 2018; eff. July 23, 2018.

**Amended:** F. Sep. 6, 2019; eff. Sep. 26, 2019.

**Amended:** F. July 9, 2020; eff. July 29, 2020.

### **391-3-1-.02 Provisions. Amended**

#### **(1) General Requirement.**

No person shall construct or operate any facility from which air contaminants are or may be emitted in such a manner as to fail to comply with:

(a) **Any applicable** standard of performance or other requirements established by EPA pursuant to Section 111 of the Federal Act;



(b) **Any applicable** emission standard or other requirement for a hazardous air pollutant established by EPA pursuant to Section 112 of the Federal Act;

(c) **Any applicable** increment, precondition for permit, or other requirement established for the Prevention of Significant Deterioration pursuant to Part C, Title I of the Federal Act; and

(d) **Any applicable** standard, precondition for permit, or other requirement established for sources in areas designated by the Director as being non attainment with National Ambient Air Quality Standards pursuant to, or as part of Georgia's State Implementation Plan to meet the requirements of, Part D, Title I of the Federal Act.

## **(2) Emission Limitations and Standards.**

### **(a) General Provisions.**

1. No person owning, leasing or controlling the operation of any air contaminant sources shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit, or allow the emission from said air contamination source or sources of such quantities of air contaminants as will cause, or tend to cause, by themselves or in conjunction with other air contaminants a condition of air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the State as is affected thereby. Complying with any of the other paragraphs of these rules and regulations or any subparagraphs thereof, shall in no way exempt a person from this provision.

2. In cases where more than one paragraph of these regulations applies, the paragraph allowing the least emission of air contaminants to the atmosphere shall prevail.

3. Notwithstanding any other emission limitation or other requirement provided in the regulations, more stringent emission limitations or other requirements may be required of a facility as deemed necessary by the Director to:

(i) meet any existing Federal laws or regulations; or

(ii) safeguard the public health, safety and welfare of the people of the State of Georgia.

4. Notwithstanding any other requirement of this Chapter, in no event shall that part of a stack which came into existence after December 31, 1970, which exceeds good engineering practice stack height or any other dispersion technique, be taken into account for the purpose of determining the degree of emission limitations required for control of any pollutant for which there is an ambient air standard established under the Act of the Federal Act. The terms and definitions of "dispersion techniques", "good engineering practice (GEP)", "nearby" and "excessive concentration" are those definitions found in 40 CFR 51.100(hh), (ii), (jj) and (kk) respectively.

5. If the Director finds, after notice and opportunity for public hearing that a particular instance of violation or noncompliance by a source, owner, or operator, with any emission limitation or standard or other requirement under the Act, is de minimis (as defined pursuant to [42 U.S.C. Section 7420](#) as amended) in nature, and duration, he may, as allowed by the Act and the Federal Act, exempt such source, owner or operator from the noncompliance penalties provided in Section 22 of the Act.

## **6. VOC Emission Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations.**

### **(i) Exemptions and Area Designations.**

(I) Sources located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties whose potential emissions of volatile organic compounds are not more than 100 tons per year shall not be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (hh), (kk), (ll), (nn), and (qq) of this paragraph 391-3-1-.02(2).

(II) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance shall not be subject to subparagraphs (t) through (ff) [inclusive], (hh) through (nn) [inclusive], (qq), and (tt) of this paragraph 391-3-1-.02(2), provided:

I. The operation of the source is not an integral part of the production process; and provided;

II. The emissions from the source do not exceed 800 pounds in any calendar month; and provided;

III. The exemption from such source is approved in writing by the Director.

(III) Sources located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties whose actual emissions of volatile organic compounds are less than 15 pounds per day shall not be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (kk), (ll), and (qq) of this paragraph 391-3-1-.02(2).

(IV) Coatings, inks and other VOC-containing materials in use at sources of VOC emissions subject to any limitations or requirements of subparagraphs (t) through (aa) [inclusive], (ii), (jj), (mm), and (tt) of this paragraph 391-3-1-.02(2) shall not be subject to any requirements of such subparagraphs, provided the source's total aggregate use of such materials is not in excess of 55 gallons per year and such exemption is approved in writing by the Division.

(V) Sources located within Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton Counties whose actual emissions of volatile organic compounds are greater than or equal to 15 pounds per day shall be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (hh), (kk), (ll), (nn), and (qq) of this paragraph 391-3-1-.02(2) effective January 1, 2015. The requirements of this subparagraph (V) will no longer be applicable if the counties specified in this subparagraph (V) are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in these counties or the counties specified in subparagraph (III) above, the requirements of this subparagraph (V) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

(VI) When determining applicability for a standard specified in this subparagraph 6.(i), only those emission sources that belong to the source category covered by each specific standard shall be included when compared against the applicability thresholds and provisions included in this subparagraph 6.(i).

(ii) Compliance Schedules.

(I) All sources of VOC emissions subject to any limitation or requirement of, or under, paragraph 391-3-1-.02(2) prior to the effective date of this amended Rule 391-3-1-.02, shall be in compliance or on an approved compliance schedule.

(iii) Compliance Determinations.

(I) Compliance determinations for coatings expressed as pounds of VOC per gallon of coating, excluding water, shall treat organic compounds that are not defined as VOCs as water for purposes of calculating the "excluding water" part of the coating composition.

7. Excess Emissions.

(i) Excess emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excess emissions is minimized.

(ii) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).

(iii) The provisions of this paragraph 7. shall apply only to those sources which are not subject to any requirement under section (8) of this Rule (i.e. Rule 391-3-1-.02) or any requirement of [40 CFR, Part 60](#), as amended concerning New Source Performance Standards.

#### 8. Emissions Bubbles.

(i) With respect to the emissions standards and limitations contained in this Chapter 391-3-1, as such requirements are applied to more than one process or piece of equipment at a source or sources, the Director may allow to the extent consistent with the Act and with the Federal Act under such conditions as he deems appropriate, emissions bubbles provided that:

(I) Such emissions bubbles will not interfere with the attainment and maintenance of ambient air quality standards as expeditiously as practical and does not result in any delay in compliance by any source beyond applicable deadline dates; and

(II) Such emissions bubbles are equivalent in pollution reduction, enforceability, and air quality impact to those individual process or equipment emission limits of State or federal requirements applicable at the time of the bubble; and

(III) Such emissions bubbles are consistent and in full compliance with the requirements of 40 CFR 52.21 (PSD), [40 CFR 60](#) (New Source Performance Standards) and [40 CFR 61](#) (NESHAPS); and

(IV) All modeling utilized in evaluating the air quality impact of emissions bubbles shall be done in accordance with modeling procedures acceptable to the Division.

(ii) Emissions bubbles involving different pollutants, types, temporary reductions, and increases of hazardous air pollutants are prohibited.

(iii) The affected source or facility which proposes the use of a bubble shall have the burden of demonstrating to the satisfaction of the Director, compliance with the requirements of this paragraph (2)(a)8.

(iv) For the purpose of this paragraph (2)(a)8. emissions bubbles let plants decrease pollution controls at one or more emission points in exchange for compensating increases in control at other emission points.

#### 9. [reserved]

10. At all times, including periods of startup, shutdown, and malfunction, any person owning, leasing or controlling the operation of a stationary source shall maintain and operate such source, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on any information available to the Division which may include, but is not limited to, monitoring results, observations of the opacity or other characteristic of emissions, review of operating and maintenance procedures or records, and inspection or surveillance of the source.

#### 11. Startup and Shutdown Emissions for SIP-Approved Rules

(i) Upon the effective date of EPA's final approval of GA Rules Chapter 391-3-1-.02(2)(a)11. as published in the Federal Register, the provisions of subparagraph 11.(ii) apply in lieu of GA Rule Chapter 391-3-1-.02(2)(a)7.

(ii) The provisions of this subparagraph 11.(ii) shall apply to all sources subject to emission limitations and standards in 391-3-1-.02(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu), (vv),

(yy), (ccc), (ddd), (eee), (fff), (hhh), (jjj), (kkk), (lll), (mmm), (nnn), (rrr), (vvv), (yyy), (zzz), (aaaa). The provisions of this subparagraph 11.(ii) shall also apply to emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or [391-3-1-.03\(8\)](#) unless startup and shutdown emissions have already been specifically addressed via a federally enforceable permit.

#### (I) Compliance Options

I. Compliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)11.(ii) shall be achieved by either Option A or B below:

A. Complying with the applicable emission limitations and standards at all times, including startup and shutdown; or

B. Complying with the applicable emission limitations and standards for emissions resulting from normal operations, and complying with applicable alternative work practice standards in subparagraphs (I)III., and either (I)IV., (I)V., or (I)VI. to address emissions resulting from startup and/or shutdown.

II. Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup or shutdown are prohibited and are violations of this Chapter (391-3-1).

III. The owner or operator of a source that chooses to comply with alternative work practice standards for startup and shutdown shall maintain the following documentation for five years in a form suitable for inspection and submission to the Division. Required monitoring data (during all periods of operation) and the following documentation shall be maintained:

A. Contemporaneous operating logs or other relevant evidence that document:

(A) The date, time and duration of each period of startup or shutdown where an alternative work practice standard was the method of compliance;

(B) Any actions taken during each period of startup and shutdown, including which option ((ii)(I)IV., (ii)(I)V., or (ii)(I)VI.) is followed; and

(C) Manufacturer's specifications and instructions, fire prevention protocols, and safety protocols relied upon to demonstrate compliance with any alternative work practice standard and records documenting implementation of such.

IV. General Alternative Work Practice Standards Option. Process equipment and air pollution control devices used for compliance with applicable rules in paragraph 391-3-1-.02(2)11.(ii), shall be operated in a manner consistent with good air pollution control practice for minimizing emissions as follows:

##### A. General Work Practice Standard Part 1

Applicable air pollution control devices shall be started as expeditiously as possible, providing for process and control device limitations and providing for safety constraints for protection of personnel and equipment and fire prevention and safety protocols such as provided by Black Liquor Recovery Boiler Advisory Committee (BLRBAC) or National Fire Protection Association (NFPA) codes. Documentation of such implementation of manufacturing specifications, fire protocols, and safety protocols shall be maintained, and;

##### B. General Work Practice Standard Part 2

During startup and shutdown periods, the owner or operator of a source shall comply with alternative work practice standards (A) through (M) below, as applicable, for fuel burning sources and pollution control devices installed by the owner or operator to meet an emission limitation referenced in paragraph 391-3-1-.02(2)(a)11.(ii), as applicable:

(A) Baghouses shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols, unless the inlet gas temperature is below the dewpoint, outside the manufacturer's recommended operating temperature range, or if the pressure differential across the baghouse exceeds the manufacturer's recommended maximum pressure differential.

(B) Biofilters shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols.

(C) Carbon Adsorption Beds shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols.

(D) Condensers shall be operated, except as specified by the manufacturer or as required by fire prevention or safety protocols.

(E) Cyclones shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by fire prevention or safety protocols.

(F) Electrostatic precipitators (ESP) shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by fire prevention or safety protocols.

(G) Exhaust streams routed from one process to another process for thermal incineration, the control process shall be operated except as specified by the manufacturer or as required by fire prevention or safety protocols.

(H) Fuel burning sources shall burn, during startup and shutdown periods, a "clean fuel" as listed in item 5b. of Table 3 to [40 CFR Part 63](#) Subpart DDDDD, or the cleanest fuel the unit is permitted to burn, as practicable. Particulate matter, sulfur dioxide, and acid gas control equipment need not operate while associated fuel burning equipment is firing natural gas, propane, distillate oil, or combinations thereof exclusively during startup or shutdown.

(I) Selective catalytic reduction (SCR) shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols, if the catalyst inlet temperature is greater than 600°F, or as specified by manufacturer.

(J) Selective non-catalytic reduction (SNCR) shall be operated, except as specified by the manufacturer or as required by the fire prevention or safety protocols, when the reaction zone temperature is above 1600°F, or as specified by manufacturer.

(K) Scrubbers shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols.

(L) Sorbent injection systems (e.g. carbon, zeolite, lime, trona etc.), shall be operated, except as provided in (H) for fuel burning equipment, and except as specified by the manufacturer or as required by the fire prevention or safety protocols, when the exhaust gas stream temperature at the point of injection is greater than 300°F and exhaust gas velocity at the injection point exceeds 25 feet per second based on measurement or operating parameters.

(M) Thermal oxidizer devices (including, but not limited to, catalytic, regenerative, and recuperative systems) shall be operated, except as required by the manufacturer or in documented fire prevention or safety protocols.

V. Similar Process Equipment Alternative Work Practice Standards Option. In lieu of following the General Alternative Work Practice Standards Option in paragraph (ii)(I)IV. above, the owner or operator of a source may follow the startup and shutdown work practice standards in Federal rules included in [40 CFR Part 60](#) or [40 CFR Part 63](#) that address compliance during startup and shutdown operations for subject equipment or equipment that would be subject to the Federal rule except for rule applicability exemptions (e.g. construction date), provided that the rule contains specific work practice standards for startup and shutdown periods. These rules are adopted by Georgia as 391-3-1-.02(8) and (9). For example, coal-fired utilities may use [40 CFR 63](#) Subpart UUUUU (MATS rule) startup and shutdown work practice standard to comply with Georgia Rules 391-3-1-.02(2)(b) and (d).

VI. In lieu of following the startup and shutdown alternative work practices in subparagraphs (ii)(I)IV. or (ii)(I)V. above, the owner or operator of a source may comply with a source specific alternative work practice standard for startup and shutdown periods that has been incorporated into a federally enforceable operating permit. Any application to incorporate such work practice standards shall include, at a minimum, the following considerations:

A. The request is specific to the source and control device, if applicable;

B. Demonstration that compliance with the emissions limitation during startup or shutdown is infeasible, impracticable or unsafe;

C. The proposed alternative work practice standard is designed to minimize emissions during startup or shutdown periods, to the extent practicable;

D. The proposed alternative work practice standard should require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures; and

E. The proposed alternative work practice standard includes provisions for monitoring and/or recordkeeping of the operator's actions during startup and shutdown to ensure practical enforceability of the proposed work practices.

F. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in [391-3-1-.03](#). The public notice requirements specified in [391-3-1-.03\(2\)\(i\)](#) shall be followed for all proposed alternative work practice standards in non-Title V permits. Public notice requirements specified in [391-3-1-.03\(10\)\(e\)8.](#) and [391-3-1-.03\(10\)\(f\)1.](#) shall be followed for all proposed alternative work practice standards in Title V permits.

(iii) Paragraph 391-3-1-.02(2)(a)11.(ii) becomes void if the June 12, 2015 publication (80 FR 33839) *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction* is:

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

## 12. Malfunction Emissions

(i) Upon the effective date of EPA's final approval of GA Rule Chapter 391-3-1-.02(2)(a)12.(i) and (ii) as published in the Federal Register, the provisions of this paragraph 12. shall apply in lieu of paragraph 7. to all sources subject to emission limitations and standards in 391-3-1-.02(2)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (n), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh), (ii), (jj), (kk), (ll), (mm), (nn), (oo), (pp), (qq), (rr), (ss), (tt), (uu), (vv), (yy), (ccc), (ddd), (eee), (fff), (hhh), (jjj), (kkk), (lll), (mmm), (nnn), (rrr), (vvv), (yyy), (zzz), (aaaa). This paragraph 12. also applies to emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or [391-3-1-.03\(8\)](#) unless malfunction emissions have already been specifically addressed via a federally enforceable permit.

### (ii) Compliance Options

(I) Compliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)12.(i) shall be achieved by either:

I. Complying with the applicable emission limitations and standards at all times, including periods of malfunction or

II. Complying with the applicable emission limitations and standards for emissions resulting from normal operation, and complying with a source specific malfunction work practice standard approved into a federally enforceable air quality operating permit to address emissions resulting from malfunction.

(II) Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during malfunction are prohibited and are violations of this Chapter (391-3-1).

(III) The owner or operator of a source that chooses to comply with a source specific malfunction work practice standard approved into a federally enforceable operating permit shall maintain the following documentation for five years in a form suitable for inspection and submission to the Division. Required monitoring data (during all periods of operation) and the following documentation shall be maintained:

I. Contemporaneous operating logs or other relevant evidence that document:

A. The date, time and duration of each period of malfunction where an approved source specific malfunction work practice standard was the method of compliance;

B. Any actions taken during each period of malfunction; and

C. Manufacturer's specifications and instructions, fire prevention protocols, and safety protocols relied upon to demonstrate compliance with any source specific malfunction work practice standard and records documenting implementation of the manufacturer specifications and fire prevention safety protocols.

(IV) The owner or operator of a source may comply with a source specific malfunction work practice standard for malfunction periods that has been incorporated into a federally enforceable operating permit. The request shall also include, as a minimum the following considerations:

I. The work practice standard shall minimize emissions during the malfunction event and be designed to minimize the malfunction duration.

II. Such requests shall be made through the application for a permit, permit modification, or permit renewal pursuant to the permit application requirements in [391-3-1-.03](#). The public notice requirements specified in [391-3-1-.03\(2\)\(i\)](#) shall be followed for all proposed alternative work practice standards in non-Title V permits. Public notice requirements specified in [391-3-1-.03\(10\)\(e\)8](#), and [391-3-1-.03\(10\)\(f\)1](#), shall be followed for all proposed alternative work practice standards in Title V permits.

III. At all times, the source shall be operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures. The owner or operator's actions during malfunction periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.

IV. Failure to implement or follow the source specific malfunction work practice standard during a malfunction shall be a violation of the Georgia Rules for Air Quality Control [391-3-1-.03\(2\)\(g\)](#).

V. Any source that has a permit without a malfunction work practice standard limit will be required to comply with the applicable emission limit.

VI. Facilities that follow an approved source specific malfunction work practice standard during a malfunction that has been addressed in the source specific malfunction work practice standard shall be deemed in compliance.

Any application requesting a source specific malfunction work practice standard shall also include the following considerations:

A. The request is specific to the source and control device, if applicable;



B. Demonstration that compliance with the emissions limitation during malfunction is infeasible, impracticable or unsafe;

C. The proposed alternative work practice standard(s) is designed to minimize emissions during malfunction periods, to the extent practicable;

D. The proposed alternative work practice standard should require that the source is operated in a manner consistent with good practice for minimizing emissions through planning, design, and operating procedures; and

E. The proposed alternative work practice standard includes provisions for monitoring and/or recordkeeping of the operator's actions during malfunctions to ensure practical enforceability of the proposed work practices.

(V) Malfunctions that are not specifically included in an approved source specific work practice, or are the result of poor maintenance, poor operation, or otherwise reasonably preventable control equipment or process failure, are prohibited and shall be considered violations and reported in accordance with 391-3-1-.02(6)(b)1.(iv), if the malfunction continues for 4 hours or more.

(VI) Unless otherwise defined in 391-3-1-.02 or in an air quality operating permit, malfunction is defined as follows:

"Malfunction" means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner that results in excessive emissions. Excessive emissions during periods of routine startup and shutdown of process equipment are not considered a malfunction. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition, within the control of the emission source, are not considered malfunctions.

(iii) Paragraphs 391-3-1-.02(2)(a)12.(i) and (ii) become void if the June 12, 2015 publication (80 FR 33839) *State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction* is:

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

### 13. Startup, Shutdown, and Malfunction Emissions for Certain Rules

(i) Upon the effective date of EPA's final approval of GA Rule Chapter 391-3-1-.02(2)(a)11. and/or 12. as published in the Federal Register, the provisions of this paragraph 13. shall apply in lieu of paragraph 7. to all sources subject to emission limitations and standards in 391-3-1-.02(2)(zz), (ggg), (iii), (ppp), (qqq), (sss), (uuu), and (www).

(I) Excessive emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excessive emissions is minimized.

(II) Excessive emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).

(III) The provisions of this subparagraph 13.(i) shall not apply to emissions in excess of any requirement under section 391-3-1-.02(8) or (9) of this Rule (i.e. any requirement of [40 CFR Part 60](#), [40 CFR Part 61](#), or [40 CFR Part 63](#)).

(b) **Visible Emissions.**



1. Except as may be provided in other more restrictive or specific rules or subdivisions of this Chapter, no person shall cause, let, suffer, permit, or allow emissions from any air contaminant source the opacity of which is equal to or greater than forty (40) percent.

2. Upon written application to the Director, a person owning or operating an air pollution source may request that visible emission evaluations (opacity measurements) be conducted during particulate emission tests for a source, for the purpose of demonstrating compliance with a particulate emission standard. Any such tests or evaluations shall be conducted according to methods, procedures and requirements approved by the Division. All test results shall be subject to verification by the Division. The correlated visible emissions opacity determined during any such particulate emission tests which demonstrate compliance (with results verified by the Division) may, if greater than any applicable visible emissions opacity standard of this Chapter 391-3-1, be established by the Director as the visible emissions standard (opacity standard) for the source. Such visible emissions standards if so established shall be incorporated as a condition of the operating permit for the air pollution source.

3. The visible emission limitation of this subsection applies to direct sources of emissions such as stationary structures, equipment, machinery, stacks, flues, pipes, exhausts, vents, tubes, chimneys or similar structures.

4. The provisions of this subsection (b), apply only to facilities or sources subject to some other emission limitation under this section 391-3-1-.02(2).

**(c) Incinerators.**

1. Except as specified in the section dealing with conical burners, no person shall cause, let, suffer, permit, or allow the emissions of fly ash and/or other particulate matter from any incinerator, in amounts equal to or exceeding the following:

(i) Units with charging rates of 500 pounds per hour or less of combustible waste, including water, shall not emit fly ash and/or particulate matter in quantities exceeding 1.0 pound per hour.

(ii) Units with charging rates in excess of 500 pounds per hour of combustible waste, including water, shall not emit fly ash and/or particulate matter in excess of 0.20 pounds per 100 pounds of charge.

2. No person shall cause, let, suffer, permit, or allow from any incinerator, visible emissions the opacity of which is equal to or greater than twenty (20) percent except for one 6-minute period per hour of not more than twenty-seven (27) percent opacity.

3. No person shall cause or allow particles to be emitted from an incinerator which are individually large enough to be visible to the unaided eye.

4. No person shall operate an existing incinerator unless:

(i) it is a dual or multiple chamber incinerator;

(ii) it is equipped with an auxiliary burner in the primary chamber for the purpose of creating a pre-ignition temperature of 800°F; and

(iii) it has a secondary burner to control smoke and/or odors and maintain a temperature of at least 1500°F in the secondary chamber.

5. Designs other than those mentioned in Subparagraph 4. above shall be considered on an individual basis and will be exempt from the provisions if, in the judgment of the Director, said design results in performance which meets the standard set forth in paragraphs (2)(c)1., 2. and 3. above.

6. The provisions of this Subsection (c) shall not apply to:

(i) any hazardous waste incinerator subject to Section 391-3-11 of the Georgia Rules for Hazardous Waste Management, [40 CFR 264](#), Subpart O, as adopted by reference, "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities," as amended;

(ii) any incinerator subject to Section 391-3-1-.02(8)(b)71. of the Georgia Rules for Air Quality Control, "Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994," as amended;

(iii) any incinerator subject to the Georgia State Plan, under Section 111(d) of the federal Act, for "Municipal Waste Combustors for Which Construction is Commenced On or Before September 20, 1994," as amended;

(iv) any incinerator subject to Section 391-3-1-.02(8)(b)73. of the Georgia Rules for Air Quality Control "Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators," as amended;

(v) any incinerator subject to Section 391-3-1-.02(2)(iii) of the Georgia Rules for Air Quality Control "Hospital/Medical/Infectious Waste Incinerators," as amended;

(vi) any incinerator subject to Section 391-3-1-.02(8)(b)75. of the Georgia Rules for Air Quality Control "Standards of Performance for Commercial and Industrial Solid Waste Incineration Units," as amended;

(vii) any incinerator subject to Section 391-3-1-.02(2)(ppp) of the Georgia Rules for Air Quality Control "Commercial and Industrial Solid Waste Incineration Units," as amended;

(viii) any vent gas incineration devices that are used as air pollution control equipment and boilers and industrial furnaces that burn waste (excluding hazardous waste) as a fuel;

(ix) any incinerator subject to Section 391-3-1-.02(8)(b)20. of the Georgia Rules for Air Quality Control "Standards of Performance for Sewage Treatment Plants," as amended;

(x) any incinerator subject to Section 391-3-1-.02(8)(b)74. of the Georgia Rules for Air Quality Control "Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999," as amended;

(xi) any incinerator subject to Section 391-3-1-.02(8)(b)76. of the Georgia Rules for Air Quality Control "Standards of Performance for Other Solid Waste Incinerator Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006," as amended;

(xii) any incinerator subject to Section 391-3-1-.02(8)(b)83. of the Georgia Rules for Air Quality Control "Standards of Performance for New Sewage Sludge Incineration Units" as amended; or

(xiii) any incinerator subject to Section 391-3-1-.02(2)(www) of the Georgia Rules for Air Quality Control "Sewage Sludge Incineration Units," as amended.

**(d) Fuel-Burning Equipment.**

1. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment in operation or under construction on or before January 1, 1972, in amounts equal to or exceeding the following:

(i) for equipment less than 10 million BTU heat input per hour:

$P = 0.7$  pounds per million BTU heat input;

(ii) for equipment equal to or greater than 10 million BTU heat input per hour, and equal to or less than 2,000 million BTU heat input per hour:

$$P = 0.7 \left( \frac{10}{R} \right)^{0.202} \text{ pounds per million BTU heat input;}$$

(iii) equipment larger than 2,000 million BTU heat input per hour:

$P = 0.24$  pounds per million BTU heat input.

2. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment constructed after January 1, 1972, in amounts equal to or exceeding the following:

(i) for equipment less than 10 million BTU heat input per hour:

$P = 0.5$  pounds per million BTU heat input;

(ii) for equipment equal to or greater than 10 million BTU heat input per hour, and equal to or less than 250 million BTU heat input per hour:

$$P = 0.5 \left( \frac{10}{R} \right)^{0.5} \text{ pounds per million BTU heat input;}$$

(iii) for equipment greater than 250 million BTU heat input per hour:

$P = 0.10$  pounds per million BTU heat input

$P$  = allowable weight of emissions of fly ash and/or other particulate matter in pounds per million BTU heat input

$R$  = heat input of fuel-burning equipment in million BTU per hour

3. No person shall cause, let, suffer, permit, or allow the emission from any fuel-burning equipment constructed or extensively modified after January 1, 1972, visible emissions the opacity of which is equal to or greater than twenty (20) percent except for one six minute period per hour of not more than twenty-seven (27) percent opacity.

4. No person shall cause, let, permit, suffer, or allow the emission of nitrogen oxides ( $\text{NO}_x$ ), reported as nitrogen dioxide, from any fuel-burning equipment equal to or greater than 250 million BTU per hour of heat input that is constructed or extensively modified after January 1, 1972, equal to or exceeding the following:

(i) when firing coal-0.7 pounds of  $\text{NO}_x$  per million BTUs of heat input;

(ii) when firing oil-0.3 pounds of  $\text{NO}_x$  per million BTUs of heat input;

(iii) when firing gas-0.2 pounds of  $\text{NO}_x$  per million BTUs of heat input;

(iv) when different fuels are burned simultaneously in any combination the applicable standard, expressed as pounds of  $\text{NO}_x$  per million BTUs of heat input, shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.20) + y(0.30) + z(0.70)}{x + y + z}$$

where:

$x$  = percent of total heat input derived from gaseous fuel;

y = percent of total heat input derived from oil;

z = percent of total heat input derived from coal.

**(e) Particulate Emission from Manufacturing Processes.**

1. Except as may be specified in other sections of these regulations or as may be specified in a permit issued by the Director, no person shall cause, let, permit, suffer, or allow the rate of emission from any source, particulate matter in total quantities equal to or exceeding the amounts specified in subparagraphs (i) or (ii), below, as applicable. Equipment in operation, or under construction contract, on or before July 2, 1968, shall be considered existing equipment. All other equipment put in operation or extensively altered after said date is to be considered new equipment.

(i) The following equations shall be used to calculate the allowable rates of emission from new equipment:

$E = 4.1 P^{0.67}$ ; for process input weight rate up to and including 30 tons per hour.

$E = 55 P^{0.11} - 40$ ; for process input weight rate above 30 tons per hour.

(ii) The following equation shall be used to calculate the allowable rates of emission from existing equipment:

$E = 4.1 P^{0.67}$

E = emission rate in pounds per hour

P = process input weight rate in tons per hour.

**(f) Normal Superphosphate Manufacturing Facilities.**

1. Unit emissions of fluoride for normal superphosphate manufacturing facilities, expressed as pounds of fluoride ion per ton of  $P_2O_5$  or equivalent, shall not exceed 0.40 pounds. The allowable emission of fluorides shall be calculated by multiplying the unit emission specified above times the expressed design capacity of the source in question.

**(g) Sulfur Dioxide.**

1. New fuel-burning sources capable of firing fossil fuel(s) at a rate exceeding 250 million BTUs per hour heat input, constructed or extensively modified after January 1, 1972, excluding kraft pulp mill recovery furnaces, may not emit sulfur dioxide equal to or exceeding:

(i) 0.8 pounds of sulfur dioxide per million BTUs of heat input derived from liquid fossil fuel or derived from liquid fossil fuel and wood residue;

(ii) 1.2 pounds of sulfur dioxide per million BTUs of heat input derived from solid fossil fuel or derived from solid fossil fuel and wood residue;

(iii) When different fossil fuels are burned simultaneously in any combination, the applicable standard expressed as pounds of sulfur dioxide per million BTUs of heat input shall be determined by proration using the following formula:

$$\alpha = \frac{y(0.80) + z(1.2)}{y + z}$$

where:

y = percent of total heat input derived from liquid fossil fuel;

z = percent of total heat input derived from solid fossil fuel;

a = the allowable emission in pounds per million BTUs.

2. All fuel burning sources below 100 million BTUs of heat input per hour shall not burn fuel containing more than 2.5 percent sulfur, by weight. All fuel burning sources having a heat input of 100 million BTUs per hour or greater shall not burn a fuel containing more than 3 percent sulfur, by weight.

3. Notwithstanding the limitations on sulfur content of fuels stated in paragraph 2. above, the Director may allow sulfur content greater than that allowed in paragraph 2. above, provided that the source utilizes sulfur dioxide removal and the sulfur dioxide emission does not exceed that allowed by paragraph 2. above, utilizing no sulfur dioxide removal.

**(h) Portland Cement Plants.**

1. See Section 391-3-1-.02(8) for applicable New Source Performance Standards.

**(i) Nitric Acid Plants.**

1. No person shall cause or allow the emission of nitrogen oxides (NO<sub>x</sub>), expressed as nitrogen dioxide, from Nitric Acid Plants equal to or exceeding:

(i) for plants constructed before January 1, 1972: 25 pounds of NO<sub>x</sub> expressed as nitrogen dioxide, per ton of 100% acid produced;

(ii) for plants constructed after January 1, 1972, the applicable New Source Performance Standards of 391-3-1-.02(8).

2. No person shall operate a nitric acid plant unless the plant is equipped with a continuous NO<sub>x</sub> monitor and recorder or an alternate system approved by the Director.

**(j) Sulfuric Acid Plants.**

1. No person shall cause or allow the emission of sulfur dioxide (SO<sub>2</sub>) and acid mist from sulfuric acid plants equal to or exceeding:

(i) For plants constructed before January 1, 1972, 27.0 pounds of SO<sub>2</sub>, and 0.15 pounds of acid mist per ton of 100% acid produced;

(ii) For plants constructed or extensively modified after January 1, 1972, the applicable New Source Performance Standards of 391-3-1.02(8).

2. No person shall operate a sulfuric acid plant unless the plant is equipped with a continuous SO<sub>2</sub> monitor and recorder or an approved alternate system approved by the Director.

**(k) Particulate Emission from Asphaltic Concrete Hot Mix Plants.**

1. No person shall cause, let, suffer, permit, or allow the emission of particulate matter from an Asphaltic Concrete Hot Mix Plant equal to or exceeding amounts derived from the following formulas:

(i) For existing plants below 45 tons per hour input-E = P, pounds per hour;

(ii) For existing plants equal to or greater than 45 tons per hour input-E = 10P<sup>0.4</sup> pounds per hour;

- (iii) For new plants below 125 tons per hour input- $E = 2.1P^{0.6}$ , pounds per hour;
- (iv) For new plants equal to or greater than 125 tons per hour input- $E = 14P^{0.2}$ , pounds per hour;
- (v) Equals the allowable emission of particulate matter in pounds per hour. P equals the process input weight rate in tons per hour;
- (vi) Equipment in operation, or under construction contract, on or before January 1, 1972, shall be considered existing equipment. All equipment constructed or extensively altered after said date shall be considered new.

2. The New Source Performance Standards of 391-3-1-.02(8) for such asphaltic concrete plants apply to all such plants commencing construction on or after the effective date of such standards.

(l) **[reserved]**

(m) **Repealed.**

(n) **Fugitive Dust.**

1. All persons responsible for any operation, process, handling, transportation or storage facility which may result in fugitive dust shall take all reasonable precautions to prevent such dust from becoming airborne. Some reasonable precautions which could be taken to prevent dust from becoming airborne include, but are not limited to, the following:

- (i) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
- (ii) Application of asphalt, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dusts;
- (iii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods can be employed during sandblasting or other similar operations;
- (iv) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts;
- (v) The prompt removal of earth or other material from paved streets onto which earth or other material has been deposited.

2. The percent opacity from any fugitive dust source listed in paragraph (2)(n)1. above shall not equal or exceed 20 percent.

(o) **[reserved]**

(p) **Particulate Emissions from Kaolin and Fuller's Earth Processes.**

1. The following equations shall be used to calculate the allowable rates of emission from kaolin and fuller's earth process equipment constructed or extensively modified after January 1, 1972:

- (i)  $E = 3.59P^{0.62}$ ; for process input weight rate up to and including 30 tons per hour;
- (ii)  $E = 17.31P^{0.16}$ ; for process input weight rate in excess of 30 tons per hour.

2. The following equation shall be used to calculate the allowable rates of emission from kaolin and fuller's earth process equipment constructed or put in operation on or before January 1, 1972:

(i)  $E = 4.1P^{0.67}$ ; for process input weight rate up to and including 30 tons per hour;

(ii)  $E = 55P^{0.11} - 40$ ; for process input weight rate above 30 tons per hour.

E = allowable emission rate in pounds per hour;

P = process input weight rate in tons per hour.

**(q) Particulate Emissions from Cotton Gins.**

1. The emission of particulate matter from any cotton ginning operation shall not exceed the amounts specified below.

(i) The following equation shall be used to calculate the allowable rates of emission:

$$E = 7 B^{0.5}$$

E = allowable emission rate in pounds per hour

B = number of standard bales per hour-A standard bale is defined as a finished bale weighing 500 pounds.

2. In lieu of demonstrating compliance with the applicable emission standard contained in 391-3-1-.02(2)(q)1.(i) the following control devices may be utilized:

(i) for emission control from low pressure exhausts, the use of screens with a mesh size of 80 by 80 or finer, or the use of perforated condenser drums with holes not exceeding .045 inches in diameter, or the use of a dust house.

(ii) for emission control from high pressure exhausts, the use of high efficiency cyclones.

If compliance with the emission standard specified in 391-3-1-.02(2)(q)1.(i) is required, then the testing methodology to be utilized shall be that specified in the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants.

**(r) Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.**

1. For the purpose of this regulation the ammoniator, dryer, cooler and associated equipment will be considered one unit.

2. The following equations shall be used to calculate the allowable rates of emission from granular and mixed fertilizer manufacturing units:

(i)  $E = 3.59P^{0.62}$ ; for production weights up to and including 30 tons per hour;

(ii)  $E = 17.31P^{0.16}$ ; for production rates above 30 tons per hour;

E = allowable emission rate in pounds per hour;

P = production rate of finished product in tons per hour. Recycle will not be included.

**(s) Nitrogen Oxides. (Repealed)**

**(t) VOC Emissions from Automobile and Light-Duty Truck Manufacturing.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from automobile and/or light-duty truck manufacturing facilities to exceed:

- (i) 1.2 pounds of VOC per gallon of coating excluding water, as a monthly weighted average, from each electrophoretic applied prime operation;
- (ii) 15.1 pounds of VOC per gallon of applied coating solids, as a daily weighted average, from each spray prime operation;
- (iii) 15.1 pounds of VOC per gallon of applied coating solids, as a daily weighted average, from each topcoat operation;
- (iv) 4.8 pounds of VOC per gallon of coating delivered to the coating applicator from each final repair operation. If any coating delivered to the coating applicator contains more than 4.8 pounds of VOC per gallon of coating, the limit shall be 13.8 pounds of VOC per gallon of coating solids sprayed, as a daily weighted average.
- (v) 3.5 pounds of VOC per gallon of sealer, excluding water, delivered to an applicator that applies sealers in amounts less than 25,000 gallons during a 12 consecutive month period;
- (vi) 1.0 pounds of VOC per gallon of sealer, excluding water, delivered to a coating applicator that applies sealers in amounts greater than 25,000 gallons during a 12 consecutive month period;
- (vii) 3.5 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesives, except body glass adhesives;
- (viii) 6.9 pounds of VOC per gallon of cleaner, excluding water, delivered to an applicator that applies cleaner to the edge of body glass prior to priming;
- (ix) 5.5 pounds of VOC per gallon of primer, excluding water, delivered to an applicator that applies primer to the body glass or to the body to prepare the glass and body for bonding;
- (x) 1.0 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesive to bond body glass to the body;
- (xi) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies clear coating to fascias. No coating may be used that exceeds this limit;
- (xii) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies base coat to fascias, on a daily weighted average basis;
- (xiii) 3.5 pounds of VOC per gallon of material, excluding water, for all other materials not subject to some other emission limitation stated in this paragraph.

2. No person shall cause, let, permit, suffer or allow the emissions of VOC from automobile and/or light-duty truck manufacturing facilities to exceed:

- (i) 0.7 pounds of VOC per gallon of coating solids applied, as a monthly weighted average, from each electrodeposition primer (EDP) operation when the solids turnover ratio is greater than or equal to 0.16. For purposes of this subsection an EDP operation includes application area, spray/rinse stations, and curing oven.
- (ii) Electrodeposition Primer Operation: the value calculated by the following formula, as a monthly weighted average, from each electrodeposition primer (EDP) operation when the solids turnover ratio is less than 0.160 and greater than or equal to 0.040:

(I) pounds of VOC per gallon of coating solids applied

$$= (8.34 \text{ lb / gal})(0.084)(350^{0.160 - R_T})$$



where  $R_T$  = Solids Turnover Ratio

(iii) 12.0 pounds of VOC per gallon of deposited solids, as a daily weighted average basis from each of the following: primer-surfacer operation; topcoat operation; combined primer-surfacer and topcoat operations. For purposes of this subsection each operation includes application area, flash-off area, and oven.

(iv) 4.8 pounds of VOC per gallon of coating, less water and less exempt solvents, as a daily weighted average, from each final repair operation.

(v) 3.5 pounds of VOC per gallon of sealer, excluding water, delivered to an applicator that applies sealers in amounts less than 25,000 gallons during a 12 consecutive-month period;

(vi) 1.0 pounds of VOC per gallon of sealer, excluding water, delivered to a coating applicator that applies sealers in amounts greater than 25,000 gallons during a 12 consecutive-month period;

(vii) 250 grams of VOC per liter of adhesive (2.08 lb/gallon), excluding water, delivered to an applicator that applies adhesives, except body glass adhesives and weatherstrip adhesives;

(viii) 1.0 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesive to bond body glass to the body;

(ix) 6.9 pounds of VOC per gallon of cleaner, excluding water, delivered to an applicator that applies cleaner to the edge of body glass prior to priming;

(x) 5.5 pounds of VOC per gallon of primer, excluding water, delivered to an applicator that applies glass bonding primer to the body glass or to the body to prepare the glass and body for bonding;

(xi) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies clear coating to fascias. No coating may be used that exceeds this limit;

(xii) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies base coat to fascias, on a daily weighted average basis;

(xiii) 200 grams of VOC per liter of coating (1.669 lb/gal), excluding water, delivered to an applicator that applies one of the following: gasket/gasket sealing material; bedliner;

(xiv) 3.5 pounds of VOC per gallon of material, excluding water, for all other materials not subject to some other emission limitation stated in this paragraph. This includes but is not limited to coatings such as cavity wax, deadener, underbody coating, interior coating, weatherstrip adhesive, and/or lubricating wax/compound.

3. The emission limits stated in paragraphs 1. and 2. shall be achieved by the application of low solvent technology or a system demonstrated to have equivalent control efficiency on the basis of pounds of VOC per gallon of solids.

4. No person shall cause, let, permit, suffer or allow the emissions of VOC from the use of wipe-off solvents to exceed 1.0 pounds per unit of production as a rolling, 12-month average. Wipe-off solvents shall include those solvents used to clean dirt, grease, excess sealer and adhesive, or other foreign matter from the car body in preparation for painting or other production-related operation.

5. No person shall cause, let, permit, suffer or allow the emission of VOCs from flush or clean paint application systems including paint lines, tanks and applicators, unless such solvents are captured to the maximum degree feasible by being directed into containers that prevent evaporation into the atmosphere.

6. No person shall store solvents or waste solvents in drums, pails, cans or other containers unless such containers have air-tight covers which are in place at all times when materials are not being transferred into or out of the container.

7. No person shall cause, let, permit, suffer or allow the emissions of VOC from the cleaning of oil and grease stains on the body shop floor to exceed 0.1 pounds per unit of production.

8. For the purpose of this subsection; the following definitions apply:

(i) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together without regard to the substrates involved other than by mechanical means.

(ii) "Automobile" means all passenger cars or passenger car derivatives capable of seating a maximum of 12 or fewer passengers.

(iii) "Bedliner" means a multi-component coating, used at an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat and outside of the topcoat operation to provide additional durability and chip resistance.

(iv) "Cavity wax" means a coating, used at an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(v) "Deadener" means a coating, used at an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

(vi) "Electrodeposition primer" means a process of applying a protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. It is a dip coating method that uses an electrical field to apply or deposit the conductive coating onto the part. The object being painted acts as an electrode that is oppositely charged from the particles of paint in the dip tank. Also referred to as E-coat, Uni-Prime, and ELPO Primer.

(vii) "Electrophoretic Applied Prime Operation" means the dip tank flash-off area and bake oven(s) which are used to apply and dry or cure the initial coating on components of automobile and light-duty truck bodies by submerging the body components in a coating bath with an electrical potential difference between the components and the bath, and drying or curing such coating on the components in bake oven(s);

(viii) "Final repair" means the operations performed and coating(s) applied to completely-assembled motor vehicles or to parts that are not yet on a completely assembled vehicle to correct damage or imperfections in the coating. The curing of the coatings applied in these operations is accomplished at a lower temperature than that used for curing primer-surfacer and topcoat. This lower temperature cure avoids the need to send parts that are not yet on a completely assembled vehicle through the same type of curing process used for primer-surfacer and topcoat and is necessary to protect heat sensitive components on completely assembled vehicles.

(ix) "Gasket/gasket sealing material" means a fluid, used at an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.

(x) "Glass bonding primer" means a primer, used at an automobile or light-duty truck assembly coating facility, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Automobile and light-duty truck glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.

(xi) "In-line repair" means the operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied topcoat. Also referred to as high bake repair or high bake reprocess. In-line repair is considered part of the topcoat operation.

(xii) "Interior coating" means a coating, used at an automobile or light-duty truck assembly coating facility outside of the primer-surfacer and topcoat operations, applied to the trunk interior to provide chip protection.

(xiii) "Light-Duty Trucks" means any motor vehicles rated 8500 pounds gross weight or less which are designed primarily for the purpose of transportation or are derivatives of such vehicles;

(xiv) "Lubricating wax/compound" means a protective lubricating material, used at an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.

(xv) "Manufacturing Facility" means a facility which assembles twenty (20) or more automobiles or light-duty trucks per day (either separately or in combination) ready for sale to vehicle dealers. Customizers, body shops and other repainters are not part of this definition;

(xvi) "Primer-surfacer" means an intermediate protective coating applied over the electrodeposition primer and under the topcoat. Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer may also be called guide coat or surfacer. Primer-surfacer operations may include other coating(s) (e.g., anti-chip, lower-body anti-chip, chip-resistant edge primer, spot primer, blackout, deadener, interior color, basecoat replacement coating, etc.) that is (are) applied in the same spray booth(s).

(xvii) "Sealer" means a high viscosity material, used at an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(xviii) "Solids turnover ratio ( $R_T$ )" means the ratio of total volume of coating solids that is added to the EDP system in a calendar month divided by the total volume design capacity of the EDP system.

(xix) "Spray Prime Operation" means the spray prime booth, flash-off area and bake oven(s) which are used to apply and dry or cure a surface coating between the electrophoretic applied prime and topcoat operations on the components of automobile and light-duty truck bodies;

(xx) "Topcoat" means the final coating system applied to provide the final color and/or a protective finish. The topcoat may be a monocoat color or basecoat/clearcoat system. In-line repair and two-tone are part of topcoat. Topcoat operations may include other coating(s) (e.g., blackout, interior color, etc.) that is (are) applied in the same spray booth(s).

(xxi) "Underbody coating" means a coating, used at an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(xxii) "Weatherstrip adhesive" means an adhesive, used at an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.

9. Applicability: Prior to January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which actual emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 2.7 tons per 12-month rolling period and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.

10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.

11. Applicability: On and after January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which actual emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 2.7 tons per 12-month rolling period and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 2, 3, 4, 5, 6, 7, and 8.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraph 2 are subject to the compliance schedule specified in subparagraph 14.

12. On and after January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.

13. Applicability: The requirements of subparagraphs 11. and 12. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 9. and 10. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 11. and 12. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

#### 14. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in subparagraph 2 must be completed before **January 1, 2015**.

#### (u) VOC Emissions from Can Coating.

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from can coating operations to exceed:

(i) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from sheet base coat (exterior and interior) and overvarnish or two-piece can exterior (basecoat and overvarnish) operations. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 4.2 pounds per gallon of coating, excluding water, delivered to the coating applicator from two and three-piece can interior body spray and two-piece can exterior end (spray and roll coat) operations. If any coating delivered to the coating applicator contains more than 4.2 pounds VOC per gallon, the solids equivalent limit shall be 9.78 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 5.5 pounds per gallon of coating, excluding water, delivered to the coating applicator from three-piece side-seam spray operations. If any coating delivered to the coating applicator contains more than 5.5 pounds VOC per gallon, the solids equivalent limit shall be 21.8 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iv) 3.7 pounds per gallon of coating, excluding water, delivered to the coating applicator from end seal compound operations. If any coating delivered to the coating applicator contains more than 3.7 pounds VOC per gallon, the solids equivalent limit shall be 7.44 pounds VOC per gallon of coating solids delivered to the coating applicator.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit, expressed in pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

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

(i) "End sealing compound" means a synthetic rubber compound which is coated onto can ends and which functions as a gasket when the end is assembled on the can.

(ii) "Exterior base coating" means a coating applied to the exterior of a two-piece can body to provide protection to the metal or to provide background for the lithographic or printing operation.

(iii) "Sheet base coating" means a coating applied to metal in sheet form to serve as either the exterior or interior of two-piece or three-piece can bodies or can ends.

(iv) "Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.

(v) "Overvarnish" means a coating applied directly over ink to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

(vi) "Three-piece can side-seam spray" means a coating sprayed on the exterior and interior of a welded, cemented or solder seam to protect the exposed metal.

(vii) "Two-piece can exterior end coating" means a coating applied by roller coating or spraying to the exterior end of a can to provide protection to the metal.

**(v) VOC Emissions from Coil Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from coil coating operations to exceed:

(i) 2.6 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. If any coating delivered to the coating applicator contains more than 2.6 pounds VOC per gallon, the solids equivalent limit shall be 4.02 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) The emission limits in this subsection shall apply to the coating applicator(s), oven(s) and quench area(s) of coil coating lines involved in prime and topcoat or single coat operations.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 2.6 pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.02 pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.02 pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

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

(i) "Coil Coating" means the coating of any flat metal sheet or strip that comes in rolls or coils;

(ii) "Quench Area" means a chamber where the hot metal exiting the oven is cooled by either a spray of water or a blast of air followed by water cooling.

**(w) VOC Emissions from Paper Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from paper coating to exceed:

(i) 2.9 pounds per gallon of coating, excluding water, delivered to the coating applicator from a paper coating line. This limit shall apply to roll, knife, rotogravure and saturation coater(s) and drying oven(s) of paper coating. If any coating delivered to the coating applicator contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.79 pounds VOC per gallon of coating solids delivered to the coating applicator.

2. The emission limits in subparagraph 1. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 2.9 pounds VOC per gallon of coating, excluding water; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.79 pounds VOC per gallon of coating solids; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.79 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from paper, film and foil coating unless:

(i) VOC emission reduction equipment with an overall VOC control efficiency is 90 percent for each coating line is installed and operated; or

(ii) VOC emissions are less than 0.08 pounds per pound of coating for each coating line except pressure sensitive tape and label coating; or

(iii) VOC emissions are less than 0.40 pounds per pound of solids applied for each coating line except pressure sensitive tape and label coating.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from pressure sensitive tape and label coating unless:

(i) VOC emission reduction equipment with an overall VOC control efficiency is 90 percent for each coating line is installed and operated; or

(ii) VOC emissions are less than 0.067 pounds per pound of coating for each coating line; or

(iii) VOC emissions are less than 0.20 pounds per pound of solids applied for each coating line.

5. Each owner or operator of a facility that coats paper, film or foil including pressure sensitive tape and label coating shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

6. For the purpose of this subparagraph, the following definitions apply:

(i) "Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate;

(ii) "Paper Coating" means the application of a coating on paper and pressure sensitive tapes, including plastic film and metallic foil, regardless of substrate, in which the coating is distributed uniformly across the web;

(iii) "Roll Coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls;

(iv) "Rotogravure Coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

7. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which the actual emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

8. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which the potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

9. Applicability. On and after January 1, 2015, the requirements of this Subparagraph (w) shall apply to facilities at which actual emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 5. and 6.

(ii) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 3. and 4.

(iii) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that do not equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County shall comply with the provisions of subparagraphs 1. and 2.

(iv) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that do not equal or exceed 25 tons per year but are located at facilities that have potential emissions of volatile organic compounds from paper coating that equal or exceed 100 tons per year and are located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton County shall comply with the provisions of subparagraphs 1. and 2.

(v) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., or 5. are subject to the compliance schedule specified in subparagraph 12.

10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

11. Applicability. The requirements of subparagraphs 9. and 10. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 7. and 8. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 9. and 10. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance schedule.

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements of subparagraphs 3., 4., and 5. must be completed before **January 1, 2015**.

(x) **VOC Emissions from Fabric and Vinyl Coating.**



1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from fabric and vinyl coating operations to exceed:

(i) 2.9 pounds per gallon of coating, excluding water, delivered to the coating applicator from a fabric coating line. If any coating delivered to the coating applicator contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.79 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 3.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from a vinyl coating line. If any coating delivered to the coating applicator contains more than 3.8 pounds VOC per gallon, the solids equivalent limit shall be 7.86 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) The emission limits in this subsection shall apply to roll, knife, or rotogravure coater(s) and drying oven(s) of fabric and vinyl coating lines.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit, expressed in pounds VOC per gallon of coating excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit, expressed in pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed and that overall VOC emissions do not exceed the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

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

(i) "Fabric Coating" means the coating of a textile substrate with a knife roll, or rotogravure coater to impart properties that are not initially present, such as strength, stability, water or acid repellency, or appearance;

(ii) "Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate;

(iii) "Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls;

(iv) "Rotogravure Coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

(v) "Vinyl Coating" means applying a decorative or protective topcoat, or printing on vinyl coated fabric or vinyl sheets, but shall not mean applying plastisol coating.

**(y) VOC Emissions from Metal Furniture Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations to exceed:

(i) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) The emission limit in this subparagraph shall apply to the application area(s), flashoff area(s) and oven(s) of metal furniture coating lines involved in prime and topcoat or single coat operations.

2. The emission limits in subparagraph 1. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 3.0 pounds VOC per gallon of coating, excluding water; or

(ii) the application of low solvent coating technology where the 24-hour or monthly weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 5.06 pounds VOC-per-gallon of coating solids (averaging across lines is not allowed); or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 5.06 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations for baked coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to the coating applicator from general one-component, and general multi-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids as applied.

(ii) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from extreme high gloss, extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids as applied.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations for air-dried coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to the coating applicator from general one-component coatings. If any coating contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids as applied.

(ii) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from general multi-component, and extreme high gloss coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids as applied.

(iii) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids as applied.

5. Each owner or operator of a facility that coats metal furniture shall ensure that all coating application systems utilize one or more of the application techniques stated below:

(i) Electrostatic spray application;

(ii) High volume low pressure (HVLP) spraying;

(iii) Flow/curtain application;

- (iv) Roll coating;
- (v) Dip coat application including electrodeposition;
- (vi) Brush coat;
- (vii) Airless spray;
- (viii) Air-assisted airless spray; or
- (ix) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.

6. Each owner or operator of a facility that coats metal furniture shall comply with the following work practice standards:

- (i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;
- (ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;
- (iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and
- (iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

7. Each owner or operator of a facility that coats metal furniture shall comply with the following housekeeping requirements for any affected cleaning operation:

- (i) store all VOC-containing cleaning materials and used shop towels in closed containers;
- (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
- (iii) minimize spills of VOC-containing cleaning materials;
- (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
- (v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

8. The VOC limits specified in this subparagraphs 3. and 4. do not apply to the following types of metal furniture coatings and/or coating operations:

- (i) Touch-up and repair coatings;
- (ii) Stencil coatings;
- (iii) Safety-indicating coatings;
- (iv) Solid-film lubricants;
- (v) Electric-insulating and thermal-conducting coatings; and
- (vi) Coating application utilizing hand-held aerosol cans.

9. The emission limits in subparagraphs 3. and 4. shall be achieved by:

- (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in subparagraphs 3. and 4. of this subparagraph; or
- (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in subparagraphs 3. and 4. of this subparagraph; averaging across lines is not allowed; or
- (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in subparagraphs 3. and 4. of this subparagraph.

10. For the purpose of this subparagraph, the following definitions apply:

- (i) "Application Area" means the area where the coating is applied by spraying, dipping or flow coating techniques.
- (ii) "Metal Furniture Coating" means the surface coating of any furniture made of metal or any metal part, which will be assembled with other metal wood, fabric, plastic or glass parts to form a furniture piece.

11. Applicability: Prior to January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

12. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 100 tons per year and are located outside the counties of in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of metal furniture coatings, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., 7., 8., 9., and 10.
- (ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., 6., 7., 8., or 9. are subject to the compliance schedule specified in subparagraph 16.

14. On and after January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton as follows:

- (i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

15. Applicability. The requirements of subparagraphs 13. and 14. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 11. and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 13. and 14. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

16. Compliance schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements of subparagraphs 3., 4., 5., 6., 7., 8., and 9. must be completed before **January 1, 2015**.

**(z) VOC Emissions from Large Appliance Surface Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances to exceed:

(i) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime single or topcoat operations. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator;

(ii) The emission limits in this subparagraph shall apply to the application area(s), flashoff area(s) and oven(s) of large appliance coating lines involved in prime, single or topcoat coating operations;

(iii) The emission limit in this subparagraph shall not apply to the use of quick drying lacquers used for repair of scratches and nicks.

2. The emission limits in subparagraph 1. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 2.8 pounds VOC per gallon of coating, excluding water; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.52 pounds VOC per gallon of coating solids; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.52 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances using baked coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator general one component and general multi-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids delivered to the coating applicator;

(ii) 2.8 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from extreme high gloss, extreme performance, heat resistant, metallic, and solar absorbent, and pretreatment coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids delivered to the coating applicator;

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances using air-dried coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from general one-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids delivered to the coating applicator;

(ii) 2.8 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from general multi-component, extreme high gloss, extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids delivered to the coating applicator;

5. Each owner or operator of a facility that coats large appliances shall ensure that all coating application systems utilize one or more of the application techniques stated below:

(i) Electrostatic spray application;

(ii) High volume low pressure (HVLP) spraying;

(iii) Flow/curtain application;

(iv) Roll coating;

(v) Dip coat application including electrodeposition;

(vi) Brush coat;

(vii) Airless spray;

(viii) Air-assisted airless spray; or

(ix) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.

6. Each owner or operator of a facility that coats large appliances shall comply with the following work practice standards:

(i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

7. Each owner or operator of a facility that coats large appliances shall comply with the following housekeeping requirements for any affected cleaning operation:

- (i) store all VOC-containing cleaning materials and used shop towels in closed containers;
- (ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;
- (iii) minimize spills of VOC-containing cleaning materials;
- (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
- (v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

8. The VOC limits specified in subparagraphs 3. and 4. do not apply to the following types of large appliance coatings and/or coating operations:

- (i) Touch-up and repair coatings;
- (ii) Stencil coatings;
- (iii) Safety-indicating coatings;
- (iv) Solid-film lubricants;
- (v) Electric-insulating and thermal-conducting coatings; and
- (vi) Coating application utilizing hand-held aerosol cans.

9. The emission limits in subparagraphs 3. and 4. shall be achieved by:

- (i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in subparagraphs 3. and 4. of this subparagraph; or
- (ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in subparagraphs 3. and 4. of this subparagraph (averaging across lines is not allowed); or
- (iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in subparagraphs 3. and 4. of this subparagraph.

10. For the purpose of this subparagraph, the following definitions apply:

- (i) "Application Area" means the area where the coating is applied by spraying, dipping or flow coating techniques.
- (ii) "Single Coat" means a single film of coating applied directly to the metal substrate omitting the primer application.
- (iii) "Large Appliances" means doors, cases, lids, panels and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

11. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

12. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (z) apply to facilities at which actual emissions of volatile organic compounds from the use of large appliance coatings, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., 7., 8., 9. and 10.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., 6., 7., 8., or 9. are subject to the compliance schedule specified in subparagraph 16.

14. Applicability. On and after January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which potential emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2, and 10.

15. Applicability: The requirements of subparagraphs 13. and 14. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 11. and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 13. and 14. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

16. Compliance schedule: All existing facilities subject to this subparagraph shall comply with the following compliance schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements of subparagraphs 3., 4., 5., 6., 7., 8., and 9. must be completed before **January 1, 2015**.

(aa) **VOC Emissions from Wire Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from wire coating operations to exceed:



(i) 1.7 pounds per gallon of coating, excluding water, delivered to the coating applicator from wire coating operations. If any coating delivered to the coating applicator contains more than 1.7 pounds VOC per gallon, the solids equivalent limit shall be 2.21 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) The emission limit in this subsection shall apply to the oven(s) of wire coating operations.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 1.7 pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 2.21 pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 2.21 pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

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

(i) "Wire Coating" means the process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

**(bb) Petroleum Liquid Storage.**

1. No person shall cause, let, permit, suffer, or allow the use of a fixed roof storage vessel with capacities of 40,000 gallons or greater containing a volatile petroleum liquid where true vapor pressure is greater than 1.52 psia unless:

(i) the vessel has been fitted with a floating roof; or

(ii) the vessel has been fitted with control equipment demonstrated to have control efficiency equivalent to or greater than required in (i) of this paragraph, and approved by the Director.

2. The requirements of this subsection shall not apply to vessels:

(i) underground, if the total volume of petroleum liquids added to and taken from the tank annually does not exceed twice the volume of the tank; or

(ii) having capacities less than 425,000 gallons used to store crude oil prior to lease custody transfer.

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

(i) "Crude Oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions;

(ii) "Floating Roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall;

(iii) "Petroleum Liquids" means crude oil, condensate, and any finished or intermediate products manufactured in a petroleum refinery;

(iv) "Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking, extraction, or reforming of unfinished petroleum derivatives;

(v) "True Vapor Pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

**(cc) Bulk Gasoline Terminals.**

1. No person may load gasoline into any tank trucks or trailers from any bulk gasoline terminal unless:

(i) The bulk gasoline terminal is equipped with vapor control equipment capable of complying with subparagraph 1.(v) of this paragraph 1., properly installed, in good working order, in operation, and consisting of one of the following:

(I) An adsorber or condensation equipment which processes and recovers at least 90 percent of all vapors and gases from the equipment being controlled; or

(II) Vapor collection equipment which directs all vapors to a fuel gas system; or

(III) Control equipment demonstrated to have control efficiency equivalent to or greater than required in (I) or (II) of this paragraph, and approved by the Director; and

(ii) All displaced vapors and gases are vented only to the vapor control equipment; and

(iii) Complete drainage of any loading arm will be accomplished before it is removed from the tank; and

(iv) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically when disconnected, or a loading arm with vapor return line and hatch seal designed to prevent the escape of gases and vapor while loading;

(v) Sources and persons affected under this subsection may not allow mass emissions of volatile organic compounds from control equipment to exceed 4.7 grains per gallon of gasoline loaded.

2. Sources and persons affected under this subsection shall comply with the vapor collection and control system requirements of Rule 391-3-1-.02(2)(ss).

3. The requirements of this subsection shall not apply to loading of gasoline into tank trucks or trailers of less than 3000 gallons capacity outside those counties of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

4. The requirements of this subsection shall apply to loading of gasoline into tank trucks or trailers of less than 3000 gallons capacity inside those counties of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale after July 1, 1991.

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

(i) "Bulk Gasoline Terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck and has an average daily throughput of more than 20,000 gallons of gasoline.

(ii) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4 psia or greater.

**(dd) Cutback Asphalt.**

1. After January 1, 1981, no person may cause, allow or permit the use of cutback asphalts for paving purposes except as necessary for:

- (i) long-life stockpile storage; or
- (ii) the use or application at ambient temperatures less than 50°F; or
- (iii) solely as a penetrating prime coat; or
- (iv) base stabilization.

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

(i) "Asphalt" means a dark-brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum;

(ii) "Cutback Asphalt" means asphalt cement which has been liquified by blending with petroleum solvents (dilutents). Upon exposure to atmospheric conditions the dilutents evaporate, leaving the asphalt cement to perform its function;

(iii) "Penetrating Prime Coat" means an application of low viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bind it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

**(ee) Petroleum Refinery.**

1. Persons responsible for any vacuum producing system at a petroleum refinery shall control the emissions of any noncondensable volatile organic compound from the condensers, hot wells or accumulators by:

- (i) Piping the noncondensable vapors to a firebox or incinerator; or
- (ii) Compressing the vapors and adding them to the refinery fuel gas; or
- (iii) Controlling the vapors by using control equipment demonstrated to have control efficiency equivalent to or greater than required in (i) or (ii) of this paragraph, and approved by the Director; and

2. Persons responsible for any wastewater (oil/water) separator at a petroleum refinery shall:

- (i) Provide covers and seals approved by the Director, on all separators and forebays; and
- (ii) Equip all openings in covers, separators, and forebays with lids or seals such that the lids or seals are in the closed position at all times except when in actual use.

3. Before January 1, 1980, the owner or operator of any affected petroleum refinery located in this State shall develop and submit to the Director for approval a detailed procedure for minimization of volatile organic compound emissions during process unit turnaround. As a minimum, the procedure shall provide for:

- (i) Depressurization venting of the process unit or vessel to a vapor recovery system, flare or firebox; and
- (ii) No emission of volatile organic compounds from a process unit or vessel unless its internal pressure is 19.7 psi or less.

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

- (i) "Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser;
- (ii) "Condenser" means any heat transfer device used to liquefy vapors by removing their latent heats of vaporization. Such devices include, but are not limited to, shell and tube, coil, surface, or contact condensers;
- (iii) "Firebox" means the chamber or compartment of a boiler or furnace in which materials are burned but does not mean the combustion chamber of an incinerator;
- (iv) "Forebays" means the primary sections of a wastewater separator;
- (v) "Hot Well" means the reservoir of a condensing unit receiving the warm condensate from the condenser;
- (vi) "Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction, or refining of unfinished petroleum derivatives;
- (vii) "Refinery Fuel Gas" means any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas;
- (viii) "Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back on stream;
- (ix) "Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure;
- (x) "Vapor Recovery System" means a system that prevents releases to the atmosphere of no less than 90 percent by weight of organic compounds emitted during the operation of any transfer, storage, or process equipment;
- (xi) "Wastewater (oil/water) Separator" means any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals from water or any device, such as a flocculation tank, clarifier, etc., which removes petroleum derived compounds from wastewater.

**(ff) Solvent Metal Cleaning.**

1. No person shall cause, suffer, allow, or permit the operation of a cold cleaner degreaser unless the following requirements for control of emissions of the volatile organic compounds are satisfied:

- (i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;
- (ii) The degreaser shall be equipped with a facility for draining cleaned parts before removal;
- (iii) If used, the solvent spray must be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing;
- (iv) If the solvent volatility is 0.60 psi or greater measured at 100°F, or if the solvent is heated above 120°F, then one of the following control devices must be used:
  - (I) Freeboard that gives a freeboard ratio of 0.7 or greater;
  - (II) Water cover (solvent must be insoluble in and heavier than water);
  - (III) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.
- (v) Waste solvent shall be stored only in covered containers and shall not be disposed of by such a method as to allow excessive evaporation into the atmosphere.

2. No person shall cause, suffer, allow, or permit the operation of an open top vapor degreaser unless the following requirements for control of emissions of volatile organic compounds are satisfied:

(i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;

(ii) The degreaser shall be equipped with one of the following control devices:

(I) Freeboard ratio greater than or equal to 0.75;

(II) Refrigerated chiller;

(III) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser);

(IV) Carbon adsorption system, with ventilation greater than 50 cfm/ft<sup>2</sup> of air/vapor area (when cover is open), and exhausting less than 25 ppm solvent averaged over one complete adsorption cycle; or

(V) Control equipment demonstrated to have control efficiency equivalent to or better than any of the above.

(iii) The degreaser shall be operated in accordance with the following procedures. Operating instructions summarizing these procedures shall be displayed on the degreaser.

(I) Keep cover closed at all times except when processing work loads through the degreaser;

(II) Minimize solvent carry-out by the following measures:

I. Rack parts to allow full drainage;

II. Degrease the work load in the vapor zone at least 30 seconds or until condensation ceases;

III. Tip out any pools of solvent on the cleaned parts before removal;

IV. Allow parts to dry within the degreaser for at least 15 seconds or until visually dry.

(III) Do not degrease porous or adsorbent materials, such as cloth, leather, wood or rope;

(IV) Work loads should not occupy more than half of the degreaser's open top area;

(V) The vapor level should not drop more than 4 inches when the workload enters the vapor zone;

(VI) Never spray above the vapor level;

(VII) Repair solvent leaks immediately, or shutdown the degreaser;

(VIII) Ventilation fans should not be used near the degreaser opening;

(IX) Water should not be visually detectable in solvent exiting the water separator.

(iv) Waste solvent shall be stored only in covered containers and shall not be disposed of or transferred to another party by such a method as to allow excessive evaporation into the atmosphere.

3. No person shall cause, suffer, allow, or permit the operation of a conveyORIZED degreaser unless the following requirements for control of emissions of the volatile organic compounds are satisfied.

(i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;

(ii) The degreaser shall be equipped with either a drying tunnel, or other means such as rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor;

(iii) The degreaser shall be equipped with one of the following:

(I) Refrigerated chiller;

(II) Carbon adsorption system, with ventilation greater than 50 cfm/ft<sup>2</sup> of air/vapor area (when down-time covers are open), and exhausting less than 25 ppm of solvent by volume averaged over a complete adsorption cycle; or

(III) Control equipment demonstrated to have control efficiency equivalent to or better than any of the above.

(iv) The degreaser shall be operated in accordance with the following procedure. Operating instructions summarizing these procedures shall be displayed on the degreaser.

(I) Exhaust ventilation should not exceed 65 cfm per ft<sup>2</sup> of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening;

(II) Minimize carryout emissions by:

I. Racking parts for best drainage; Maintaining vertical conveyor speed at less than 11 ft/min.

(III) Repair solvent leaks immediately, or shutdown the degreaser;

(IV) Water should not visibly be detectable in the solvent exiting the water separator;

(V) Down-time cover must be placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shutdown and removed just before they are started up.

(v) Waste solvent shall be stored only in covered containers and shall not be disposed of or transferred to another party by such a method as to allow excessive evaporation into the atmosphere.

4. The following requirements apply to degreasers using trichloroethylene, carbon tetrachloride, and/or chloroform in a total concentration greater than 5 percent by weight:

(i) Degreasers constructed or reconstructed after November 29, 1993 shall comply with paragraph 391-3-1-.02(9)(b)34. "Emission Standard for Halogenated Solvent Cleaning, [40 CFR 63](#), Subpart T, as amended" (NESHAP) and not paragraphs 1. through 3. of this subsection (ff) (Georgia Rule).

(ii) Existing degreasers (constructed or reconstructed on or before November 29, 1993) shall comply with paragraphs 1. through 3. of this subsection (ff) (Georgia Rule) until December 2, 1997; after which they must comply with paragraph 391-3-1-.02(9)(b)34. (NESHAP).

(iii) An existing degreaser (as defined above) may elect to comply with paragraph 391-3-1-.02(9)(b)34. prior to December 2, 1997. In such case, they are not required comply with Paragraphs 1. through 3. of this subsection (ff) (Georgia Rule) once they are in compliance with paragraph 391-3-1-.02(9)(b)34. (NESHAP).

(iv) Any facility which currently complies with paragraphs 391-3-1-.02(2)(ff)1. through 3. (Georgia Rule) which will be changing to comply with paragraph 391-3-1-.02(9)(b)34. (NESHAP) should submit a schedule of construction/ modification for changes necessary to comply with 391-3-1-.02(9)(b)34. (NESHAP) as soon as practically possible but no later than 60 days prior to any construction/modification.

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

(i) "Cold Cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition;

(ii) "Conveyorized Degreasing" means the continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized solvents;

(iii) "Freeboard Height" means the distance from the top of vapor zone to the top of the degreaser tank;

(iv) "Freeboard Ratio" means the freeboard height divided by the width (smallest dimension) of the degreaser;

(v) "Open Top Vapor Degreasing" means the batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapor on the colder metal parts;

(vi) "Solvent Metal Cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, or open top vapor degreasing or conveyorized degreasing. Solvent metal cleaning does not include cleaners that use aqueous cleaning solvent or buckets, pails and beakers with capacities of two gallons or less.

(vii) "Aqueous Cleaning Solvent" means a cleaning solvent in which water is the primary ingredient (greater than 80 percent by weight of cleaning solvent solution as applied must be water).

6. The requirements of this subsection shall not apply to any solvent metal cleaning operation subject to Section 391-3-1-.02(2)(kkk) of the Georgia Rules for Air Quality Control "VOC Emissions from Aerospace manufacturing and Rework Facilities."

**(gg) Kraft Pulp Mills.**

1. Except as provided for in paragraph 2. of this subsection, no person shall cause, let, suffer, permit, or allow the emissions of TRS from any kraft pulp mill in operation, or under construction contract, on or before September 24, 1976, in amounts equal to or exceeding the following:

(i) Recovery Furnaces.

(I) Old Recovery Furnaces: 20 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen;

(II) New Recovery Furnaces: 5 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen;

(III) Cross Recovery Furnaces: 25 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen.

(ii) Digester System or Multiple-Effect Evaporator System: 5 parts per million of TRS on a dry basis and a 24-hour average, corrected to 10 volume percent oxygen unless the following conditions are met:

(I) The gases are combusted in a lime kiln subject to the provisions of paragraph (iv) of this subsection; or

(II) The gases are combusted in a recovery furnace subject to the provisions of paragraph (i) of this subsection; or

(III) The gases are combusted with other gases in an incinerator or other device, or combusted in a lime kiln or recovery boiler not subject to the provisions of this subsection, and are subjected to a minimum temperature of 1200°F for at least 0.5 second; or

(IV) The gases are controlled by a means other than combustion. In this case, the gases discharged shall not contain TRS in excess of five parts per million on a dry basis and as a 24-hour average, corrected to the actual oxygen content of the untreated gas stream.

(iii) Smelt Dissolving Tanks: 0.0168 pounds of TRS per ton of black liquor solids (dry weight).

(iv) Lime Kilns: 40 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 10 volume percent oxygen.

2. Nothing in paragraph 1. shall prevent the owner or operator of a kraft pulp mill subject to the provisions of this subsection (gg) from applying to the Director for permission to control TRS emissions from the kraft pulp mill under the provisions of this paragraph provided that:

(i) General Provisions.

(I) The owner or operator of such kraft pulp mill makes such application in writing no later than six months following the notification date; and

(II) In the event that the kraft pulp mill contains TRS emitting process equipment which is subject to the New Source Performance Standard for Kraft Pulp Mills, 391-3-1-.02(2)(b)23., then that TRS emitting process equipment must also comply with the applicable New Source Performance Standard TRS emission limitation(s);

(III) The owner or operator of such kraft pulp mill may not elect to control TRS emissions from process equipment not subject to the provisions of this subsection (gg) in lieu of controlling TRS emissions from those sources subject to this subsection (gg); and

(IV) For the purpose of this paragraph 2.; the maximum allowable emissions of TRS shall be calculated using the production rate (annual average or most recent 12 months of record) for the kraft pulp mill expressed as tons of air dried pulp per day, and the allowable emission rate of TRS from the kraft pulp mill shall be expressed as pounds of TRS per ton of air dried pulp.

(V) For the purpose of this paragraph, the "notification date" means September 1, 1988.

(ii) Emission Limitation: No person shall cause, let, suffer, permit, or allow the total emissions of TRS from the following processes: recovery furnace(s), lime kiln(s), smelt dissolving tank(s), digester system, multiple-effect evaporator system, equal to or exceeding the amount determined by the following formula:

$A = RB + LK + 0.065$  pounds of TRS per ton of air dried pulp;

The values for the terms RB and LK shall be determined using the following formula:

$$LK = \frac{(0.20U + 0.04V)}{U + V}$$

$$RB = \frac{(0.15W + 0.15X + 0.60Y + 0.75Z)}{W + X + Y + Z}$$

Where:

A = the total amount of allowable TRS emissions from the kraft pulp mill expressed as pounds of TRS per ton of air dried pulp;

LK = the fraction of the total allowable emission of TRS in pounds per ton of air dried pulp for lime kilns;



RB = the fraction of the total allowable emission of TRS in pounds per ton of air dried pulp for recovery furnaces;

U = tons per hour of lime mud solids calcined in lime kiln(s) not subject to the New Source Performance Standard for Kraft Pulp Mills;

V = tons per hour of lime solids calcined in lime kiln(s) subject to the New Source Performance Standard for Kraft Pulp Mills;

W = pounds per hour of black liquor solids burned in recovery furnace(s) subject to the New Source Performance Standard for Kraft Pulp Mills;

X = pounds per hour of black liquor solids burned in new recovery furnace(s);

Y = pounds per hour of black liquor solids burned in old recovery furnace(s);

Z = pounds per hour of black liquor solids burned in cross recovery furnace(s);

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

(i) "New Recovery Furnace" means a recovery furnace which had stated in the purchase contract a TRS performance guarantee or which included in the purchase contract a statement that the control of air pollutants was a design objective and which has incorporated into its design: membrane wall or welded wall construction; and emission control air systems.

(ii) "Old Recovery Furnace" means a recovery furnace which is not classified as a new recovery furnace.

**(hh) Petroleum Refinery Equipment Leaks.**

1. No person shall cause, let, suffer, or allow the use of petroleum refinery equipment unless:

(i) A plan is submitted to the Director by no later than July 1, 1981 for monitoring VOC leaks. Such a program must contain:

(I) A list of refinery units and the quarter in which they will be monitored;

(II) A copy of the log book format;

(III) The make and model of the monitoring equipment to be used.

(ii) Monitoring for potential VOC leaks is carried out no less frequently than:

(I) Yearly using detection equipment for pump seals, pipeline valves in liquid service, and process drains;

(II) Quarterly using detection equipment for compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service;

(III) Weekly by visible inspection for all pump seals;

(IV) Immediately using detection equipment for any pump seals from which liquids are observed dripping and immediately after repair of any component previously found to be leaking;

(V) Within 24 hours for a relief valve after it has vented to the atmosphere.

(iii) All components which have emissions with a VOC concentration exceeding 10,000 ppm, as determined by Method 21 of the reference in Section 391-3-1-.02(3)(a) of these Rules, shall be affixed with a weatherproof and

readily visible tag, bearing an identification number and the date on which the leak is located. This tag shall remain in place until the leaking component is repaired.

(iv) Leaking components as defined by (iii) above which can be repaired without a unit shutdown shall be repaired and retested as soon as practicable but no later than 15 days after the leak is identified.

(v) Leaking components as defined by (iii) above which require unit shutdown for repair may be corrected at the regularly scheduled turnaround unless the Director at his discretion requires early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

(vi) Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install or operate a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second valve, a blind flange, a plug, or a cap. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(vii) Pipeline valves and pressure relief valves in gaseous volatile organic compound service shall be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and the Director.

(viii) Pressure relief devices which are connected to an operation flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements of this rule.

2. The owner or operator of a petroleum refinery shall maintain a leaking components monitoring log. Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared and shall immediately be made available to the Director, upon verbal or written request, at any reasonable time. The monitoring log shall contain the following data:

(i) The name and the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

3. The owner or operator of a petroleum refinery shall:

(i) Submit a report to the Director by the fifteenth day of January, April, July, and October that lists all leaking components that were located during the previous three calendar months but not repaired within fifteen days, all leaking components awaiting unit turnaround, the total number of components inspected, and the total number of components found leaking.

(ii) Submit a signed statement with the report attesting to the fact that, all monitoring and repairs were performed as stipulated in the monitoring program.

(iii) The first quarterly report shall be submitted to the Director no later than January 1, 1982.

4. The Director, upon written notice, may modify the monitoring, record keeping and reporting requirements.

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

(i) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

(ii) "Component" means any piece of equipment which has the potential to leak volatile organic compounds when tested in the manner described in subparagraph 1.(iii). These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents pipeline valves, pressure relief devices, process drains, and open ended pipes. Excluded from these sources are valves which are not externally regulated.

(iii) "Liquid service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(iv) "Gas service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

(v) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(vi) "Refinery unit" means a set of compounds which are a part of a basic process operation, such as, distillation, hydrotreating, cracking or reforming of hydrocarbons.

**(ii) VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products to exceed:

(i) 4.3 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies clear coatings. If any coating delivered to the coating applicator contains more than 4.3 pounds VOC per gallon, the solids equivalent limit shall be 10.3 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator in a high performance architectural coating operation; and

(v) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products using air-dried coatings to exceed:

(i) 2.8 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following air-dried coatings: general one component; general multi component; military specification; drum coating - new exterior. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies any one of the following air-dried coatings: camouflage; electric-insulating varnish; etching filler; high temperature; metallic; mold-seal; pan backing; pretreatment; drum coating - new interior; drum coating - reconditioned, exterior; silicone release; vacuum-metalizing; extreme high-gloss; extreme performance; heat-resistant; drum coating - reconditioned interior; solar-absorbent; prefabricated architectural multi-component; prefabricated architectural one-component. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following air-dried coating: repair and touch-up.

(iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following air-dried coating: high performance architectural.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products using baked coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following baked coatings: general one component; general multi-component; military specification; prefabricated architectural multi-component; prefabricated architectural one-component. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.35 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 2.8 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies drum coating - new exterior coating. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following baked coatings: drum coating - reconditioned interior; camouflage; electric-insulating varnish; etching filler; extreme high-gloss; extreme performance; heat-resistant; high temperature; metallic; mold-seal; pan backing; pretreatment; drum coating - new interior; drum coating - reconditioned exterior; silicone release; solar-absorbent; and vacuum-metalizing. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following baked coating: high performance architectural.

(v) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies repair and touch-up coatings.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of motor vehicle materials at a facility that is not an automobile or light-duty truck manufacturing facility to exceed:

(i) 1.7 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following motor vehicle materials: gasket/gasket sealing material and bedliner.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following motor vehicle materials: cavity wax, sealer, deadener, underbody coating, trunk interior coating, and lubricating wax/compound.

5. If more than one emission limitation in this subparagraph (ii) applies to a specific coating, then the least stringent emission limitation in this subparagraph (ii) of this subsection shall be applied.

6. All VOC emissions from solvent washings shall be considered in the emission limitations unless the solvent is directed into containers that prevent evaporation into the atmosphere.

7. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., 3., and 4. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in paragraphs 1., 2., and 3. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., and 4. of this subsection.

(iv) for high performance architectural coatings, compliance may be achieved only as stated in subparagraph 7.(i) or 7.(iii). There is no solids equivalent limit for such coatings.

(v) for motor vehicle materials, compliance may be achieved only as stated in subparagraph 7.(i). There is no solids equivalent limit for such coatings.

(vi) for repair and touch-up materials, compliance may be achieved only as stated in subparagraphs 7.(i). There is no solids equivalent limit for such coatings.

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

(i) "Air dried coating" means coatings which are dried by the use of air or forced warm air at temperatures up to 194°F.

(ii) "Baked coating" means a coating that is cured at a temperature at or above 194°F.

(iii) "Bedliner" means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

(iv) "Cavity wax" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(v) "Camouflage coating" means a coating used, principally by the military, to conceal equipment from detection.

(vi) "Clear coating" means a colorless coating which contains binders, but no pigment, and is formulated to form a transparent film.

(vii) "Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating, including, but not limited to spray booths, flow coaters, flashoff areas, air dryers and ovens.

(viii) "Deadener" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the source of road noise in the passenger compartment.

- (ix) "Drum" means any cylindrical metal shipping container larger than 12 gallons capacity but no larger than 110 gallons capacity.
- (x) "Electric dissipating coating" means a coating that rapidly dissipates a high-voltage electric charge.
- (xi) "Electric-insulating varnish" means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.
- (xii) "EMI/RFI Shielding" means a coating used on electrical or electronic equipment to provide shielding against electromagnetic interference, radio frequency interference, or static discharge.
- (xiii) "Etching filler" means a coating that contains less than 23 percent solids by weight, at least 0.5 percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.
- (xiv) "Extreme high-gloss coating" means a coating which, when tested by the American Society for Testing Material Test Method D-523 adopted in 1980, shows a reflectance of 75 or more on a 60 degree meter.
- (xv) "Extreme-performance coating" means a coating used on a metal or plastic surface where the coated surface is, in its intended use, subject to the following: (a) Chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solutions; or (b) Repeated exposure to temperatures in excess of 250°F; or (c) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents. Extreme performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks.
- (xvi) "Extreme environmental conditions" means exposure to any of: the weather all of the time, temperatures consistently above 200°F, detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or similar environmental conditions;
- (xvii) "Gasket/sealing material" means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.
- (xviii) "Heat-resistant coating" means a coating that must withstand a temperature of at least 400°F during normal use.
- (xix) "High-performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).
- (xx) "High-temperature coating" means a coating that is certified to withstand a temperature of 1000°F for 24 hours.
- (xxi) "Low solvent coating" means coatings which contain less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water-borne, higher solids, electrodeposition and powder coatings.
- (xxii) "Lubricating wax/compound" means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.
- (xxiii) "Mask coating" means thin film coating applied through a template to coat a small portion of a substrate.
- (xxiv) "Metallic coating" means a coating which contains more than five grams of metal particles per liter of coating as applied. "Metal particles" are pieces of a pure elemental metal or combination of elemental metals.

(xxv) "Miscellaneous metal parts and products" means surface coating of products manufactured by the following industrial source categories: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products and any other industrial category which coats metal parts or products under the Standard Industry Classification Code Major Groups 33, 34, 35, 36, 37, 38, 40, and 41. The miscellaneous metal parts and products source category does not include:

(I) automobiles and light-duty trucks;

(II) metal cans;

(III) flat metal sheets and strips in the form of rolls or coils;

(IV) magnet wire for use in electrical machinery;

(V) metal furniture;

(VI) large appliances;

(VII) aerospace manufacturing and rework operations;

(VIII) automobile refinishing;

(IX) customized top coating of automobiles and trucks, if production is less than 35 vehicles per day; and

(X) exterior of marine vessels.

(xxvi) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.

(xxvii) "Mold seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

(xxviii) "Multi-colored coating" means a coating which exhibits more than one color when applied, and which means packaged in a single container and applied in a single coat.

(xxix) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

(xxx) "One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

(xxxi) "Optical coating" means a coating applied to an optical lens.

(xxxii) "Pan-backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

(xxxiii) "Prefabricated architectural component coatings" are coatings applied to metal parts and products which are to be used as an architectural structure.

(xxxiv) "Pretreatment coating" means a coating which contains no more than 12 percent solids by weight, and at least 0.5 percent acid by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

(xxxv) "Prime coat" means the first of two or more films of coating applied to a metal surface.

(xxxvi) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.

(xxxvii) "Sealer" means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(xxxviii) "Shock-free coating" means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance, and having resistance to breaking down under high voltage.

(xxxix) "Silicone-release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

(xl) "Single coat" means one film of coating applied to a metal surface.

(xli) "Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.

(xlii) "Stencil coating" means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols and/or numbers.

(xlili) "Topcoat" means the final film or series of films of coating applied in a two-coat or more operation.

(xliv) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(xlv) "Translucent coating" means a coating which contains binders and pigment and is formulated to form a colored, but no opaque, film.

(xlvi) "Transfer efficiency" means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.

(xlvii) "Trunk interior coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.

(xlviii) "Two-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

(xlix) "Underbody coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(l) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing/physical vapor deposition (PVD) is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

9. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 10 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.



10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 10 tons per year and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 2., 3., 4., 5., 6., 7., and 8.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 2., 3., or 4. are subject to the compliance schedule specified in subparagraph 14.

12. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

13. Applicability: The requirements of subparagraphs 11. and 12. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 9. and 10. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 11. and 12. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

14. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in subparagraphs 2., 3., and 4. must be completed before **January 1, 2015**.

**(jj) VOC Emissions from Surface Coating of Flat Wood Paneling.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of flat wood paneling to exceed:

(i) 6.0 pounds per 1000 square feet of coated finished product from printed interior panels, regardless of the number of coats applied;

(ii) 12.0 pounds per 1000 square feet of coated finished product from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) 10.0 pounds per 1000 square feet of coated finished product from Class II finishes on hardboard panels, regardless of the number of coats applied.

2. The emission limits in this subparagraph shall be achieved by:

(i) the application of low solvent coating technology where the 24-hour of all coatings on a single coating line or operation meets the limits stated in subparagraph 1. of this subparagraph; averaging across lines is not allowed; or

(ii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the limits stated in subparagraph 1. of this subparagraph.

(iii) control equipment demonstrated to have control efficiency equivalent to or greater or VOC emissions equal to or less than required in (i) or (ii) of this subparagraph and approved by the Director.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the inks, coatings, and adhesives used by flat wood paneling coating facilities to exceed:

(i) 2.1 lbs VOC per gallon (250 grams per liter) of coating, excluding water, and exempt compounds, or

(ii) 2.9 lbs VOC per gallon (350 grams per liter) of solids.

4. Averaging across lines for the VOC limits in subparagraph 3. is not permitted.

5. Should product performance requirements or other needs dictate the use of higher VOC coatings, than those specified in subparagraph 3., add-on control equipment with an overall control efficiency of 90% may be used as an alternative.

6. Each owner or operator of a facility that manufactures flat wood paneling shall comply with the following work practice standards:

(i) store all VOC-containing materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing materials; and

(iv) convey VOC-containing materials from one location to another in closed containers or pipes.

7. For the purpose of this subparagraph, the following definitions also apply:

(i) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(ii) "Coating application system" means all operations and equipment which apply, convey, and dry a surface coating, including, but not limited to, spray booths, flow coaters, conveyers, flashoff areas, air dryers and ovens.

(iii) "Flat wood paneling" means both interior and exterior panels used in construction and typically include decorative interior panels, exterior siding and tileboard. Flat wood paneling includes hardboard, hardwood plywood, natural finish hardwood plywood panels, printed interior panels, thin particleboard and tileboard.

(iv) "Hardboard" is a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(v) "Hardwood plywood" is plywood whose surface layer is a veneer.

(vi) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(vii) "Thin particleboard" is a manufactured board 1/4 inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.

(viii) "Tileboard" means paneling that has a colored waterproof surface coating.

(ix) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

8. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which the actual emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

9. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which the potential emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which actual emissions of volatile organic compounds from the surface coating of flat wood paneling, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., and 7.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., or 6. are subject to the compliance schedule specified in subparagraph 13.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which potential emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

12. Applicability. The requirements of subparagraphs 10. and 11. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 8. and 9. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 10. and 11. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

13. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in subparagraph 10.(i) must be completed before **January 1, 2015**.

**(kk) VOC Emissions from Synthesized Pharmaceutical Manufacturing.**

1. The owner or operator of a synthesized pharmaceutical manufacturing facility shall:

(i) Control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers that emit 15 pounds per day or more of VOC. Surface condensers or equivalent controls shall be used, provided that:

(I) If surface condensers are used, the condenser outlet gas temperature must not exceed:

I. -13°F when condensing VOC of vapor pressure greater than 5.8 psi, measured at 68°F;

II. 5°F when condensing VOC of vapor pressure greater than 2.9 psi, measured at 68°F;

III. 32°F when condensing VOC of vapor pressure greater than 1.5 psi, measured at 68°F;

IV. 50°F when condensing VOC of vapor pressure greater than 1.0 psi, measured at 68°F;

V. 77°F when condensing VOC of vapor pressure greater than 0.5 psi, measured at 68°F.

(II) If equivalent controls are used, the VOC emissions must be reduced by at least as much as they would be by using a surface condenser which meets the requirements of Part I. of this subparagraph.

(ii) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems;

(I) By at least 90 percent if emissions are 330 pounds per day or more of VOC; or

(II) 33 pounds per day or less if emissions are less than 330 pounds;

(III) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

I. Provide a vapor balance system or equivalent control that is at least 90.0 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psi at 68°F; and

II. Install pressure/vacuum conservative vents set on all storage tanks that store VOC with vapor pressure greater than 1.5 psi at 68°F unless a more effective control system is used.

(iii) The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOC and exerts a total VOC vapor pressure of 0.5 psi or more at 68°F.

(iv) The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

(v) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall repair all leaks from which liquid, containing VOC, can be observed running or dripping. The repair shall be completed the first time the equipment is off-line for a period of time long enough to complete the repair.

2. For the purpose of this regulation, the following definitions also apply:

(i) "Condenser" means a device which cools a gas stream to a temperature which removes specific organic compounds by condensation;

(ii) "Control system" means any number of control devices, including condensers, which are designed and operated to reduce the quantity of VOC emitted to the atmosphere;

(iii) "Reactor" means a vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions;

(iv) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization;

(v) "Synthesized pharmaceutical manufacturing" means manufacture of pharmaceutical products by chemical synthesis;

(vi) "Production equipment exhaust system" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting workers from excessive VOC exposure.

**(II) VOC Emissions from the Manufacture of Pneumatic Rubber Tires.**

1. The owner or operator of an undertread cementing, tread end cementing, or bead dipping operation subject to this regulation shall:

(i) Install and operate a capture system, designed to achieve maximum reasonable capture from all undertread cementing, tread and cementing and bead dipping operation; and install and operate a control device that effects at least a 90.0 percent reduction efficiency, measured across the control system, and has been approved by the Director.

(ii) The owner or operator of an undertread cementing operation, tread end cementing operation or bead dipping operation may, in lieu of a vapor capture and control system for those operations, make process changes which reduces emissions to a level equal to or below that which would be achieved with emission controls as specified in subparagraph (i) above.

2. The owner or operator of a green tire spraying operation subject to this regulation shall:

(i) Substitute water-based sprays for the normal solvent-based mold release compound; or

(ii) Comply with paragraph 1. of this regulation.

3. If the total volatile organic compound emissions from all undertreading cementing, tread end cementing, bead dipping and green tire spraying operations at a pneumatic rubber tire manufacturing facility do not exceed 57 grams per tire, paragraphs 1. and 2. above shall not apply.

4. For the purpose of this subsection the following definitions also apply:

(i) "Pneumatic rubber tire manufacture" means the undertread cementing, tread end cementing, bead dipping, and green tire spraying associated with the production of pneumatic rubber, passenger type tires on a mass production basis.

(ii) "Passenger type tire" means agricultural, airplane, industrial, mobile home, light and medium duty truck, and passenger vehicle tires with a bead diameter up to but excluding 20.0 inches and cross section dimension up to 12.8 inches.

(iii) "Undertread cementing" means the application of a solvent based cement to the underside of a tire tread.

(iv) "Bead dipping" means the dipping of an assembled tire bead into a solvent based cement.

(v) "Tread end cementing" means the application of a solvent based cement to the tire tread ends.

(vi) "Green tires" means assembled tires before molding and curing have occurred.

(vii) "Green tire spraying" means the spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.

(viii) "Water based spray" means release compounds, sprayed on the inside and outside of green tires, in which solids, water, and emulsifiers have been substituted for organic solvents.

(mm) **VOC Emissions from Graphic Arts Systems.**

1. No person shall cause, let, permit, suffer, or allow the operation of a packaging rotogravure, publication rotogravure or flexographic printing facility unless:

(i) For packaging rotogravure and flexographic printing, the VOC content of any ink or coating as applied is equal to or less than one of the following:

(I) 25 percent by volume of the volatile content of the coating or ink; or

(II) 40 percent by volume of the coating or ink, minus water; or

(III) 0.5 pounds of VOC per pound of coating solids.

(ii) For publication rotogravure printing, the VOC content of any ink or coating as applied is equal to or less than one of the following:

(I) 25 percent by volume of the volatile content of the coating or ink; or

(II) 40 percent by volume of the coating or ink, minus water.

2. As an alternative to compliance with the limits in subparagraph 1., an owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility may comply with the requirements of this subparagraph by:

(i) Averaging on a 24-hour weighted basis the VOC content of all inks and coatings, as applied, on a single printing line, where the average does not exceed the limits in subparagraph 1.; averaging across lines is not allowed; or

(ii) Installing and operating volatile organic compound emission reduction equipment having at least 90.0 percent reduction efficiency, and a capture system approved by the Director.

3. If, as an alternative to compliance with the limits in subparagraph 1.(i), volatile organic compound emission reduction equipment is installed and operated at a flexible packaging printing facility to comply with subparagraph 2.(ii) it shall have an overall VOC control efficiency that is equal to or greater than the percentage specified in the following subparagraphs (i) through (iv).

(i) 65 percent for a press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was prior to February 19, 2012;

(ii) 70 percent for a press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was on or after February 19, 2012;

(iii) 75 percent for a press that was first installed on or after March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was prior to February 19, 2012; and

(iv) 80 percent for a press that was first installed on or after March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was on or after February 19, 2012.

4. Each owner or operator of a facility that prints flexible packaging shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

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

(i) "Cleaning" for flexible packaging printing means cleaning of a press, press parts, or removing dried ink from areas around a press. It does not include cleaning electronic components of a press, cleaning in-press or post-press operations or the use of janitorial supplies to clean areas around a press.

(ii) "Flexible packaging printing" refers to printing upon any package or part of a package the shape of which can be readily changed. Flexible packaging includes, but is not limited to, bags, pouches, liners, and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials.

(iii) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(iv) "Packaging rotogravure printing" means rotogravure printing upon paper, paperboard, metal foil, plastic film, and other substrates, which are in subsequent operations, formed into packaging products and labels for articles to be sold.

(v) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(vi) "Rotogravure printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.

(vii) "Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

6. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure,

and flexographic printing equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

7. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

8. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which actual emissions of volatile organic compounds from flexible package printing, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) Individual presses that have potential emissions of volatile organic compounds from flexible package printing that equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 1.(i), 2., and 3.

(ii) Individual presses that have potential emissions of volatile organic compounds from flexible package printing that do not equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 1.(i) and 2.

(iii) All applicable facilities shall comply with the provisions of subparagraphs 4., 5., and 14.

(iv) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraph 8.(i) or (iii) are subject to the compliance schedule specified in subparagraph 13.

9. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equals or exceeds 25 tons per year but at which the actual emissions of volatile organic compounds from flexible package printing, before controls, is less than 15 pounds per day (or 2.7 tons per 12-month rolling period) and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceeds 100 tons per year but at which the actual emissions of volatile organic compounds from flexible package printing, before controls, is less than 15 pounds per day (or 2.7 tons per 12-month rolling period) and are located Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexible package printing equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.



12. Applicability: The requirements of subparagraphs 8., 9., 10., and 11. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 6. and 7. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 8., 9., 10., and 11. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

13. Compliance schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than July 1, 2014.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by November 1, 2014.

(iii) Full compliance with the applicable requirements specified in subparagraph 8.(i) and (iii) must be completed before January 1, 2015.

14. Compliance determinations for inks shall treat volatile compounds not defined as VOCs as water for the purposes of calculating the "percent-by-volume-or-more of water" and the "less water" parts of the ink composition.

**(nn) VOC Emissions from External Floating Roof Tanks.**

1. No person shall cause, let, permit, suffer, or allow the storage of petroleum liquids in external floating roof tanks having capacities greater than 40,000 gallons unless:

(i) The vessel has been fitted with:

(I) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(II) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under Part (I) of this subparagraph and approved by the Director.

(ii) All seal closure devices meet the following requirements:

(I) There are no visible holes, tears, or other openings in the seal(s) or seal fabric;

(II) The seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(III) For vapor mounted primary seals, the accumulated area of gaps exceeding 1/8 inch in width between the secondary seal and the tank wall shall not exceed 1.0 inch<sup>2</sup> per foot of tank diameter.

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves are:

(I) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(II) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.

2. The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this regulation shall:

(i) Perform routine inspections semi-annually in order to insure compliance with paragraph 1. of this subsection and the inspections shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in subparagraphs 2.(i) and (ii).

3. Copies of all records under paragraphs 2. of this subsection shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.

4. Copies of all records under this section shall immediately be made available to the Director, upon verbal or written request, at any reasonable time.

5. The Director may, upon written notice, require more frequent inspections or modify the monitoring and record keeping requirements, when necessary to accomplish the purposes of this regulation.

6. This regulation does not apply to petroleum liquid storage vessels which:

(i) Are used to store waxy, heavy pour crude oil;

(ii) Have capacities less than 420,000 gallons and are used to store produced crude oil and condensate prior to lease custody transfer;

(iii) Contain a petroleum liquid with a true vapor pressure of less than 1.5 psia;

(iv) Contain a petroleum liquid with a true vapor pressure of less than 4.0 psia; and

(I) Are of welded construction; and

(II) Presently possess a metallic-type shoe seal, a liquid mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the Director; or

(III) Are of welded construction, equipped with a metallic-type shoe primary seal and has a secondary seal from the top of the shoe to the tank wall (shoe-mounted secondary seal).

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

(i) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(ii) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen and/or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(iii) "Lease custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(iv) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(v) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(vi) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

(vii) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

(viii) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standards D97-66, "Test for Pour Point of Petroleum Oils."

**(oo) Fiberglass Insulation Manufacturing Plants.**

1. No person shall cause, let, suffer, permit or allow the emission of particulate matter from any fiberglass insulation production line to exceed a concentration of 0.04 grains per standard dry cubic foot.

2. For the purpose of this subsection, "Fiberglass insulation production line" means any combination of equipment, devices or contrivances for the manufacture of fiberglass insulation. This does not include glass melting furnaces, equipment associated with the process which is defined herein as "Fuel-burning Equipment," equipment the primary purpose of which involves the handling, storing or packaging of the fiberglass insulation or equipment the primary purpose of which involves the handling, storing or conveying of raw products for input into the glass melting furnace.

**(pp) Bulk Gasoline Plants.**

1. After the compliance date specified in paragraph 6. of this subsection, no owner or operator of a bulk gasoline plant may permit the receiving or dispensing of gasoline by its stationary storage tanks unless:

(i) Each stationary storage tank is equipped with a submerged fill pipe, approved by the Director; or

(ii) Each stationary storage tank is equipped with a fill line whose discharge opening is at the tank bottom.

(iii) Each stationary storage tank has a vapor balance system consisting of the following major components:

(I) A vapor space connection on the stationary storage tank equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors; and

(II) A connecting pipe or hose equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors.

2. After the compliance date specified in paragraph 6. of this subsection, no owner or operator of a bulk gasoline plant, or the owner or operator of a tank truck or trailer may permit the transfer of gasoline between the tank truck or trailer and stationary storage tank unless:

(i) The vapor balance system is in good working order and is connected and operating;

(ii) The gasoline transport vehicle is maintained to prevent the escape of fugitive vapors and gasses during loading operations;

(iii) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected; and

(iv) The pressure relief valves on storage vessels and tank trucks or trailers are set to release at 0.7 psia or greater unless restricted by state or local fire codes or the National Fire Prevention Association guidelines in which case the pressure relief valve must be set to release at the highest possible pressure allowed by these codes or guidelines.

3. The requirements of this subsection shall not apply to stationary storage tanks of less than 2,000 gallons.

4. Sources and persons affected under this subsection shall comply with the vapor collection and control system requirements of subsection 391-3-1-.02(2)(ss).

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

(i) "Bottom filling" means the filling of a tank truck or stationary storage tank through an opening that is located at the tank bottom.

(ii) "Bulk gasoline plant" means a gasoline storage and distribution facility with an average daily throughput of more than 4,000 gallons but less than 20,000 gallons which receives gasoline from bulk terminals by rail and/or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.

(iii) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck and has an average daily throughput of more than 20,000 gallons of gasoline.

(iv) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

(v) "Stationary Storage Tank" means all underground vessels and any aboveground vessels never intended for mobile use.

(vi) "Submerged filling" means the filling of a tank truck or stationary tank through a pipe or hose whose discharge opening is not more than six inches from the tank bottom.

(vii) "Vapor balance system" means a combination of pipes or hoses that create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

6. Compliance Dates.

(i) All bulk gasoline plants located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties shall be in compliance.

(ii) All bulk gasoline plants located in Catoosa, Richmond and Walker counties shall be in compliance with this subsection by May 1, 2006.

(iii) All bulk gasoline plants located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties shall be in compliance with this subsection by June 1, 2008.

**(qq) VOC Emissions from Large Petroleum Dry Cleaners.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from a large petroleum dry cleaner facility to exceed 3.5 pounds per 100 pounds dry weight of articles dry cleaned.

2. The VOC content in all filtration waste shall be reduced to one pound or less per hundred pounds dry weight of articles dry cleaned before disposal and exposure to the atmosphere from a petroleum solvent filtration system; or

3. Install and operate a cartridge filtration system and drain the filter cartridges in the sealed housing for eight hours or more before their removal.

4. Each owner or operator of a large petroleum dry cleaner shall inspect all equipment for leaks every 15 days and repair all petroleum solvent vapor and liquid leaks within three working days after identifying the source of the leaks.

5. Each owner or operator of a large petroleum dry cleaner shall maintain sufficient records to demonstrate compliance and provide them to the Division upon request, for a period of two years.

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

(i) "Cartridge filter" means perforated canisters containing filtration paper and activated carbon that are used in the pressurized system to remove solid particles and fugitive dyes from soil-laden solvents.

(ii) "Large petroleum dry cleaner" means any facility engaged in the process of the cleaning of textile and fabric products in which articles are washed in a nonaqueous solution (solvent), then dried by exposure to a heated air stream and consumes 25 tons or more of a petroleum solvent annually.

(iii) "Solvent recovery dryer" means a class of dry cleaning dryers that employs a condenser to liquefy and recover solvent vapors evaporated in a closed loop recirculating stream of heated air.

**(rr) Gasoline Dispensing Facility - Stage I.**

1. Requirements: After the compliance date specified in subparagraph 16 of this subparagraph, no person may transfer or cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank subject to subparagraph (rr), unless:

(i) The stationary storage tank is equipped with all of the following:

(I) A submerged fill pipe; and

(II) A Division approved Gasoline Vapor Recovery System as noted below:

A. An Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) that shall remain in good working condition, such as keeping the vapor return opening free of liquid or solid obstructions, and that also shall be leak tight as determined by tests conducted in accordance with test procedures as approved by the Division; or

B. For existing gasoline dispensing facilities in Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, Rockdale, and Walker counties, a Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(x) that shall remain in good working condition; and

(III) Vents that shall be at least 12 feet in height from the ground and shall have a Pressure/Vacuum vent valve with settings as specified by applicable Stage I or II vapor recovery CARB executive order. In systems where vents have manifolds, the manifold may be less than 12 feet.

(ii) The vapors displaced from the gasoline stationary storage tank during filling are controlled by one of the following:

(I) A vapor-tight vapor return line from the gasoline stationary storage tank(s) to the delivery vessel for each product delivery line that is connected from the delivery vessel to the gasoline stationary storage tank(s) and a method or procedure that will ensure the vapor line(s) is connected before gasoline can be transferred into the gasoline stationary storage tank(s); or

(II) If a manifold connects all gasoline stationary storage tanks vent lines, a vapor-tight vapor return line from a gasoline stationary storage tank being filled to the delivery vessel with sufficient return capacity to control vapors from all gasoline stationary storage tanks being filled at the time and to prevent release of said vapors from the vent line(s) or other gasoline stationary storage tank openings, however, no more than two tanks shall be filled at the same time per connected vapor-tight return line; or

(III) A refrigeration-condensation system or a carbon adsorption system is utilized and recovers at least 90 percent by weight of the organic compounds.

2. Applicability: The requirements contained in this subparagraph shall apply to all stationary storage tanks with capacities of 2,000 gallons or more which were in place before January 1, 1979, and stationary storage tanks with capacities of 250 gallons or more which were in place after December 31, 1978, located at gasoline dispensing facilities located in those counties of Barrow, Bartow, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Paulding, Richmond, Rockdale, Spalding, Newton, Walker and Walton.

3. Applicability: Once a gasoline dispensing facility becomes subject to this rule, it will continue to be subject even if the gasoline average throughput rate falls below the applicability threshold.

4. Exemptions: The requirements of this subparagraph shall not apply to stationary storage tanks of less than 550 gallons capacity used exclusively for the fueling of implements of husbandry or to gasoline dispensing facilities that dispense no more than 10,000 gallons average monthly throughput rate of gasoline per month, provided the tanks are equipped with submerged fill pipes.

5. Stage I Gasoline Vapor Recovery Systems installed prior to January 1, 1993 that currently utilize a co-axial Stage I vapor recovery system in which the gasoline stationary storage tanks are not manifolded in any manner and that are utilized at a facility that is not required to have a Stage II vapor recovery system shall be exempted from installing a co-axial poppetted drop tube. All co-axial Stage I Gasoline Vapor Recovery Systems must be upgraded to Enhanced Stage I Gasoline Vapor Recovery Systems before May 1, 2012.

6. Certification and Recertification Testing Requirements: All Stage I Gasoline Vapor Recovery Systems and Enhanced Stage I Gasoline Vapor Recovery Systems at gasoline dispensing facilities shall be certified by the equipment owner as being properly installed and properly functioning in accordance with the applicable CARB Executive Order. Certification and recertification testing shall be conducted by a qualified technician who has a thorough knowledge of the system. Tests shall be conducted in accordance with test procedures as approved by the Division. The fill cap and vapor cap must be removed when performing certification testing.

7. Certification and Recertification Testing Requirements: Testing may be conducted by the Division or by an installation or testing company that meets the minimum criteria established by the Division for conducting such tests. In the case where a party other than the Division will be conducting the testing, the owner or operator shall notify the Division at least five business days in advance as to when and where the testing will occur, what party will conduct the testing, and the CARB Executive Order number. For Enhanced Stage I Gasoline Vapor Recovery Systems, a certified and trained individual is required to install and test the System in accordance with the applicable CARB Executive Order.

8. Certification and Recertification Testing Requirements: Certification, recertification, and testing and compliance reporting for all Stage I gasoline vapor recovery systems shall be required according to the following schedule:

(i) Certification testing is required within 30 days of system installation for Stage I gasoline vapor recovery systems approved by the Division after December 31, 2002.

(ii) Certification testing is required within 30 days of system installation for Enhanced Stage I Gasoline Vapor Recovery Systems approved by the Division installed after December 31, 2002.

(iii) After June 1, 2008, recertification testing will be required within 12 months following the initial certification or recertification for Stage I Gasoline Vapor Recovery Systems approved by the Division.

(iv) After June 1, 2008 recertification testing will be required within 24 months following the initial certification or recertification for Enhanced Stage I Gasoline Vapor Recovery Systems approved by the Division.

9. Reporting Requirements: Compliance reporting shall be required within 30 days of the certification or recertification test(s) required by subparagraph 8. This report shall be submitted to the Division and shall include results of all tests conducted for certification or recertification.

10. Maintenance Requirements: The owner or operator of the gasoline dispensing facility shall maintain the Enhanced Stage I Gasoline Vapor Recovery System or Stage I Gasoline Vapor Recovery System in proper operating condition as specified by the manufacturer and free of defects that could impair the effectiveness of the system. For the purposes of this subparagraph, the following is a list of equipment defects that substantially impair the effectiveness of the systems in reducing gasoline bulk transfer and fugitive vapor emissions:

- (i) Absence or disconnection of any component that is a part of the approved system;
- (ii) Pressure/vacuum relief valves or dry breaks and drain valves in the spill bucket that are inoperative; and
- (iii) Any visible product leaks.

11. Maintenance Requirements: Upon identification of any of the defects as described above, the owner or operator of the gasoline dispensing facility shall immediately schedule and implement repair, replacement or adjustment by the company's repair representative as necessary.

12. Recordkeeping Requirements: The following records shall be maintained on-site for two years:

- (i) Maintenance records including any repaired or replacement parts and a description of the problems;
- (ii) Compliance records including warnings or notices of violation issued by the Division; and
- (iii) Gasoline throughput records that will allow the average monthly gasoline throughput rate to be continuously determined.

13. Recordkeeping Requirements: Record disposal may be approved by the Division upon a written request by the owner or operator of the gasoline dispensing facility. Approval may be granted on a case-by-case basis considering volume of records, number of times the records have been inspected by the Division; and the value of maintaining the records. In no case, shall the time be extended beyond the requirements of this subparagraph.

14. Compliance Inspections: Gasoline dispensing facilities equipped with Enhanced Stage I Gasoline Vapor Recovery Systems and Stage I Gasoline Vapor Recovery Systems shall be subject to annual compliance inspections and functional testing by the Environmental Protection Division personnel which include but are not limited to the following:

- (i) Verification that all equipment is present and maintains a certified system configuration as defined in subparagraphs 15.(iv). or 15.(x), whichever is applicable.
- (ii) Inspection of all Stage I vapor recovery related files to ensure that the gasoline dispensing facility has complied with maintenance requirements and other record keeping requirements such as inspection, compliance and volume reports as required by subparagraphs 10., 11., 12., and 13..
- (iii) Observation of the use of equipment by facility operators and product suppliers.
- (iv) Verification that the facility has complied with the certification and/or recertification testing requirements as specified by subparagraphs 6., 7., and 8., whichever is applicable.

15. Definitions: For the purpose of this subparagraph, the following definitions shall apply:

(i) "Average monthly throughput rate" means the average of the gallons pumped monthly for the most recent two year period of operation excluding any inactive period. If a facility has not been in operation for two years or does not have access to records for the most recent two years of operation, the Division shall determine the length of time to determine the average of the gallons pumped monthly.

(ii) "CARB" means the California Air Resources Board.

(iii) "Delivery vessel" means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.

(iv) "Enhanced Stage I Gasoline Vapor Recovery System" means:

(I) any Stage I gasoline vapor recovery system properly certified under current version of the CARB vapor recovery certification procedures and applicable executive order effective on or after April 1, 2001; or

(II) any Stage I gasoline vapor recovery system whose design has been submitted to the Division, has passed any required certification tests, demonstrated an efficiency of 98% collection of vapors, and whose owner/operator has received a written approval from the Division. The submitted design shall include but may not be limited to drawings detailing all components of the system and a written narrative describing the components and their use.

(v) "Existing gasoline dispensing facility" means any applicable gasoline dispensing facility with an approved Stage I Gasoline Vapor Recovery System that was in operation on or before April 30, 2008.

(vi) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

(vii) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(viii) "Major Modification" means the addition, replacement, or removal of a gasoline storage tank or a modification that causes the tank top of an underground storage tank to be unburied.

(ix) "Reconstruction" means the replacement of any stationary gasoline storage tank.

(x) "Stage I Gasoline Vapor Recovery System" means:

(I) any Stage I Gasoline Vapor Recovery System properly certified under the CARB vapor recovery certification procedures effective before April 1, 2001, excluding the coaxial poppetted drop tube requirement exempted by subparagraph 5; or

(II) any Stage I Gasoline Vapor Recovery System whose design has been submitted to the Division, has passed any required certification tests, and whose owner/operator has received a written approval from the Division. The submitted design shall include but may not be limited to drawings detailing all components of the system and a written narrative describing the components and their use. Mixing of equipment components certified under separate certification procedures may be allowed when supported by manufacturer or independent third-party certification that the configuration meets or exceeds the applicable performance standards and has received prior written approval from the Division.

(xi) "Stationary storage tank" means all underground vessels and any aboveground vessels never intended for mobile use.

(xii) "Submerged fill pipe" means any fill pipe with a discharge opening which is within a nominal distance of six inches from the tank bottom.

## 16. Compliance Dates



- (i) All gasoline dispensing facilities located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.
- (ii) All gasoline dispensing facilities located in Catoosa, Richmond and Walker counties that dispense more than 50,000 gallons of gasoline per month shall be in compliance with this subparagraph by May 1, 2006.
- (iii) All gasoline dispensing facilities located in Catoosa, Richmond and Walker counties that dispense 50,000 gallons or less of gasoline per month shall be in compliance with this subparagraph by May 1, 2007.
- (iv) All gasoline dispensing facilities that dispense 100,000 gallons average monthly throughput of gasoline or more per month located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by June 1, 2008.
- (v) All gasoline dispensing facilities that dispense greater than or equal to 50,000 gallons and less than 100,000 gallons average monthly throughput of gasoline per month located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by November 1, 2008.
- (vi) All gasoline dispensing facilities that dispense greater than 10,000 gallons and less than 50,000 gallons average monthly throughput of gasoline-per-month and are located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by March 1, 2009.
- (vii) Upon the effective date of this rule, all newly constructed or reconstructed gasoline dispensing facilities located in Barrow, Bartow, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Paulding, Richmond, Rockdale, Spalding, Newton, Walker and Walton shall be in compliance with this subparagraph upon startup of gasoline dispensing operations.
- (viii) Upon the effective date of this rule, all existing gasoline dispensing facilities located in Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, Rockdale, and Walker counties that undergo major modification shall be in compliance with the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) upon completion of the modification.
- (ix) All existing gasoline dispensing facilities located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance with the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) before May 1, 2012.
- (x) All existing gasoline dispensing facilities located in Catoosa, Richmond, and Walker counties shall be in compliance with the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) before May 1, 2023.

**(ss) Gasoline Transport Vehicles and Vapor Collection Systems.**

- 1. After the compliance date specified in paragraph 6. of this subparagraph, no person shall cause, let, permit, suffer, or allow the loading or unloading of gasoline from a gasoline transport vehicle of any size capacity unless:
  - (i) The tank sustains a pressure change of not more than three inches of water in five minutes when pressurized to 18 inches of water and evacuated to six inches of water as tested at least once per year in accordance with test procedures specified by the Division;
  - (ii) Displays a marking on the right front (passenger) side of the tank, in characters at least 2 inches high, which reads either P/V TEST DATE or EPA27 and the date on which the gasoline transport tank was last tested;
  - (iii) The tank has no visible liquid leaks and no gasoline vapor leaks as measured by a combustible gas detector;

(iv) The owner or operator of the gasoline transport vehicle has submitted to the Division within 30 days of the test date a data sheet in the format specified by the Division containing at a minimum the following information: name of person(s) or company that conducted the test, date of test, test results including a list of any repairs made to the transport vehicle to bring it into compliance and the manufacturer's vehicle identification number (VIN) of the tank truck or frame number of a trailer-mounted tank; and

(v) The transport vehicle has been equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors, with a vapor return line and hatch seal designed to prevent the escape of gasoline or gasoline vapors while loading.

2. The owner or operator of a vapor collection and vapor control system shall:

(i) Design and operate the vapor collection and vapor control system and the gasoline loading equipment in a manner that prevents:

(I) Gauge pressure from exceeding 18 inches of water and vacuum from exceeding six inches of water in the gasoline tank truck;

(II) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at one inch from all points on the perimeter of a potential leak source when measured (in accordance with test procedures specified by the Division) during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants and bulk gasoline terminals; and

(III) Avoidable visible liquid leaks during loading and unloading operations at gasoline dispensing facilities, bulk gasoline plants and bulk gasoline terminals.

(ii) Within 15 days, repair and retest a vapor collection or vapor control system that exceeds the limits in Subparagraph (i) above.

3. Applicability: The requirements of this subparagraph shall apply only to those gasoline transport vehicles which load or unload gasoline at bulk gasoline terminals, bulk gasoline plants, and gasoline dispensing facilities subject to VOC vapor control requirements contained under section 391-3-1-.02(2).

4. The Division may require a pressure/vacuum retest or leak check for any gasoline transport vehicle, vapor collection system, vapor control system, and/or gasoline loading equipment subject to this subparagraph. A gasoline transport vehicle, vapor collection system, vapor control system, and/or gasoline loading equipment for which the Division has required a pressure/vacuum retest or leak check shall:

(i) Cease loading and unloading operations within fourteen (14) days of the date of the initial retest or leak check request unless the retest or leak check has been completed to the satisfaction of the Division;

(ii) Provide written advance notification to the Division of the scheduled time and place of the test in order to provide the Division an opportunity to have an observer present; and

(iii) Supply a copy of the results of all such tests to the Division within 30 days of the test date.

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

(i) "Combustible Gas Detector" means a portable VOC gas analyzer with a minimum range of 0-100 percent of the LEL as propane.

(ii) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

(iii) "Gasoline Transport Vehicle" means any mobile storage vessel including tank trucks and trailers used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities, bulk gasoline plants or bulk gasoline terminals.

(iv) "Gasoline Vapor Leak" means a reading of 100 percent or greater of the Lower Explosive Limit (LEL) of gasoline when measured as propane at a distance of one inch.

(v) "Vapor Collection System" means a vapor transport system, including any piping, hoses and devices, which uses direct displacement by the gasoline being transferred to force vapors from the vessel being loaded into either a vessel being unloaded or vapor control system or vapor holding tank.

(vi) "Vapor Control System" means a system, including any piping, hoses, equipment and devices, that is designed to control the release of volatile organic compounds displaced from a vessel during transfer of gasoline.

#### 6. Compliance Dates.

(i) All gasoline transport vehicles and vapor collection systems operating in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.

(ii) All gasoline transport vehicles and vapor collection systems operating in Catoosa, Richmond and Walker counties shall be in compliance with this subparagraph by May 1, 2006.

(iii) All gasoline transport vehicles and vapor collection systems operating in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties shall be in compliance with this subparagraph by June 1, 2008.

#### (tt) **VOC Emissions from Major Sources.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from any source to exceed the levels specified in paragraph 3. below unless such source has been approved by the Director as utilizing all reasonably available control technology in controlling those VOC emissions.

2. For the purpose of this subsection, "Reasonably Available Control Technology" means the utilization and/or implementation of water based or low solvent coatings, VOC control equipment such as incineration, carbon adsorption, refrigeration or other like means as determined by the Director to represent reasonably available control technology for the source category in question.

3. The requirements contained in this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale which have potential VOC emissions exceeding 25 tons-per-year and to all such sources in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton which have potential VOC emissions exceeding 100 tons-per-year.

#### 4. Compliance Dates.

(i) All sources of VOC emissions subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources of VOC emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and in operation on or before October 1, 1999, shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling VOC emissions from the source must be submitted to the Division no later than October 1, 2000. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of VOC emission control systems and/or modification of coatings, solvents, processes, or equipment must be submitted to the Division no later than April 1, 2001.

(III) On-site construction of emission control systems and/or modification of coatings, solvents, processes, or equipment must be completed by March 1, 2003.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2003.

(iii) All sources of VOC emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All sources of VOC emissions subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

5. For the purpose of determining applicability of this subsection, the emissions of VOC from any source shall exclude all VOC emissions subject to any other more specific VOC requirements contained in other subsections of this Rule.

6. For all Reasonably Available Control Technology demonstrations approved or determined pursuant to this subsection, the Division shall issue a public notice which provides for an opportunity for public comment and an opportunity for a hearing on the determination.

7. All Reasonably Available Control Technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this subsection shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No Reasonably Available Control Technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

**(uu) Visibility Protection.**

1. The Director shall provide written notice of any permit application or written advance notice of a permit application for a proposed major stationary source or major modification to an existing major stationary source of emissions from which may have an impact on visibility in a Class I area to the federal land manager and the federal official charged with direct responsibility for management of any land within any such area.

2. The Director shall provide such notice within 30 days after receiving an application or written advance notice from a source as described in paragraph 1. above. The notification of a permit application shall include an analysis of the proposed source's anticipated impact on visibility in any federal Class I area and all materials in the application. In addition, the Director shall provide the Federal Land Manager a 60-day notice of any public hearing on that permit application.

3. The Director shall consider any analysis performed and/or written comments made by the Federal Land Manager in any final determination regarding the issuance of the permit provided that such analysis and/or comments are received within 30 days of having been notified by the Division. Where such analysis does not demonstrate to the satisfaction of the Director that an adverse impact will occur, the Director shall explain his decision and give notice of where the explanation can be obtained.

4. The provisions of this paragraph shall apply regardless of whether the proposed facility is to be located in an attainment, unclassified or non-attainment area.

5. The Director may require the source to monitor visibility in any Class I Federal area near the proposed new stationary source or major modification for such purposes and by such means as the Director deems necessary and appropriate.

6. For the purpose of this paragraph, major stationary source or major modification to an existing source shall be defined as in [40 CFR 51.24](#), but only for the pollutants of particulate matter, sulfur dioxide and nitrogen oxides.

7. Prior to the issuance of any permit, the Director shall ensure that the source's emissions will be consistent with making reasonable progress towards the national visibility goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I areas which impairment results from manmade air pollution. The Director may take into account the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.

8. For the purpose of this paragraph, "impact on visibility" means visibility impairment (reductions in visual range and atmospheric discoloration) which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and must have these factors correlate with:

(i) Times of visitor use of the Federal Class I area; and

(ii) The frequency and timing of natural conditions that reduce visibility.

**(vv) Volatile Organic Liquid Handling and Storage.**

1. After the compliance date specified in section 3. of this subsection, no person subject to other VOC requirements contained in other subsections of this Rule may transfer or cause or allow the transfer of any volatile organic liquid other than gasoline from any delivery vessel into a stationary storage tank of greater than 4,000 gallons, unless the tank is equipped with submerged fill pipes.

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

(i) "Delivery Vessel" means any tank truck or trailer equipped with a storage tank in use for the transport of volatile organic liquids from sources of supply to stationary storage tanks; and

(ii) "Submerged Fill Pipe" means any fill pipe with a discharge opening which is within six inches of the tank bottom.

3. Compliance Dates.

(i) All volatile organic liquid handling and storage facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All volatile organic liquid handling and storage facilities subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance by May 1, 2003.

(iii) All volatile organic liquid handling and storage facilities subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All volatile organic liquid handling and storage facilities subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

**(ww) Reserved.**

(xx) **Reserved.**

(yy) **Emissions of Nitrogen Oxides from Major Sources.**

1. No person shall cause, let, permit, suffer or allow the emissions of nitrogen oxides from any source to exceed the levels specified in paragraph 2. below unless such source has been approved by the Director as meeting the appropriate requirement for all reasonably available control technology in controlling those emissions of nitrogen oxides.

2. The requirements contained in this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 25 tons-per-year and to all such sources in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 100 tons-per-year.

3. Compliance Dates.

(i) All sources of nitrogen oxides emissions subject to this subsection which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 50 tons per year; were in operation on or before April 1, 2004; and are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources of nitrogen oxides emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and in operation on or before October 1, 1999, shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling emissions of nitrogen oxides from the source must be submitted to the Division no later than October 1, 2000. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of nitrogen oxides emission control systems and/or modifications of process or fuel-burning equipment must be submitted to the Division no later than April 1, 2001.

(III) On-site construction of emission control systems and/or modification of process or fuel-burning equipment must be completed by March 1, 2003.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2003.

(iii) All sources of nitrogen oxides emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and which begin initial operation after October 1, 1999, shall be in compliance.

(iv) All sources of nitrogen oxides emissions subject to this subsection which have potential emissions, expressed as nitrogen dioxide, not exceeding 50 tons-per-year; were in operation on or before April 1, 2004; and are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling emissions of nitrogen oxides from the source must be submitted to the Division no later than October 1, 2004. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of nitrogen oxides emission control systems and/or modifications of process or fuel-burning equipment must be submitted to the Division no later than April 1, 2005.

(III) On-site construction of emission control systems and/or modification of process or fuel-burning equipment must be completed by March 1, 2007.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2007.

(v) All sources of nitrogen oxide emissions subject to this subsection located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and which begin initial operation after April 1, 2004, shall be in compliance upon startup.

(vi) All sources of nitrogen oxide emissions subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

4. The requirements contained in this subsection shall not apply to individual equipment at the source which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, in quantities less than a de minimis level of one ton-per-year or to air pollution control devices which are installed to effect compliance with any requirement of this Chapter.

5. The requirements contained in this subsection shall not apply to individual equipment at the source which are subject to subsections (jjj), (lll), (mmm), or (nnn) of this section 391-3-1-.02(2).

6. For the purpose of determining applicability of this subsection, the emissions of nitrogen oxides from any source shall exclude all nitrogen oxides emissions subject to subsections (jjj), (lll), (mmm), or (nnn) of this section 391-3-1-.02(2).

7. For all Reasonably Available Control Technology demonstrations approved or determined pursuant to this subsection, the Division shall issue a public notice which provides for an opportunity for public comment and an opportunity for a hearing on the determination.

8. All Reasonably Available Control Technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this subsection shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No Reasonably Available Control Technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

(zz) **[reserved]**

(aaa) **[reserved]**

(bbb) **[reserved]**

(ccc) **VOC Emissions from Bulk Mixing Tanks.**

1. After the compliance date specified in section 4. of this subsection, no person shall let, permit, suffer, or allow the operation of a mixing tank unless the following requirements for control of emissions of volatile organic compounds are satisfied:

(i) All portable and stationary mixing tanks used for the manufacture of any VOC containing material shall be equipped with covers which completely cover the tank except for an opening no larger than necessary to allow for safe clearance of the mixer shaft. The tank opening shall be covered at all times except when operator access is necessary.

(ii) Free fall of VOC containing material into product containers shall be accomplished by utilization of drop tubes, fill pipes or low-clearance equipment design on filling equipment unless demonstrated to the Division impractical for a specific operation.

(iii) Detergents or non-VOC containing cleaners shall be utilized for both general and routine cleaning operations of floors, equipment, and containers unless the cleanup cannot be accomplished without the use of VOC containing cleaners.

(iv) All waste solvents shall be stored in closed containers or vessels, unless demonstrated to be a safety hazard, and shall be disposed or reclaimed such solvents in a manner approved by the Division.

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

(i) "Mixing Tanks" means any vessel in which resin, coating or other materials, or any combination thereof, are added to produce product blend.

3. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons-per-year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons-per-year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

4. Compliance Dates.

(i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale shall be in compliance.

(ii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance by May 1, 2003.

(iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999 shall be in compliance with this subsection upon startup.

(iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

**(ddd) VOC Emissions from Offset Lithography and Letterpress.**

1. No person shall cause, let, permit, suffer, or allow the operation of any offset lithography printing facility unless:

(i) Offset presses utilize fountain solutions containing 8 percent or less by volume VOCs; and

(ii) The owner or operator installs and operates a VOC emission reduction system for all heatset offset printing operations approved by the Director to have at least a 90 percent reduction efficiency and a capture system approved by the Director, or an equivalent VOC emission rate.

2. No person shall cause, let, permit, suffer, or allow the operation of any sheet-fed offset lithography printing facility unless the VOC content of the on-press (as-applied) fountain solution is:

(i) 5.0 percent alcohol or less (by weight); or

(ii) 8.5 percent alcohol or less (by weight) and the fountain solution is refrigerated to below 60°F (15.5 °C); or

(iii) 5 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.

3. Sheet-fed offset lithography presses with a sheet size of 11 inches by 17 inches or smaller, and presses with a total fountain solution reservoir of less than 1 gallon are exempt.



4. No person shall cause, let, permit, suffer or allow the operation of any cold-set web-fed offset lithography printing facility unless the VOC content of the on-press (as applied) fountain solution is 5 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.

5. No person shall cause, let, permit, suffer, or allow the operation of any heatset web-fed offset lithography printing facility unless the VOC content of the on-press (as-applied) fountain solutions is:

(i) 1.6 percent alcohol or less (by weight); or

(ii) 3.0 percent alcohol or less (by weight) and the fountain solution is refrigerated to below 60°F (15.5°C); or

(iii) 5.0 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.

6. For heatset web-fed offset lithographic and letterpress printing presses, the owner or operator shall install and operate a VOC emission reduction system for all dryers with a potential to emit greater than or equal to 25 tons of VOC emissions per year prior to controls.

(i) Control devices with an initial installation date on or before January 1, 2015, shall be approved by the Director to have at least a 90 percent reduction efficiency and a capture system approved by the Director.

(ii) Control devices with an initial installation date after January 1, 2015, shall be approved by the Director to have at least a 95 percent reduction efficiency and a capture system approved by the Director.

(iii) For situations where the inlet concentration is so low that 90 or 95 percent efficiency cannot be achieved, an outlet concentration of 20 ppmv as hexane on a dry basis may be used as an alternative.

(iv) Heatset presses used for book printing and heatset presses with a maximum web width of 22 inches or less are exempt from the requirements in of subparagraph 6.(i) through (iii).

(v) The following materials are exempt from the requirements of subparagraph 6.(i) through (iii):

(I) sheet-fed or coldset web-fed inks;

(II) sheet-fed or coldset web-fed varnishes; and

(III) waterborne coatings or radiation (ultra-violet light or electron beam) cured materials used on offset lithographic or letterpress presses.

7. All cleaners used for blanket washing, roller washing, plate cleaners, impression cylinder cleaners, rubber rejuvenators and other cleaners used for cleaning a press, press parts, or to remove dried ink from areas around a press shall have a VOC composite vapor pressure less than 10 mm Hg at 20°Celsius or contain less than 70 weight percent VOC. For those tasks that cannot be carried out with low VOC composite vapor pressure cleaning materials or reduced VOC content cleaning materials, 110 gallons per year of cleaning materials that do not meet the requirements of this subsection may be used.

8. All cleaning materials and used shop towels are to be kept in closed containers.

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

(i) "Cleaning Materials" means the materials used to remove excess printing inks, oils, and residual paper from press equipment. These materials are typically mixtures of organic (often petroleum-based) solvents.

(ii) "Fountain Solution" means the mixture of water and additional ingredients such as etchant, gum arabic and dampening aid which coats the non-image areas of the printing plate.

(iii) "Letterpress printing" means a printing process in which the image area is raised relative to the non-image area and the past ink is transferred to the substrate directly from the image surface.

(iv) "Lithographic printing" means a printing process where the image and the non-image areas are chemically differentiated; the image area is oil receptive and non-image area is water receptive.

(v) "Offset lithography printing" means a printing process that transfers the ink film from the lithographic plate to an intermediary surface (blanket) which then transfers the ink film to the substrate.

(vi) "Sheet-fed" refers to the process in which the substrate is cut into sheets before being printed.

(vii) "Web-fed" refers to the process in which the substrate is supplied to the press in the form of rolls.

10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1. and 9.

11. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 100 tons per year and are located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1. and 9.

12. Applicability. Prior to January 1, 2015, all letterpress printing operations are subject to the applicability and control requirements of subparagraph 391-3-1-.02(2)(tt).

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which actual emissions of volatile organic compounds from offset lithographic printing and letter press printing, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) Individual heatset web offset lithographic printing presses and individual heatset web letterpress printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that equal or exceed 25 tons per year shall comply with the provisions of subparagraph 6;

(ii) Individual heatset web offset lithographic printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that do not equal or exceed 25 tons per year and are located at facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 25 tons per year in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties shall comply with the provisions of subparagraph 1.(ii);

(iii) Individual heatset web offset lithographic printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that do not equal or exceed 25 tons per year and are located at facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 100 tons per year in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties shall comply with the provisions of subparagraph 1.(ii);

(iv) All applicable facilities shall comply with the provisions of subparagraphs 2., 3., 4., 5., 7., 8., and 9.;

(v) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 13.(i) or (iv) are subject to the compliance schedule specified in subparagraph 15.

14. **Applicability:** The requirements of subparagraph 13. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 10., 11., and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraph 13. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

15. **Compliance Schedule:**

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in subparagraphs 13.(i) and (iv) must be completed before **January 1, 2015**.

(eee) **VOC Emissions from Expanded Polystyrene Products Manufacturing.**

1. Except as provided in sections 2., 3., and 4. of this section, after the compliance date specified in section 8. of this subsection, no person shall cause, let, permit, suffer, or allow the VOC emissions from an expandable polystyrene product manufacturing facility to exceed 0.015 lbs VOC/lb bead utilized.

2. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene cup manufacturing facility existing before November 1, 1987 unless the facility has installed and operates volatile organic compound emission reduction equipment on the pre-expanders having at least a 90.0 percent reduction efficiency and a capture system approved by the Director.

3. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene board insulation manufacturing facility existing before January 1, 1990 unless the facility has installed and operates volatile organic compound emission reduction equipment on the pre-expanders so as to achieve at least a 90.0 percent reduction efficiency and a capture system approved by the Director; or limits VOC emissions from the entire facility to no greater than 0.0175 lb VOC/lb bead utilized.

4. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene custom shape manufacturing facility existing before January 1, 1990, unless the facility utilizes a batch expander and reduced volatile expandable polystyrene bead containing no more than 4.5 percent initial VOC content. The monthly weighted average of all beads used shall not exceed 4.5 percent.

5. For the purposes of this subsection, VOC emitted after the average curing time shall not be considered to be emitted from the facility.

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

(i) "Expandable Polystyrene Products Manufacturing" means the manufacturing of products utilizing expandable polystyrene bead impregnated with a VOC blowing agent.

(ii) "Board Insulation Manufacturers" means producers of thermal insulation, display foam, or floatation products. Thermal insulation production usually requires densities as specified in ASTM C-578, the industry standard for both EPS and XPS insulation applications.

(iii) "Custom Shape Manufacturers" means producers of a variety of different products ranging in density and size and based primarily on customer specifications.

(iv) "Pre-expander" means the system where initial expansion of the bead occurs.

(v) "Process" means the point from the opening of the gaylord to the end of the average curing time.

7. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons per year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons per year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

#### 8. Compliance Dates.

(i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance with this subsection by May 1, 2003.

(iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance with this subsection upon startup.

(iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

#### (fff) **Particulate Matter Emissions from Yarn Spinning Operations.**

1. No person shall cause, let, permit, suffer or allow the rate of particulate matter emissions from a yarn spinning operation with process input rates up to and including 30 tons per hour to equal or exceed the allowable rate of emissions calculated from the following equation.

$$E = 4.1P^{0.67}$$

where:

E = allowable emission rate in pounds per hour;

P = process input weight of raw or partially processed fiber in tons per hour.

2. For the purpose of this subparagraph, the term process, as it applies to the yarn spinning operation, shall include all of the activities from bale delivery, bale stripping, carding, drawing, spinning, twisting, to and including winding, conducted at the facility.

#### (ggg) **Existing Municipal Solid Waste Landfills.**

1. The provisions of this subsection apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subsection are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

2. Definitions of all Terms used, but not defined in this subsection, have the meaning given them in [40 CFR Part 60](#) Subpart WWW, as amended. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or [40 CFR Part 60](#) Subparts A and B.

(i) The word "Administrator" as used in regulations adopted in this subsection shall mean the Director of the Georgia Environmental Protection Division.

3. For the purposes of implementing the requirements and provisions of the Emission Guidelines of [40 CFR 60 Subpart Cc](#) for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of paragraph 1. of this subsection shall comply with all of the applicable standards, requirements and provisions of [40 CFR Part 60 Subpart WWW](#), as amended, which is hereby incorporated and adopted by reference with the exceptions as follows:

(i) Standards for air emissions from municipal solid waste landfills. The FR 60.752 apply as stated therein with the exception of the following:

(I) In lieu of [40 CFR 60.752\(a\)\(2\)](#), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of [40 CFR 60.752\(b\)](#) through [40 CFR 60.759](#) on the basis of the design capacity exemption in [40 CFR 60.752\(a\)](#) results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

(II) In lieu of [40 CFR 60.752\(b\)\(2\)\(i\)\(B\)](#), the following provision applies:

The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of [40 CFR 60.753](#) through [40 CFR 60.758](#) proposed by the owner or operator. In addition, the collection and control system design plan must specify: (1) the date by which contracts for control system/process modifications shall be awarded, (which shall be no later than 20 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); (2) the date by which on-site construction or installation of the air pollution control devices(s) or process changes will begin (which shall be no later than 24 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); and (3) the date by which the construction or installation of the air pollution control devices(s) or process changes will be complete.

(III) In lieu of 40 CFR 60.752(c)(1) and (c)(2) which establishes the date that a landfill is subject to [40 CFR Parts 70 and 71](#), the following date applies:

I. June 23, 1997.

(ii) Operational standards for collection and control systems. The provisions of [40 CFR 60.753](#) apply as stated therein.

(iii) Test methods and procedures. The provisions of [40 CFR 60.754](#) apply as stated therein with the exception of [40 CFR 60.754\(c\)](#), which does not apply.

(iv) Compliance provisions. The provisions of [40 CFR 60.755](#) apply as stated therein.

(v) Monitoring of operations. The provisions of [40 CFR 60.756](#) apply as stated therein.

(vi) Reporting requirements. The provisions of [40 CFR 60.757](#) apply as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.757(a)(1), (a)(1)(i) and (a)(1)(ii), the following provision applies:

The initial design capacity report shall be submitted by October 1, 1997.

(II) In lieu of 40 CFR 60.757(b)(1)(i), (i)(A) and (i)(B), the following provision applies:

The initial NMOC emission rate report shall be submitted by October 1, 1997 and may be combined with the initial design capacity report required in [40 CFR 60.757\(a\)](#). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in [40 CFR 60.757\(b\)\(1\)\(ii\)](#) and [40 CFR 60.757\(b\)\(3\)](#).

(vii) Recordkeeping requirements. The provisions of [40 CFR 60.758](#) apply as stated therein.

(viii) Specifications for active collection systems. The provisions of [40 CFR 60.759](#) apply as stated therein.

**(hhh) Wood Furniture Finishing and Cleaning Operations.**

1. Each owner or operator of a wood furniture finishing and cleaning operation shall limit VOC emissions from finishing operations by:

(i) Using topcoats that contain no more than 0.8 pounds of VOC per pound of solids, as applied; or

(ii) In lieu of complying with subsection (i), wood furniture finishing operations may comply by:

(I) Using a finishing system of sealers that contain no more than 1.9 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 1.8 pounds of VOC per pound of solids, as applied; or

(iii) For wood furniture finishing operations that use acid-cured alkyd amino vinyl sealers and that use acid-cured alkyd amino conversion varnish topcoats:

(I) Using sealers that contain no more than 2.3 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 2.0 pounds of VOC per pound of solids, as applied; or

(iv) For wood furniture finishing operations that do not use acid-cured alkyd amino vinyl sealers and that use acid-cured alkyd amino conversion varnish topcoats:

(I) Using sealers that contain no more than 1.9 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 2.0 pounds of VOC per pound of solids, as applied; or

(v) For wood furniture finishing operations that use acid-cured alkyd amino vinyl sealers and that do not use acid-cured alkyd amino conversion varnish topcoats:

(I) Using sealers that contain no more than 2.3 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 1.8 pounds of VOC per pound of solids, as applied; or

(vi) Using an averaging approach that demonstrates the wood furniture finishing operation meets the emission limits defined in subsections (i), (ii), (iii), (iv) or (v), averaged on a daily basis throughout the facility; or

(vii) Using a control system that will achieve an equivalent reduction in emissions and meet the requirements of subsections (i), (ii), (iii), (iv) or (v) of this section; or

(viii) Using a combination of the methods presented in subsections (i), (ii), (iii), (iv), (v), (vi), and (vii).

2. Each owner or operator of a wood furniture finishing and cleaning operation shall limit VOC emissions by using strippable booth coating materials that contain no more than 0.8 pounds of VOC per pound of solids, as applied.

3. Each owner or operator of a wood furniture finishing and cleaning operation shall prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and

addresses each of the topics specified. The work practice implementation plan shall be submitted to the Division for approval by the compliance dates contained in section 7. This plan shall include: an operator training course; a leak inspection and maintenance plan; a cleaning and washoff solvent accounting system; a spray booth cleaning plan; a storage plan for finishing, cleaning and washoff materials; an application equipment requirement plan; a paint line and gun cleaning plan; and an outline of washoff operations.

4. Each owner or operator of a wood furniture finishing and cleaning operation shall maintain certified product data sheets for each sealer, topcoat, and strippable booth coating material that is used to meet the requirements of sections 1. and 2. of this rule. If solvent or other VOC is added to the finishing material before application, the affected source shall maintain documentation showing the VOC content of the finishing material in pounds of VOC-per-pound of solids, as applied.

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

(i) "As applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

(ii) "Certified product data sheet" means documentation furnished by a coating supplier or an outside laboratory that provides the VOC content by percent weight, the solids content by percent weight, and density of a finishing material, strippable booth coating, or solvent, measured using the EPA Method 24, or an equivalent or alternative method. The VOC content should represent the maximum VOC emission potential of the finishing material, strippable booth coating, or solvent.

(iii) "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

(iv) "Stain" means any color coat having a solids content by weight of no more than 8.0 percent that is applied in single or multiple coats directly to the substrate. This includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

(v) "Strippable booth coating" means a coating that: (1) is applied to a booth wall to provide a protective film to receive overspray during finishing operations; (2) that is subsequently peeled off and disposed; and (3) by achieving (1) and (2), reduces or eliminates the need to use organic solvents to clean booth walls.

(vi) "Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

(vii) "Wood Furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

6. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons-per-year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons-per-year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

7. Compliance Dates.

(i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance with this subsection by May 1, 2003.

(iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance with this subsection upon startup.

(iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

**(iii) Hospital/Medical/Infectious Waste Incinerators.**

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

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

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

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

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

(I) Notifies the Director of an exemption claim;

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

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

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

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

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

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

2. Each Existing HMIWI is subject to the permitting requirements of [391-3-1-.03\(10\)](#) "Title V Operating Permits."

3. Definitions of all Terms used, but not defined in this subparagraph, shall have the meaning given to them in [40 CFR Part 60](#), Subpart Ec, as amended on April 4, 2011. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or [40 CFR Part 60](#), Subparts A and B. For the purposes of this subparagraph the following definitions also apply:

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (iii)6. the word "Administrator" shall mean the Administrator of the EPA.



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

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

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

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

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

Any combustor which meets the applicability requirements under [40 CFR Part 60](#) Subparts Cb, Ea, or Eb is not subject to this subparagraph.

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

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

(I) In lieu of [40 CFR 60.52c\(a\)](#), the following provisions apply:

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

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

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

(iii) Operator Training. The provisions of [40 CFR 60.53c](#) apply to each Existing HMIWI as stated therein.

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

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

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

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

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

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

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

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

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

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

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

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

(III) Approval of major alternatives to test methods;

(iii) Approval of major alternatives to monitoring;

(iv) Waiver of recordkeeping requirements; and

(v) Performance test and data reduction waivers under [40 CFR 60.8\(b\)](#)

**(jjj) NO<sub>x</sub> Emissions from Electric Utility Steam Generating Units.**

1. Effective May 1, 1999, through September 30, 1999, no person shall cause, let, permit, suffer, or allow the emissions of NO<sub>x</sub> from an affected unit under this subsection unless:

(i) The NO<sub>x</sub> emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units on a maximum rated heat input capacity basis, be greater than the average allowable rate specified in subsection 1.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 1.(i) above, the person shall demonstrate that the NO<sub>x</sub> emissions, averaged over all affected units, do not exceed 0.34 lb/MMBTU heat input.

2. Effective May 1, 2000 through September 30, 2002, no person shall cause, let, permit, suffer, or allow the emissions of NO<sub>x</sub> from an affected unit under this subsection unless:

(i) The NO<sub>x</sub> emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units on a maximum rated heat input capacity basis, be greater than the average allowable rate specified in subsection 2.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 2.(i) above, the person shall demonstrate that the NO<sub>x</sub> emissions, averaged over all affected units, do not exceed 0.30 lb/MMBTU heat input.

3. Effective May 1, 2003, no person shall cause, let, permit, suffer, or allow the emissions of NO<sub>x</sub> from an affected unit under this subsection unless:

(i) The NO<sub>x</sub> emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 3.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 3.(i) above, the person shall demonstrate that the NO<sub>x</sub> emissions, averaged over all affected units, do not exceed 0.13 lb/MMBTU heat input.

4. Effective May 1, 2003, through September 30, 2006, no person shall cause, let, permit, suffer, or allow the emissions of NO<sub>x</sub> from an affected unit under this subsection unless:

(i) The NO<sub>x</sub> emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 4.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 4.(i) above, the person shall demonstrate that the NO<sub>x</sub> emissions, averaged over all affected units, do not exceed 0.20 lb/MMBTU heat input.

5. Effective May 1, 2007, no person shall cause, let, permit, suffer, or allow the emissions of NO<sub>x</sub> from an affected unit under this subsection unless:

(i) The NO<sub>x</sub> emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 5.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 5.(i) above, the person shall demonstrate that the NO<sub>x</sub> emissions, averaged over all affected units, do not exceed 0.18 lb/MMBTU heat input.

6. Effective May 1, 2007, no person shall cause, let, permit, suffer, or allow the emissions of NO<sub>x</sub> from an affected unit under this subsection unless:

(i) The NO<sub>x</sub> emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 6.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 6.(i) above, the person shall demonstrate that the NO<sub>x</sub> emissions, averaged over all affected units, do not exceed 0.17 lb/MMBTU heat input.

7. The compliance period shall be based on a 30-day rolling average beginning May 1 and ending September 30 of each year.

(i) The first 30-day averaging period shall begin on May 1.

(ii) The last 30-day averaging period shall end on September 30.

(iii) Affected units under this subsection shall be all coal-fired electric utility steam generating units with a maximum heat input greater than 250 MMBTU/hr.

8. The requirements contained in sections 1 and 2 of this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. The requirements contained in Section 3 of this subsection shall apply to all such sources located in the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Heard, Henry, Paulding, and Rockdale. The requirements contained in sections 4 and 5 of this subsection shall apply to all such sources located in the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Heard, Henry, Monroe, Paulding, Putnam, and Rockdale. The requirements contained in Section 6 of this subsection shall apply to sources located in Monroe County.

**(kkk) VOC Emissions from Aerospace Manufacturing and Rework Facilities.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the coating of aerospace vehicles or components to exceed:

(i) 2.9 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers.

(ii) 3.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats).

(iii) The VOC content limits listed in Table (kkk) -1 below expressed in pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies specialty coatings.

**TABLE (kkk) -1 Specialty Coating VOC Limitations**

Coating Type	VOC Content Limit (lb/gal)	VOC Content Limit (g/L)
Ablative Coating	5.0	600
Adhesion Promoter	7.4	890
Adhesive Bonding Primers:		
Cured at 250°F or below	7.1	850
Cured above 250°F	8.6	1030
Adhesives:		
Commercial Interior Adhesive	6.3	760
Cyanoacrylate Adhesive	8.5	1,020
Fuel Tank Adhesive	5.2	620
Nonstructural Adhesive	3.0	360
Rocket Motor Bonding Adhesive	7.4	890
Rubber-based Adhesive	7.1	850
Structural Autoclavable Adhesive	0.5	60
Structural Nonautoclavable Adhesive	7.1	850
Antichafe Coating	5.5	660
Bearing Coating	5.2	620
Caulking and Smoothing Compounds	7.1	850
Chemical Agent-Resistant Coating	4.6	550
Clear Coating	6.0	720

Commercial Exterior Aerodynamic Structure Primer	5.4	650
Compatible Substrate Primer	6.5	780
Corrosion Prevention Compound	5.9	710
Cryogenic Flexible Primer	5.4	645
Cryoprotective Coating	5.0	600
Dry Lubricative Material	7.3	880
Electric or Radiation-Effect Coating	6.7	800
Electrostatic Discharge and Electromagnetic Interference (EMI) Coating	6.7	800
Elevated Temperature Skydrol Resistant Commercial Primer	6.2	740
Epoxy Polyamide Topcoat	5.5	660
Fire-Resistant (Interior) Coating	6.7	800
Flexible Primer	5.3	640
Flight-Test Coatings:		
Missile or Single Use Aircraft	3.5	420
All Other	7.0	840
Fuel-Tank Coating	6.0	720
High-Temperature Coating	7.1	850
Insulation Covering	6.2	740
Intermediate Release Coating	6.3	750
Lacquer	6.9	830
Maskants:		
Bonding Maskant	10.3	1,230
Critical Use and Line Sealer Maskant	8.5	1,020
Seal Coat Maskant	10.3	1,230
Metallized Epoxy Coating	6.2	740
Mold Release	6.5	780
Optical Anti-Reflective Coating	6.3	750
Part Marking Coating	7.1	850
Pretreatment Coating	6.5	780
Rain Erosion-Resistant Coating	7.1	850
Rocket Motor Nozzle Coating	5.5	660
Scale Inhibitor	7.3	880
Screen Print Ink	7.0	840
Sealants:		
Extrudable/Rollable/Brushable Sealant	2.3	280
Sprayable Sealant	5.0	600
Silicone Insulation Material	7.1	850
Solid Film Lubricant	7.3	880
Specialized Function Coating	7.4	890
Temporary Protective Coating	2.7	320
Thermal Control Coating	6.7	800
Wet Fastener Installation Coating	5.6	675
Wing Coating	7.1	850

(iv) 5.2 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskants.

(v) 1.3 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants.

(vi) The following aerospace activities are exempt from the coating emission limits in subparagraphs 1.(i) through (v): touchup coating, aerosol coating, and the application of Department of Defense classified coatings; coatings used on space vehicles; and facilities that comply with the low volume usage exemption in subparagraph 10.

2. The emission limitations in subparagraph (kkk) shall be achieved by:

(i) The application of low solvent coating technology where each and every coating meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subparagraph 1.; or

(ii) The application of low solvent coating technology where the monthly volume-weighted average VOC content of each specified coating type meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subparagraph 1.; averaging is not allowed between primers, topcoats (including self-priming topcoats), specialty coating types, Type I milling maskants, and Type II milling maskants or any combination of the above coating categories; or

(iii) Control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that the control system has a VOC reduction efficiency of 81 percent or greater.

3. Each owner or operator of an aerospace manufacturing and/or rework operation shall apply all spray applied non-exempt primers, topcoats, and specialty coatings utilizing one or more of the spray application techniques specified below:

(i) High-volume low-pressure (HVLP) spraying;

(ii) Electrostatic spray application;

(iii) Airless spray application;

(iv) Air-assisted airless spray application; or

(v) Other coating application methods that achieve emission reductions equivalent to HVLP, electrostatic spray application, airless spray, or air-assisted airless spray application methods, as determined by the Director.

4. Each owner or operator of an aerospace manufacturing and/or rework operation shall ensure that all application devices used to apply primers, topcoats (including self-priming topcoats), and specialty coatings are operated according to company procedures, local specified operating procedures, and/or the manufacturer's specifications, whichever is most stringent, at all times. Equipment modified by the owner or operator shall maintain a transfer efficiency equivalent to HVLP, electrostatic spray application, airless spray application, or air-assisted airless spray application techniques.

5. Each owner or operator of an aerospace manufacturing and/or rework operation shall comply with the following housekeeping requirements for any affected cleaning operation. Aqueous cleaning solvents and hydrocarbon-based solvents which have a maximum composite vapor pressure of 7 mm Hg at 20°C are exempt from these requirements.

(i) Solvent-laden cloth, paper, or any other absorbent applicators used for cleaning shall be placed in bags or other closed containers upon completing their use. These bags and containers must be kept closed at all times except when depositing or removing these materials from the container. The bags and containers used must be of such a design so as to contain the vapors of the cleaning solvent. Cotton-tipped swabs used for very small cleaning operations are exempt from this requirement.

(ii) All fresh and spent cleaning solvents, except semi-aqueous solvent cleaners, used in aerospace cleaning operations shall be stored in closed containers.

(iii) Conduct the handling and transfer of cleaning solvents to or from enclosed systems, vats, waste containers, and other cleaning operation equipment that hold or store fresh spent cleaning solvents in such a manner that spills are minimized.

6. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing hand-wipe cleaning operations (excluding the cleaning of spray gun equipment performed in accordance with subparagraph 7.) shall comply with one of the following:

(i) Utilize cleaning solvent solutions that are classified as an aqueous cleaning solvent and/or a hydrocarbon-based cleaning solvent with a maximum composite vapor pressure of 7 mm Hg at 20°C.

(ii) Utilize cleaning solvent solutions that have a composite vapor pressure of 45 mm Hg or less at 20°C.

7. Each owner or operator of an aerospace manufacturing and/or rework operation shall clean all spray guns used in the application of primers, topcoats (including self-priming topcoats), and specialty coatings utilizing one or more of the following techniques:

(i) Enclosed System: Spray guns shall be cleaned in an enclosed system that is closed at all times except when inserting or removing the spray gun. Cleaning shall consist of forcing cleaning solvent through the gun. If leaks are found, repairs shall be made as soon as practicable, but no later than 15 days after the leak was found. If the leak is not repaired by the 15th day after detection, the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

(ii) Nonatomized Cleaning: Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use.

(iii) Disassembled Spray Gun Cleaning: Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except in use. Alternatively, the components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components.

(iv) Atomizing cleaning: Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions.

8. Each owner or operator of an aerospace manufacturing and/or rework operation that includes a flush cleaning operation shall empty the used cleaning solvents each time aerospace parts or assemblies, or components of a coating unit (with the exception of spray guns) are flush cleaned into an enclosed container or collection system that is kept closed when not in use or into a system with equivalent emission control approved by the Director. Hydrocarbon-based solvents which have a maximum composite vapor pressure of 7 mm Hg at 20°C and aqueous and semi-aqueous materials are exempt from the requirements of subparagraph (kkk).

9. The following activities are not regulated by subparagraph (kkk):

(i) Research and development;

(ii) Quality control;

(iii) Laboratory testing activities;

(iv) Metal finishing;

(v) Electrodeposition (except for the electrodeposition of paints);

(vi) Composites processing (except for cleaning and coating of composite parts or components that become part of an aerospace vehicle or component as well as composite tooling that comes in contact with such composite parts or components prior to cure);

(vii) Electronic parts and assemblies (except for cleaning and topcoating of completed assemblies);

(viii) Manufacture of aircraft transparencies;

(ix) Wastewater treatment operations;

(x) Regulated activities associated with space vehicles designed to travel beyond the limit of the earth's atmosphere, including but not limited to satellites, space stations, and the space shuttle;

(xi) Maintenance and rework of antique aerospace vehicles and components;

(xii) Chemical milling;

(xiii) Rework of aircraft or aircraft components if the holder of the Federal Aviation Administration (FAA) design approval, or the holder's licensee, is not actively manufacturing the aircraft or aircraft components;

(xiv) Parts and assemblies not critical to the vehicle's structural integrity or flight performance;

(xv) Primers, topcoats, specialty coatings, chemical milling maskants, strippers, and cleaning solvents that meet the definition of non-VOC material, as determined from manufacturer's representations, such as in a material safety data sheet or product data sheet, or testing, except that if an owner or operator chooses to include one or more non-VOC primer, topcoat, specialty coating, or chemical milling maskant in averaging under subparagraph 2.(ii);

(xvi) Primers, topcoats, and specialty coatings that meet the definition of "classified national security information" in subparagraph 17.(xvii).

10. The requirements for primers, topcoats, specialty coatings, and chemical milling maskants in subparagraphs 1.(i), 1.(ii), 1.(iii), 1.(iv) and 1.(v) do not apply to the use of low-volume coatings in these categories for which the rolling twelve month total of each separate formulation used at a facility does not exceed 50 gallons, and the combined rolling twelve month total of all such primers, topcoats, specialty coatings, and chemical milling maskants used at a facility does not exceed 200 gallons. Primers, topcoats, and specialty coatings exempted under subparagraphs 9. and 11. are not included in the 50 and 200 gallon limits.

11. The following situations are exempt from the requirements of subparagraphs 3. and 4.:

(i) Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces;

(ii) The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in subparagraph 3.;

(iii) The application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 inches) and that cannot be applied by any of the application methods specified in subparagraph 3.;

(iv) The spray application of no more than 3.0 fluid ounces of coating in a single application (i.e., the total volume of a single coating formulation applied during any one day to any one aerospace vehicle or component) from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters). Using multiple small paint cups or refilling a small paint cup to apply more than 3.0 fluid ounces under the requirements of subparagraph (kkk) is prohibited. If a paint cup liner is used in a reusable holder or cup, then the holder or cup must be designed to hold a liner with a capacity of no more than 3.0 fluid ounces. For example, a 3.0 ounce liner cannot be used in a holder that can also be used with a 6.0 ounce liner under the requirements of subparagraph (kkk);



- (v) The use of airbrush application methods for stenciling, lettering, and other identification markings;
- (vi) The use of hand-held non-refillable spray (aerosol) can application methods;
- (vii) Touchup and repair operations;
- (viii) Adhesives, sealants, maskants, caulking materials, and inks; and
- (ix) The application of coatings that contain less than 0.17 pounds of VOC per gallon of coating.

12. The following cleaning operations are exempt from the requirements of subparagraph 6.:

- (i) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;
- (ii) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, or hydrazine);
- (iii) Cleaning and surface activation prior to adhesive bonding;
- (iv) Cleaning of electronic parts and assemblies containing electronic parts;
- (v) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid including air-to-air heat exchangers and hydraulic fluid systems;
- (vi) Cleaning of fuel cells, fuel tanks, and confined spaces;
- (vii) Surface cleaning of solar cells, coating optics, and thermal control surfaces;
- (viii) Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used in the interior of the aircraft;
- (ix) Cleaning of metallic and non-metallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture or maintenance of aerospace vehicles or components;
- (x) Cleaning of aircraft transparencies, polycarbonate, or glass substrates;
- (xi) Cleaning and solvent usage associated with research and development, quality control, and laboratory testing;
- (xii) Cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems. Energized electrical systems means any AC or DC electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells, and tail sections; and
- (xiii) Cleaning operations identified as essential uses under the Montreal Protocol for which the U.S. EPA has allocated essential use allowances or exemptions.

13. Each owner or operator of an aerospace manufacturing and/or rework operation shall submit a monitoring plan to the Division that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with subparagraph 2.(iii). The monitoring device shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications.

14. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing an enclosed spray gun cleaner shall visually inspect the seals and all other potential sources of leaks at least once per month. Each inspection shall occur while the spray gun cleaner is in operation.

15. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing coatings specified in subparagraph 1. shall maintain the following records:

(i) If following the compliance option in subparagraph 2.(i), a current list of each coating formulation including the specific category, VOC content as applied, and the annual amount used for each coating.

(ii) If following the compliance option in subparagraph 2.(ii), a current list of each coating formulation including the specific category, VOC content as applied, the monthly amount used for each coating, and the calculated monthly volume-weighted average VOC content of each specified coating type expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents.

(iii) If following the compliance option in subparagraph 2.(iii), continuous records demonstrating the control device was operating at the required destruction efficiency at all times the coating process was in operation and records demonstrating the control device was achieving the required destruction efficiency while the coating process was in operation.

(iv) If using the low volume usage exemption in subparagraph 10., a list of each separate formulation and quantity applied each month and the twelve-consecutive month total of each formulation and the twelve-consecutive month total of all materials exempted.

16. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing cleaning solvents shall maintain the following records:

(i) Maintain a current list of hand-wipe and flush cleaning solvents with documentation that demonstrates that the cleaning solvent complies with one of the composition requirements in subparagraph 6.(i) and for semi aqueous cleaning solvent used for flush cleaning. This list shall include the annual amount of each applicable solvent used.

(ii) Maintain a current list of hand-wipe cleaning solvents with their respective vapor pressures or, for blended solvents, VOC composite vapor pressures for all vapor pressure compliant hand-wipe cleaning solvents listed in subparagraph 6.(ii). This list shall include the monthly amount of each applicable solvent used.

(iii) Maintain a current list of all cleaning solvents with a vapor pressure greater than 45 mm Hg used in exempt hand-wipe cleaning operations. This list shall identify the applicable exemption(s) for each process and include the monthly amount of each applicable solvent used.

(iv) Maintain a record of all leaks from enclosed gun cleaners, as found during the monthly inspection required by subparagraph 14.. The record shall include the identification of the leaking paint gun cleaner, the date the leak was discovered, and the date the leak was repaired.

17. For the purpose of subparagraph (kkk), the following definitions shall apply:

(i) "Ablative coating" means a coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulative barrier, protecting adjacent components from the heat or open flame.

(ii) "Adhesion promoter" means a very thin coating applied to a substrate to promote wetting and form a chemical bond with the subsequently applied material.

(iii) "Adhesive bonding primer" means a primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers: primers with a design cure at 250°F or below and primers with a design cure above 250°F.

(iv) "Aerosol coating" means a coating applied by means of a hand-held, pressurized container, which is non-refillable or which utilizes non-refillable propellant canisters and which expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.

(v) "Aerospace facility" means any facility that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component. Regulated activities include coating, chemical milling, solvent use, and depainting operations.

(vi) "Aerospace vehicle or component" means any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft.

(vii) "Aircraft transparency" means the aircraft windshield, canopy, passenger windows, lenses and other components which are constructed of transparent materials.

(viii) "Airless and air-assisted airless spray" mean any coating spray application technology that relies solely on the fluid pressure of the coating to create an atomized coating spray pattern and does not apply any atomizing compressed air to the coating before it leaves the spray gun nozzle. Air-assisted airless spray uses compressed air to shape and distribute the fan of atomized coating, but still uses fluid pressure to create the atomized coating.

(ix) "Antichafe coating" means a coating applied to areas of moving aerospace components that may rub during normal operations or installation.

(x) "Antique aerospace vehicle or component" means an aircraft or component thereof that was built at least 30 years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

(xi) "Aqueous cleaning solvent" means a cleaning solvent in which water is the primary ingredient (greater than 80 percent by weight of cleaning solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives such as organic solvents (e.g., high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents. Aqueous solutions must have a flash point greater than 93°C (200°F) (as reported by the manufacturer) and the solution must be miscible with water.

(xii) "Bearing coating" means a coating applied to an antifriction bearing, a bearing housing, or the area adjacent to such a bearing in order to facilitate bearing function or to protect base material from excessive wear. A material shall not be classified as a bearing coating if it can also be classified as a dry lubricative material or a solid film lubricant.

(xiii) "Bonding maskant" means a temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

(xiv) "Caulking and smoothing compounds" means semi-solid materials which are applied by hand application methods and are used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can be classified as a sealant.

(xv) "Chemical agent-resistant coating (CARC)" means an exterior topcoat designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

(xvi) "Chemical milling maskants" means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Additionally, maskants that must be used with a combination of Type I or Type II etchants and any of the above types of maskants are also not included in this definition. (See also Type I and Type II etchant definitions.)

(xvii) "Classified National Security Information" means information that has been determined pursuant to Executive Order 13526, "Classified National Security Information," December 29, 2009 or any successor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form. The term "Classified Information" is an alternative term that may be used instead of "Classified National Security Information."

(xviii) "Cleaning operation" means collectively spray-gun, hand-wipe, and flush cleaning operations.

(xix) "Cleaning solvent" means a liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain no VOCs (i.e., VOC content less than 1.0 weight percent).

(xx) "Clear coating" means a transparent coating applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat. In some cases, a clearcoat refers to any transparent coating without regard to substrate.

(xxi) "Coating" means a material that is applied to a substrate for decorative, protective, or functional purposes. Such materials include, but are not limited to, paints, sealants, liquid plastic coatings, caulks, inks, adhesives, and maskants. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances; paper film or plastic film which may be precoated with an adhesive by the film manufacturer; or pre-impregnated composite sheets are not considered coatings for the purposes of subparagraph (kkk). Materials in handheld non-refillable aerosol containers, touch-up markers, and marking pens are also not considered coatings for the purposes of subparagraph (kkk). A liquid plastic coating means a coating made from fine particle-size polyvinyl chloride (PVC) in solution (also referred to as a plastisol).

(xxii) "Coating operation" means using a spray booth, tank, or other enclosure or any area, such as a hangar, for applying a single type of coating (e.g., primer); using the same spray booth for applying another type of coating (e.g., topcoat) constitutes a separate coating operation for which compliance determinations are performed separately.

(xxiii) "Coating unit" means a series of one or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured, or prior to any subsequent application of a different coating. It is not necessary to have an oven or flashoff area to be included in this definition.

(xxiv) "Commercial exterior aerodynamic structure primer" means a primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae, landing gear, and doors, for the purpose of extended corrosion protection and enhanced adhesion.

(xxv) "Commercial interior adhesive" means materials used in the bonding of passenger cabin interior components. These components must meet FAA fireworthiness requirements.

(xxvi) "Compatible substrate primer" means either compatible epoxy primer or adhesive primer.

(xxvii) "Corrosion prevention compound" means a compound that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.

(xxviii) "Critical use and line sealer maskant" means a temporary coating, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium, or high-strength steel, high-precision aluminum chemical milling of deep cuts, and aluminum chemical milling of complex shapes. Materials used for repairs or to bridge gaps left by scrubbing operations are also included in this category.

(xxix) "Cryogenic flexible primer" means a primer designed to provide corrosion resistance, flexibility, and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (-275°F and below).

(xxx) "Cryoprotective coating" means a coating that insulates cryogenic or subcooled surfaces to limit propellant boil-off, maintain structural integrity of metallic structures during ascent or reentry, and prevent ice formation.

(xxxi) "Cyanoacrylate adhesive" means a fast-setting, single component adhesive that cures at room temperature. Also known as "super glue."

(xxxii) "Depainting operation" means the use of a chemical agent, media blasting, or any other technique to remove permanent coatings from the outer surface of an aerospace vehicle or components. The depainting operation includes washing of the aerospace vehicle or component to remove residual stripper, media, or coating residue.

(xxxiii) "Dry lubricative material" means a coating consisting of lauric acid, cetyl alcohol, waxes, or other noncross linked resin-bond materials that act as a dry lubricant.

(xxxiv) "Electric or radiation-effect coating" means a coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lighting strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. Coatings that have been designated as "classified" by the Department of Defense are exempt.

(xxxv) "Electrostatic discharge and electromagnetic interference (EMI) coating" means a coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference.

(xxxvi) "Elevated-temperature Skydrol-resistant commercial primer" means a primer applied primarily to commercial-type aircraft that must withstand immersion in phosphate-ester (PE) hydraulic fluid (Skydrol 500b or equivalent) at the elevated temperature of 150°F for 1,000 hours.

(xxxvii) "Epoxy polyamide topcoat" means a coating used where harder films are required or in some areas where engraving is accomplished in camouflage colors.

(xxxviii) "Exempt solvent" means a specified organic compound that has been determined by the EPA to have negligible photochemical reactivity and is listed in [40 CFR 51.100](#) and/or [391-3-1-.01\(III\)](#).

(xxxix) "Fire-resistant (interior) coating" means for civilian aircraft, fire-resistant coatings are used on passenger cabin interior parts that are subject to the FAA fire-worthiness requirements. For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721. For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.

(xl) "Flexible primer" means a primer that meets flexibility requirements such as those needed for adhesive bond primer fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between fasteners, skin, and skin-to-skin joints on outer aircraft skins.

(xli) "Flight test coating" means a coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.

(xlii) "Flush cleaning" means the removal of contaminants such as dirt, grease, and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item cleaned and then drained, or be assisted by air or hydraulic pressure, or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand actions used are not included in this definition.

(xlili) "Fuel tank adhesive" means a non-rubber based adhesive used to bond components exposed to fuel and which must be compatible with fuel tank coatings.

(xliv) "Fuel tank coating" means a coating applied to fuel tank components for the purpose of corrosion and/or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions.

(xlv) "General aviation" means that segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.

(xlvi) "General aviation rework facility" means any aerospace facility with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

(xlvii) "Hand-wipe cleaning operation" means removing contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component by physically rubbing it with a material such as a rag, paper, or cotton swab that has been moistened with a cleaning solvent.

(xlviii) "High temperature coating" means a coating designed to withstand temperatures of more than 350°F.

(xlix) "High volume low pressure (HVLP) spray equipment" means spray equipment that is used to apply coating by means of a spray gun that operates at 10.0 psig of atomizing air pressure or less at the air cap.

(l) "Hydrocarbon-based cleaning solvent" means a cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and have a maximum vapor pressure of seven mm Hg at 20°C. These cleaners also contain no hazardous air pollutants.

(li) "Insulation covering" means material that is applied to foam insulation to protect the insulation from mechanical or environmental damage.

(lii) "Intermediate release coating" means a thin coating applied beneath topcoats to assist in removing the topcoats in repainting operations and generally to allow the use of less hazardous repainting methods.

(liii) "Lacquer" means a clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resolvable in their original solvent.

(liv) "Leak" means any visible leakage, including misting and clouding.

(lv) "Metallized epoxy coating" means a coating that contains relatively large quantities of metallic pigmentation for appearance and/or added protection.

(lvi) "Mold release" means a coating applied to a mold surface to prevent the molded piece from sticking to the mold as it is removed.

(lvii) "Non-VOC material" means a primer, topcoat, specialty coating, chemical milling maskant, cleaning solvent, or stripper that contains no more than 1.0 percent by mass VOC.

(lviii) "Nonstructural adhesive" means an adhesive that bonds nonload bearing aerospace components in noncritical applications and is not covered in any other specialty adhesive categories.

(lix) "Optical antireflection coating" means a coating with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.

(lx) "Part marking coating" means coatings or inks used to make identifying markings on material, components, and/or assemblies. These markings may be either permanent or temporary.

(lxi) "Pretreatment coating" means an organic coating that contains at least 0.5 percent acids by weight and is applied directly to metal or composite surfaces provide surface etching, corrosion resistance, adhesion, and ease of stripping.

(lxii) "Primer" means the first layer and any subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from

the environment, functional fluid resistance, and adhesion of subsequent coatings. Primers that are defined as specialty coatings are not included under this definition.

(lxiii) "Rain erosion-resistant coating" means a coating or coating system used to protect leading edges of parts such as flaps, stabilizers, radomes, engine inlet nacelles, etc., against erosion caused by rain impact during flight.

(lxiv) "Research and development" means an operation whose primary purpose is for research and development of new processes and products and that is conducted under the close supervision of technically trained personnel and is not involved in the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

(lxv) "Rocket motor bonding adhesive" means an adhesive used in rocket motor bonding applications.

(lxvi) "Rocket motor nozzle coating" means a catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles.

(lxvii) "Rubber-based adhesive" means a quick setting contact cement that provide a strong, yet flexible bond between two mating surfaces that may be of dissimilar materials.

(lxviii) "Scale Inhibitor" means a coating that is applied to the surface of a part prior to thermal processing to inhibit the formation of scale.

(lxix) "Screen print ink" means an ink used in screen printing processes during fabrication of decorative laminates and decals.

(lxx) "Sealant" means a material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components.

(lxxi) "Seal coat maskant" means an overcoat applied over a maskant to improve abrasion and chemical resistance during production operations.

(lxxii) "Self-priming topcoat" means a topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection, and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component.

(lxxiii) "Semi-aqueous cleaning solvent" means a solution in which water is a primary ingredient (greater than 60 percent by weight of the solvent solution as applied must be water).

(lxxiv) "Silicone insulation material" means an insulating material applied to exterior metal surfaces for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not "sacrificial."

(lxxv) "Solid film lubricant" means a very thin coating consisting of a binder system containing as its main pigment material one or more of the following: molybdenum, graphite, polytetrafluoroethylene (PTFE), or other solids that act as a dry lubricant between faying surfaces.

(lxxvi) "Specialty coating" means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(lxxvii) "Specialized function coating" means a coating that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings covered in other Specialty coating categories.

(lxxviii) "Spray-applied coating operation" means coatings that are applied using a device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of subparagraph (kkk), spray-applied coatings do not include the following materials or activities:

(I) Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters) in which no more than 3.0 fluid ounces of coating is applied in a single application (i.e., the total volume of a single coating formulation applied during any one day to any one aerospace vehicle or component). Under this definition, the use of multiple small paint cups and the refilling of a small paint cup to spray apply more than 3.0 fluid ounces of a coating is a spray-applied coating operation. Under this definition, the use of a paint cup liner in a reusable holder or cup that is designed to hold a liner with a capacity of more than 3.0 fluid ounces is a spray-applied coating operation.

(II) Application of coating using powder coating, hand-held non-refillable aerosol containers, or non-atomizing application technology, including but not limited to paint brushes, rollers, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, marking pens, trowels, spatulas, daubers, rags, sponges, mechanically and/or pneumatic-driven syringes, and inkjet machines.

(III) Application of adhesives, sealants, maskants, caulking materials, and inks.

(lxxix) "Spray gun" means a device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

(lxxx) "Stripper" means a liquid that is applied to an aerospace vehicle or component to remove permanent coatings such as primers, topcoats, and specialty coatings.

(lxxxi) "Structural autoclavable adhesive" means an adhesive used to bond load-carrying aerospace components that is cured by heat and pressure in an autoclave.

(lxxxii) "Structural nonautoclavable adhesive" means an adhesive used to bond load-carrying aerospace components that is cured under ambient conditions.

(lxxxiii) "Surface preparation" means the removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating.

(lxxxiv) "Temporary protective coating" means a coating applied to provide scratch or corrosion protection during manufacturing, storage, or transportation. Two types include peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions.

(lxxxv) "Thermal control coating" means a coating formulated with specific thermal conductive or radiative properties to permit temperature control of the substrate.

(lxxxvi) "Topcoat" means a coating that is applied over a primer on a aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

(lxxxvii) "Touch-up and repair coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(lxxxviii) "Touch-up and repair operation" means that portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.

(lxxxix) "Type I etchant" means a chemical milling etchant that contains varying amounts of dissolved sulfur and does not contain amines.



(xc) "Type II etchant" means a chemical milling etchant that is a strong sodium hydroxide solution containing amines.

(xci) "Wet fastener installation coating" means a primer or sealant applied by dipping, brushing, or daubing to fasteners that are installed before the coating is cured.

(xcii) "Wing coating" means a corrosion-resistant topcoat that is resilient enough to withstand the flexing of the wings.

#### 18. Applicability.

(i) The requirements of subparagraph (kkk) shall apply to all aerospace facilities with potential emissions of volatile organic compounds exceeding 100 tons per year, except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, where facilities with potential emissions of volatile organic compounds exceeding 25 tons per year are subject to subparagraph (kkk).

(ii) Effective January 1, 2015, the requirements of subparagraph (kkk) shall apply to all aerospace facilities with potential emissions of volatile organic compounds exceeding 25 tons per year in Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton County. The requirements of this subparagraph (ii) will no longer be applicable if the counties specified in this subparagraph (ii) are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in these counties or the counties specified in subparagraph (i) above, the requirements of this subparagraph (ii) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

#### 19. Compliance Dates.

(i) All aerospace facilities subject to subparagraph (kkk) and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All aerospace facilities subject to subparagraph (kkk); located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties; and in operation on or before October 1, 1999, shall be in compliance by January 1, 2001.

(iii) All aerospace facilities subject to subparagraph (kkk); located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties; and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All aerospace facilities subject to subparagraph (kkk) and utilizing specialty coatings that begin operation after the effective date of this rule shall be in compliance upon startup. All aerospace facilities subject to subparagraph (kkk) and utilizing specialty coatings that are in operation on or before the effective date of this rule shall be in compliance on or before March 31, 2019.

#### (III) NO<sub>x</sub> Emissions From Fuel-Burning Equipment.

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NO<sub>x</sub>) from an affected unit under this subparagraph that is installed or modified on or after May 1, 1999, to exceed 30 ppm at 3% oxygen on a dry basis.

2. The requirements of this subparagraph shall apply during the period May 1 through September 30 of each year.

3. All affected units subject to this subparagraph shall be in compliance on or before May 1, 2000.

4. The requirements contained in Subparagraph 1. shall apply to all such affected units as defined in subparagraph 5.(i) that are located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke,

Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

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

- (i) "Affected Unit" means fuel-burning equipment with a maximum design heat input capacity equal to or greater than 10 MMBTU/hr and less than or equal to 250 MMBTU/hr.
- (ii) "Annual Capacity Factor" as used in this subparagraph means the ratio between the actual heat input to the fuel-burning equipment from fuels other than wood during a period of 12 consecutive calendar months and the potential heat input to the fuel-burning equipment from all fuels had the fuel-burning equipment been operated 8,760 hours during that 12-month period at the maximum design heat input capacity.
- (iii) "Modified" as used in subparagraph 1. shall be as defined in [40 CFR 60.14](#).
- (iv) "Wood" means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including, but not limited to, sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

6. The requirements of this subparagraph do not apply to the following:

- (i) Fuel-burning equipment, which was permitted under [391-3-1-.03\(1\)](#) on or before May 1, 1999, or which was brought onto the facility on or before May 1, 1999.
- (ii) Duct burners associated with combined cycle gas turbines.
- (iii) Fuel-burning equipment located in any of the following counties: 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 that combusts either:

(I) wood alone; or

(II) wood in combination with any other fuel and has annual capacity factor for the other fuels of 10 percent (0.10) or less and is subject to an enforceable requirement limiting operation of the equipment to an annual capacity factor for the other fuels of 10 percent (0.10) or less.

**(mmm) NO<sub>x</sub> Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NO<sub>x</sub>), from any stationary gas turbine or any stationary engine used to generate electricity whose nameplate capacity is greater than or equal to 100 kilowatts (KWe) and is less than or equal to 25 megawatts (MWe), to exceed the following:

(i) For stationary engines in operation before April 1, 2000:

160 ppm @ 15% O<sub>2</sub>, dry basis

(ii) For stationary engines installed or modified on or after April 1, 2000:

80 ppm @ 15% O<sub>2</sub>, dry basis

(iii) For stationary gas turbines in operation on or after January 1, 1999 and before October 1, 1999:

42 ppm @ 15% O<sub>2</sub>, dry basis

(iv) For stationary gas turbines installed or modified on or after October 1, 1999:

30 ppm @ 15% O<sub>2</sub>, dry basis

2. The requirements of this subsection shall apply during the period May 1 through September 30 of each year.

3. Compliance Dates.

(i) For stationary engines in operation before April 1, 2000, the affected unit shall comply with the applicable standard under paragraph 1 above by May 1, 2003.

(ii) For stationary engines installed or modified on or after April 1, 2000, the affected unit shall comply with the applicable standard under paragraph 1 upon startup of the affected unit.

(iii) For stationary gas turbines in operation on or after January 1, 1999 and before October 1, 1999, the affected unit shall comply with the applicable standard under paragraph 1 above by May 1, 2000.

(iv) For stationary gas turbines installed or modified on or after October 1, 1999, the affected unit shall comply with the applicable standard under paragraph 1 upon startup of the affected unit.

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

(i) "Emergency standby stationary gas turbines and stationary engines" means any stationary gas turbine or stationary engine that operates only when electric power from the local utility is not available and which operates less than 200 hours per year.

(ii) "Modified" shall be as defined in [40 CFR 60.14](#).

(iii) "Stationary engine" means any spark or compression ignited internal combustion engine which is either attached to a foundation at a facility or is portable equipment located at a specific facility.

(iv) "Stationary gas turbine" means any gas turbine that is gas and/or liquid fueled with or without power augmentation. It is either attached to a foundation at a facility or is portable equipment located at a specific facility.

5. Exemptions.

The following units are exempt from the provisions of this subsection:

(i) Stationary engines used to power portable rock crushing plants.

(ii) Stationary engines used directly and exclusively for agricultural operation necessary for the growing of crops or the raising of fowl or animals.

(iii) Stationary gas turbines and stationary engines not connected to an electrical generator.

(iv) Laboratory engines or gas turbines used for research and testing purposes.

(v) Engines or gas turbines operated by the manufacturer or distributor of such equipment for purposes of performance verification and testing at the production facility.

(vi) Portable, temporary generators used for special events (i.e. county fair, circus) provided the event does not last more than 14 days.

(vii) Nonroad engines as defined in [40 CFR 89.2](#).

6. The requirements contained in this subsection shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas,

Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

7. Emergency standby stationary gas turbines and stationary engines which meet the definition stated in paragraph 4.(i) are not subject to the emission limitations of paragraph 1.

8. Stationary engines at data centers that meet all of the following criteria are not subject to the emission limitations in subparagraph 1:

(i) Operate only for routine testing and maintenance, when electric power from the local utility is not available, or during internal system failures;

(ii) Total annual operation for the engine is less than 500 hours per year;

(iii) Operation for routine testing and maintenance during the months of May through September occurs only between 10 p.m. to 4 a.m. Operation for routine testing and maintenance during the months of January through April and October through December may be done during any time of day; and

(iv) The facility maintains records of all operation, including the reason for the operation.

**(nnn) NO<sub>x</sub> Emissions from Large Stationary Gas Turbines.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NO<sub>x</sub>), from any stationary gas turbine whose nameplate capacity is greater than 25 megawatts (MWe), to exceed the following:

(i) For stationary gas turbines permitted under [391-3-1-.03\(1\)](#) before April 1, 2000:

30 ppm @ 15% O<sub>2</sub>, dry basis

(ii) [reserved]

(iii) For stationary gas turbines permitted under [391-3-1-.03\(1\)](#) on or after April 1, 2000:

6 ppm @ 15% O<sub>2</sub>, dry basis

2. The requirements of this subsection shall apply during the period May 1 through September 30 of each year.

**3. Compliance Dates.**

(i) Stationary gas turbines subject to paragraph 1.(i) above shall comply by May 1, 2003.

(ii) Stationary gas turbines subject to paragraph 1.(iii) above shall be in compliance upon startup.

4. The requirements contained in subparagraph 1.(iii) of this subsection shall not apply to individual units which are subject to [391-3-1-.03\(8\)\(c\)14.](#) or [391-3-1-.03\(8\)\(c\)15.](#)

5. By no later than May 1, 2003, the owner/operator of an affected unit may submit actual operating performance data on the affected unit, with the emission reduction technologies, as approved by the Director, in place and optimized on the affected unit, sufficient to allow the Director to determine if the NO<sub>x</sub> emission limit in subparagraph 1.(i) is technically achievable taking into account the cost and feasibility of available control options. Based on the Director's review of the data provided, this rule may be modified.

6. The requirements contained in this subsection shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar,

Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

## 7. Exemptions.

The following units are exempt from the provisions of this subsection provided that they only operate under the following conditions:

(i) Units operating for purposes of routine testing, to maintain operability, not to exceed three (3) hours per month.

(ii) Units operating under one of the following emergency conditions. For the purpose of restarting the steam-electric generating units when all steam-electric generating units at a facility are down and off-site power is not available (also known as a "Black Start"). Or, when power problems on the grid would necessitate implementing manual load shedding procedures for retail customers (Note: This does not apply to special rate structure conditions).

(ooo) **Reserved.**

(ppp) **Commercial and Industrial Solid Waste Incineration Units.**

1. The provisions of this subparagraph apply to each commercial and industrial solid waste incinerator (CISWI) unit that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013 (hereinafter referred to as "existing CISWI unit").

(i) For the purposes of this subparagraph, a "CISWI unit" means any unit that meets the definition of "Commercial and industrial solid waste incineration (CISWI) unit" in [40 CFR Part 60](#), Subpart DDDD. The types of CISWI units include the following: incinerators; air curtain incinerators; small, remote incinerators; waste-burning kilns; and energy recovery units. Physical or operational changes made at an existing CISWI unit solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing CISWI unit to the requirements of Georgia rule 391-3-1-.02(8)(b)75.

(ii) The following units are exempt from the requirements of this subparagraph:

(I) This subparagraph exempts the types of units described in subparagraphs I. through XI., but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements in this subparagraph except for the provisions in [40 CFR 60.2805](#), [60.2860](#), and [60.2870](#).

I. Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low level radioactive waste, and/or chemotherapeutic waste as defined in [40 CFR 60.2875](#) are not subject to this subpart if you meet the two requirements specified in subparagraphs I.A. and B.

A. Notify the Administrator that the unit meets these criteria.

B. Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

II. Municipal waste combustion units. Incineration units that are subject to [40 CFR Part 60](#), Subpart Ea (Standards of Performance for Municipal Waste Combustors); [40 CFR Part 60](#), Subpart Eb (Standards of Performance for Large Municipal Waste Combustors); [40 CFR Part 60](#), Subpart Cb (Emission Guidelines and Compliance Time for Large Municipal Combustors); [40 CFR Part 60](#), Subpart AAAA (Standards of Performance for Small Municipal Waste Combustion Units); or [40 CFR Part 60](#), Subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units).

III. Medical waste incineration units. Incineration units regulated under [40 CFR Part 60](#), Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June

20, 1996) or [40 CFR Part 60](#), Subpart Ce (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).

IV. Small power production facilities as specified below.

A. The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act ([16 U.S.C. 796\(17\)\(C\)](#)).

B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

C. You submit documentation to the Director and notify the EPA Administrator that the qualifying small power production facility is combusting homogenous waste.

D. You maintain the records specified in [40 CFR 60.2740\(v\)](#).

V. Cogeneration facilities as specified below.

A. The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act ([16 U.S.C. 796\(18\)\(B\)](#)).

B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

C. You submit documentation to the Director and notify the EPA Administrator that the qualifying cogeneration facility is combusting homogenous waste.

D. You maintain the records specified in [40 CFR 60.2740\(w\)](#).

VI. Hazardous waste combustion units. Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

VII. Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

VIII. Air curtain incinerators. Air curtain incinerators that burn only the materials listed in paragraphs VIII.A. through C. of this section are only required to meet the requirements under "Air Curtain Incinerators" ([40 CFR 60.2810](#) through [60.2870](#)).

A. 100 percent wood waste.

B. 100 percent clean lumber.

C. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

IX. Sewage treatment plants. Incineration units regulated under Subpart O of [40 CFR Part 60](#) (Standards of Performance for Sewage Treatment Plants).

X. Sewage sludge incineration units. Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to [40 CFR Part 60](#), Subpart LLLL (Standards of Performance for Sewage Sludge Incineration Units) or [40 CFR Part 60](#), Subpart MMMM (Emission Guidelines for Sewage Sludge Incineration Units).

XI. Other solid waste incineration units. Incineration units that are subject to [40 CFR Part 60](#), Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units) or [40 CFR Part 60](#), Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

2. Each existing CISWI unit shall comply with the model rule standards, requirements, and provisions of [40 CFR Part 60](#), Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units), as amended June 23, 2016, which are hereby incorporated and adopted by reference.

(i) For the purposes of implementing the requirements and provisions of [40 CFR Part 60](#), Subpart DDDD, the following provisions are hereby incorporated and adopted by reference:

(I) [40 CFR 60.2575](#) through [40 CFR 60.2615](#), Increments of Progress except that in [40 CFR 60.2580](#), "table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6."; and in [40 CFR 60.2595](#), "for that increment of progress in table 1 of this subpart" is replaced with in "391-3-1-.02(2)(ppp)6.".

(II) [40 CFR 60.2620](#) through [40 CFR 60.2630](#), Waste Management Plan except that in [40 CFR 60.2625](#), "table 1 of this subpart for submittal of the final control plan" is replaced with "391-3-1-.02(2)(ppp)6.".

(III) [40 CFR 60.2635](#) through [40 CFR 60.2665](#), Operator Training and Qualification.

(IV) [40 CFR 60.2670](#) through [60.2680](#), Emission Limitations and Operating Limits.

(V) [40 CFR 60.2690](#) through [60.2695](#), Performance Testing.

(VI) [40 CFR 60.2700](#) through [60.2706](#), Initial Compliance Requirements except that in [40 CFR 60.2705\(a\)](#), "table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6.".

(VII) [40 CFR 60.2710](#) through [60.2725](#), Continuous Compliance Requirements.

(VIII) [40 CFR 60.2730](#) through [60.2735](#), Monitoring.

(IX) [40 CFR 60.2740](#) through [60.2800](#), Recordkeeping and Reporting with the exception of the following:

I. In [40 CFR 60.2755](#), "table 1 of this subpart for submittal of the final control plan" is replaced with "391-3-1-.02(2)(ppp)6.".

II. In lieu of [40 CFR 60.2795\(b\)\(1\)](#) & (2):

A. Within 60 days after the date of completing each performance test as required by this subparagraph, each owner or operator must submit the results of the performance test required by this subparagraph to the Director. Performance test results required to be submitted to EPA must follow provision [40 CFR 60.2795\(b\)\(1\)](#).

B. Within 60 days after the date of completing each CEMS performance evaluation test, as defined in this subparagraph and required by this subparagraph, each owner or operator must submit the relative accuracy test audit (RATA) data, to the Director. RATA data required to be submitted to EPA must follow provision [40 CFR 60.2795\(b\)\(2\)](#).

(X) [40 CFR 60.2805](#), Title V Operating Permits.

(XI) [40 CFR 60.2810](#) through [60.2870](#), Air Curtain Incinerators except that in [40 CFR 60.2820](#), "table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6."; and in [40 CFR 60.2835](#), "for that increment of progress in table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6.".

(XII) [40 CFR 60.2875](#), Definitions.

(XIII) [40 CFR Part 60](#) Subpart DDDD Tables 2 through 9 except that in Table 5, in the Due Date column for the Waste Management Plan report, "table 1 for the submittal of the final control plan" is replaced with "391-3-1-.02(2)(ppp)6.".

3. The owner of an existing CISWI unit must contact EPA with respect to the authorities specified in [40 CFR Part 60.2542](#).

4. Each Existing CISWI unit is subject to the permitting requirements of [391-3-1-.03\(10\)](#) "Title V Operating Permits".

5. Definitions of all terms used, but not defined in this subparagraph, shall have the meaning given to them in [40 CFR Part 60](#), Subpart DDDD, as amended. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or [40 CFR Part 60](#), Subparts A and B. For the purposes of this subparagraph the following definitions also apply:

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (ppp)3. the word "Administrator" shall mean the Administrator of the EPA.

(ii) The term "Air Curtain Incinerator" as used in regulations adopted in this subparagraph shall mean an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(iii) The term "You" means the owner or operator of a CISWI unit subject to this rule.

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

**(qqq) VOC Emissions from Extruded Polystyrene Products Manufacturing Utilizing a Blowing Agent.**

1. No person shall cause, let, permit, suffer, or allow the three-month rolling average VOC emissions from an existing extruded polystyrene (XPS) products manufacturing facility that utilizes a blowing agent, to exceed 0.8 lbs per 100 lbs of raw material processed during any month. Compliance with this limit shall be calculated as follows:

$$\text{Final VOC Emissions} = (\text{Facility VOC Emissions})/(\text{Raw Material})$$

2. No person shall cause, let, permit, suffer, or allow the three-month rolling average VOC emissions from any new or reconstructed extruded polystyrene (XPS) products manufacturing facility that utilizes a blowing agent, to exceed 0.3 lbs per 100 lbs of raw material processed during any month. Compliance with this limit shall be calculated as follows:

$$\text{Final VOC Emissions} = (\text{Facility VOC Emissions})/(\text{Raw Material})$$

3. For the purposes of subparagraphs 1 and 2 above, the VOC emissions from the product manufacturing operations and the post-manufacturing operations are to be calculated as follows:

Facility VOC Emissions =

$$\text{Facility VOC Emissions} = \sum_{i=1}^m B_i(1 - \text{OCE}_i) + \sum_{i=1}^n C_i(1 - \text{OCE}_i) + \sum_{i=1}^p E_i(1 - \text{OCE}_i)$$

$$B = A - C - D$$

A = VOC Blowing Agent Used (pounds per any consecutive three-month period)



B = VOC Emissions Primary Extrusion, Roll Storage, and Thermoforming (Uncontrolled) for each control device (pounds per any consecutive three-month period)

C = VOC in the Reclaim Material (pounds per any consecutive three-month period)

D = VOC in the Final Product (pounds per any consecutive three-month period)

E = VOC Emissions from Finished Goods Warehouses (Uncontrolled) (pounds per any consecutive three-month period)

OCE = Overall Control Efficiency of a control device =  $[(CE)/100 * (DE)/100 * (UT)/100]$

CE = Capture Efficiency of a Control Device (percent VOC captured)

DE = Destruction Efficiency of a Control Device (percent VOC destruction)

UT = Percentage of operating time for the control device (for the consecutive three-month period)

n = Total number of control device systems associated with primary extrusion, roll storage, and thermoforming  
m = Total number of control device systems associated with the reclaim system  
p = Total number of control device systems associated with the finished goods warehouses

#### 4. Exemptions.

(i) The provisions of subparagraphs 1 and 2 above shall not apply to Extruded Polystyrene Products Manufacturing facilities at any single site that processes less than 200 pounds per day of raw material.

(ii) The provisions of subparagraphs 1 and 2 above shall not apply to any single site that contains one or more XPS post-manufacturing operations and does not contain any XPS product manufacturing operations.

5. Any owner or operator subject to subparagraphs 1 or 2 above shall maintain a record of operations, including but not limited to the amount of raw material processed, the equipment used, the type of blowing agent used, and operation and maintenance records of all VOC emission control systems such as temperature, pressure, flow rate, and other measures to demonstrate compliance with subparagraphs 1 or 2, as applicable. Such records shall be maintained in a format specified by the Division and shall be retained on site for a period of five years from the date of record and shall be made available to the Division upon request.

6. For the purpose of this rule, the following definitions shall apply:

(i) "Affected Facility" means the entire Extruded Polystyrene (XPS) manufacturing operations and post-manufacturing operations at a single site.

(ii) "Blowing Agent" means a liquid, gaseous or solid material that facilitates the formation of a cellular product from raw polymeric material.

(iii) "Existing Extruded Polystyrene (XPS) Products Manufacturing Facility" means any such facility that begins initial operation on or before April 16, 2003.

(iv) "Extruded Polystyrene (XPS) Products Manufacturing Facility" means a series of processes, where a blowing agent is injected into an extruded polystyrene resin and processed through cup, block, or shape molding into low-density, closed cell, cellular products. XPS products include but are not limited to insulation board, product and food packaging material. For the purposes of the applicability thresholds in subparagraph 7 below, all of the potential VOC emissions from the affected facility at a single site should be counted toward the emission thresholds. XPS product manufacturing facility includes all product manufacturing operations as well as post-manufacturing operations.

(v) "Facility VOC Emissions" means VOC emissions from the product manufacturing operation and the post-manufacturing operation during any consecutive three-month period as calculated per subparagraph 3 above.

(vi) "Final VOC Emissions" means VOC emission calculations that are expressed in pounds VOC emitted from the facility per 100 pounds of raw material processed during any consecutive three-month period as calculated per subparagraphs 1 and 2 above.

(vii) "New Extruded Polystyrene (XPS) Products Manufacturing Facility" means any such facility that begins initial operation after April 16, 2003.

(viii) "Product Manufacturing Operation" means every step of the processing of a polymeric material from the delivery of the raw material, up until the storage of the final cellular product.

(ix) "Post-Manufacturing Operation" means the storage of the final cellular product.

(x) "Raw Material" means all polystyrene (including recycle polystyrene from reclaim systems), additives, and blowing agent used in the manufacture of polymeric cellular products during any consecutive three-month period.

(xi) "Reconstructed" means the replacement or addition of components at an existing affected facility in which the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable affected facility.

(xii) "Reconstructed Extruded Polystyrene (XPS) Products Manufacturing Facility" means any existing facility that is reconstructed after April 16, 2003.

(xiii) "Single Site" means any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control.

7. The requirements of this rule shall apply to all Extruded Polystyrene (XPS) Products Manufacturing facilities, at a single site, with potential VOC emissions from product manufacturing and post-manufacturing operations equal to or exceeding 25 tons per year in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. In the counties of Bartow, Carroll, Hall, Newton, Spalding and Walton, facilities, at a single site, with potential VOC emissions from product manufacturing and post-manufacturing operations equal to or exceeding 100 tons per year are subject to this rule.

#### 8. Compliance Dates.

(i) All existing facilities shall be subject to the following compliance schedule:

(I) Existing facilities shall submit a letter to the Division no later than May 1, 2003, indicating the option they are considering to comply with the limit in subparagraph 1. These options shall be either installation and use of additional VOC emission control systems or a blowing agent substitution.

(II) Existing facilities that choose to install and operate additional VOC emission control systems shall do the following:

1. An application for a permit to construct for the installation of VOC emission control systems shall be submitted no later than November 1, 2003.

2. Full compliance with the limit in subparagraph 1 above shall be demonstrated no later than November 1, 2004.

(III) Existing facilities that choose a blowing agent substitution shall do the following:

1. Two six-month progress reports shall be submitted to the Division no later than November 1, 2003, and May 1, 2004.

2. Full compliance with the limit in subparagraph one above shall be demonstrated no later than November 1, 2004.

3. If the facility cannot comply with the limit, then an application for a permit to construct for the installation of VOC emission control systems shall be submitted no later than November 1, 2004, and full compliance with the limit in subparagraph 1 above shall be demonstrated no later than January 1, 2006.

(i) All new or reconstructed facilities shall be subject to the limit in subparagraph 2 upon startup.

**(rrr) NO<sub>x</sub> Emissions from Small Fuel-Burning Equipment.**

1. The owner or operator of an affected unit as defined in subparagraph 4. shall:

(i) Perform an annual tune-up of each affected unit, no earlier than February 1 and no later than May 1 of each calendar year. The annual tune-up shall be performed using the manufacturer's recommended settings for reduced NO<sub>x</sub> emissions, or using a NO<sub>x</sub> analyzer so that NO<sub>x</sub> emissions are minimized in a manner consistent with good combustion practices and safe fuel-burning equipment operation.

(ii) Fire only natural gas, LPG or propane in an affected unit during the calendar months of May through September of each year. If an affected unit is not equipped to fire LPG or propane, the owner or operator shall be excused from this requirement only during periods of natural gas curtailment as defined in subparagraph 5.

(iii) Maintain records of all tune-ups required to be performed in accordance with subparagraph 1.(i). These records shall indicate the date and time the tune-up was performed, state what burner settings were implemented to minimize NO<sub>x</sub> emissions, and explain how those settings were determined. All documents and calculations used to determine reduced NO<sub>x</sub> fuel-burning equipment settings shall be kept as part of the tune-up, maintenance and adjustments records. All records required by this subparagraph shall be retained available for inspection or submittal either in written or electronic form for at least five years from the date of record.

2. The owner or operator shall cause all affected units in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County to be in compliance with the requirements of this paragraph on or before May 15, 2005, and the owner or operator shall cause all affected units in Barrow, Bartow, Carroll, Hall, Newton, Spalding or Walton County to be in compliance with the requirements of this paragraph on or before March 1, 2009.

3. As an alternative to complying with the requirements of this paragraph, the owner or operator of any affected emissions unit(s) may elect to comply with the requirements of paragraph 391-3-1-.02(2)(yy).

4. For the purposes of this paragraph, the term "affected unit" means individual fuel burning equipment that:

(i) is not subject to the requirements of paragraphs 391-3-1-.02(2)(jjj) or 391-3-1-.02(2)(lll); and

(ii) is located at a facility having (from all emission sources combined) potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 25 tons-per-year in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County or any facility having (from all emission sources combined) potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 100 tons-per-year in Barrow, Bartow, Carroll, Hall, Newton, Spalding or Walton County; and

(iii) has potential emissions (from the individual fuel burning equipment) of nitrogen oxides, expressed as nitrogen dioxide, equal to or exceeding one ton per year; and either

(iv) was installed before May 1, 1999 and has a maximum design heat input capacity of less than 100 million BTU-per-hour, or

(v) was installed on or after May 1, 1999 and has a maximum design heat input capacity of less than 10 million BTU-per-hour.

5. For the purposes of this paragraph, the term "natural gas curtailment" means any period during which the supply of natural gas is not available for firing in an affected unit, for reasons beyond the control of and not related to any action or decision of the owner or operator.

6. An affected unit shall be exempt from the requirements of subparagraph 1, provided the owner or operator submits such documentation as specified in the facility's air quality permit confirming that the affected unit will not be operated during the months of May through September.

**(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 affected 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 affected 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 affected 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 affected 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 affected 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 affected 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.

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

(i) [reserved]

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

8. **Effective April 30, 2012**, no person shall cause, let, permit, suffer or allow the operation of the following affected 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).

9. **Effective December 31, 2012**, no person shall cause, let, permit, suffer or allow the operation of the following affected 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 the 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 affected 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).

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

(i) [reserved]

(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) [reserved]

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

(i) [reserved]

(ii) [reserved]

(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.

13. **Effective April 16, 2015**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Yates Unit 6 unless such source is operated as a natural gas-fired electric utility steam generating unit or is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(ii) Plant Yates Unit 7 unless such source is operated as a natural gas-fired electric utility steam generating unit or is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(iii) Plant Yates Units 2, 3, 4, and 5 unless such sources are operated as natural gas-fired electric steam generating units.

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

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

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

(vii) Plant Yates Unit 1 unless such source is operated as a natural gas-fired electric utility steam generating unit and is equipped and operated with flue gas desulfurization when burning coal.

14. [reserved]

15. [reserved]

16. **Effective January 1, 2018**, should the annual heat input (from coal combustion) of the following unit or group of units exceed the levels specified in each Subparagraphs 16.(i) through 16.(iii), the owner/operator will comply with the requirements specified in Subparagraph 16.(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) [reserved]

(v) The owner/operator shall evaluate the economic and technical feasibility of additional mercury controls on the applicable unit(s) specified in Subparagraphs 16.(i) through 16.(iii), 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 16.(i) through 16.(iii).

(vi) The Division will review the report submitted in accordance with Subparagraph 16.(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 16.(vi) and notify the owner and/or operator within a timely fashion whether additional mercury controls are required.

**17. Control Equipment Monitoring Design:** For the anticipated range of operations of the affected units specified in Subparagraphs 1. through 13., 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 13.

**18. Alternative Control Technology:** The owner/operator of an affected unit specified in Subparagraphs 1. through 13. may operate alternative control technology or alternative method of emissions reductions from that which is specified in the applicable Subparagraphs 1. through 13. 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<sub>x</sub>, SO<sub>2</sub> and/or mercury emissions equivalent to or greater than the control technology requirement specified in applicable Subparagraphs 1. through 13. for an individual emissions unit or the respective plant site as a whole; and

(ii) The owner/operator has obtained the appropriate permit(s) from the Division prior to operating the alternative control technology.

**19. The owner or operator** of any electric utility steam generating unit subject to this subsection may submit a request to the Director to delay implementation of any of the controls required by Subparagraphs 1. through 13. for a specific electric utility steam generating unit 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.

**20. On and after the effective date** of each Subparagraph 1. through 13. for an affected unit, the applicable owner or operator is not required to operate the required control technology under the following conditions:

(i) Restarting an electric utility steam generating unit when all electric utility steam generating units [as listed in Subparagraphs 1. through 13.] 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 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 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 20.(i) through (viii), as approved by the Division.

21. **The requirements** of Subparagraph 20 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.

22. **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 electric utility steam generating units 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 electric utility steam generating units 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 affected 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.

24. **Definitions.** For the purpose of this subparagraph (sss), the following definitions apply:

(i) "Affected Unit" means electric utility steam generating units at Plants Bowen 1, 2, 3, and 4; Plants Branch Units 1, 2, 3, and 4; Plant Hammond Units 1, 2, 3, and 4; Plant McDonough Units 1 and 2; Plant Scherer Units, 1, 2, 3, and 4; Plant Wansley Units 1 and 2; and Plant Yates Units 1, 2, 3, 4, 5, 6, and 7.

(ii) The definition of natural gas-fired electric utility steam generating unit specified in [40 CFR 63.10042](#) is hereby incorporated and adopted by reference.

(ttt) **[reserved]**

(uuu) **SO<sub>2</sub> 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 the following affected unit: 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 affected 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.

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

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

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

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

(vii) January 1, 2014, for Plant Scherer Unit 2.

(viii) January 1, 2015, for Plant Scherer Unit 1.

(ix) April 16, 2015, for Plant Yates Units 6 and 7, and Plant Branch Units 1, 3, and 4.

(x) [reserved]

(xi) [reserved]

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 electric utility steam generating units 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 McDonough Units 1 and 2; Plant Wansley Units 1 and 2; Plant Scherer Units 1, 2, 3, and 4; and Plant Yates Units 1, 6, and 7, except when operated as a natural gas-fired electric utility steam generating unit. The definition of natural gas-fired electric generating unit notwithstanding, Plant Yates Unit 1 shall be treated as an affected unit whenever it burns any coal.

(iii) The definition of natural gas-fired electric steam generating units specified in [40 CFR 63.10042](#) is hereby incorporated and adopted by reference.

**(vvv) VOC Emissions from Surface Coating of Miscellaneous Plastic Parts and Products.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous plastic parts and products that does not fall under subparagraphs 2., 3., 4., 5., 6., 7., and/or 8. of this subsection to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a general one-component coating. If any coating delivered to the coating application system contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.35 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 2.8 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a military specification (1-pack) coating. If any coating delivered to the coating application system contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating application system.

(iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies one or more of the following coatings: general multi-component; extreme-performance (2-pack) coating; metallic coating; and military specification (2-pack) coating. If any coating delivered to the coating application system contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating application system.

(iv) 5.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a multi-colored coating. If any coating delivered to the coating application system contains more than 5.7 pounds VOC per gallon, the solids equivalent limit shall be 25.3 pounds VOC per gallon of coating solids delivered to the coating application system.

(v) 6.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a mold-seal coating. If any coating delivered to the coating application system contains more than 6.3 pounds VOC per gallon, the solids equivalent limit shall be 43.7 pounds VOC per gallon of coating solids delivered to the coating application system.

(vi) 6.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies an electric dissipating coating, shock-free coating, optical coating, or vacuum metalizing coating. If any coating delivered to the coating application system contains more than 6.7 pounds VOC per gallon, the solids equivalent limit shall be 74.7 pounds VOC per gallon of coating solids delivered to the coating application system.

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobiles and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using baked coatings for interior and exterior parts to exceed:

(i) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a non-flexible primer. If any non-flexible primer coating delivered to the coating application system contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a clear coat. If any clear coat coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 8.76 pounds VOC per gallon of coating solids delivered to the coating application system.

(iii) 4.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a base coat or non-base coat/clear coat. If any one of these coatings delivered to the coating application system contains more than 4.3 pounds VOC per gallon, the solids equivalent limit shall be 8.76 pounds VOC per gallon of coating solids delivered to the coating application system.

(iv) 4.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a flexible primer. If any coating delivered to the coating application system contains more than 4.5 pounds VOC per gallon, the solids equivalent limit shall be 11.58 pounds VOC per gallon of coating solids delivered to the coating application system.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobiles and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using air dried coatings for exterior parts to exceed:

(i) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a clear coat. If any coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 11.58 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 4.8 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a primer. If any coating delivered to the coating application system contains more than 4.8 pounds VOC per gallon, the solids equivalent limit shall be 13.80 pounds VOC per gallon of coating solids delivered to the coating application system.

(iii) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a base coat or a non-basecoat/clear coat. If any coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 13.4 pounds VOC per gallon of coating solids delivered to the coating application system.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using air dried coatings for interior parts to exceed:

(i) 5.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a coating. If any coating delivered to the coating application system contains more than 5.0 pounds VOC per gallon, the solids equivalent limit shall be 15.59 pounds VOC per gallon of coating solids delivered to the coating application system.

5. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using touchup and repair coatings to exceed:

(i) 5.2 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a coating. If any coating delivered to the coating application system contains more than 5.2 pounds VOC per gallon, the solids equivalent limit shall be 17.72 pounds VOC per gallon of coating solids delivered to the coating application system.

6. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of business machines to exceed:

(i) 2.2 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a fog coat. If any coating delivered to the coating application system contains more than 2.2 pounds VOC per gallon, the solids equivalent limit shall be 3.14 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 2.9 pounds per gallon of coating, excluding water, delivered to a coating application system that applies one or more of the following coatings: primer; Topcoat; texture coat; touchup and repair. If any coating delivered to the coating application system contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.80 pounds VOC per gallon of coating solids delivered to the coating application system.

7. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous motor vehicle plastic parts and products at a facility that is not an automobile or light-duty truck manufacturing facility to exceed:

(i) 1.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies the following motor vehicle materials: gasket/gasket sealing material and bedliner.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies the following motor vehicle materials: cavity wax, sealer, deadener, underbody coating, trunk interior coating, and lubricating wax/compound.

8. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using red or black coatings to exceed 1.15 times the applicable limit in this subsection except in the case of touch-up and repair coatings in which the applicable limit shall apply.

9. Each owner or operator of a facility that coats plastic parts shall ensure that all coating application systems utilize one or more of the application techniques stated below:

(i) Electrostatic spray application;

(ii) High volume low pressure (HVLP) spraying;

(iii) Flow/curtain application;

(iv) Roll coating;

(v) Dip coat application including electrodeposition;

(vi) Airless spray;

(vii) Air-assisted airless spray; or

(viii) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.

10. Each owner or operator of a facility that coats plastic parts shall comply with the following work practice standards:

(i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

11. Each owner or operator of a facility that coats plastic parts shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

- (iii) minimize spills of VOC-containing cleaning materials;
- (iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and
- (v) minimize VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

12. The VOC limits specified in this subsection do not apply to the following types of plastics coatings and/or coating operations:

- (i) Touch-up and repair coatings;
- (ii) Stencil coatings applied on clear or transparent substrates;
- (iii) Clear or translucent coatings;
- (iv) Coatings applied at a paint manufacturing facility while conducting performance tests on the coatings;
- (v) Any individual coating category used in volumes less than 50 gallons in any one year, if substitute compliant coatings are not available, provided that the total usage of all such coatings does not exceed 200 gallons per year, per facility;
- (vi) Reflective coating applied to highway cones;
- (vii) Mask coatings that are less than 0.5 millimeter thick (dried) and the area coated is less than 25 square inches;
- (viii) EMI/RFI shielding coatings; and
- (ix) Heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices, provided that the total usage of all such coatings does not exceed 100 gallons per year, per facility.

The recommended application methods and work practice standards specified in this subsection still apply.

13. Airbrush operations using five gallons or less per year of coating are exempt from the application technique requirements of this subsection but must comply with the VOC limits and work practices specified.

14. The VOC limits specified in this subsection do not apply to the coating of plastic parts of automobiles and trucks or the coating of plastic parts of business machines of the following types of coatings and/or coating operations:

- (i) Texture coatings;
- (ii) Vacuum metalizing coatings;
- (iii) Gloss reducers;
- (iv) Texture topcoats;
- (v) Adhesion primers;
- (vi) Electrostatic preparation coatings;
- (vii) Resist coatings; and
- (viii) Stencil coatings.

The application methods and work practice standards specified in this subsection still apply.

15. All VOC emissions from solvent washings shall be considered in the emission limitations unless the solvent is directed into containers that prevent evaporation into the atmosphere.

16. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., 3., 4., 5., 6., 7., and 8. of this subsection; or

(ii) the application of low-solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., 4., 5., 6., and 8. of this subsection. Averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., 4., 5., 6., and 8. of this subsection; and

(iv) for motor vehicle plastic parts, compliance may be achieved only as stated in subparagraph 7. of this section. There is no solids equivalent limit for such coatings.

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

(i) "2-pack coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film. 2-pack coating may also be known as a "two-component coating".

(ii) "Adhesion primer" means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.

(iii) "Air brush operations" means the application of a coating with a small, air-operated tool.

(iv) "Air-dried coating" means a coating that is dried by the use of air or forced warm air at temperatures up to 194°F.

(v) "Baked Coating" means a coating that is cured at a temperature at or above 90°C (194°F).

(vi) "Base Coat" means an initial coat of paint, generally after a primer, that is applied for protection or as a background color.

(vii) "Bedliner" means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

(viii) "Black coating" means a coating which meets both of the following criteria: (1) maximum lightness: 23 units; and (2) saturation: less than 2.8, where saturation equals the square root of  $A^2 + B^2$ . These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

(ix) "Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information or convert sound into electrical impulses for transmission, including devices

listed in standard industrial classification numbers 3572, 3573, 3579, and 3661 and photocopy machines, a subcategory of standard industrial classification number 3861.

(x) "Cavity wax" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(xi) "Clear coating" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color;

(xii) "Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating including, but not limited to, spray booths, flow coaters, flashoff areas, air dryers and ovens.

(xiii) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.

(xiv) "Coating of plastic parts of business machines" means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.

(xv) "Deadener" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the source of road noise in the passenger compartment.

(xvi) "Electric dissipating coating" means a coating that rapidly dissipates a high-voltage electric charge.

(xvii) "Electrostatic prep coat" means a coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a primer, a topcoat, or other coating through the use of electrostatic application methods. An electrostatic prep coat is clearly identified as an electrostatic prep coat on its accompanying material safety data sheet.

(xviii) "EMI/RFI shielding coating" means a coating used on plastic electronics enclosures to reduce or eliminate electromagnetic or radio frequency interference.

(xix) "Extreme-performance coating" means a coating used on a plastic surface where the coated surface is, in its intended use, subject to the following: (a) chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solutions; or (b) repeated exposure to temperatures in excess of 250°F; or (c) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents. Extreme-performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks.

(xx) "Flexible coating" means any coating including but not limited to primer, base coat, clear coat or topcoat that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

(xxi) "Fog coat" means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.

(xxii) "Gasket/sealing material" means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.

(xxiii) "Gloss reducer" means a coating that is applied to a plastic part solely to reduce the shine of the part. A gloss reducer shall not be applied at a thickness of more than 0.5 mils of coating solids.

(xxiv) "Lubricating wax/compound" means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.



(xxv) "Metallic coating" means a coating which contains more than five grams of metal particles per liter of coating as applied. "Metal particles" are pieces of a pure elemental metal or combination of elemental metals.

(xxvi) "Miscellaneous plastic parts and products" means surface coating of products manufactured by the following industrial source categories: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated plastic products and any other industrial category which coats plastic parts or products under the Standard Industry Classification Code Major Groups 33, 34, 35, 36, 37, 38, 40, and 41. The miscellaneous plastic parts and products source category does not include:

(I) automobiles and light-duty trucks;

(II) metal cans;

(III) flat metal sheets and strips in the form of rolls or coils;

(IV) magnet wire for use in electrical machinery;

(V) metal furniture;

(VI) large appliances;

(VII) aerospace manufacturing and rework operations;

(VIII) automobile refinishing;

(IX) customized top coating of automobiles and trucks, if production is less than 35 vehicles per day;

(X) exterior of marine vessels;

(XI) gel coats applied to fiber reinforced plastic (fiberglass composite) products removed from the mold or used as in-mold coatings in the production of fiberglass parts;

(XII) fiberglass boat manufacturing materials; and

(XIII) miscellaneous industrial adhesives.

(xxvii) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.

(xxviii) "Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

(xxix) "Multi-colored coating" means a coating which exhibits more than one color when applied and is packaged in a single container and applied in a single coat.

(xxx) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

(xxxi) "Non-flexible Coating" means any coating that does not meet the definition of "flexible coating" as specified in this subsection.

(xxxii) "One-component coating" or "1-pack coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

(xxxiii) "Optical coating" means a coating applied to an optical lens.

(xxxiv) "Primer" means the first layer and any subsequent layers of identically-formulated coating applied to the surface of a plastic part or product. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings.

(xxxv) "Red coating" means a coating which meets all of the following criteria:

(I) Yellow limit: the hue of hostaperm scarlet.

(II) Blue limit: the hue of monastrel red-violet.

(III) Lightness limit for metallics: 35 percent aluminum flake.

(IV) Lightness limit for solids: 50 percent titanium dioxide white.

(V) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.

(VI) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units.

(VII) These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

(xxxvi) "Sealer" means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, that is generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(xxxvii) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.

(xxxviii) "Resist coat" means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

(xxxix) "Shock-free coating" means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance, high resistance, and having resistance to breaking down under high voltage.

(xl) "Stencil coating" means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols and/or numbers.

(xli) "Texture coating" means a coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.

(xlii) "Topcoat" means any final coating applied to a plastic part or product.

(xlili) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(xliv) "Translucent coating" means a coating which contains binders and pigment and is formulated to form a colored, but no opaque, film.

(xlv) "Transfer efficiency" means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.

(xlv) "Trunk interior coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.

(xlvii) "Underbody coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(xlviii) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing/physical vapor deposition (PVD) is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

18. Applicability: On and after January 1, 2015, the requirements of this subparagraph (vvv) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous plastic parts and products categories covered in subparagraphs 1. through 8. of this subparagraph equal or exceed 10 tons per year and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in subparagraph 20. Prior to January 1, 2015, such facilities shall comply with the provisions of subparagraph 391-3-1-.02(2)(tt), if applicable.

19. Applicability: The requirements of this Subparagraph (vvv) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 18. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (vvv) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

20. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified this subparagraph (vvv) must be completed before **January 1, 2015**.

(www) **Sewage Sludge Incineration Units.**

1. The provisions of this subparagraph apply to each sewage sludge incineration (SSI) unit that is located at a wastewater treatment facility and that commenced construction on or before October 14, 2010 (hereinafter referred to as "existing SSI unit"). Physical or operational changes made at an existing SSI unit solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing SSI unit to the requirements of [40 CFR Part 60](#), Subpart LLLL, which contains the "Standards of Performance for Sewage Sludge Incineration Units for Which Construction is Commenced After October 14, 2010".

2. For the purposes of implementing the requirements and provisions of [40 CFR Part 60](#), Subpart MMMM (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units), each existing SSI unit shall comply with the model rule standards, requirements, and provisions of [40 CFR Part 60](#), Subpart MMMM, as promulgated March 21, 2011, which are hereby incorporated and adopted by reference.

(i) For the purposes of implementing the requirements and provisions of [40 CFR Part 60](#), Subpart MMMM, the following provisions are hereby incorporated and adopted by reference. The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber.

(I) [40 CFR 60.5085](#) through [40 CFR 60.5125](#), Increments of Progress with the exception of [40 CFR 60.5090](#) and Table 1 which do not apply to an Existing SSI.

(II) [40 CFR 60.5130](#) through [40 CFR 60.5160](#), Operator Training and Qualification.

(III) [40 CFR 60.5240](#) and [60.5245](#), Title V Operating Permits.

(IV) [40 CFR Part 60](#), Subpart M Tables 2 through 6 and 60.5181.

(ii) With the following exceptions:

(I) Emission Limits, Emission Standards, and Operating Limits and Requirements. In lieu of [40 CFR 60.5165](#) through [60.5180](#), Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(II) Initial and Continuous Compliance Requirements. In lieu of [40 CFR 60.5185](#) through [60.5215](#), Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(III) Performance Testing, Monitoring, and Calibration Requirements. In lieu of [40 CFR 60.5220](#) through [60.5225](#), Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(IV) Record keeping and Reporting Requirements. In lieu of [40 CFR 60.5230](#) and [60.5235](#), Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

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

4. Each existing SSI unit is subject to the permitting requirements of [391-3-1-.03\(10\)](#) "Title V Operating Permits".

5. Definitions of all terms used but not defined in this subparagraph shall have the meaning given to them in [40 CFR Part 60](#), Subpart M, as promulgated on March 21, 2011. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or [40 CFR Part 60](#), Subparts A and B. For the purposes of this subsection the following definitions also apply:

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (www)6. the word "Administrator" shall mean the Administrator of the EPA.

(ii) The term "You" means the owner or operator of an affected sewage sludge incineration unit subject to this rule.

6. The owner of an existing SSI facility must contact EPA with respect to the following subparagraphs (i) through (vii) as specified in [40 CFR 60.5050](#).

(i) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to [40 CFR Part 60](#), Subpart M and operating limits established under provisions of [40 CFR 60.5175](#) or 60.5190.

(ii) Approval of major alternatives to test methods.

(iii) Approval of major alternatives to monitoring.

- (iv) Approval of major alternatives to recordkeeping and reporting.
- (v) The requirements in provision [40 CFR 60.5175](#).
- (vi) The requirements in provision [40 CFR 60.5155\(b\)\(2\)](#).
- (vii) Performance test and data reduction waivers under provision [40 CFR 60.8\(b\)](#).

(xxx) **Reserved.**

(yyy) **VOC Emissions from the Use of Miscellaneous Industrial Adhesives.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from the use of miscellaneous industrial adhesives with general adhesive application processes to exceed:

- (i) 0.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following substrates: metal; wood.
- (ii) 1.0 pounds per gallon of adhesive or adhesive primer, excluding water, when used with porous material (except wood) substrates.
- (iii) 1.7 pounds per gallon of adhesive or adhesive primer, excluding water, when used with reinforced plastic composite substrates.
- (iv) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with flexible vinyl or rubber substrates.
- (v) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with a substrate not specified in paragraphs 1.(i) through 1.(iv).

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the use of miscellaneous industrial adhesives with specialty adhesive application processes to exceed:

- (i) 0.8 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: structural glazing; tire repair.
- (ii) 1.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used in ceramic tile installation.
- (iii) 1.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: cove base installation; indoor floor covering installation.
- (iv) 1.4 pounds per gallon of adhesive or adhesive primer, excluding water, when used with waterproof resorcinol glue.
- (v) 1.7 pounds per gallon of adhesive or adhesive primer, excluding water, when used with multipurpose construction.
- (vi) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: contact bond adhesive; outdoor floor covering installation; motor vehicle adhesive; single-ply roof membrane installation/repair (except ethylene propylene diene monomer (EPDM) roof membrane installation/repair).
- (vii) 3.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with plastic solvent welding (containing acrylonitrile-butadiene-styrene or ABS).
- (viii) 4.2 pounds per gallon of adhesive or adhesive primer, excluding water, when used with plastic solvent welding (except ABS).

(ix) 5.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used with perimeter-bonded sheet vinyl (floor covering installation).

(x) 6.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with motor vehicle weatherstrip adhesive.

(xi) 6.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used with thin metal laminating.

(xii) 7.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: metal to urethane/rubber molding or casting; sheet rubber lining installation.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the use of miscellaneous industrial adhesives with adhesive primer application processes to exceed:

(i) 7.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used as motor vehicle glass bonding primer.

(ii) 5.4 pounds per gallon of adhesive or adhesive primer, excluding water, when used as a plastic solvent welding adhesive primer.

(iii) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used as an adhesive primer for an application process not specified in paragraphs 3.(i) through 3.(ii).

4. All volatile organic compounds containing materials applied by each miscellaneous industrial adhesive application process shall be used in one of the following application methods in conjunction with using low volatile organic compound adhesives or adhesive primers:

(i) Electrostatic spray;

(ii) High Volume-Low Pressure (HVLP) spray;

(iii) Flow coat;

(iv) Roll coat or hand application, including non-spray application methods similar to hand or mechanically-powered caulking gun, brush, or direct hand application;

(v) Dip coat (including electrodeposition);

(vi) Airless spray;

(vii) Air-assisted airless spray; or

(viii) Other adhesive application method capable of achieving a transfer efficiency equivalent to or better than achieved by HVLP spraying.

5. The VOC emission limits and the recommended application methods of this subsection do not apply to the following adhesives and adhesives primer application processes:

(i) Adhesives or adhesive primers being tested or evaluated in any research and development, quality assurance, or analytical laboratory.

(ii) Adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace or undersea-based weapon systems.

(iii) Adhesives or adhesive primers used in medical equipment manufacturing operations.

(iv) Cyanoacrylate adhesive application processes.

(v) Aerosol adhesive and aerosol adhesive primer application processes.

(vi) Processes using polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities.

(vii) Processes using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 16 ounces or less, or a net weight of one pound or less,

The recommended work practice standards specified in this subsection still apply.

6. The emission limits in this subsection shall be achieved by the application of adhesive or adhesive primer where each and every adhesive meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., and 3. of this subsection; or

7. Any miscellaneous industrial adhesive application process subject to this subsection, which chooses to use control equipment for adhesive application processes rather than to comply with the emission limits and requirements established in paragraphs 1., 2., 3., and 4. of this subsection, shall install control equipment with an overall control efficiency of at least 85 percent or use a combination of adhesives and add-on control equipment on an application process to meet limits established in paragraph 1. of this subsection.

8. If an adhesive is used to bond dissimilar substrates together in general adhesive application processes, then the applicable substrate category with the highest volatile organic compounds emission limit shall be established as the limit for such application.

9. For the purpose of this subsection; the following definitions apply:

(i) "Acrylonitrile-butadiene-styrene" or "ABS welding" means any process to weld acrylonitrile-butadiene-styrene pipe.

(ii) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(iii) "Adhesive primer" means any product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.

(iv) "Adhesive primer application process" means any one of the following: motor vehicle glass bonding primer; plastic solvent welding adhesive primer; single-ply roof membrane adhesive primer; other adhesive primer.

(v) "Aerosol adhesive" means an adhesive or adhesive primer packaged as an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for handheld application without the need for ancillary hoses or spray equipment.

(vi) "Air-assisted airless spray" means a system that consists of an airless spray gun with a compressed air jet at the gun tip to atomize the adhesive.

(vii) "Airless spray" means the application of an adhesive through an atomizing nozzle at high pressure (1,000 to 6,000 pounds per square inch) by a pump force.

(viii) "Ceramic tile installation adhesive" means any adhesive intended by the manufacturer for use in the installation of ceramic tiles.

(xi) "Contact bond adhesive" means an adhesive that: (1) is designed for application to both surfaces to be bonded together, (2) is allowed to dry before the two surfaces are placed in contact with each other, (3) forms an immediate

bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (4) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact bond adhesive also does not include rubber cements that are primarily intended for use on paper substrates. Contact bond adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.

(xii) "Cove base" means a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

(xiii) "Cove base installation adhesive" means any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

(xiv) "Cyanoacrylate adhesive" means any adhesive with a cyanoacrylate content of at least 95 percent by weight.

(xv) "Dip coating" means application where substrates are dipped into a tank containing the adhesive. The substrates are then withdrawn from the tank and any excess adhesive is allowed to drain.

(xvii) "Electrostatic spray" means application where the adhesive and substrate are oppositely charged.

(xviii) "EPDM roof membrane" means a prefabricated single sheet of elastomeric material composed of ethylene propylene diene monomer (EPDM) and that is field applied to a building roof using one layer or membrane material.

(xix) "Flexible vinyl" means non-rigid polyvinyl chloride plastic with a 5 percent by weight plasticizer content.

(xx) "Flow coating" means conveying the substrate over an enclosed sink where the adhesive is applied at low pressure as the item passes under a series of nozzles.

(xxi) "General adhesive application processes" means the use of adhesive on any one of the following substrates: reinforced plastic composite; flexible vinyl; metal; porous material (except wood); rubber; wood; other substrates.

(xxii) "HVLP" means a system with specialized nozzles that provide better air and fluid flow at lower air pressure, shape spray pattern, and guide high volumes of atomized adhesive particles to the substrate using lower air pressure (10 pounds per square inch or less at the spray cap).

(xxiii) "Indoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

(xxv) "Metal to urethane/rubber molding or casting adhesive" means any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.

(xxvi) "Miscellaneous industrial adhesive application" means an application process which consists of a series of one or more adhesive applicators and any associated drying area and/or oven wherein an adhesive is applied, dried, and/or cured. An application process ends at the point where the adhesive is dried or cured, or prior to any subsequent application of a different adhesive. It is not necessary for an application process to have an oven or flash-off area.

(xxvii) "Motor vehicle adhesive" means an adhesive, including glass bonding adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied for the purpose of bonding tow vehicle surfaces together without regard to the substrates involved.

(xxviii) "Motor vehicle glass bonding primer" means a primer, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a windshield or other glass, or to body openings, to prepare the glass



or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Motor vehicle glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.

(xxix) "Motor vehicle weatherstrip adhesive" means an adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.

(xxx) "Multipurpose construction adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.

(xxxi) "Outdoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.

(xxxii) "Panel installation" means the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces using an adhesive formulated for that purpose.

(xxxiii) "Perimeter bonded sheet vinyl installation" means the installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

(xxxiv) "Plastic solvent welding adhesive" means any adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

(xxxv) "Plastic solvent welding adhesive primer" means any primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

(xxvi) "Plastics" means synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers and are capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

(xxxvii) "Porous material" means a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. For the purpose of this section, porous material does not include wood.

(xl) "Reinforced plastic composite" means a composite material consisting of plastic reinforced with fibers.

(xli) "Roll coating", "brush coating", and "hand application" means application of high viscosity adhesives onto small surface area.

(xlii) "Rubber" means any natural or manmade rubber substrate, including but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.

(xliii) "Sheet rubber lining installation" means the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

(xliv) "Single-ply roof membrane" means a prefabricated single sheet or rubber, normally ethylene-propylene diene terpolymer, that is field applied to a building roof using one layer of membrane material. For the purposes of this section, single-ply roof membrane does not include membranes prefabricated from ethylene-propylene diene monomer (EPDM).

(xlv) "Single-ply roof membrane installation and repair adhesive" means any adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane. Repair includes gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes or ducts installed through the membrane.

(xlvi) "Single-ply roof membrane adhesive primer" means any primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

(xlvii) "Specialty adhesive application processes" means any one of the following: ceramic tile installation; contact bond adhesive; cove base installation; floor covering installation (indoor); floor covering installation (outdoor); floor covering installation (perimeter bonded sheet vinyl); metal to urethane/rubber molding or casting; motor vehicle adhesive; motor vehicle weatherstrip adhesive; multipurpose construction; plastic solvent welding (ABS); plastic solvent welding (except ABS); sheet rubber lining installation; single-ply roof membrane installation/repair (except EPDM); structural glazing; thin metal laminating; tire repair; and waterproof resorcinol glue.

(xlviii) "Structural glazing" means a process that includes the application of adhesive to bond glass, ceramic, metal, stone or composite panels to exterior building frames.

(xlix) "Thin metal laminating adhesive" means any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line(s) is less than 0.25 millimeters.

(l) "Tire repair" means a process that includes expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging, applying adhesive and filling the hole or crevice with rubber.

(li) "Waterproof resorcinol glue" means a 2-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

10. Applicability: On and after January 1, 2015, the requirements of this Subparagraph (yyy) shall apply:

(i) to facilities at which the actual emissions of volatile organic compounds from all miscellaneous industrial adhesive application processes at a facility equal or exceed 2.7 tons per 12-month rolling period for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties;

(ii) the facility is not subject to Georgia Rules 391-3-1-.02(2)(t), (u), (v), (w), (x), (y), (z), (jj), (ll), (mm), (ddd), or (kkk); and

(iii) any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in Subparagraph 12.

Prior to January 1, 2015, facilities that meet the applicability provisions of subparagraphs 10.(i) and (ii) shall comply with the provisions of Subparagraph 391-3-1-.02(2)(tt), if applicable.

11. Applicability: The requirements of this Subparagraph (yyy) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 10. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (yyy) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in this Subparagraph (yyy) must be completed before **January 1, 2015**.

**(zzz) VOC Emissions from the Fiberglass Boat Manufacturing.**

1. No person shall cause, let, permit, suffer or allow the emissions of monomer VOC from open molding resin and gel coat operations to exceed the limit specified by Equation 1 of this section, based on a 12-month rolling average.

Equation 1:

$$\text{Monomer VOC Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOC Limit = total allowable monomer VOC that can be emitted from the open molding operations included in the average, kilograms per 12 consecutive-month period.

$M_R$  = mass of production resin used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{PG}$  = mass of pigmented gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{CG}$  = mass of clear gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{TR}$  = mass of tooling resin used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{TG}$  = mass of tooling gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

2. The emission limit specified by Equation 1 of this subsection shall be achieved by one or more of the options listed in paragraphs 2.(i) through 2.(iii) of this subsection:

(i) Emissions averaging option: Demonstrate that emissions from the open molding resin and gel coat operations included in the average meet the emission limit specified by Equation 1 of this subsection using the procedures described in subparagraph 3. of this subsection.

(I) Compliance with this option is based on a 12-month rolling average; and

(II) Those operations and materials not included in the emissions average must comply with either paragraph 2.(ii) or 2.(iii) of this subsection.

(ii) Compliant materials option: Demonstrate compliance by using resins and gel coats that meet the monomer VOC content requirements specified in subparagraph 4. of this subsection.

(I) Compliance with this option is based on a 12-month rolling average.

(iii) Add-on control option: Use an enclosure and add-on control device, and demonstrate that the resulting emissions meet the emission limit specified by Equation 1 of this subsection.

(I) Compliance with this option is based on control device performance testing and control device monitoring.

### 3. Emissions Averaging Option:

(i) Compliance using this option is demonstrated on a 12-month rolling average basis and is determined at the end of every month (12 times per year).

(ii) At the end of the first twelfth month after initial operation and at the end of every subsequent month, use Equation 2 of this subsection to demonstrate that the monomer VOC emissions from those operations included in the average do not exceed the emission limit specified by Equation 1 of this subsection for the same 12-month period. (Include terms in Equation 1 and Equation 2 of this subsection only for those operations and materials included in the average.)

Equation 2:

Monomer VOC emissions =

$$(PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})$$

where:

Monomer VOC emissions = Monomer VOC emissions calculated using the monomer VOC emission equations for each operation included in the average (kilograms).

$PV_R$  = Weighted-average monomer VOC emission rate for production resin used in the past 12 months (kilograms per megagram).

$M_R$  = Mass of production resin used in the past 12 months (megagrams).

$PV_{PG}$  = Weighted-average monomer VOC emission rate for pigmented gel coat used in the past 12 months (kilograms per megagram).

$M_{PG}$  = Mass of pigmented gel coat used in the past 12 months (megagrams).

$PV_{CG}$  = Weighted-average monomer VOC emission rate for clear gel coat used in the past 12 months (kilograms per megagram).

$M_{CG}$  = Mass of clear gel coat used in the past 12 months (megagrams).

$PV_{TR}$  = Weighted-average monomer VOC emission rate for tooling resin used in the past 12 months (kilograms per megagram).

$M_{TR}$  = Mass of tooling resin used in the past 12 months (megagrams).

$PV_{TG}$  = Weighted-average monomer VOC emission rate for tooling gel coat used in the past 12 months (kilograms per megagram).

$M_{TG}$  = Mass of tooling gel coat used in the past 12 months (megagrams).

(iii) At the end of every calendar month, use Equation 3 of this subsection to compute the weighted average monomer VOC emission rate for each open molding resin and gel coat operation included in the average:

Equation 3:

$$PV_{OP} = \left[ \frac{\sum_{i=1}^n [(M_i)(PV_i)]}{\sum_{i=1}^n (M_i)} \right]$$

where:

$PV_{OP}$  = Weighted-average monomer VOC emission rate for each open molding operation ( $PV_R$ ,  $PV_{PG}$ ,  $PV_{CG}$ ,  $PV_{TR}$ ,  $PV_{TG}$ ) included in the average, kilograms of monomer VOC per megagram of material applied.

$M_i$  = Mass of resin or gel coat *used within an operation in the past 12 months, megagrams.*

$n$  = Number of different open molding resins and gel coats used within an operation in the past 12 months.

$PV_i$  = The monomer VOC emission rate for resin or gel coat *used within an operation in the past 12 months, kilograms or monomer VOC per megagram of material applied.*

(iv) The monomer VOC emission rate ( $PV_i$ ) from the atomization of production resin or tooling resin is computed by the following equation:

$$[(0.014)(\text{Resin VOC}\%^{2.425})]$$

(v) The monomer VOC emission rate ( $PV_i$ ) from the atomization plus vacuum bagging with roll-out of production resin or tooling resin is computed by the following equation:

$$[(0.01185)(\text{Resin VOC}\%^{2.425})]$$

(vi) The monomer VOC emission rate ( $PV_i$ ) from the atomization plus vacuum bagging without roll-out of production resin or tooling resin is computed by the following equation:

$$[(0.00945)(\text{Resin VOC}\%^{2.425})]$$

(vii) The monomer VOC emission rate ( $PV_i$ ) from the non-atomization of production resin or tooling resin is computed by the following equation:

$$[(0.014)(\text{Resin VOC}\%^{2.275})]$$

(viii) The monomer VOC emission rate ( $PV_i$ ) from the non-atomization plus vacuum bagging with roll-out of production resin or tooling resin is computed by the following equation:

$$[(0.0110)(\text{Resin VOC}\%^{2.275})]$$

(ix) The monomer VOC emission rate ( $PV_i$ ) from the non-atomization plus vacuum bagging without roll-out of production resin or tooling resin is computed by the following equation:

$$[(0.0076)(\text{Resin VOC}\%^{2.275})]$$

(x) The monomer VOC emission rate ( $PV_i$ ) from the application of any pigmented gel coat, clear gel coat or tooling gel coat is computed by the following equation:

$$\left[ (0.445) \left( \text{Gel Coat VOC} \%^{1.675} \right) \right]$$

4. Compliant Coating Option: For each open molding operation complying using the compliant materials option:

(i) The monomer VOC content requirements are specified in paragraphs 4.(i)(I) through 4.(i)(VII).

(I) The weighted-average monomer VOC content requirement for spray atomized production resin operations is 28 percent (weight percent).

(II) The weighted-average monomer VOC content requirement for nonatomized production resin operations is 35 percent (weight percent).

(III) The weighted-average monomer VOC content requirement for pigmented gel coat operations applied using any method is 33 percent (weight percent).

(IV) The weighted-average monomer VOC content requirement for clear coat gel operations using any method is 48 percent (weight percent).

(V) The weighted-average monomer VOC content requirement for atomized tool resin operations is 30 percent (weight percent).

(VI) The weighted-average monomer VOC content requirement for nonatomized tooling resin operations is 39 percent (weight percent).

(VII) The weighted-average monomer VOC content requirement for tooling gel coat operations applied using any method is 40 percent (weight percent).

(ii) Compliance using the monomer VOC content requirements listed in paragraph 4.(i)(I) through 4.(i)(VII) is based on a 12-month rolling average that is calculated at the end of every month.

(iii) At the end of the first twelfth month and at the end of every subsequent month, if all resins and gel coats used in an operation have monomer VOC contents no greater than the applicable monomer VOC content limits specified in paragraph 4.(i)(I) through 4.(i)(VII), then:

(I) Compliance with the emission limit specified by Equation 1 of this subsection for the particular operation is achieved; and

(II) There is no need to complete the calculations required by paragraph 4.(iv) for that operation.

(iv) If compliance as specified in subparagraph 4.(iii) is not achieved, calculate the weighted-average monomer VOC content for all resins and gel coats [excluding filled resins] used in the previous 12 months at the end of every month using Equation 4:

Equation 4:

Weighted-Average Monomer VOC Content (%) =

$$\left[ \frac{\sum_{i=1}^n [(M_i)(VOC_i)]}{\sum_{i=1}^n (M_i)} \right]$$

where:

$M_i$  = Mass of open molding resin or gel coat *used in the past 12 months in an operation (megagrams)*.

$VOC_i$  = Monomer VOC content, by weight percent, of open molding resin or gel coat *used in the past 12 months in an operation*.

$n$  = Number of different open molding resins or gel coats used in the past 12 months in an operation.

(v) The monomer VOC emissions from the use of filled production resins and filled tooling resins shall be calculated using Equation 5:

(I) Equation 5:

$$(PV_F) = (PV_U) \left[ \frac{(100 - \% \text{ Filler})}{100} \right]$$

where:

$PV_F$  = The as-applied monomer VOC emission rate for the filled production resin or tooling resin (kilograms monomer VOC per megagram of filled material).

$PV_U$  = The monomer VOC emission rate for the neat (unfilled) resin, before filler is added, as calculated using paragraphs 3.(iv) through 3.(x), whichever is applicable.

% Filler = The weight-percent of filler in the as-applied filled resin system.

(II) The value of  $PV_F$  calculated by Equation 5 shall not exceed 46 kilograms of monomer VOC per megagram of filled resin, as applied, if the filled resin used is a production resin.

(III) The value of  $PV_F$  calculated by Equation 5 shall not exceed 54 kilograms of monomer VOC per megagram of filled resin, as applied, if the filled resin used is a tooling resin.

(IV) The facility shall use the value of  $PV_F$  calculated using Equation 5 if the facility is including a filled resin in Equation 3 of this subsection.

5. Add-On Control Option: If product performance requirements or other needs dictate the use of higher monomer VOC materials than those that would meet the recommended emission limits specified in subparagraph 4. of this subsection, a fiberglass boat manufacturing facility shall:

(i) Install and operate a thermal oxidizer as an add-on control device and meet the operating limits specified in Table 4 of [40 CFR Part 63](#) Subpart VVV, as amended, that apply to the emission capture system and thermal oxidizer.

(ii) Use of an add-on control device other than a thermal oxidizer, or monitoring an alternative parameter and complying with a different operating limit must be approved by the Director.

6. The non-monomer VOC content of filled resins shall not exceed 5 percent (weight percent) for all resins and gel coats included in VOC limits described in paragraphs 1. through 5. of this subsection.

7. All resin and gel coat mixing containers with a capacity equal to or greater than 55 gallons, including those used for on-site mixing of putties and polyputties, shall have a cover with no visible gaps in place at all times except during the following operations:

- (i) When mixing is being manually added to or removed from a container; and
- (ii) When mixing or pumping equipment is being placed or removed from a container.

8. The VOC content of cleaning solvents for routine application equipment cleaning shall not contain in excess of 5 percent VOC by weight.

9. For the purpose of this subsection, the definitions specified in [40 CFR Part 63.5779](#), as amended, are hereby incorporated and adopted by reference with the following additions:

(i) "Fiberglass boat manufacturing" means a facility that manufactures hulls or decks of boats and related parts, builds molds to make fiberglass boat hulls or decks and related parts from fiberglass, or makes polyester resin putties for assembling fiberglass parts. For purposes of this subsection, fiberglass boat manufacturing does not include facilities that manufacture solely parts of boats (such as hatches, seats, or lockers), or boat trailers, but not manufacture hulls or decks of boats from fiberglass, or build molds to make fiberglass boat hulls or decks. If a facility manufactures hulls or decks, or molds for hulls or decks, then the manufacture of all other fiberglass boat parts, including small parts such as hatches, seats, and lockers is also covered.

(ii) "Monomer" means a volatile organic compound that partly combines with itself, or other similar compounds, by a cross-linking reaction to become a part of the cured resin.

10. Applicability: On and after January 1, 2015, the requirements of this subparagraph (zzz) shall apply to facilities at which the actual emissions of volatile organic compounds from all non-exempt fiberglass boat manufacturing processes at a facility equal or exceed 2.7 tons per 12-month rolling period for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in subparagraph 12. Prior to January 1, 2015, such facilities shall comply with the provisions of subparagraph 391-3-1-.02(2)(tt), if applicable.

11. Applicability: The requirements of this Subparagraph (zzz) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 10. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (zzz) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified Subparagraph (zzz) must be completed before **January 1, 2015**.

13. Applicability: The requirements of this subsection apply to the following operations at a fiberglass boat manufacturer:



(i) open molding and gel coat operations (including pigmented gel coat, clear gel coat, production resin, tooling gel coat, and tooling resin);

(ii) resins and gel coat mixing operations; and

(iii) resins and gel coat application equipment cleaning operations.

14. Applicability: The requirements of this subsection do not apply to the following operations at a fiberglass boat manufacturer:

(i) Surface coating applied to fiberglass boats;

(ii) Surface coating for fiberglass and metal recreational boats (pleasure craft); and

(iii) industrial adhesives used in the assembly of fiberglass boats.

15. Exemptions: The following activities are exempt from the open molding emission limit specified in subparagraph 1. of this subsection:

(i) Production resins (including skin coat resins) that shall meet specifications for use in military vessels or shall be approved by the U.S. Coast Guard for use in the construction of lifeboats, rescue boats, and other life saving appliances approved under 46 CFR Subchapter Q, or the construction of small passenger vessels regulated by 46 CFR Subchapter T. Production resins for which this exemption is used must be applied with nonatomizing (non-spray) resin application equipment. You must keep a record of the resins for which you are using this exemption.

(ii) Pigmented, clear, and tooling gel coat used for part or mold repair and touch up. The total gel coat materials included in this exemption must not exceed 1 percent by weight of all gel coat used at the facility on a 12-month rolling average basis. You must keep a record of the amount of gel coats used per month for which you are using this exemption and copies of calculations showing that the exempt amount does not exceed 1 percent of all gel coat used.

(iii) Pure, 100 percent vinylester resin used for skin coats. This exemption does not apply to blends of vinylester and polyester resins used for skin coats. The total resin materials included in the exemption cannot exceed 5 percent by weight of all resin used at the facility on a 12-month rolling-average basis. You must keep a record of the amount of 100 percent vinylester skin coat resin used per month that is eligible for this exemption and copies of calculations showing that the exempt amount does not exceed 5 percent of all resin used.

(aaaa) **Industrial Cleaning Solvents.**

1. No person shall cause, suffer, allow, or permit the use of organic solvents for cleaning operations such as mixing vessels (tanks), spray booths, parts drums or for other cleaning activities performed for the removal of material from substrate including actions such as wiping, flushing or spraying, unless the following requirements for control of emissions of the volatile organic compounds are satisfied:

(i) All containers used for organic solvent-related materials are kept closed at all times except when depositing or removing these materials;

(ii) All organic cleaning solvents and used solvent-related materials including shop towels shall be stored in closed containers;

(iii) Air circulation around cleaning-related operations and waste materials shall be minimized;

(iv) All used solvent materials and shop towels shall be disposed of in a manner that minimizes emissions (e.g., moving these items from one location to another in closed containers or pipes); and

(v) Equipment shall be maintained in such a way that minimizes emissions (e.g., keeping parts cleaners covered, maintaining cleaning equipment to repair solvent leaks, etc.).

2. No person shall cause, suffer, allow, or permit volatile organic compound emissions from each cleaning process, spray gun cleaning, spray booth cleaning, large manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, tank cleaning or small manufactured components cleaning to exceed 0.42 lbs of VOC per gallon (50 g/liter) of cleaning material unless the cleaning operation is equipped with an emission control system with an overall control efficiency of at least 85 percent. Alternatively, a VOC composite vapor pressure limit of 8 millimeters of mercury (mmHg) at 20° Celsius may be used as a replacement limit for VOC content limit.

3. The requirements of this subparagraph shall not apply to any cleaning operations in categories subject to other more specific VOC requirements contained in other subparagraphs of this Rule. The requirements of this subparagraph shall not apply to cleaners used for low temperature (below 40°F) applications, or the use of janitorial cleaners as relating to cleaning offices, bathrooms or other similar areas.

4. For the purpose of this subparagraph, the following definition shall apply:

(i) "Industrial cleaning solvents" means a variety of products that are used to remove contaminants such as adhesives, inks, paint, dirt, soil, oil, and grease from parts, products, tools, machinery, equipment, vessels, floors, walls, and other production related work areas for a variety of reasons including safety, operability, and to avoid product contamination.

5. Applicability: On and after January 1, 2015, the requirements of this Subparagraph (aaaa) shall apply to facilities at which actual emissions of volatile organic compounds from the use of organic solvents for cleaning operations equal or exceed 15 pounds per day for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this Subparagraph (aaaa) are subject to the compliance schedule specified in Subparagraph 7. Prior to January 1, 2015, such facilities shall comply with the provisions of Subparagraph 391-3-1-.02(2)(tt), if applicable.

6. Applicability: The requirements of this Subparagraph (aaaa) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 5. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (aaaa) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

7. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified this Subparagraph (aaaa) must be completed before **January 1, 2015**.

**(3) Sampling.**

(a) Any sampling, computation and analysis to determine the compliance with any of the emissions limitations or standards set forth herein shall be in accordance with applicable procedures and methods specified in the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**. When no applicable test method or procedure is published therein, the Director shall specify or approve an applicable method or procedure prior to its use.

(b) The owner or operator of any equipment which is being sampled for the purpose of determining compliance with the Regulations shall operate such equipment during the sampling period at the maximum expected operating capacity, or at other specific operating conditions prescribed in the applicable operating permit or as otherwise may be required by the Director.

(c) The owner or operator of any source shall provide performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such source;
2. Safe sampling platform;
3. Safe access to sampling platforms; and
4. Electric power for sampling and testing equipment.

**(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 standards listed to be exceeded. This does not exempt such sources from controlling their emissions to a point equal to or lower than the levels required to comply with a specific emission standard enumerated in other sections of these Rules.

**(b) Sulfur Dioxide.**

1. The level of the 1971 annual ambient air quality primary standard for oxides of sulfur is 0.030 parts per million (ppm), measured in the ambient air as sulfur dioxide (SO<sub>2</sub>).

(i) The annual primary standard is attained when the annual arithmetic mean, as determined in accordance with [40 CFR 50.4\(d\)](#), is less than or equal to 0.030 ppm. The standard shall not be exceeded in a calendar year.

(ii) The level of the 1971 annual ambient air quality primary standard shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A of [40 CFR Part 50](#), or by a Federal Equivalent Method (FEM) designated in accordance with [40 CFR Part 53](#).

2. The level of the 1971 24-hour ambient air quality primary standard for oxides of sulfur for any successive nonoverlapping 24-hour blocks starting at midnight each calendar day is 0.14 ppm, measured in the ambient air as sulfur dioxide (SO<sub>2</sub>).

(i) The 24-hour primary standard is attained when the second-highest 24-hour average, as determined in accordance with [40 CFR 50.4\(d\)](#), is less than or equal to 0.14 ppm. The standard shall not be exceeded more than once per calendar year.

(ii) The level of the 1971 24-hour ambient air quality primary standard shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A of [40 CFR Part 50](#), or by a FEM designated in accordance with [40 CFR Part 53](#).

3. The level of the 2010 1-hour ambient air quality primary standard for oxides of sulfur is 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide (SO<sub>2</sub>).

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

(ii) The level of the 2010 1-hour ambient air quality primary standard shall be measured by a reference method based on Appendix A or A-1 of [40 CFR Part 50](#), or by a Federal Equivalent Method (FEM) designated in accordance with [40 CFR Part 53](#).

4. The level of the 1971 3-hour ambient air quality secondary standard for oxides of sulfur for any successive nonoverlapping calendar day three-hour period starting at midnight each calendar day is 0.5 ppm, measured in the ambient air as sulfur dioxide (SO<sub>2</sub>).

(i) The 3-hour secondary standard is attained when the second-highest 3-hour average, as determined in accordance with [40 CFR 50.5\(c\)](#), is less than or equal to 0.5 ppm. The standard shall not be exceeded more than once per calendar year.

(ii) The level of the 1971 3-hour ambient air quality secondary standard shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A of [40 CFR Part 50](#), or by a FEM designated in accordance with [40 CFR Part 53](#).

**(c) Particulate Matter.**

**1. PM<sub>10</sub>**

(i) The level of the 24-hour ambient air quality standard for PM<sub>10</sub> is 150 micrograms per cubic meter, 24-hour average concentration.

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

(II) PM<sub>10</sub> shall be measured in the ambient air as PM<sub>10</sub> (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) by a reference method based upon [40 CFR 50](#), Appendix J.

**2. PM<sub>2.5</sub>**

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

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

(II) PM<sub>2.5</sub> shall be measured in the ambient air as PM<sub>2.5</sub> by reference method based upon [40 CFR 50](#), Appendix L.

(ii) The level of the 24-hour ambient air quality standard of PM<sub>2.5</sub> in the ambient air is 35 micrograms per cubic meter, 24-hour average concentration.

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

(II) PM<sub>2.5</sub> shall be measured in the ambient air as PM<sub>2.5</sub> by reference method based upon [40 CFR 50](#), Appendix L.

**(d) Carbon Monoxide.**

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

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

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

**(e) Ozone.**

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

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

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

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

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

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

**(f) Lead.**

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

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

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

**(g) Nitrogen Dioxide.**

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

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

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

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

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

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

**(h) Standard Conditions for Temperature and Pressure.**

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

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

**(5) Open Burning.**

(a) **No person shall cause**, suffer, allow, or permit open burning in any area of the State except as follows:

1. Reduction of leaves on the premises on which they fall by the person in control of the premises, unless prohibited by local ordinance and/or regulation.
2. Carrying out recognized agricultural procedures necessary for production or harvesting of crops, if the agricultural tract, lot, or parcel is less than or equal to five acres.
3. Burning over any agricultural tract, lot, or parcel greater than five acres for purposes of any existing, expanded, or new agricultural operations as such term is defined by O.C.G.A. Section [1-3-3](#), provided that such burning is consistent with the requirements of the Federal Act and is limited to vegetative material.
4. The "prescribed burning" of any land by the owners or the owner's designee.
5. For recreational purposes or cooking food for immediate human consumption.
6. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
7. Acquired structure burns provided that an Authorization to Burn certificate has been issued by the Division.
8. Disposal of vegetative debris from storm damage.
9. For weed abatement, disease, and pest prevention.
10. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
11. Open burning for the purpose of land clearing or construction or right-of-way maintenance provided the following conditions are met:
  - (i) Prevailing winds at the time of the burning are away from the major portion of the area's population;
  - (ii) The location of the burning is at least 1,000 feet from any occupied structure, or lesser distance if approved by the Division;
  - (iii) The amount of dirt on or in the material being burned is minimized;
  - (iv) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned; and
  - (v) No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a 9-acre area at one time.
12. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.
13. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor provided the following conditions are met:

- (i) Authorization for such open burning is received from the fire department, if required, having local jurisdiction over the open burning location prior to initiation of any open burning at such location;
- (ii) The location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval by the Division;
- (iii) No more than one air curtain destructor is operated within a ten (10) acre area at one time or there must be at least 1000 feet between any two air curtain destructors;
- (iv) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;
- (v) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials are not used to start or maintain the operation of the air curtain destructor;
- (vi) The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;
- (vii) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and
- (viii) Whenever feasible, the air curtain destructor should not be fired before 10:00 a.m. and the fire should be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

**(b) Specific County Restrictions.**

1. In the counties of Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be:

- (i) exceptions numbered 2, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and
- (ii) exception number 3 under subparagraph (a) above.

2. In the counties of Banks, Barrow, Bibb, Butts, Catoosa, Chattooga, Clarke, Columbia, Crawford, Dawson, Floyd, Gordon, Haralson, Heard, Houston, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Peach, Pickens, Pike, Polk, Putnam, Richmond, Troup, Twiggs, Upson, and Walker the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be:

- (i) exceptions numbered 2, 4, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and
- (ii) exception number 3 under subparagraph (a) above.

3. [reserved]

4. In counties listed in subsections 1 or 2 above whose total population, as listed in the latest census, exceeds 65,000, the only legal exceptions to the general prohibition against open burning during the months of January, February, March, April, October, November, and December are:

- (i) exceptions numbered 1, 2, 4, 5, 6, 7, 10, 12, and 13 under subparagraph (a) above, provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset and does not cause air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the state as is affected thereby; and

(ii) exception number 3 under subparagraph (a) above.

(c) **Except for a reasonable period** to get a fire started, no smoke the opacity of which is equal to or greater than 40 percent, shall be emitted from any source of open burning listed in subsections (a) and (b) above except as follows. Prescribed burning, agricultural burning and acquired structure burning are not subject to the 40 percent opacity standard in this paragraph.

(d) **The Director** may allow open burning prohibited under paragraphs (a) and (b), upon a determination that such open burning is necessary to protect the public health, safety or welfare of the people of the State of Georgia, or there are no reasonable alternatives to the open burning.

(e) **Prescribed burning** conducted under subparagraph (b)2. is subject to authorization by the Georgia Forestry Commission to include burning restrictions during periods that are conducive to the formation of ozone. Federal facilities which conduct prescribed burning in accordance with subparagraph (b)2. that are not required to obtain authorization from the Georgia Forestry Commission for such burning shall institute measures to ensure that prescribed burning is not conducted during periods conducive to the formation of ozone.

(f) **Definitions.**

1. "Prescribed burning" means the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplishes one or more planned land management objectives as specified in the Georgia Prescribed Burning Act (Georgia Code Title 12. Conservation and Natural Resources § [12-6-146](#)) or to mitigate catastrophic wildfires.

2. [reserved]

3. "Acquired structure burn" is the burning of a house, building or structure for the exclusive purpose of providing training to fire-fighting personnel or arson investigators.

(6) **Source Monitoring.**

(a) **Specific Monitoring and Reporting Requirements for Particular Sources.**

1. Sources, and owners and operators of sources, subject to any of the Standards of Performance for New Stationary Sources of or pursuant to [42 U.S.C. Section 7411](#), as amended, or National Emission Standards for Hazardous Air Pollutants of or pursuant to U.S.C. Section 7412, as amended, shall meet the monitoring and related requirements specified in the applicable standard, unless the Director specifies additional or more stringent requirements, in which case all requirements must be met.

2. Certain specific sources, as herein designated, shall provide for the continuous monitoring of emissions as prescribed below:

(i) Fossil Fuel-Fired Steam Generators. The owner or operator of any fossil fuel-fired steam generator, except as provided for in subparagraph (iv) of this paragraph, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Director by the owner or operator, shall install, calibrate, operate, and maintain all monitoring equipment necessary for the continuous monitoring of the following:

(I) Opacity, if such steam generator has a heat input greater than 250 million BTUs per hour, except where:

I. Gaseous fuel is the only fuel burned; or

II. Oil or mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and the



source has never been found, through any administrative or judicial proceedings, to be in violation of any visible emission standard;

(II) Sulfur dioxide, if such steam generator has a heat input greater than 250 million BTUs per hour and has installed sulfur dioxide emission control equipment;

(III) The percent oxygen, or carbon dioxide, in the flue gas as necessary to accurately convert sulfur dioxide continuous emission monitoring data to the units of the emission standard.

(ii) Sulfuric Acid Plants.

(I) The owner or operator of any sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall, except as provided for in subparagraph (iv) of this paragraph, install, calibrate, maintain, and operate a continuous monitoring system for the measurement of sulfur dioxide for each sulfuric acid production facility within such plant.

(iii) Wood Waste Fired Combination Boilers.

(I) The owner or operator of any boiler which fires wood waste or wood waste in combination with fossil fuel(s) with a total heat input equal to or greater than 100 million BTUs per hour shall, except as provided for in paragraph (iv) of this subsection, install, calibrate, operate and maintain a continuous monitoring system for the measurement of opacity;

(II) Boilers subject to this subparagraph (iii) shall comply with the opacity monitoring requirements as specified for fossil fuel fired steam generators. In any rule or subdivision thereof dealing with opacity monitoring requirements for fossil fuel-fired steam generators, where reference is made to "Fossil Fuel Fired Steam Generators" the term "Wood Waste Fired Combination Boilers" should be inserted for the purpose of this subparagraph.

(iv) Exemptions. A facility is exempt from the requirements otherwise imposed by this paragraph (a)2. if:

(I) It is subject to any of the Standards of Performance for New Stationary Sources promulgated in [40 CFR, Part 60](#) or National Emission Standards for Hazardous Air Pollutants promulgated in [40 CFR Part 61](#), pursuant to Section 111 of the Federal Act; or

(II) It is not subject to an applicable emission standard.

(v) Monitoring Equipment.

(I) The monitoring equipment required pursuant to the previous subparagraphs (i) through (iv) shall be demonstrated by the owners or operators of such monitoring equipment to meet the performance specifications specified in the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

(vi) Data Reporting.

(I) The owner or operator of a facility subject to the requirements of this paragraph (a)2. shall submit a written report for each calendar quarter and, if excess emissions have occurred, the report shall state the nature and cause of the excess emissions, if known, and the corrective action taken. The averaging period used for data reporting shall correspond to the averaging period specified in the emission test method used to determine compliance with an emission standard for the pollutant/source category in question. The required report shall include, as a minimum, the data specified in this subsection.

I. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of each 6-minute average of opacity which is greater than the opacity standard applicable to the source. If more than one opacity standard applies, excess emissions data must be submitted in relation to all such standards.

II. For gaseous measurements, the summary shall consist of emission averages in the units of the applicable standard, for each averaging period during which the applicable standard was exceeded.

III. The data and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of system repairs or adjustments shall be reported. The Director may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

IV. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

V. The owners or operators of sources or facilities subject to this paragraph (a)2. shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

(vii) Data Conversion. The owner or operator of a source subject to this paragraph (a)2. shall use the following procedures for converting monitoring data to units of the applicable standard:

(I) For fossil fuel-fired steam generators, the procedures of Paragraph 2.1 of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants** shall be used to convert gaseous emissions monitoring data in ppm to pounds/million BTU where necessary.

(II) For sulfuric acid plants the owner or operator shall:

I. Establish a conversion factor three times daily according to the procedures in Paragraph 2.5 of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

II. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in lb/ton, and;

III. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly report.

(III) The owner or operator of a source subject to this regulation may employ data reporting or reduction procedures varying from those specified in this subparagraph (a)2.(vii) if such owner or operator shows to the satisfaction of the Director that such procedures are at least as accurate as the procedures identified in this subparagraph. Such procedures may include, but are not limited to, the following:

I. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period);

II. Alternative methods of converting pollutant concentration measurements to the units of the emission standards.

(viii) In cases where the owner or operator of a source subject to this paragraph wishes to utilize different, but equivalent, procedures for continuous monitoring systems and/or alternative monitoring and data reporting procedures or other alternative equivalents to comply with the intent of this paragraph then:

(I) The owner or operator must submit:

I. A detailed summary of the limitations prohibiting the installation of a continuous monitor, and;

II. Alternative and/or equivalent emission monitoring and reporting requirements (e.g., periodic manual stack tests) to satisfy the intent of this paragraph.

(II) The use of any alternative or equivalent method for compliance with any requirement of this paragraph (a)2. shall be subject to approval of the Director.

(ix) Monitor Malfunction.

(I) The requirements of this paragraph shall not apply during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the Director, that the malfunction was unavoidable and is being or was repaired as expeditiously as practicable.

(x) [reserved]

(xi) Kraft Pulp Mills.

(I) On or before March 1, 1984, unless otherwise specified in an alternate compliance schedule as provided for in paragraph 391-3-1-.02(2)(a)9., the owner or operator of any kraft pulp mill subject to any limitation or requirement of, or under subsection (gg) of section 391-3-1-.02(2) shall, except as provided in Part (II) of this subparagraph, install, calibrate, operate, and maintain a system to continuously measure and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged from any lime kiln, recovery furnace, digester system, or multiple-effect evaporator system.

(II) The owner or operator of any kraft pulp mill which incinerates effluent gases emitted from any digester system or multiple-effect evaporator system subject to any limitation or requirement of, or under subsection (gg) of section 391-3-1-.02(2) shall install, calibrate, operate, and maintain a system to continuously measure and record the combustion temperature at the point of incineration.

(xii) Fuel Burning Equipment.

(I) The owner or operator of any fuel burning equipment with a maximum design heat input capacity equal to or greater than 100 million BTU/hr subject to the provisions of subsection (III) of section 391-3-1-.02(2) shall install, calibrate, operate, and maintain a continuous emissions monitoring system (CEMS) for the measurement of the concentration of nitrogen oxides (NO<sub>x</sub>) and the percent oxygen and shall record the output of the system.

(II) For any fuel burning equipment which only combusts gas residual oil with a nitrogen content less than 0.30 percent, or distillate oil or a combination of those fuels, the owner or operator may monitor equipment operating conditions to predict the concentration of nitrogen oxides, (Predictive Emissions Monitoring System) in lieu of the CEMS required in paragraph (I) provided such system meets the requirements of Section 2.119 of the **Procedures for Testing and Monitoring Sources of Air Pollutants**.

3. All sources, and owners and operators of sources, subject to any limitation of paragraphs (2)(t) through (2)(aa) [inclusive]; (2)(ii); (2)(jj); (2)(11); (2)(mm); and (2)(tt) [inclusive] shall maintain, as specified by the Director, at the source, for a period of at least two years, records containing the following information for each production line:

(i) Process information, including, but not limited to, hours of operation, method of application, and drying method.

(ii) Coating formulation and analytical data, including, but not limited to, the name of inks or coatings, coating or ink density, VOC content (weight or volume percent), and solids content (volume percent).

(iii) Coating consumption data, including, but not limited to, name of ink or coating used, amount of ink or coating used, name of diluent and amount of diluent used.

(iv) Capture and control equipment data, including, but not limited to, the destruction and removal efficiency, emission test results, and the capture efficiency.

(v) Transfer Efficiency Data, including, but not limited to, baseline transfer efficiency, actual transfer efficiency, and results of efficiency test.

#### 4. Emission Statements.

(i) Owners and operators of stationary sources of nitrogen oxides or volatile organic compounds shall provide the Director with a statement, in such form as the Director may prescribe, for classes or categories of sources determined by the Director, showing the actual emissions of nitrogen oxides and volatile organic compounds from that source.

(ii) Statements shall be submitted by June 15 of every year and shall show the actual emissions of the previous calendar year.

(iii) The requirements of this paragraph shall apply to all stationary sources of nitrogen oxides or volatile organic compounds which emit more than 25 tons per calendar year of either pollutant and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, or Walton counties.

#### **(b) General Monitoring and Reporting Requirements.**

##### 1. All Sources.

(i) Any person engaged in operations which cause emissions to be released into the atmosphere which may result in air pollution may be required to install, maintain, and use emission monitoring devices, to sample such specific emissions as prescribed by the Director; to make periodic reports on the nature and amounts of emissions and provide such other information as the Director may reasonably require; and to maintain such records as the Director may prescribe so as to determine whether emissions from such operations are in compliance with the provisions of the Act or any rules and regulations promulgated there under.

(ii) Specific types of information and/or equipment installation which may be requested may include, but are not limited to, the following:

(I) Detectors and recorders for continuous measurement and recording of the opacity of emissions;

(II) Composition and analysis of fuels of any nature, the determination of which shall be conducted in accordance with acceptable and appropriate procedures of the American Society for Testing and Materials or by other procedures specified or approved by the Director;

(III) As technology permits, instrumentation for continuously monitoring particulate matter and gaseous emissions;

(IV) Production and process feed rates, process charging rates, burning rates, hours of operation and periodic summaries of this information.

(iii) Records of information requested shall be submitted on forms supplied by the Director, or when forms are not supplied, in a format acceptable to and approved by the Director. The information obtained on request of the Director shall be retained for a period and shall be reported at time intervals to be specified. Records shall be kept current and be available for inspection at the discretion of the Director.

(iv) In the event of any malfunction or breakdown of process, fuel burning, or emission control equipment for a period of four hours or more which results in excessive emissions for a major source, the owner or operator of such major source shall notify the Division by a written report which would describe the cause of the breakdown, the corrective actions taken, and the plans to prevent future occurrences. Unless otherwise specified in a permit or order, the report must be submitted no later than seven (7) days after the occurrence. The information submitted shall be adequate to allow the Director to determine whether the excessive emissions were due to a sudden and unavoidable breakdown. The reporting requirements of this subparagraph (iv) shall be in addition to any other reporting requirement under these rules (Chapter 391-3-1), and such reporting shall in no event serve to excuse, otherwise justify or in any manner affect any potential liability or enforcement action.

(v) All data gathered in the process of enforcing this or other Air Quality Control Rule or Regulation shall be considered public information and shall be made available upon request, except such information which is required to be kept confidential by Ga. Code Ann. Section [12-9-19](#), as amended.

(vi) Any continuous monitoring system or monitoring device shall be installed, operated, calibrated and maintained and information reported in accordance with the applicable procedures and performance specifications of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**. Where no applicable procedure or performance specification for such installation, operation or reporting of data is published therein, the Director shall, as needed, specify or approve an applicable procedure or performance specification prior to operation of the monitoring system or monitoring device.

**(7) Prevention of Significant Deterioration of Air Quality.**

**(a) General Requirements.**

1. The provisions of paragraph (7) shall apply to any source and the owner or operator of any source subject to any requirement under 40 Code of Federal Regulations (hereinafter, CFR) Part 52.21. The subparagraphs of Paragraph (7) that incorporate by reference paragraphs of [40 CFR Part 52.21](#) are as promulgated on January 17, 2017, unless otherwise specified. The dates associated with the incorporation by reference of federal rules into this paragraph (7) refer to the dates of publication of the promulgated rules in the Federal Register.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) In lieu of the definition of "projected actual emissions" as specified in paragraph (b)(41) of [40 CFR Part 52.21](#), the following shall apply:

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

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

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

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

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

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

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

III. May exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under subparagraph (7)(a)2.(i) of this rule and that is also unrelated to the particular project, including any increased utilization due to product demand growth (the increase in emissions that may be excluded under this subparagraph shall hereinafter be referred to as "demand growth emissions");

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

(A) not exclude demand growth emissions, or

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

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

(iii) The definition of "major stationary source" contained in [40 CFR Part 52.21\(b\)\(1\)](#) is hereby incorporated by reference except as follows:

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

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

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

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

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action, as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such



action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect;

(v) The definition of "potential to emit" contained in [40 CFR Part 52.21\(b\)\(4\)](#), shall be modified as follows:

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

(vi) The definition of "allowable emissions" contained in [40 CFR Part 52.21\(b\)\(16\)](#), shall be modified as follows:

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

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

(vii) The following shall be added to the definition of "major source baseline date" contained in [40 CFR Part 52.21\(b\)\(14\)](#):

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

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

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

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

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

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

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

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

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

(ix) [reserved]

(x) [reserved]

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

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

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

(i) [40 CFR Part 52.21\(b\)\(17\)](#), Definition of "Federally Enforceable"

(ii) [40 CFR Part 52.21\(b\)\(37\)\(i\)](#), First Paragraph within the Definition of "Repowering"

(iii) [40 CFR Part 52.21\(b\)\(43\)](#), Definition of "Prevention of Significant Deterioration (PSD)"

(iv) [40 CFR Part 52.21\(b\)\(51\)](#), Definition of "Reviewing Authority"

(v) [40 CFR Part 52.21\(g\)](#), Redesignation

(vi) [40 CFR Part 52.21\(l\)](#), Air Quality Models

(vii) [40 CFR Part 52.21\(p\)\(2\)](#), Federal Land Manager

(viii) [40 CFR Part 52.21\(o\)\(3\)](#), Visibility Monitoring

**(b) Prevention of Significant Deterioration Standards.**

1. Ambient air increments: [40 CFR Part 52.21\(c\)](#), as amended, is hereby incorporated and adopted by reference.

2. Ambient air ceilings: [40 CFR Part 52.21\(d\)](#), as amended, is hereby incorporated and adopted by reference.

3. Restrictions on area classifications: [40 CFR Part 52.21\(e\)](#), as amended, is hereby incorporated and adopted by reference.

4. Redesignation: [40 CFR Part 52.21\(g\)](#), as amended, is hereby incorporated and adopted by reference.

5. Stack heights: [40 CFR Part 52.21\(h\)](#), as amended, is hereby incorporated and adopted by reference.

6. Exemptions: [40 CFR Part 52.21\(i\)](#), as amended, is hereby incorporated and adopted by reference.

7. Control technology review: [40 CFR Part 52.21\(j\)](#), as amended, is hereby incorporated and adopted by reference.

8. Source impact analysis: [40 CFR Part 52.21\(k\)](#), as amended, is hereby incorporated and adopted by reference.

9. Air quality models: [40 CFR Part 52.21\(l\)](#), as amended, is hereby incorporated and adopted by reference.

10. Air quality analysis: [40 CFR Part 52.21\(m\)](#), as amended, is hereby incorporated and adopted by reference.

11. Source information: [40 CFR Part 52.21\(n\)](#), as amended, is hereby incorporated and adopted by reference with the following exception:

(i) The first sentence of paragraph (n)(1) shall read as follows, "With respect to a source or modification to which paragraphs (j), (l), (o) and (p) of this section apply, such information shall include:"

12. Additional impact analyses: [40 CFR Part 52.21\(o\)](#), as amended, is hereby incorporated and adopted by reference.

13. Sources impacting federal class I areas - additional requirements: [40 CFR Part 52.21\(p\)](#), as amended, is hereby incorporated and adopted by reference with the following exception:

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

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

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

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

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

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

I. A description of the project;

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

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

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

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

(III) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subparagraph (7)(b)15.(i)(I)II. of this rule, and calculate and maintain a record of the annual emissions, in tons-per-year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit. These records shall be retained for a period of five years past

the end of each calendar year. If an owner or operator is required to or elects to exclude emissions associated with startups, shutdowns, and/or malfunctions from estimations of projected actual emissions for PSD applicability purposes as allowed by subparagraph (7)(a)2.(ii)(II)II. of this rule, the owner or operator may exclude such emissions from the calculation of annual emissions.

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

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

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

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

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

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

18. [reserved]

19. [reserved]

20. [reserved]

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

(i) [reserved]

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

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

(iv) In lieu of the provisions of [40 CFR Part 52.21\(aa\)\(6\)\(ii\)](#), the following shall apply:

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

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

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

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

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

(vi) In lieu of the provisions of [40 CFR Part 52.21\(aa\)\(8\)\(ii\)\(c\)](#), the following shall apply:

All reopenings shall be carried out in accordance with the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph [391-3-1-.03\(10\)\(e\)](#) of these rules.

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

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

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

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

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

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

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

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

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

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

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

(xi) Paragraph [40 CFR Part 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.

#### **(8) New Source Performance Standards.**

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

#### **(b) New Source Performance Standards.**

1. General Provisions. For purposes of applying New Source Performance Standards, [40 CFR Part 60](#) Subpart A (excluding 60.4 and 60.9), as amended April 16, 2019, is hereby incorporated and adopted by reference. The word "Administrator" as used in regulations adopted in this paragraph shall mean the Director of EPD.
2. Standards of Performance for Fossil-fuel Fired Steam Generators: [40 CFR Part 60](#) Subpart D, as amended February 16, 2012, is hereby incorporated and adopted by reference.
3. Standards of Performance for Electric Utility Steam Generating Units: [40 CFR Part 60](#) Subpart Da, as amended April 6, 2016, is hereby incorporated and adopted by reference.
4. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units: [40 CFR Part 60](#) Subpart Db, as amended February 16, 2012, is hereby incorporated and adopted by reference.
5. Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: [40 CFR Part 60](#) Subpart Dc, as amended February 16, 2012, is hereby incorporated and adopted by reference.
6. Standards of Performance for Incinerators: [40 CFR Part 60](#) Subpart E, as amended May 10, 2006, is hereby incorporated and adopted by reference.
7. Standards of Performance for Municipal Waste Combustors: [40 CFR Part 60](#) Subpart Ea, as amended October 17, 2000, is hereby incorporated and adopted by reference.
8. Standards of Performance for Portland Cement Plants: [40 CFR Part 60](#) Subpart F, as amended July 27, 2015, is hereby incorporated and adopted by reference.
9. Standards of Performance for Nitric Acid Plants: [40 CFR Part 60](#) Subpart G, as amended May 6, 2014, is hereby incorporated and adopted by reference.
10. Standards of Performance for Sulfuric Acid Plants: [40 CFR Part 60](#) Subpart H, as amended October 17, 2000, is hereby incorporated and adopted by reference.
11. Standards of Performance for Asphalt Concrete Plants: [40 CFR Part 60](#) Subpart I, as amended February 14, 1989, is hereby incorporated and adopted by reference.

12. Standards of Performance for Petroleum Refineries: [40 CFR Part 60](#) Subpart J, as amended December 1, 2015, is hereby incorporated and adopted by reference.
13. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978: [40 CFR Part 60](#) Subpart K, as amended October 17, 2000, is hereby incorporated and adopted by reference.
14. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984: [40 CFR Part 60](#) Subpart Ka, as amended December 14, 2000, is hereby incorporated and adopted by reference.
15. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984: [40 CFR Part 60](#) Subpart Kb, as amended October 15, 2003, is hereby incorporated and adopted by reference.
16. Standards of Performance for Secondary Lead Smelters: [40 CFR Part 60](#) Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.
17. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants: [40 CFR Part 60](#) Subpart M, as amended October 17, 2000, is hereby incorporated and adopted by reference.
18. Standards of Performance for Iron and Steel Plants: [40 CFR Part 60](#) Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.
19. Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983: [40 CFR Part 60](#) Subpart Na, as amended October 17, 2000, is hereby incorporated and adopted by reference.
20. Standards of Performance for Sewage Treatment Plants: [40 CFR Part 60](#) Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.
21. Standards of Performance for Primary Copper Smelters: [40 CFR Part 60](#) Subpart P, as amended October 17, 2000, is hereby incorporated and adopted by reference.
22. Standards of Performance for Primary Zinc Smelters: [40 CFR Part 60](#) Subpart Q, as amended February 14, 1989, is hereby incorporated and adopted by reference.
23. Standards of Performance for Primary Lead Smelters: [40 CFR Part 60](#) Subpart R, as amended February 14, 1989, is hereby incorporated and adopted by reference.
24. Standards of Performance for Primary Aluminum Reduction Plants: [40 CFR Part 60](#) Subpart S, as amended October 17, 2000, is hereby incorporated and adopted by reference.
25. Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants: [40 CFR Part 60](#) Subpart T, as amended August 19, 2015, is hereby incorporated and adopted by reference.
26. Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants: [40 CFR Part 60](#) Subpart U, as amended August 19, 2015, is hereby incorporated and adopted by reference.
27. Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: [40 CFR Part 60](#) Subpart V, as amended August 19, 2015, is hereby incorporated and adopted by reference.
28. Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants: [40 CFR Part 60](#) Subpart W, as amended August 19, 2015, is hereby incorporated and adopted by reference.



29. Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities: [40 CFR Part 60](#) Subpart X, as amended August 19, 2015, is hereby incorporated and adopted by reference.
30. Standards of Performance for Coal Preparation Plants: [40 CFR Part 60](#) Subpart Y, as amended October 8, 2009, is hereby incorporated and adopted by reference.
31. Standards of Performance for Ferroalloy Production Facilities: [40 CFR Part 60](#) Subpart Z, as amended October 17, 2000, is hereby incorporated and adopted by reference.
32. Standards of Performance for Steel Plants: Electric Arc Furnaces: [40 CFR Part 60](#) Subpart AA, as amended February 22, 2005, is hereby incorporated and adopted by reference.
33. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983: [40 CFR Part 60](#) Subpart AAa, as amended February 22, 2005, is hereby incorporated and adopted by reference.
34. Standards of Performance for Kraft Pulp Mills: [40 CFR Part 60](#) Subpart BB, as amended September 21, 2006, is hereby incorporated and adopted by reference.
35. Standards of Performance for Glass Manufacturing Plants: [40 CFR Part 60](#) Subpart CC, as amended October 17, 2000, is hereby incorporated and adopted by reference.
36. Standards of Performance for Grain Elevators: [40 CFR Part 60](#) Subpart DD, as amended October 17, 2000, is hereby incorporated and adopted by reference.
37. Standards of Performance for Surface Coating of Metal Furniture: [40 CFR Part 60](#) Subpart EE, as amended October 17, 2000, is hereby incorporated and adopted by reference.
38. Standards of Performance for Stationary Gas Turbines: [40 CFR Part 60](#) subpart GG, as amended June 30, 2016, is hereby incorporated and adopted by reference.
39. Standards of Performance for Lime Manufacturing Plants: [40 CFR Part 60](#) subpart HH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
40. Standards of Performance for Lead-Acid Battery Manufacturing Plants: [40 CFR Part 60](#) subpart KK, as amended October 17, 2000, is hereby incorporated and adopted by reference.
41. Standards of Performance for Metallic Mineral Processing Plants: [40 CFR Part 60](#) Subpart LL, as amended October 17, 2000, is hereby incorporated and adopted by reference.
42. Standards of Performance for Automobile and Light-Duty Truck Coating Operations: [40 CFR Part 60](#) Subpart MM, as amended October 17, 2000, is hereby incorporated and adopted by reference.
43. Standards of Performance for Phosphate Rock Plants: [40 CFR Part 60](#) Subpart NN, as amended October 17, 2000, is hereby incorporated and adopted by reference.
44. Standards of Performance for Ammonium Sulfate Manufacture: [40 CFR Part 60](#) Subpart PP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
45. Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing: [40 CFR Part 60](#) Subpart QQ, as amended April 9, 2004, is hereby incorporated and adopted by reference.
46. Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations: [40 CFR Part 60](#) Subpart RR, as amended October 17, 2000, is hereby incorporated and adopted by reference.



47. Standards of Performance for Industrial Surface Coating: Large Appliances: [40 CFR Part 60](#) Subpart SS, as amended October 17, 2000, is hereby incorporated and adopted by reference.
48. Standards of Performance for Metal Coil Surface Coating: [40 CFR Part 60](#) Subpart TT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
49. Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture: [40 CFR Part 60](#) Subpart UU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
50. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006: [40 CFR Part 60](#) Subpart VV, as amended June 2, 2008, is hereby incorporated and adopted by reference.
51. Standards of Performance for Beverage Can Surface Coating Industry: [40 CFR Part 60](#) Subpart WW, as amended October 17, 2000, is hereby incorporated and adopted by reference.
52. Standards of Performance for Bulk Gasoline Terminals: [40 CFR Part 60](#) Subpart XX, as amended December 19, 2003, is hereby incorporated and adopted by reference.
53. Standards of Performance for Rubber Tire Manufacturing Industry: [40 CFR Part 60](#) Subpart BBB, as amended June 30, 2016, is hereby incorporated and adopted by reference.
54. Standards of Performance for Volatile Organic Compound (VOC) Emission from Polymer Manufacturing Industry: [40 CFR Part 60](#) Subpart DDD, as amended June 30, 2016, is hereby incorporated and adopted by reference.
55. Standards of Performance for Flexible Vinyl and Urethane Printing and Coating: [40 CFR Part 60](#) Subpart FFF, as amended October 17, 2000, is hereby incorporated and adopted by reference.
56. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006: [40 CFR Part 60](#) Subpart GGG, as amended June 2, 2008, is hereby incorporated and adopted by reference.
57. Standards of Performance for Synthetic Fiber Production Facilities: [40 CFR Part 60](#) Subpart HHH, as amended October 17, 2000, is hereby incorporated and adopted by reference.
58. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes: [40 CFR Part 60](#) Subpart III, as amended June 30, 2016, is hereby incorporated and adopted by reference.
59. Standards of Performance for Petroleum Dry Cleaners: [40 CFR Part 60](#) Subpart JJJ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
60. Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants: [40 CFR Part 60](#) Subpart KKK, as amended August 16, 2012, is hereby incorporated and adopted by reference.
61. Standards of Performance for Onshore Natural Gas Processing: [40 CFR Part 60](#) Subpart LLL, as amended June 30, 2016, is hereby incorporated and adopted by reference.
62. Standards of Performance for Volatile Organic Compounds (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operation: [40 CFR Part 60](#) Subpart NNN, as amended June 30, 2016, is hereby incorporated and adopted by reference.
63. Standards of Performance for Nonmetallic Mineral Processing Plants: [40 CFR Part 60](#) Subpart OOO, as promulgated April 28, 2009, is hereby incorporated and adopted by reference.

64. Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants: [40 CFR Part 60](#) Subpart PPP, as amended October 17, 2000, is hereby incorporated and adopted by reference.
65. Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems: [40 CFR Part 60](#) Subpart QQQ, as amended October 17, 2000, is hereby incorporated and adopted by reference.
66. Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Process: [40 CFR Part 60](#) Subpart RRR, as amended December 14, 2000, is hereby incorporated and adopted by reference.
67. Standards of Performance for Magnetic Tape Coating: [40 CFR Part 60](#) Subpart SSS, as amended February 12, 1999, is hereby incorporated and adopted by reference.
68. Standards of Performance for Plastic Parts for Business Machine Coatings: [40 CFR Part 60](#) Subpart TTT, as amended October 17, 2000, is hereby incorporated and adopted by reference.
69. Standards of Performance for Calciners and Dryers in Mineral Industries: [40 CFR Part 60](#) Subpart UUU, as amended October 17, 2000, is hereby incorporated and adopted by reference.
70. Standards of Performance for Polymeric Coating of Supporting Substrates Facilities: [40 CFR Part 60](#) Subpart VVV, as promulgated September 11, 1989, is hereby incorporated and adopted by reference.
71. Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994: [40 CFR Part 60](#) Subpart Eb, as amended May 10, 2006, is hereby incorporated and adopted by reference.
72. Standards of Performance for Municipal Solid Waste Landfills: [40 CFR Part 60](#) Subpart WWW, as amended September 21, 2006, is hereby incorporated and adopted by reference.
73. Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators: [40 CFR Part 60](#) Subpart Ec, as amended September 6, 2013, is hereby incorporated and adopted by reference.
74. Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001: [40 CFR Part 60](#) Subpart AAAA, as promulgated December 6, 2000, is hereby incorporated and adopted by reference.
75. Standards of Performance for Commercial and Industrial Solid Waste Incineration Units: [40 CFR Part 60](#) Subpart CCCC, as amended April 16, 2019, is hereby incorporated and adopted by reference.
76. Standards of Performance for Other Solid Waste Incinerator Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced On or After June 16, 2006: [40 CFR Part 60](#) Subpart EEEE, as amended November 24, 2006, is hereby incorporated and adopted by reference.
77. Standards of Performance for Stationary Compression Ignition Internal Combustion Engines: [40 CFR Part 60](#) Subpart IIII, as amended November 13, 2019, is hereby incorporated and adopted by reference.
78. Standards of Performance for Stationary Combustion Turbines: [40 CFR Part 60](#) Subpart KKKK, as amended June 30, 2016, is hereby incorporated and adopted by reference.
79. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines: [40 CFR Part 60](#) Subpart JJJJ, as amended August 30, 2016, is hereby incorporated and adopted by reference.
80. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006: [40 CFR Part 60](#) Subpart VVa, as amended August 16, 2012, is hereby incorporated and adopted by reference.

81. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006: [40 CFR Part 60](#) Subpart GGGa, as amended June 2, 2008, is hereby incorporated and adopted by reference.

82. Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007: [40 CFR Part 60](#) Subpart Ja, as amended November 26, 2018, is hereby incorporated and adopted by reference.

83. Standards of Performance for New Sewage Sludge Incineration Units: [40 CFR Part 60](#) Subpart LLLL, as promulgated March 21, 2011, is hereby incorporated and adopted by reference.

84. Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution: [40 CFR Part 60](#) Subpart OOOO, as amended June 30, 2016, is hereby incorporated and adopted by reference.

85. Standard of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013: [40 CFR Part 60](#) Subpart BBa, as promulgated April 4, 2014, is hereby incorporated and adopted by reference.

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

87. Subpart PPPP - [reserved]

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

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

90. Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015: [40 CFR Part 60](#) Subpart OOOOa, as amended March 12, 2018, is hereby incorporated and adopted by reference.

**(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 June 10, 2019, 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 March 15, 2019, [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 Part 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 Part 63.41](#), shall be June 29, 1998.
  - (iii) The "Notice of MACT Approval," as defined in [40 CFR Part 63.41](#), shall be the air construction permit issued by the Division.
  - (iv) The "Permitting Authority," as defined in [40 CFR Part 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 Parts 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 Part 63.43\(h\)](#), the Division will provide opportunity for public comment on the Notice of MACT Approval pursuant to Chapter [391-3-1-.03\(2\)\(i\)](#).

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

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

18. [reserved]

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

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

21. Emission Standards for Organic Hazardous Air Pollutants from Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater: [40 CFR Part 63](#) Subpart G, as amended December 22, 2008, is hereby incorporated and adopted by reference. Only procedures listed in 63.112(e) of [40 CFR Part 63](#) Subpart G, shall be used to comply with the emission standard in 63.112(a) unless otherwise specifically approved by the Director.

22. Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks: [40 CFR Part 63](#) Subpart H, as amended December 22, 2008, is hereby incorporated and adopted by reference.

23. Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks: [40 CFR Part 63](#) Subpart I, as amended June 23, 2003, is hereby incorporated and adopted by reference.

24. Emission Standards for Polyvinyl Chloride and Copolymers Production: [40 CFR Part 63](#) Subpart J, as amended July 10, 2002, is hereby incorporated and adopted by reference.

25. [reserved]

26. Emission Standards for Coke Oven Batteries: [40 CFR Part 63](#) Subpart L, as amended April 20, 2005, is hereby incorporated and adopted by reference.

27. Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: [40 CFR Part 63](#) Subpart M, as amended July 11, 2008, is hereby incorporated and adopted by reference.

28. Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks: [40 CFR Part 63](#) Subpart N, as amended April 21, 2015, is hereby incorporated and adopted by reference.

29. Ethylene Oxide Emissions Standards for Sterilization Facilities: [40 CFR Part 63](#) Subpart O, as amended December 19, 2005, is hereby incorporated and adopted by reference.

30. [reserved]

31. Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers: [40 CFR Part 63](#) Subpart Q, as amended April 7, 2006, is hereby incorporated and adopted by reference.

32. Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations): [40 CFR Part 63](#) Subpart R, as amended December 22, 2008, is hereby incorporated and adopted by reference.

33. Emission Standards for Pulp & Paper Industries: [40 CFR Part 63](#) Subpart S, as amended September 11, 2012, is hereby incorporated and adopted by reference.

34. Emission Standards for Halogenated Solvent Cleaning: [40 CFR Part 63](#) Subpart T, as amended May 3, 2007, is hereby incorporated and adopted by reference.

35. Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins: [40 CFR Part 63](#) Subpart U, as amended April 21, 2011, is hereby incorporated and adopted by reference.

36. [reserved]

37. Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production: [40 CFR Part 63](#) Subpart W, as amended April 20, 2006, is hereby incorporated and adopted by reference.

38. Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting: [40 CFR Part 63](#) Subpart X, as amended January 3, 2014, is hereby incorporated and adopted by reference.

39. Emission Standards for Marine Tank Vessel Loading Operations: [40 CFR Part 63](#) Subpart Y, as amended December 1, 2015, is hereby incorporated and adopted by reference.

40. [reserved]

41. Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants: [40 CFR Part 63](#) Subpart AA, as amended September 28, 2017, is hereby incorporated and adopted by reference.

42. Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants: [40 CFR Part 63](#) Subpart BB, as amended September 28, 2017, is hereby incorporated and adopted by reference.

43. Emission Standards for Hazardous Air Pollutants from Petroleum Refineries: [40 CFR Part 63](#) Subpart CC, as amended November 26, 2018, is hereby incorporated and adopted by reference. Only procedures listed in 63.642(k) of [40 CFR Part 63](#) Subpart CC shall be used to comply with the emission standard in 63.642(g).

44. Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations: [40 CFR Part 63](#) Subpart DD, as amended January 29, 2018, is hereby incorporated and adopted by reference.

45. Emission Standards for Magnetic Tape Manufacturing Operations: [40 CFR Part 63](#) Subpart EE, as amended June 23, 2003, is hereby incorporated and adopted by reference.

46. [reserved]

47. Emission Standards for Aerospace Manufacturing and Rework Facilities: [40 CFR Part 63](#) Subpart GG, as amended August 3, 2016, is hereby incorporated and adopted by reference.

48. Emission Standards for Hazardous Air Pollutants for Source Categories: Oil & Natural Gas Production Facilities: [40 CFR Part 63](#) Subpart HH, as amended August 16, 2012, is hereby incorporated and adopted by reference.



49. Emission Standards for Shipbuilding and Ship Repair (Surface Coating): [40 CFR Part 63](#) Subpart II, as amended November 21, 2011, is hereby incorporated and adopted by reference.
50. Emission Standards for Wood Furniture Manufacturing Operations: [40 CFR Part 63](#) Subpart JJ, as amended November 21, 2011, is hereby incorporated and adopted by reference.
51. Emission Standards for the Printing and Publishing Industry: [40 CFR Part 63](#) Subpart KK, as amended April 21, 2011, is hereby incorporated and adopted by reference.
52. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Aluminum Reduction Plants: [40 CFR Part 63](#) Subpart LL, as amended October 15, 2015, is hereby incorporated and adopted by reference.
53. Emission Standards for Hazardous Air Pollutants for Source Categories: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills: [40 CFR Part 63](#) Subpart MM, as amended October 11, 2017, is hereby incorporated and adopted by reference.
54. Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources: [40 CFR Part 63](#) Subpart NN, as amended July 29, 2015, is hereby incorporated and adopted by reference.
55. Emission Standards for Tanks-Level 1: [40 CFR Part 63](#) Subpart OO, as amended June 23, 2003, is hereby incorporated and adopted by reference.
56. Emission Standards for Containers: [40 CFR Part 63](#) Subpart PP, as amended June 23, 2003, is hereby incorporated and adopted by reference.
57. Emission Standards for Surface Impoundments: [40 CFR Part 63](#) Subpart QQ, as amended June 23, 2003, is hereby incorporated and adopted by reference.
58. Emission Standards for Individual Drain Systems: [40 CFR Part 63](#) Subpart RR, as amended June 23, 2003, is hereby incorporated and adopted by reference.
59. Emission Standards for Hazardous Air Pollutants from: Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process: [40 CFR Part 63](#) Subpart SS, as amended April 20, 2006, is hereby incorporated and adopted by reference.
60. Emission Standards for Hazardous Air Pollutants from Equipment Leaks-Control Level 1: [40 CFR Part 63](#) Subpart TT, as amended July 12, 2002, is hereby incorporated and adopted by reference.
61. Emission Standards for Hazardous Air Pollutants from Equipment Leaks-Control Level 2 Standards: [40 CFR Part 63](#) Subpart UU, as amended July 12, 2002, is hereby incorporated and adopted by reference.
62. Emission Standards for Oil-Water Separators and Organic-Water Separators: [40 CFR Part 63](#) Subpart VV, as amended June 23, 2003, is hereby incorporated and adopted by reference.
63. Emission Standards for Hazardous Air Pollutants from Storage Vessels (Tanks)-Control Level 2: [40 CFR Part 63](#) Subpart WW, as amended July 12, 2002, is hereby incorporated and adopted by reference.
64. Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations: [40 CFR Part 63](#) Subpart XX, as amended April 13, 2005, is hereby incorporated and adopted by reference.
65. Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards: [40 CFR Part 63](#) Subpart YY, as amended October 8, 2014, is hereby incorporated and adopted by reference.
66. [reserved]

67. [reserved]

68. [reserved]

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

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

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

72. [reserved]

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

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

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

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

77. [reserved]

78. Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry: [40 CFR Part 63](#) Subpart LLL, as amended August 3, 2018, is hereby incorporated and adopted by reference.

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

80. Emission Standards for Hazardous Air Pollutants for Source Categories: Wool Fiberglass Manufacturing: [40 CFR Part 63](#) Subpart NNN, as amended December 26, 2017, is hereby incorporated and adopted by reference.

81. Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins: [40 CFR Part 63](#) Subpart OOO, as amended October 15, 2018, is hereby incorporated and adopted by reference.

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

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

84. Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production: [40 CFR Part 63](#) Subpart RRR, as amended June 13, 2016, is hereby incorporated and adopted by reference.

85. [reserved]



86. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Lead Smelting: [40 CFR Part 63](#) Subpart TTT, as amended November 15, 2011, is hereby incorporated and adopted by reference.

87. Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units: [40 CFR Part 63](#) Subpart UUU, as amended November 26, 2018, is hereby incorporated and adopted by reference.

88. Emission Standards for Hazardous Air Pollutants for Source Categories: Publicly Owned Treatment Works: [40 CFR Part 63](#) Subpart VVV, as amended October 26, 2017, is hereby incorporated and adopted by reference.

89. [reserved]

90. Emission Standards for Hazardous Air Pollutants for Source Categories: Ferroalloys Production: Ferromanganese and Silicomanganese: [40 CFR Part 63](#) Subpart XXX, as amended January 18, 2017, 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: Manufacturing of Nutritional Yeast: [40 CFR Part 63](#) Subpart CCCC, as amended October 16, 2017, 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 February 28, 2019, 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: Surface Coating of Large Appliances: [40 CFR Part 63](#) Subpart NNNN, as amended March 15, 2019, 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 March 15, 2019, 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 March 4, 2019, 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 March 15, 2019, 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 12, 2019, is hereby incorporated and adopted by reference.
113. Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing: [40 CFR Part 63](#) Subpart UUUU, as amended December 22, 2008, is hereby incorporated and adopted by reference.
114. Emission Standards for Hazardous Air Pollutants for Source Categories: Boat Manufacturing: [40 CFR Part 63](#) Subpart VVVV, as amended October 3, 2001, is hereby incorporated and adopted by reference.
115. Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production: [40 CFR Part 63](#) Subpart WWWW, as amended April 20, 2006, is hereby incorporated and adopted by reference.
116. Emission Standards for Hazardous Air Pollutants for Tire Manufacturing: [40 CFR Part 63](#) Subpart XXXX, as amended April 20, 2006, is hereby incorporated and adopted by reference.
117. Emission Standards for Hazardous Air Pollutants for Stationary Combustion Engines: [40 CFR Part 63](#) Subpart YYYY, as amended April 20, 2006, is hereby incorporated and adopted by reference.
118. Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines: [40 CFR Part 63](#) Subpart ZZZZ, as amended March 6, 2013, is hereby incorporated and adopted by reference.
119. Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants: [40 CFR Part 63](#) Subpart 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 BBBBB, as amended July 22, 2008, is hereby incorporated and adopted by reference.
121. Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks: [40 CFR Part 63](#) Subpart CCCCC, as amended April 20, 2006, is hereby incorporated and adopted by reference.
122. Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: [40 CFR Part 63](#) Subpart DDDDD, as amended November 14, 2018, is hereby incorporated and adopted by reference.
123. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries: [40 CFR Part 63](#) Subpart EEEEE, as amended February 7, 2008, is hereby incorporated and adopted by reference.

124. Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing: [40 CFR Part 63](#) Subpart FFFFF, as amended July 13, 2006, is hereby incorporated and adopted by reference.
125. Emission Standards for Hazardous Air Pollutants: Site Remediation, [40 CFR Part 63](#) Subpart GGGGG: as amended December 22, 2008, is hereby incorporated and adopted by reference.
126. Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing: [40 CFR Part 63](#) Subpart HHHHH, as amended December 22, 2008, is hereby incorporated and adopted by reference.
127. Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants: [40 CFR Part 63](#) Subpart IIIII, as amended April 20, 2006, is hereby incorporated and adopted by reference.
128. Emission Standards for Hazardous Air Pollutants: Brick and Structural Clay Products Manufacturing: [40 CFR Part 63](#) Subpart JJJJJ, as amended October 26, 2015, is hereby incorporated and adopted by reference.
129. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing: [40 CFR Part 63](#) Subpart KKKKK, as amended November 1, 2019, is hereby incorporated and adopted by reference.
130. Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing: [40 CFR Part 63](#) Subpart LLLLL, as amended April 20, 2006, is hereby incorporated and adopted by reference.
131. Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations: [40 CFR Part 63](#) Subpart MMMMM, as amended April 20, 2006, is hereby incorporated and adopted by reference.
132. Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production: [40 CFR Part 63](#) Subpart NNNNN, as amended April 20, 2006, is hereby incorporated and adopted by reference.
133. [reserved]
134. Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Standards: [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 February 8, 2019, is hereby incorporated and adopted by reference.
136. Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing: [40 CFR Part 63](#) Subpart RRRRR, as amended April 20, 2006, is hereby incorporated and adopted by reference.
137. Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing: [40 CFR Part 63](#) Subpart SSSSS, as amended April 20, 2006, is hereby incorporated and adopted by reference.
138. Emission Standards for Hazardous Air Pollutants for Primary Magnesium Manufacturing: [40 CFR Part 63](#) Subpart TTTTT, as amended April 20, 2006, is hereby incorporated and adopted by reference.
139. Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units: [40 CFR Part 63](#) Subpart UUUUU, as amended May 23, 2019, is hereby incorporated and adopted by reference.
140. [reserved]
141. Emission Standards for Hospital Ethylene Oxide Sterilizers: [40 CFR Part 63](#) Subpart WWWW, as promulgated December 28, 2007, is hereby incorporated and adopted by reference.
142. [reserved]

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

144. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources: [40 CFR Part 63](#) Subpart 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 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 January 24, 2011, is hereby incorporated and adopted by reference.

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

149. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources: [40 CFR Part 63](#) Subpart 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. Emission Standards for Hazardous Air Pollutants: Industrial, Commercial, and Institutional Boilers, Area Sources: [40 CFR Part 63](#) Subpart JJJJJJ, as amended September 14, 2016, is hereby incorporated and adopted by reference.

155. [reserved]

156. Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources: [40 CFR Part 63](#) Subpart 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 amended December 21, 2012, is hereby incorporated and adopted by reference.
167. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations: [40 CFR Part 63](#) Subpart WWWWWW, as amended September 19, 2011, is hereby incorporated and adopted by reference.
168. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories: [40 CFR Part 63](#) Subpart 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 AAAAAA, as amended March 18, 2010, is hereby incorporated and adopted by reference.
172. Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry: [40 CFR Part 63](#) Subpart BBBBBB, as promulgated December 30, 2009, is hereby incorporated and adopted by reference.
173. Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing: [40 CFR Part 63](#) Subpart CCCCCC, as amended June 3, 2010, is hereby incorporated and adopted by reference.
174. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing: [40 CFR Part 63](#) Subpart DDDDDD, as amended December 23, 2011, is hereby incorporated and adopted by reference.
175. Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category: [40 CFR Part 63](#) Subpart EEEEEEE, as promulgated February 17, 2011, is hereby incorporated and adopted by reference.
176. [reserved]

177. [reserved]

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

**(10) Chemical Accident Prevention Provisions.**

**(a) General Requirements.**

1. The provisions of this section (10) shall apply to any stationary source and to the owner or operator of any stationary source subject to any requirement under 40 Code of Federal Regulations (hereinafter CFR), Parts 68, as amended. The word "Administrator" as used in regulations adopted in this section shall mean the Director of EPD.

2. Definitions: For the purpose of this section, [40 CFR, Section 68.3](#), as amended, is hereby incorporated and adopted by reference.

**(b) Chemical Accident Prevention Standards.**

1. General: [40 CFR 68](#), Subpart A, as amended, is hereby incorporated and adopted by reference.

2. Hazard Assessment, [40 CFR 68](#), Subpart B, as amended, is hereby incorporated and adopted by reference.

3. Program 2 Prevention Program, [40 CFR 68](#), Subpart C, as amended, is hereby incorporated and adopted by reference.

4. Program 3 Prevention Program, [40 CFR 68](#), Subpart D, as amended, is hereby incorporated and adopted by reference.

5. Emergency Response, [40 CFR 68](#), Subpart E, as amended, is hereby incorporated and adopted by reference.

6. Regulated Substances for Accidental Release Prevention, [40 CFR 68](#), Subpart F, as amended, is hereby incorporated and adopted by reference.

7. Risk Management Plan, [40 CFR 68](#), Subpart G, as amended, is hereby incorporated and adopted by reference.

8. Other Requirements, [40 CFR 68](#), Subpart H, as amended, is hereby incorporated and adopted by reference.

**(11) Compliance Assurance Monitoring**

**(a) General Requirements.** The provisions of this section (11) shall apply to any stationary source and to the owner or operator of any stationary source subject to any requirement under [40 CFR Part 64](#) as amended, which is incorporated and adopted herein by reference.

**(b) The word "Administrator"** as used in regulations adopted in this section shall mean the Director of EPD.

**(12) Cross State Air Pollution Rule NO<sub>x</sub> Annual Trading Program**

**(a) General Requirements.** The provisions of this paragraph (12) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart AAAAA, as amended (at 81 FR 74604-07, October 26, 2016). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in [40 CFR Part 97.402](#).



(b) **General Provisions.** [40 CFR Part 97.401](#) through [40 CFR Part 97.408](#), as amended is hereby incorporated and adopted by reference.

(c) **Designated Representative.** [40 CFR Part 97.413](#) through [40 CFR Part 97.418](#), as amended is hereby incorporated and adopted by reference.

(d) [reserved]

(e) [reserved]

(f) **Allowance Allocations.** [40 CFR Part 97.411](#) through [40 CFR Part 97.412](#), as amended is hereby incorporated and adopted by reference with the following exceptions: [40 CFR 97.411\(b\)\(2\)](#), [40 CFR 97.411\(c\)\(5\)\(iii\)](#) and [97.412\(b\)](#).

For purposes of this paragraph (12), the Georgia NO<sub>x</sub> Annual trading budget and new unit set-aside for allocations of CSAPR NO<sub>x</sub> Annual allowances, and the variability limit for the Georgia NO<sub>x</sub> Annual trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NO<sub>x</sub> Annual trading budget is 53,738 tons.

2. The new unit set-aside is 1,075 tons.

3. The variability limit is 9,673 tons.

4. The Georgia NO<sub>x</sub> Annual trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

(g) **Allowance Tracking System.** [40 CFR Part 97.420](#) through [40 CFR Part 97.421](#) and [40 CFR Part 97.424](#) through [40 CFR Part 97.428](#), as amended is hereby incorporated and adopted by reference with the following exceptions: [40 CFR 97.421\(h\)](#) and [40 CFR 97.421\(j\)](#).

(h) **Allowance Transfers.** [40 CFR Part 97.422](#) through [40 CFR Part 97.423](#), as amended is hereby incorporated and adopted by reference.

(i) **Monitoring and Reporting.** [40 CFR Part 97.430](#) through [40 CFR Part 97.435](#), as amended is hereby incorporated and adopted by reference.

### (13) Cross State Air Pollution Rule SO<sub>2</sub> Annual Trading Program

(a) **General Requirements.** The provisions of this paragraph (13) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart DDDDD, as amended (at 81 FR 74618-21, October 26, 2016). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in [40 CFR Part 97.702](#).

(b) **General Provisions.** [40 CFR Part 97.701](#) through [40 CFR Part 97.708](#), as amended is hereby incorporated and adopted by reference.

(c) **Designated Representative.** [40 CFR Part 97.713](#) through [40 CFR Part 97.718](#), as amended is hereby incorporated and adopted by reference.

(d) [reserved]

(e) [reserved]

(f) **Allowance Allocations.** [40 CFR Part 97.711](#) through [40 CFR Part 97.712](#), as amended is hereby incorporated and adopted by reference with the following exceptions: [40 CFR 97.711\(b\)\(2\)](#), [40 CFR 97.711\(c\)\(5\)\(iii\)](#) and [97.712\(b\)](#).

For purposes of this paragraph (13), the Georgia SO<sub>2</sub> Group 2 trading budget and new unit set-aside for allocations of CSAPR SO<sub>2</sub> Group 2 allowances, and the variability limit for the Georgia SO<sub>2</sub> Group 2 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The SO<sub>2</sub> Group 2 trading budget is 135,565 tons.
2. The new unit set-aside is 2,711 tons.
3. The variability limit is 24,402 tons.
4. The Georgia SO<sub>2</sub> Group 2 trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

(g) **Allowance Tracking System.** [40 CFR Part 97.720](#) through [40 CFR Part 97.721](#) and [40 CFR Part 97.724](#) through [40 CFR Part 97.728](#), as amended is hereby incorporated and adopted by reference with the following exceptions: [40 CFR 97.721\(h\)](#) and [40 CFR 97.721\(j\)](#).

(h) **Allowance Transfers.** [40 CFR Part 97.722](#) through [40 CFR Part 97.723](#), as amended is hereby incorporated and adopted by reference.

(i) **Monitoring and Reporting.** [40 CFR Part 97.730](#) through [40 CFR Part 97.735](#), as amended is hereby incorporated and adopted by reference.

#### (14) **Cross State Air Pollution Rule NO<sub>x</sub> Ozone Season Trading Program**

(a) **General Requirements.** The provisions of this paragraph (14) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart BBBBBB as amended (at 81 FR 74607-14, October 26, 2016). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in [40 CFR Part 97.502](#).

(b) **General Provisions.** [40 CFR Part 97.501](#) through [40 CFR Part 97.508](#), as amended is hereby incorporated and adopted by reference.

(c) **Designated Representative.** [40 CFR Part 97.513](#) through [40 CFR Part 97.518](#), as amended is hereby incorporated and adopted by reference.

(d) [reserved]

(e) [reserved]

(f) **Allowance Allocations.** [40 CFR Part 97.511](#) through [40 CFR Part 97.512](#), as amended is hereby incorporated and adopted by reference with the following exceptions: [40 CFR 97.511\(b\)\(2\)](#), [40 CFR 97.511\(c\)\(5\)\(iii\)](#) and [97.512\(b\)](#).

For purposes of this paragraph (14), the Georgia NO<sub>x</sub> Ozone Season Group 1 trading budget and new unit set-aside for allocations of CSAPR NO<sub>x</sub> Ozone Season Group 1 allowances, and the variability limit for the Georgia NO<sub>x</sub> Ozone Season Group 1 trading budget, for the control periods in 2017 and thereafter are as follows:



1. The NO<sub>x</sub> Ozone Season Group 1 trading budget is 24,041 tons.
2. The new unit set-aside is 481 tons.
3. The variability limit is 5,049 tons.
4. The Georgia NO<sub>x</sub> Ozone Season Group 1 trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

(g) **Allowance Tracking System.** [40 CFR Part 97.520](#) through [40 CFR Part 97.521](#) and [40 CFR Part 97.524](#) through [40 CFR Part 97.528](#), as amended is hereby incorporated and adopted by reference with the following exceptions: [40 CFR 97.521\(h\)](#) and [40 CFR 97.521\(j\)](#).

(h) **Allowance Transfers.** [40 CFR Part 97.522](#) through [40 CFR Part 97.523](#), as amended is hereby incorporated and adopted by reference.

(i) **Monitoring and Reporting.** [40 CFR Part 97.530](#) through [40 CFR Part 97.535](#), as amended is hereby incorporated and adopted by reference.

Cite as Ga. Comp. R. & Regs. R. 391-3-1-.02

**AUTHORITY:** O.C.G.A. § [12-9-1](#) et seq., as amended.

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**Amended:** F. July 1, 1993; eff. July 21, 1993.

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**Amended:** F. June 3, 1996; eff. June 23, 1996.

**Amended:** F. Aug. 26, 1996; eff. Sept. 15, 1996.

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**Amended:** F. Dec. 8, 2000; eff. Dec. 28, 2000.

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**Amended:** F. Dec. 6, 2001; eff. Dec. 26, 2001.

**Amended:** F. June 27, 2002; eff. July 17, 2002.

**Amended:** F. Dec. 10, 2002; eff. Dec. 30, 2002.

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**Amended:** ER. 391-3-1-0.41-.02 adopted. F. Apr. 25, 2003; eff. Apr. 23, 2003, the date of adoption.

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**Amended:** F. June 30, 2005; eff. July 20, 2005.

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**Amended:** F. Mar. 30, 2006; eff. Apr. 19, 2006.

**Amended:** F. June 23, 2006; eff. July 13, 2006.

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**Amended:** F. May 19, 2008; eff. June 8, 2008.

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**Amended:** F. June 30, 2009; eff. July 20, 2009.

**Amended:** F. Nov. 30, 2009; eff. Dec. 20, 2009.

**Amended:** F. Sept. 16, 2010; eff. Oct. 6, 2010.

**Amended:** F. Dec. 9, 2010; eff. Dec. 29, 2010.

**Amended:** F. Aug. 24, 2011; eff. Sep. 13, 2011.

**Amended:** F. Feb. 16, 2012; eff. Mar. 7, 2012.

**Amended:** F. Jul. 20, 2012; eff. Aug. 9, 2012.

**Amended:** F. Aug. 31, 2012; eff. Sep. 20, 2012.

**Amended:** F. May 2, 2013; eff. May 22, 2013.

**Amended:** F. May 24, 2013; eff. Jun. 13, 2013.

**Amended:** F. Jul. 12, 2013; eff. Aug. 1, 2013.

**Amended:** F. Apr. 14, 2014; eff. May 4, 2014.

**Amended:** F. Sep. 24, 2014; eff. Oct. 14, 2014.

**Amended:** F. July 14, 2015; eff. Aug. 3, 2015.

**Amended:** F. Nov. 18, 2015; eff. Dec. 8, 2015.

**Note:** Correction of non-substantive typographical errors, duplicate "ii" in subparagraphs (w) 3., 4. and (y) 4. changed to "iii", duplicate subparagraph "(aaaa)(3)(c)" deleted. Eff. Dec. 16, 2015.

**Amended:** F. July 25, 2016; eff. Aug. 14, 2016.

**Amended:** F. Nov. 2, 2016; eff. Nov. 22, 2016.

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**Amended:** F. Mar. 8, 2018; eff. Mar. 28, 2018.

**Amended:** F. July 3, 2018; eff. July 23, 2018.

**Amended:** F. Oct. 9, 2018; eff. Oct. 29, 2018.

**Amended:** F. Jan. 28, 2019; eff. Feb. 17, 2019.

**Amended:** F. Sep. 6, 2019; eff. Sep. 26, 2019.

**Note:** Correction of non-substantive typographical errors in subparagraphs (2)(d), (2)(ii), (2)(rr) as requested by the Agency. Effective Nov. 1, 2019.

**Amended:** F. July 9, 2020; eff. July 29, 2020.

### **391-3-1-.03 Permits. Amended**

#### **(1) Construction (SIP) Permit.**

(a) **Any person** prior to beginning the construction or modification of any facility which may result in air pollution shall obtain a permit for the construction or modification of such facility from the Director.

(b) **The application** for a construction permit shall be made on forms supplied by the Director, and shall be signed by the applicant. Said application shall be filed with the Director well in advance of any critical date involved in the construction or modification of such facility, so that adequate time will be available for review, discussion, and revision where necessary. Said application shall include and/or be accompanied by all pertinent information as the Director may require for a full evaluation of the proposed construction or modification of the facility, such as: process flow diagrams; plot plans; description of control devices; description of the proposed new or modified operation; type of operation; raw materials and chemicals to be used, the finished products; type, quantity and peak output of fuels to be used; the amount of combustible waste that will be generated and the method of disposing of same; characteristics and amounts of emissions into the atmosphere; engineering reports; plans and specifications; time schedules and reports of progress; records; information regarding any Emission Reduction Credits on which the applicant intends to rely; and related information.

(c) **The permit** for the construction or modification of any facility shall be issued upon a determination by the Director that the facility can reasonably be expected to comply with all the provisions of the Act and the rules and regulations promulgated thereunder.

#### **(2) Operating (SIP) Permit.**

(a) **Any person** operating a facility or performing an activity which is not exempted under 391-3-1-.03(6) from which air contaminants are or may be emitted shall obtain an Operating (SIP) Permit from the Director.

(b) **Application** for an operating permit must be made within thirty (30) days after commencement of normal operations. Said application for an operating permit shall be accompanied by such plans, specifications, and other information deemed necessary by the Director to make full evaluation of the performance of the facility. If any of

the necessary information cannot be provided within the required time, the application shall include a schedule, subject to the approval of the Director, for submission of all such information as soon as practicable.

(c) **An operating permit** will be issued upon evidence satisfactory to the Director of compliance with the provisions of the Act and the rules and regulations promulgated thereunder. Said permit shall specify the conditions under which the facility shall be operated in order to comply with the Act and rules and regulations. As a condition for the issuance of an operating permit, the Director may require the applicant to conduct performance tests and monitoring and provide reports concerning operations, to demonstrate compliance with the Act and the rules and regulations. Such tests and monitoring shall be conducted, and such required reports submitted, in accordance with methods and procedures approved by the Director.

(d) **The Director** may grant a temporary operating permit for such period of time and under such conditions as he shall specify in the permit, in order to allow the applicant a reasonable period of time in which to correct deficiencies in any existing facility. The temporary operating permit shall specify a schedule for bringing the existing facility into compliance with the Act and rules and regulations in the shortest practical time period.

(e) **The requirements** of this section (2) shall not apply to any emissions unit as defined in [40 CFR 70.2](#) which has been issued a part 70 permit under the requirements of section (10), unless there is a modification to such unit.

(f) **Any person** operating a facility or performing an activity from which air contaminants are or may be emitted, may be required to obtain a Permit by Rule, a Generic Permit or a Part 70 Permit from the Director in addition to an Operating (SIP) Permit.

(g) **Under penalty** of law, the holder of any Air Quality Permit must adhere to the terms, limitations, and conditions of that permit and subsequent revisions of that permit.

(h) **The limitations**, controls, and requirements in federally enforceable operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.

(i) **Prior to the issuance** of any federally enforceable operating permit, EPA and the public will be notified and given a chance for comment on the draft permit.

### **(3) Revocation, Suspension, Modification or Amendment of Permits.**

(a) **Any permit** issued by the Director shall be subject to periodic review and the Director may revoke, suspend, modify or amend any permit issued, for cause, including but not limited to, the following:

1. Violation of any condition of said permit, or failure to comply with a final order of the Director;
2. Failure to comply with any applicable rules or regulations in effect pursuant to this Chapter;
3. Obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts, or failure to inform the Division of modifications affecting emissions;
4. Modifications which affect emissions. In the event of modification, amendment, suspension or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for the action.
5. The Director may amend any permit to establish an emission limitation based on existing equipment design and reasonable operation and maintenance practices. Such limitation shall not allow emissions greater than those allowed by other provisions and emission limits specified elsewhere in the Rules, Chapter 391-3-1.

### **(4) Permits Not Transferable.**

A permit is not transferable from one person to another nor from one facility to another facility.

**(5) Permits Public Records.**

Except as to information required to be kept confidential by O.C.G.A. Section [12-9-19](#), as amended all applications for construction permits and operating permits shall be public record.

**(6) Exemptions.**

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

**(a) Mobile Sources.**

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

**(b) Combustion Equipment.**

1. Fuel-burning equipment having a total heat input capacity of less than 10 MMBtu/hr burning only natural gas, LPG and/or distillate fuel oil containing 0.50% sulfur by weight or less.
2. Fuel-burning equipment rated at less than 5 MMBtu/hr burning a wood or fossil fuel.
3. Any fuel-burning equipment with a rated input capacity of 2.5 MMBtu/hr or less.
4. Equipment used for cooking food for immediate human consumption.
5. Blacksmith forges.
6. Clean steam condensate and steam relief vents.
7. Funeral homes and crematories of any size.
8. Air curtain destructor used for land clearing at a construction site.
9. Open burning.
10. Small incinerators operating as follows:
  - (i) less than 8 MMBtu/hr input, firing types 0, 1, 2 and/or 3 waste; or
  - (ii) less than 8 MMBtu/hr input with no more than 10% pathological (type 4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or
  - (iii) less than 4 MMBtu/hr heat input firing Type 4 waste.
11. Stationary engines
  - (i) Burning natural gas, LPG, gasoline, dual fuel, or diesel fuel which are used exclusively as emergency generators;

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

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

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

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

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

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

12. Boiler water treatment operations.

13. Firefighting equipment, including fire pumps or other emergency/safety equipment used to fight fires or train firefighters or other emergency personnel.

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

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

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

**(c) Storage Tanks.**

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

2. All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored.

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

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

**(d) Agricultural Operations.**

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

**(e) Maintenance, Cleaning & Housekeeping.**

1. Heating, air conditioning and ventilation systems not designed to remove air contaminants generated by or released from process or fuel-burning equipment.
2. Routine housekeeping activities such as painting buildings, roofing or paving parking lots, all clerical activities and all janitorial activities.
3. Maintenance activities such as: vehicle repair shops, brazing, soldering and welding equipment, carpenter shops, electrical charging stations, grinding and polishing operations maintenance shop vents, miscellaneous non-production surface cleaning, preparation and painting operations.
4. Miscellaneous activities such as: aerosol spray cans; air compressors; cafeteria vents; copying, photographic and blueprint machines; decommissioned equipment; dumpsters; fire training activities; fork lifts; railroad flares; refrigerators; space heaters.
5. Cold storage refrigeration equipment.
6. Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.
7. Equipment used for portable steam cleaning.
8. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.
9. Portable blast-cleaning equipment.
10. Laundry dryers, extractors, or tumblers for fabric cleaned with only water solutions of bleach or detergents.
11. Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.
12. Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.
13. Steam sterilizers.
14. Portable equipment used for the on site painting of buildings, towers, bridges and roads.



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

16. Equipment used for the washing or drying of fabricated products provided that no VOCs are used in the process and that no oil or solid fuels are burned.

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

18. Fresh water cooling towers provided that the total potential emissions from the entire source remain below 10 tons per year of any single hazardous air pollutant and below 25 tons per year of any combination of hazardous air pollutants.

**(f) Laboratories and Testing.**

1. Laboratory equipment used exclusively for chemical or physical analyses;

2. Sampling connections used exclusively to withdraw materials for testing and analysis, including air contaminant detectors and vent lines;

3. Vacuum producing devices;

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

(i) Less than 125 pounds per day of carbon monoxide;

(ii) Less than 0.8 pounds per day of lead;

(iii) Less than 50 pounds per day of particulate matter, PM<sub>10</sub>, or sulfur dioxide;

(iv) Less than 50 pounds per day of nitrogen oxides or VOCs except in the Counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 15 pounds per day of nitrogen oxides; or VOCs; and

(v) Less than 5 pounds per day of any single hazardous air pollutant and less than 12.5 pounds per day of any combination of hazardous air pollutants.

**(g) Pollution Control.**

1. Sanitary wastewater collection and treatment systems, except incineration equipment, that are not subject to any standard, limitation or other requirement under section 111 or section 112 (excluding section 112(r)) of the federal Clean Air Act.

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

3. Bioremediation operations.

4. Garbage compactors and garbage handling equipment.

5. Municipal Solid Waste Landfills which meet the following criteria:

(i) The total design capacity of the landfill is less than or equal to 2.756 million tons (2.5 million megagrams) or 3.27 million cubic yards (2.5 million cubic meters) of solid waste; and

(ii) The emissions of VOC are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties; and

(iii) The emissions of nitrogen oxides (NO<sub>x</sub>) from operations other than the final control device are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties.

**(h) Industrial Operations.**

1. Concrete block, brick plants, concrete products plants, and ready mix concrete plants producing less than 125,000 tons per year of product.

2. Small aluminum scrap metal reclaimers (non-smelters).

3. Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate (#2) fuel oil at a maximum total heat input rate of not more than 10 MMBtu/hr.

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

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

(iii) Kilns for firing ceramic ware.

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

(v) Bakery ovens and confection cookers.

(vi) Feed mill or grain mill ovens.

(vii) Surface coating drying ovens.

4. Grain, metal, or mineral extrusion process.

5. Equipment used exclusively for rolling, forging, pressing, stamping, spinning, or extruding either hot or cold metals or plastic such as drop hammers or hydraulic presses for forging or metalworking.

6. Die casting machines.

7. Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.

8. Equipment for the mining and screening of uncrushed native sand and gravel.

9. Ozonization process or process equipment.

10. Electrostatic powder coating booths with an appropriately designed and operated particulate control system.

11. Equipment used for the application of a hot melt adhesive.

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

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

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

(i) 2426 Dimensional Hardwood Lumber Mills,

(ii) 2431 Lumber Millwork,

(iii) 2434 Wood Kitchen Cabinets,

(iv) 2439 Structural Wood Trusses,

(v) 2441 Wood Boxes,

(vi) 2448 Wood Pallets,

(vii) 2449 Wood Containers, and

(viii) 2499 Miscellaneous Wood Products.

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

(i) **Other.**

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

(i) 50 tons per year of carbon monoxide;

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

(iii) 20 tons per year of particulate matter, PM<sub>10</sub>, or sulfur dioxide;

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

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

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

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

(i) 25 tons per year of carbon monoxide;

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

(iii) 10 tons per year of particulate matter, PM<sub>10</sub> or sulfur dioxide;

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

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

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

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

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

(i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings;

(ii) Changes in product formulations;

(iii) Change in the sequence of the process;

(iv) Change in the method of raw material addition;

(v) Change in the method of product packaging;

(vi) Change in process operating parameters;

(vii) Replacement of a fuel burner in a boiler with a more efficient burner; or

(viii) Lengthening a paint drying oven to provide additional curing time.

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

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

**(j) Construction Permit Exemption for Pollution Control Projects.**

Projects listed in subparagraphs 391-3-1-.01(qqqq)1. and 2. of these rules are exempt from the requirement to obtain a construction (SIP) permit as specified in paragraph 391-3-1-.03(1) of this rule provided that the project is not subject to the provisions of paragraph [391-3-1-.02\(7\)](#), Prevention of Significant Deterioration of Air Quality, or the non-attainment new source review permitting requirements of subparagraph 391-3-1-.03(8)(c). The Director has the authority to rebut the presumption that projects listed in subparagraphs (qqqq)1. and 2. are environmentally beneficial in accordance with the criteria specified in subparagraph (qqqq) and thus exempt from the requirement to

obtain a construction (SIP) permit. Owners and operators of projects exempt from the requirement to obtain a construction (SIP) permit under this subparagraph (6)(j) shall obtain an operating permit or amendment under either paragraph 391-3-1-.03(2) or 391-3-1-.03(10) of this rule, whichever is applicable, prior to commencement of operation of the project.

#### **(7) Combined Permits and Applications.**

The Director may combine the requirements of and the permits for construction and operation (temporary or otherwise) into one permit. He may likewise combine the requirements of and applications for construction and operating permits into one application.

#### **(8) Permit Requirements.**

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

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

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

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

pollutant in a non-attainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Federal Act.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than 250 tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants for more than 250 million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Act.

## 12. Offsets.

- (i) The owner or operator of a new or modified major stationary source may comply with any offset requirement in effect under this subsection for increased emissions of any air pollutant only by obtaining emission reductions of such air pollutants from the same source or other sources in the same non-attainment area, except that the Director may allow the owner or operator of a source to obtain such emission reductions in another non-attainment area if:

(I) The other area has an equal or higher non-attainment classification than the area in which the source is located;

(II) Emissions from such other area contribute to a violation of the national ambient air quality standard in the non-attainment area in which the source is located; and

(III) Such emission reductions shall be, by the time a new or modified source commences operation, in effect and enforceable and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area.

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

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

(iv) At least 30 days prior to commencement of operation of the new or modified stationary source permitted under this subparagraph, the owner or operator shall provide documentation to the Division of the possession of sufficient offsets required under subparagraph (c)1. and as specified under subparagraph (c)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. [reserved]

#### 14. Additional Provisions for Ozone Non-Attainment Areas.

(i) In Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, 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 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, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, 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, containing an electrical generating unit, and that emits, or has the potential to emit, at least 100 tons per year of nitrogen oxides from electrical generating units. Any physical change that would occur at a stationary source not qualifying as a major stationary source as defined in this subparagraph shall be considered a "major stationary source" if the change would constitute a major stationary source by itself.

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

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

(iv) For purposes of satisfying the emission offset requirements of this subsection, the ratio of total emission reductions of nitrogen oxides to total increased emissions of such pollutant from the new or modified electrical

generating units shall be at least 1.1 to 1 for emission offsets external or internal to the contiguous area under common control at which the proposed new or modified major stationary source is located.

(v) [reserved]

(vi) [reserved]

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

16. [reserved]

(d) [reserved]

(e) **The Director** shall, upon analysis of the ambient air in the State, determine, and so designate, those areas of the State, if any, which are not attaining any National Ambient Air Quality Standards specified under the Federal Act, and any area contributing to the ambient air level of any such pollutant (for which such a standard has been established) in such areas of non-attainment. The Director's analyses determinations, and designations hereunder shall be used for the purpose of implementing the requirements of this section, shall be continuing, and shall be conducted in a manner sufficient to meet the requirements of Title 1, Part D of the Federal Act.

1. The counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton have been determined by the Director as areas contributing to the ambient air level of ozone in the following metropolitan Atlanta counties: Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale. 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) 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 subparagraphs (7)(a)2.(i)(I)III. and (7)(a)2.(i)(II)IV. do not apply.

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

(v) The definition of "Significant" does not apply.

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

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

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

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

(i) The term "significant amount" in subparagraph (7)(a)3. shall mean an increase that is considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(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 considered as a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(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 not to be a modification as specified in 391-3-1-.03(8)(c)14.(ii) or 15.(ii).

**(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 annual permit fees shall be determined and submitted in accordance with the Georgia Department of Natural Resources' Fee Manual specified below.

Calendar Year	\$/Ton Rate	Fee 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.
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	\$35.84/Ton for coal-fired electric generating units; \$34/Ton for all	"Procedures for Calculating Air Permit Fees for Calendar Year 2010" dated January 31, 2011.

2011	\$35.84/Ton for coal-fired electric generating units; \$34/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2011" dated March 2, 2012.
2012	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2012" dated February 5, 2013.
2013	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2013" dated January 14, 2014.
2014	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2014" dated January 12, 2015.
2015	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2015" dated February 22, 2016.
2016	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2016" dated February 8, 2017.
2017	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Calendar Year 2017" dated February 8, 2018.
2018	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2019 and June 30, 2020" dated December 26, 2018.
2019	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2020 and June 30, 2021" dated February 3, 2020.

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 annual 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 annual 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, annual 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 annual 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 Fee 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 Fee 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 Fee 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.

(k) **Beginning on March 1, 2019**, 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 a processing fee when submitting an application for the following permit application types:

Permit Type
Minor Source Permit or Amendment
Synthetic Minor Source Permit or Amendment
Major Source Permit or Amendment (but not subject to PSD or 112(g))
Name Change
Permit-by-Rule
Title V 502(b)(10) Permit Amendment
Title V Minor Modification with Construction
Title V Minor Modification without Construction
Title V Significant Modification with Construction
Title V Significant Modification without Construction
PSD Permit per <a href="#">391-3-1-.02(7)</a>
Nonattainment New Source Review Permit per 391-3-1-.03(8)(c)
112(g) permit per <a href="#">391-3-1-.02(9)(b)16</a>

1. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

2. No final action of the Director shall occur until complete fee payment is received, unless the fee payment is waived or partially waived in accordance with subparagraph 391-3-1-.03(9)(e).

3. Application fees shall not be refunded as the fee is used to cover application processing labor.

4. Title V modification application fees are waived for applicants submitting PSD/112(g) or Nonattainment NSR permit applications via Title V permit applications. The PSD/112(g) or Nonattainment NSR fee still applies.

(l) **Beginning on July 1, 2020**, the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03(10) "Title V Operating Permits" shall pay to the Division an annual maintenance fee for Title V sources. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

#### (10) Title V Operating Permits.

##### (a) General Requirements.

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

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

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

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

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

(ii) [Reserved.]

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

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

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

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein, shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion hereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect.

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

**(b) Applicability.**

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

(i) Any major source as defined in [40 CFR Part 70.2](#), which is incorporated by reference in subparagraph (a)4;

(ii) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the federal Act;

(iii) Any source, including an area source, subject to a standard or other requirement under Section 112 of the federal Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the federal Act;

(iv) Any affected source as defined in [40 CFR Part 70.2](#), which is incorporated by reference in subparagraph (a)4; and

(v) Any source in a source category designated by the EPA Administrator pursuant to [40 CFR Part 70.3](#).

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



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

### 3. Emission units and Part 70 permits.

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

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

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

- (i) For each such change, the source's written notification and application for a construction permit shall be submitted well in advance of any critical date (construction date, permit issuance date, etc.) involved in the change, but no less than seven days in advance of such change and shall include a brief description of the change within the permitted facility, the date on which the change is proposed to occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
- (ii) The permit shield described in subparagraph (d)6. shall not apply to any change made pursuant to this paragraph.

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

- (i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.
- (ii) Sources must provide contemporaneous written notice to the Director and EPA Administrator of each such change, except for changes that qualify as insignificant as specified in subparagraph (g). Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- (iii) The change shall not qualify for the shield under subparagraph (10)(d)6.

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

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

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

**(c) Permit Applications**

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

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

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

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

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

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

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

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

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

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

**(d) Permit Content.**

**1. Standard Permit Requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

**6. Permit Shield.**

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

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

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

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

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

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

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

(III) The applicable requirements of the acid rain program, consistent with Section 408(a) of the federal Clean Air Act; or

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

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

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

**1. Action on application.**

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

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

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

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

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

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

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

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

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

## 2. Requirement for a permit.

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

## 3. Permit renewal and expiration.

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

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

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

## 4. Administrative permit amendments.

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

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

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

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

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

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

(iv) The Director may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield for administrative permit amendments made pursuant to [40 CFR Part 70.7\(d\)\(1\)\(v\)](#), which is incorporated by reference in subparagraph (e)4.(i) of this rule, which meet the requirements for significant permit modifications.

## 5. Permit modification.

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

(i) Minor permit modification procedures.

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

I. Do not violate any applicable requirement;

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

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

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

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

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

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

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

II. The source's suggested draft permit;

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

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

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

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

I. Issue the permit modification as proposed;

II. Deny the permit modification application;

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

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

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

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

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

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

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

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

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

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

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

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

II. The source's suggested draft permit.

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

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

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

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

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

(IV) The provisions of subparagraph (e)5.(i)(IV) shall apply to modifications eligible for group processing, except that the Director shall take one of the actions specified in subparagraphs (e)5.(i)(IV)I through IV. within 180 days of receipt of the application or 15 days after the end of the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later.

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

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

(iii) Significant modification procedures.

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

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

#### 6. Reopening for cause.

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

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

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

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

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

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

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

#### 7. Reopenings for cause by EPA.



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

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

#### 8. Public participation.

[40 CFR Part 70.7\(h\)](#) is hereby incorporated and adopted by reference.

#### (f) **Permit review by EPA and affected states.**

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

#### 2. Review by affected States.

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

(ii) The Director, as part of the submittal of the proposed permit to the EPA Administrator [or as soon as possible after the submittal for minor permit procedures allowed under subparagraphs (e)5.(i) or (e)5.(ii)], shall notify the EPA Administrator and any affected State in writing of any refusal by the Director to accept all recommendations for the proposed permit that the affected State submitted during the public or affected State comment period. The notice shall include the Director's reasons for not accepting any such recommendation. The Director is not required to accept recommendations that are not based on applicable requirements or the requirements of this paragraph (10).

#### 3. EPA objection.

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

#### (g) **Insignificant Activities List**

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

#### 1. Mobile Sources.

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

#### 2. Combustion Equipment.

(i) Firefighting equipment, including fire pumps or other emergency/safety equipment used to fight fires or train firefighters or other emergency personnel.

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

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

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

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

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

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

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

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

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

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

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

(iv) Stationary Engines Burning:

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

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

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

(IV) Gasoline used for other purposes, provided that the output of each engine does not exceed 100 horsepower and that no individual engine operates for more than 500 hours-per-year except in the counties of Banks, Barrow,

Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts used for peaking power are not insignificant activities.

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

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

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

### 3. Trade Operations.

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

### 4. Maintenance, Cleaning, and Housekeeping.

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

(ii) Portable blast-cleaning equipment.

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

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

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

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

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

### 5. Laboratories and Testing.

(i) Laboratory fume hoods and vents associated with bench-scale laboratory equipment used for physical or chemical analysis.

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

### 6. Pollution Control.

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

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

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

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

## 7. Industrial Operations.

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

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

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

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

(III) Kilns for firing ceramic ware.

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

(V) Bakery ovens and confection cookers.

(VI) Feed mill or grain mill ovens.

(VII) Surface coating drying ovens.

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

(I) The activity is performed indoors; and

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

(III) No visible emissions enter the outdoor atmosphere.

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

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

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

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

(viii) Ozonization process or process equipment.

- (ix) Electrostatic powder coating booths with an appropriately designed and operated particulate control system.
- (x) Activities involving the application of hot melt adhesives where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.
- (xi) Equipment used exclusively for mixing and blending water-based adhesives and coatings at ambient temperatures.
- (xii) Equipment used for compression, molding and injection of plastics where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.
- (xiii) Ultraviolet curing processes where VOC emissions are less than five tons per year and HAP emissions are less than 1,000 pounds per year.

#### 8. Storage Tanks and Equipment.

- (i) All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.
- (ii) All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (iii) All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.
- (iv) All pressurized vessels designed to operate in excess of 30 psig storing petroleum fuels that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (v) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.
- (vi) Portable drums, barrels, and totes provided that the volume of each container does not exceed 550 gallons.
- (vii) All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury (0.19 psia).

#### (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 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 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 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 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 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 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 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 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 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 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 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.

#### (12) Generic Permit.

(a) **Under penalty** of law, the holder of any Air Quality General Generic Permit must adhere to the terms, limitations, and conditions of that permit and subsequent revisions of that permit.

(b) **The limitations**, controls, and requirements in federally enforceable operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.

(c) **Prior to the issuance** of any federally enforceable operating permit, EPA and the public will be notified and given a chance for comment on the draft permit.

#### (13) Emission Reduction Credits.

##### (a) Applicability.

This section provides for the creation, banking, transfer, and use of nitrogen oxides and VOC Emission Reduction Credits in Federally designated ozone non-attainment areas in Georgia and any areas designated by the Director as contributing to the ambient air level of ozone in Federally designated ozone non-attainment areas in Georgia. The following sources are eligible to create and bank nitrogen oxides and VOC Emission Reduction Credits:

1. [reserved]

2. Any stationary source located within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale and which has the potential to emit nitrogen oxides or VOCs in amounts greater than 100 tons-per-year.

3. Electrical Generating Units located at any stationary source within the counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton and which has the potential to emit nitrogen oxides in amounts greater than 100 tons-per-year.

**(b) Eligibility of Emission Reductions.**

1. In order to be approved by the Division as an Emission Reduction Credit, a reduction in emissions must be real, permanent, quantifiable, enforceable, and surplus and shall have occurred after December 31, 1996.

2. To be eligible for consideration as Emission Reduction Credits, emission reductions may be created by any of the following methods:

(i) Installation of control equipment;

(ii) A change in process inputs, formulations, products or product mix, or raw materials;

(iii) A reduction in actual emission rate;

(iv) A reduction in operating hours;

(v) Production curtailment;

(vi) Shutdown of emitting sources or facilities; or

(vii) Any other enforceable method as determined by the Division.

**(c) Quantification of Emission Reduction Credits.**

1. For purposes of calculating the amount of emission reduction that can be quantified as an Emission Reduction Credit, the following procedures must be followed:

(i) The source must calculate its average actual annual emissions prior to the emission reduction. Actual emissions prior to the reduction shall be calculated in tons per year. In calculating average actual annual emissions prior to the emission reduction, the source shall use data from the 24-month period immediately preceding the reduction in emissions. The Division may allow the use of a different time period upon determination that such period is more representative of normal source operation.

(ii) The Emission Reduction Credit generated by the emission reduction shall be calculated by subtracting the allowable annual emissions rate following the reduction from the average actual annual emissions prior to the reduction.

**(d) Discounting and Revocation of Emission Reduction Credits.**

1. Except as provided below, the Director shall not discount or otherwise reduce the value of Emission Reduction Credits banked under this section.

(i) [reserved]

(ii) Discounting Based on Time Banked.

Emission Reduction Credits banked under this section will not expire at any time. However, Emission Reduction Credits will be discounted at a rate of 10 percent of the original Emission Reduction Credit value per year beginning on the 11th anniversary of the date on which the reduction in emissions initially occurred, up to a maximum total discount of 50 percent of the original Emission Reduction Credit value on the 15th anniversary of the date on which the reduction in emissions initially occurred. Annual discounting under this subsection (ii) shall not occur if the affected Emission Reduction Credits have already been discounted by 50% or more under the following subsection (iii) due to the promulgation of more stringent regulations affecting the source category that created the Emission Reduction Credits.

(iii) Discounting for More Stringent Regulations.

If any State or Federal statute, rule, or regulation decreases an allowable emission rate or otherwise requires a reduction in nitrogen oxides or VOC from a particular source category or categories, any banked nitrogen oxides or VOC Emission Reduction Credits created by that source category or categories shall be reduced to reflect the new more stringent allowable emission limit or required reduction.

(iv) Discounting or Revocation for Cause.

The Director may revoke, suspend, or reduce the value of Emission Reduction Credits for cause, including evidence of noncompliance with permit conditions imposed to make the emission reductions permanent and enforceable; failure to achieve in practice the emission reductions on which the Emission Reduction Credits are based; or misrepresentations made in the Emission Reduction Credit application or any other applications on which the Emission Reduction Credits are based, supporting data entered therein or attached thereto, or any subsequent submittal or supporting data.

2. The owner of a Certificate of Emissions Reduction Credit may submit an application to re-evaluate a Certificate of Emission Reduction Credit to determine whether the amount of credits specified in the Certificate of Emission Reduction Credit has been discounted or revoked in accordance with subparagraph 1., above. Such application shall be submitted on forms and contain information specified by the Division.

**(e) Creation and Banking of Emission Reduction Credits.**

1. Sources seeking to create and bank Emission Reduction Credits must submit an application on forms supplied by the Division and signed by the applicant. The application shall include, at a minimum, the following information:

(i) The company name, contact person and phone number, and street address of the source seeking the Emission Reduction Credit;

(ii) A description of the type of source, including SIC code, where the proposed emission reduction shall occur;

(iii) A detailed description of the method or methods to be employed by the source to create the emission reduction;

(iv) The date the emission reduction occurred or is to occur;

(v) Quantification of the Emission Reduction Credit, as required under subsection (c);

(vi) The proposed method for ensuring the reductions are permanent and enforceable, including any necessary application to amend the source's operating permit or, in the case of a shutdown of process equipment or an entire source, request for permit revocation;

(vii) Whether any portion of the reduction in emissions to be used to create the Emission Reduction Credit has previously been used to avoid New Source Review through a "netting demonstration;" and

(viii) Any other information that may be required to demonstrate that the reduction in emissions is real, permanent, quantifiable, enforceable, and surplus, as defined in subsection (b).

2. The Division will determine whether the application is complete and will notify the source seeking the Emission Reduction Credit of its determination. A Certificate of Emission Reduction Credit will be issued to the source upon a determination by the Director that the emission reduction meets the requirements of this section. Upon issuance of the Certificate, the Division will simultaneously take any action required to ensure the reduction is permanent and enforceable, including issuance of a revised permit or revocation of a permit.

3. Certificates of Emission Reduction Credit shall be issued by the Director and shall contain the following information:

- (i) The amount of the credit, in tons per year;
- (ii) The pollutant reduced (nitrogen oxides or VOC);
- (iii) The date the reduction occurred;
- (iv) The street address and county of the source where the reduction occurred; and
- (v) The date of issuance of the Certificate.

4. The Division shall maintain an Emission Reduction Credit registry that constitutes the official record of all Certificates of Emission Reduction Credit issued and all withdrawals made. The registry shall be available for public review. For each certificate issued, the registry will indicate the amount of the Emission Reduction Credit, the pollutant reduced, the location of the facility generating the Emission Reduction Credit, and the facility contact person.

**(f) Use of Emission Reduction Credits.**

1. Emission Reduction Credits may be used in any manner authorized under this subsection (f).

2. Persons holding Emission Reduction Credits may withdraw the Emission Reduction Credits and may dispose of them in any manner not inconsistent with this Section.

3. An Emission Reduction Credit may be withdrawn only by the owner of record or by the Director and may be withdrawn in whole or in part. In the case of a partial withdrawal, the Division shall issue a revised certificate of Emission Reduction Credit to the owner of record reflecting the new amount of the credit and shall revoke the original Certificate.

4. Emission Reduction Credits may be used for the following purposes:

- (i) As offsets required by Section 391-3-1-.03(8) for a major new source of nitrogen oxides or VOC in a federally designated ozone non-attainment area, or an area designated by the Director as an area contributing to the ambient concentration of ozone in a federally designated ozone non-attainment area;
- (ii) As offsets required by Section 391-3-1-.03(8) for a major modification to an existing major source of nitrogen oxides or VOC in a federally designated ozone non-attainment area, or an area designated by the Director as an area contributing to the ambient concentration of ozone in a federally designated ozone non-attainment area;
- (iii) As part of a netting demonstration under the following conditions:
  - (I) The source using the Emission Reduction Credits is the same source that created and banked the Emission Reduction Credits, and;
  - (II) The emission reduction represented by the Emission Reduction Credits occurred within the five-year period before construction commences on the modification; or

(iv) As internal offsets under Section 391-3-1-.02(8)(c)(13)(iii) and (iv) of these Rules provided that the source using the Emission Reduction Credits is the same source that created and banked the Emission Reduction Credits.

5. Emission Reduction Credits can only be used to offset emissions of the same pollutant that was reduced by the source that created and banked the Emission Reduction Credit.

6. Emission reduction credits used as offsets as required by Section 391-3-1-.03(8) within a federally designated ozone non-attainment area shall have been created within that federally designated ozone non-attainment area. Emission reduction credits created within any area designated by the Director as contributing to the ambient air level of ozone in a federally designated ozone non-attainment area may not be used as offsets as required by Section 391-3-1-.03(8) in that federally designated non-attainment area.

**(g) Transfer of Certificates of Emission Reduction Credit.**

1. If the owner of a Certificate of Emission Reduction Credit transfers the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner and shall revoke the certificate held by the current owner of record.

2. If the owner of a Certificate of Emission Reduction Credit transfers part of the Emission Reduction Credits represented by the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner reflecting the transferred amount and shall issue a Certificate of Emission Reduction Credit to the current owner of record reflecting the amount of Emission Reduction Credit remaining after the transfer. The original Certificate of Emission Reduction credit shall be revoked.

**(h) Administrative Fees.**

1. Any Source or person seeking to create, certify, bank, use, transfer, or re-evaluate Emission Reduction Credits shall pay fees to the Division in accordance with the following schedule:

(i) \$6000 per application to create, certify and bank emission credits in accordance with subparagraph (e) of this paragraph.

(ii) \$3500 per application to use a banked emission credit in accordance with subparagraph (f)4. of this paragraph. If the Certificate of Emission Reduction Credit has either been transferred in accordance with subparagraph (g) of this paragraph or re-evaluated in accordance with subparagraph (d)2. of this paragraph, or both, within 12 months prior to submission of an application to use a banked emission credit, the administrative fee to use a banked emission credit shall be reduced by the amount administrative fee(s) paid to the Division for transfer and re-evaluation. The 12-month period shall be based on the date of issuance of the new Certificate of Emission Reduction Credit to the new owner (for a transfer) or the date of written notification of the owner of the results of the re-evaluation by the Division (for a re-evaluation).

(iii) \$3000 per application to transfer a Certificate of Emission Reductions Credit as per subparagraph (g) of this paragraph. If a re-evaluation of the Certificate of Emission Reduction Credit has been completed by the Division in accordance with subparagraph (d)2. of this paragraph within 12 months prior to submission of an application to transfer the Certificate of Emission Reduction Credit, the administrative fee to transfer the Certificate of Emission Reduction Credit shall be reduced by the amount administrative fee paid for re-evaluation. The 12-month period shall be based on the date of written notification of the owner of the results of the re-evaluation by the Division.

(iv) \$2500 per application to re-evaluate an Certificate of Emission Reduction Credit as per subparagraph (d)2. of this paragraph.

2. Payment of administrative fees required by this subsection shall be submitted along with an application to create, certify, bank, use, transfer, or re-evaluate Emission Reduction Credits.

**(i) Definitions.**



For the purposes of this section, the following definitions shall apply:

1. "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.
2. "Enforceable" means enforceable by the Division. Methods for ensuring that Emission Reduction Credits are enforceable shall include, but not be limited to, conditions in air quality construction or operating permits issued by the Division.
3. "Netting Demonstration" means the act of calculating a "net emissions increase" under the preconstruction review requirements of Title I, Part D of the Federal Act and the regulations promulgated thereunder.
4. "Permanent" means assured for the life of the corresponding Emission Reduction Credit through an enforceable mechanism such as a permit condition or revocation.
5. "Quantifiable" means that the amount, rate and characteristics of the Emission Reduction Credit can be estimated through a reliable method and are approved by the Division.
6. "Real" means a reduction in actual emissions emitted into the air.
7. "Surplus" means not required by any local, state, or federal law, regulation, order, or requirement and in excess of reductions used by the Division in issuing any other permit or to demonstrate attainment of federal ambient air quality standards or reasonable further progress towards achieving attainment of federal ambient air quality standards. For the purpose of determining the amount of surplus emission reductions, any seasonal emission limitation or standard shall be assumed to apply throughout the year. Emission reductions which have previously been used to avoid New Source Review through a netting demonstration are not considered surplus.

**Cite as** Ga. Comp. R. & Regs. R. 391-3-1-.03

**AUTHORITY:** O.C.G.A. § [12-9-1](#) et seq., as amended.

**HISTORY:** Original Rule entitled "Permits" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

**Amended:** F. June 30, 1975; eff. July 20, 1975.

**Amended:** F. Oct. 31, 1975; eff. Nov. 20, 1975.

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**Amended:** F. Aug. 27, 1982; eff. Sept. 16, 1982.

**Amended:** F. Dec. 9, 1986; eff. Dec. 29, 1986.

**Amended:** F. Dec. 20, 1990; eff. Jan. 9, 1991.

**Amended:** F. Aug. 27, 1992; eff. Sept. 16, 1992.

**Amended:** F. Nov. 2, 1992; eff. Nov. 22, 1992.

**Amended:** F. July 1, 1993; eff. July 21, 1993.

**Amended:** F. Oct. 28, 1993; eff. Nov. 17, 1993.

**Amended:** F. May 24, 1994; eff. June 13, 1994.

**Amended:** F. July 28, 1994; eff. Aug. 17, 1994.

**Amended:** F. Oct. 31, 1994; eff. Nov. 20, 1994.

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**Amended:** F. June 3, 1996; eff. June 23, 1996.

**Amended:** F. June 3, 1997; eff. June 23, 1997.

**Amended:** F. Dec. 5, 1997; eff. Dec. 25, 1997.

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**Amended:** F. June 18, 1999; eff. July 8, 1999.

**Amended:** F. Sept. 17, 1999; eff. Oct. 7, 1999.

**Amended:** F. Jan. 27, 2000; eff. Feb. 16, 2000.

**Amended:** F. July 27, 2000; eff. Aug. 16, 2000.

**Amended:** F. Dec. 8, 2000; eff. Dec. 28, 2000.

**Amended:** F. June 28, 2001; eff. July 18, 2001.

**Amended:** F. Dec. 6, 2001; eff. Dec. 26, 2001.

**Amended:** F. June 27, 2002; eff. July 17, 2002.

**Amended:** F. Mar. 31, 2003; eff. Apr. 20, 2003.

**Amended:** F. June 4, 2003; eff. June 24, 2003.

**Amended:** F. July 8, 2004; eff. July 28, 2004.

**Amended:** F. June 30, 2005; eff. July 20, 2005.

**Amended:** F. Mar. 7, 2006; eff. Mar. 27, 2006.

**Amended:** F. Mar. 30, 2006; eff. Apr. 19, 2006.

**Amended:** F. June 23, 2006; eff. July 13, 2006.

**Amended:** F. July 24, 2006; eff. Aug. 13, 2006.

**Amended:** F. Feb. 20, 2007; eff. Mar. 12, 2007.

**Amended:** F. July 5, 2007; eff. July 25, 2007.

**Amended:** F. Aug. 22, 2008; eff. Sept. 11, 2008.

**Amended:** F. June 30, 2009; eff. July 20, 2009.

**Amended:** F. June 21, 2010; eff. July 11, 2010.

**Amended:** F. Dec. 9, 2010; eff. Dec. 29, 2010.

**Amended:** F. Aug. 24, 2011; eff. Sep. 13, 2011.

**Amended:** F. Jul. 20, 2012; eff. Aug. 9, 2012.

**Amended:** F. Jul. 12, 2013; eff. Aug. 1, 2013.

**Amended:** F. Aug. 16, 2013; eff. Sept. 5, 2013.

**Amended:** F. Jul. 30, 2014; eff. Aug. 19, 2014.

**Amended:** F. Sep. 24, 2014; eff. Oct. 14, 2014.

**Amended:** F. June 22, 2015; eff. July 12, 2015.

**Amended:** F. July 14, 2015; eff. Aug. 3, 2015.

**Amended:** F. July 25, 2016; eff. Aug. 14, 2016.

**Amended:** F. June 1, 2017; eff. June 21, 2017.

**Amended:** F. June 30, 2017; eff. July 20, 2017.

**Amended:** F. May 29, 2018; eff. June 18, 2018.

**Amended:** F. July 3, 2018; eff. July 23, 2018.

**Amended:** F. Apr. 29, 2019; eff. May 19, 2019.

**Amended:** F. Sep. 6, 2019; eff. Sep. 26, 2019.

**Amended:** F. June 12, 2020; eff. July 2, 2020.

**Amended:** F. July 9, 2020; eff. July 29, 2020.

# **Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH**

## **Chapter 511-2. DISEASE SURVEILLANCE AND CONTROL**

### **Subject 511-2-9. SYRINGE SERVICES PROGRAMS**

#### **511-2-9-.01 Definitions**

- (1) **"Administrator"** means the person who signs an application for registration of a Syringe Services Program and bears the ultimate responsibility for ensuring that the Program operates in compliance with O.C.G.A. § [16-13-32](#) and these rules and regulations.
- (2) **"Consumer"** means a person who receives assistance through a Syringe Services Program.
- (3) **"Commissioner"** means the Commissioner of Public Health.
- (4) **"Department"** means the Georgia Department of Public Health.
- (5) **"Policies and Procedures Manual"** means a written manual detailing the policies and procedures for the safe and lawful operation of a Syringe Services Program.
- (6) **"Site"** means the location(s) or venue(s) where Syringe Services Programs are offered to Consumers.
- (7) **"Staff"** means a person who works for or acts as an agent of a Syringe Services Program, whether compensated or not.
- (8) **"Syringe Services Program" or "Program"** means an organization which provides substance abuse and harm reduction counseling, education, and referral services for substance abuse disorder treatment; training and provision of naloxone to reverse opioid overdoses; screening for HIV, viral hepatitis, sexually transmitted diseases, and tuberculosis; referrals and linkage to HIV, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, treatment, and care services; safer injection supplies; and evidence-based interventions to reduce negative consequences of drug related behaviors.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.01

**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

#### **511-2-9-.02 Registration Required**

- (1) Any person or entity that operates a Syringe Services Program shall be registered with the Department. Applications for registration shall be filed with the Department as specified in Rule 511-2-9-.03.
- (2) Upon receipt of a complete application, the Department shall review the application and take action to approve or deny the registration in accordance with the provisions of O.C.G.A. § [16-13-32](#) and these rules and regulations.
- (3) Once issued, a registration shall be valid for a period of two years or until the biennial registration date established by the Department.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.02

**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Registration Required" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

### **511-2-9-.03 Application for Registration**

Each application for registration of a Syringe Services Program shall contain:

- (1) The legal name of the Program and the name under which it will be doing business.
- (2) The name, address, telephone number, and email address of the Administrator of the Program, together with:
  - (a) A signed, notarized statement attesting that the Administrator accepts full responsibility for ensuring that the Program operates in compliance with the provisions of O.C.G.A. § [16-13-32](#) and these rules and regulations; and
  - (b) All information necessary for the Department to conduct a fingerprint criminal background check of the Administrator. The Applicant shall be responsible for all fees associated with the performance of the background check.
- (3) The address and telephone number of each Program Site, including both fixed locations with permanent structures and venues at which services are provided by a mobile unit, as well as the name, address, and telephone number of the legal property owner for each fixed location and the Georgia tag number of each mobile unit.
- (4) The scheduled hours of operation for all Program Sites, including both fixed locations and mobile units.
- (5) Documentation showing that the Program has provided written notice of its intent to establish and maintain a Syringe Services Program to stakeholders in the community, including the local governing authority and the local law enforcement agencies with jurisdiction over each Program Site. The written notice shall include a copy of the Program's Site security plan.
- (6) A copy of the Program's Policies and Procedures Manual.
- (7) Such other information as is deemed necessary by the Department.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.03

**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Application for Registration" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

### **511-2-9-.04 Operating Requirements**

(1) Each Syringe Services Program shall:

- (a) Accept and dispose of hypodermic needles and syringes at no cost to Consumers and in compliance with the U.S. Occupational Safety and Health Administration's bloodborne pathogen rule, [29 C.F.R. § 1910.1030](#).
- (b) Furnish new hypodermic needles and syringes to Consumers at no cost and in quantities sufficient to minimize the likelihood of reuse. All new hypodermic needles and syringes shall be provided in sealed sterile packaging.
- (c) Provide Consumers with direct services or referrals and linkages to care for the following: substance abuse counseling, education, and treatment; training and provision of naloxone to reverse opioid overdoses; screening, prevention, treatment, and care services for HIV, viral hepatitis, sexually transmitted diseases, and tuberculosis; and evidence based interventions to reduce negative consequences of drug related behaviors.

- (d) Comply fully with the Program's Policies and Procedures Manual and all applicable federal and state laws and rules.
  - (e) Accept no remuneration from a Consumer.
  - (f) Operate only from locations of which the Department has been notified and which must be at least 1,000 feet from any school and any child care learning center licensed by the Georgia Department of Early Care and Learning.
  - (g) Strictly limit the disclosure of protected health information, including HIV status, in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), O.C.G.A. § [24-12-21](#), and all other provisions of federal and state laws and rules.
  - (h) Ensure that all Staff are vaccinated against or immune to the hepatitis B virus, unless the individual Staff member has declined the vaccine.
  - (i) Ensure physical facilities are clean, sanitary, and appropriately maintained.
  - (j) Be overseen by an Administrator who has been approved by the Department and has accepted the responsibility of ensuring that the Program operates in compliance with O.C.G.A. § [16-13-32](#) and these rules and regulations.
- (2) Each Program shall notify the Department via email or other writing within thirty days of any changes in:
- (a) The legal name of the Program or the name under which it does business;
  - (b) The Program Site(s), including both fixed locations and mobile units and all contact information related thereto;
  - (c) The Administrator of the Program, including all contact information related thereto;
  - (d) The Program's operating hours; or
  - (e) The Program's Policies and Procedures Manual.
- (3) Annually by December 1, each Program shall report the following data to the Department, in a format specified by the Department:
- (a) Aggregated Consumer demographic information, including age, race, ethnicity, and gender;
  - (b) The number of new syringes distributed to each Consumer in each transaction;
  - (c) The number of used syringes returned by each Consumer in each transaction, including the number of syringes disposed of and the disposal method;
  - (d) The number of referrals and linkages to care made to HIV, viral hepatitis, STD, and/or tuberculosis testing, service, and treatment providers;
  - (e) The number of Consumers who were tested for HIV, viral hepatitis, STDs, and tuberculosis through the Program;
  - (f) The number of referrals made to substance abuse treatment providers;
  - (g) The number of needlestick injuries and splash exposures at the Program, if any, including confirmation that injured individuals received appropriate care following an incident in accordance with the Program's protocol for management of needlestick injuries and splash exposures; and
  - (h) Such other information as is deemed necessary by the Department.

Cite as Ga. Comp. R. & Regs. R. 511-2-9-.04

**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Operating Requirements" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

### **511-2-9-.05 Policies and Procedures Manual**

(1) Each Program shall develop a Policies and Procedures Manual for operation of a Syringe Services Program. Such Manual shall include:

- (a) A protocol strictly limiting the disclosure of protected health information, including HIV status, in compliance with HIPAA, O.C.G.A. § [24-12-21](#), and all other provisions of federal and state laws and rules, accompanied by a protocol for handling breaches of privacy.
- (b) A plan for the provision of substance abuse and harm reduction counseling, education, and referral services for:
  - 1. Substance abuse disorder treatment;
  - 2. Training and provision of naloxone to reverse opioid overdoses;
  - 3. Screening for HIV, viral hepatitis, sexually transmitted diseases, and tuberculosis prevention, treatment, and care services, including immunizations;
  - 4. Safer injection supplies; and
  - 5. Evidence-based interventions to reduce negative consequences of drug-related behaviors.
- (c) A Site biosafety plan, which shall include:
  - 1. Engineering and work practice controls designed to reduce the likelihood of exposure by Program Staff and Consumers to bloodborne pathogens and other potentially biohazardous materials;
  - 2. A protocol for the safe and secure disposal of syringes and related supplies in compliance with federal and state law;
  - 3. A protocol for the management of needlestick injuries and splash exposures, which shall include the designation of an exposure manager who must be present during operating hours, a procedure for Staff to immediately report needlesticks and splash exposures, and a process for an injured individual to receive post-exposure prophylaxis or other appropriate medical care;
  - 4. A Staff training plan, which shall include education regarding Universal Precautions, safe handling of syringes, confidentiality protocols, bloodborne pathogen infection control, and other subjects deemed necessary by the Department for the safe operation of the Program.
- (d) A Site security plan, which shall be provided to all law enforcement agencies with jurisdiction over each Program Site and shall include:
  - 1. Provisions for reasonable and adequate security of program Sites, equipment, and personnel;
  - 2. Operational procedures to protect inventory from loss or theft and ensure the secure storage, distribution, and disposal of syringes;
  - 3. Provisions for the regular retrieval of any syringes or other trash discarded within three hundred feet of a fixed or mobile Program Site.

(e) A plan for enlisting community support and addressing community concerns related to the implementation of the Program; and

(f) A data collection protocol for recording the information that must be reported to the Department in accordance with Rule 511-2-9-.04(3)(g).

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.05

**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Policies and Procedures Manual" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

### **511-2-9-.06 Right of Inspection and Copying**

(1) Any duly designated employee of the Department shall have the right to enter upon and into the premises of a Program or Applicant at any time for the purpose of conducting a physical inspection of the Program Site. A satisfactory inspection demonstrating compliance with Rule 511-2-9-.04 shall be required prior to the issuance of an initial registration and upon each biennial renewal.

(2) The Department shall be afforded full access to, and the right to examine and copy, either manually or by photocopy, all manuals, protocols, records, reports, and other documents required to be kept by a Program under these regulations, at no expense to the Department.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.06

**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Right of Inspection and Copying" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

### **511-2-9-.07 Renewal of Registration**

(1) Each Program may renew its registration biennially by submitting a renewal application and fulfilling all requirements specified by the Department for renewal, including a physical inspection of the Program Site. Renewal applications shall be submitted to the Department not less than 120 days prior to the expiration date of the registration and shall include updated information regarding:

- (a) The legal name of the Program and the name under which it does business;
- (b) The Program Site(s), including both fixed locations and mobile units and all contact information related thereto;
- (c) The Administrator of the Program, including all contact information related thereto;
- (d) The Program's operating hours; and
- (e) The Program's Policies and Procedures Manual.

(2) A Program registration that is not renewed prior to the expiration date shall be placed in lapsed status. A lapsed registration may be renewed during the six-month period immediately following the expiration date, provided that the Program meets all requirements for renewal.

(3) A Program registration that is not renewed within the six-month late renewal period shall be expired and not eligible for renewal. To regain its registration, the Program shall be required to reapply for registration as a new applicant.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.07



**AUTHORITY:** O.C.G.A. § [16-13-32](#).

**HISTORY:** Original Rule entitled "Renewal of Registration" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

### **511-2-9-.08 Granting and Suspension or Revocation of Registration**

(1) The Department shall grant an application for registration only upon a satisfactory showing that both the Program and its Administrator are willing and able to operate in compliance with the Program's Policies and Procedures Manual and all provisions of these rules.

(2) The Department may deny an application for registration or suspend or revoke a registration, after notice and an opportunity for a hearing, upon a finding that the Applicant, Program, or Administrator has:

(a) Failed to meet all requirements for Program registration;

(b) Violated any federal or state law or rule related to Syringe Services Programs, without regard to whether such violation is criminally punishable;

(c) Committed or been convicted of any felony or any crime involving moral turpitude in the courts of this state or any other state or territory or in the courts of the United States; as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty, or a plea of guilty or *nolo contendere*, regardless of whether an appeal has been sought;

(d) Knowingly made misleading, deceptive, untrue, or fraudulent representations related to the operation of a Syringe Services Program or on any document connected therewith, or made a false or deceptive statement to the Department; or

(e) Engaged in any practice harmful to the public which materially affects the ability of the Applicant, Program, or Administrator to operate a Syringe Services Program or threatens the public health, safety, or welfare.

(3) In its sole discretion, the Department may allow a Program an opportunity to correct alleged deficiencies prior to initiating the suspension or revocation of a registration, in accordance with the following procedures:

(a) The Department shall provide written notice to the Administrator, via email and first class U.S. mail to the Administrator's address on file with the Department, of the Program's alleged deficiencies. Notice shall be complete upon mailing.

(b) Within thirty calendar days of the notice, the Program shall develop and submit to the Department a written corrective action plan to address the deficiencies. The corrective action plan shall include:

(c) Steps required to correct the deficiencies; and

(d) A deadline of no more than ninety calendar days for completion.

(e) If the Department, in its sole discretion, approves the corrective action plan, the Program shall implement the plan. The Department may conduct a Site inspection at any time during the implementation period. If the Department determines, in its sole discretion, that the deficiencies have been corrected, no further action shall be taken.

(f) If the Program fails to submit a sufficient corrective action plan, fails to correct the deficiencies as specified in the corrective action plan, or if the Department determines for any reason that a corrective action program is no longer appropriate, the Department may take action to suspend or revoke the Program's registration.

(4) Procedures for the denial of an application or suspension or revocation of a Program registration.

(a) The Department shall provide written notice to the Program's Administrator, via email and certified mail to the Administrator's address on file with the Department, of the denial of the Program's application or the suspension or revocation of the Program's registration and the grounds therefor. Notice shall be complete upon mailing.

(b) The denial, suspension, or revocation shall become effective twenty days after notice is complete, unless the Program submits a timely request for a hearing; provided, however, that a Program registration may be suspended immediately, prior to a hearing, upon a written finding set forth in the notice that the public health, safety, or welfare imperatively require emergency action. All hearing requests must be delivered to and received by the Director of the Syringe Services Program no later than thirty days after notice is complete.

(c) The Department shall refer a timely request for a hearing to the Office of State Administrative Hearings within thirty days after receipt, unless the Department and the Program agree otherwise. After thirty days from the Department's receipt of the hearing request, the Program may petition the Office of State Administrative Hearings for an order permitting the request to be filed directly with the Office of State Administrative Hearings.

(d) At least one year shall pass from the date of denial of an application before the Department will consider a new application for registration. At least two years shall pass from the date of revocation of a registration before the Department will consider a new application for registration; provided, however, that a Program whose registration was revoked for failure to renew may submit a new application prior to the expiration of the two-year waiting period.

**Cite as** Ga. Comp. R. & Regs. R. 511-2-9-.08

**AUTHORITY:** O.C.G.A. §§ [16-13-32](#), [31-5-2](#), [50-13-13](#), [50-13-41](#).

**HISTORY:** Original Rule entitled "Granting and Suspension or Revocation of Registration" adopted. F. July 27, 2020; eff. Aug. 16, 2020.

# **Department 539. RULES OF GEORGIA REAL ESTATE APPRAISERS BOARD**

## **Chapter 539-3. STANDARDS FOR APPRAISALS**

### **539-3-.04 Standards for Developing and Reporting an Evaluation Appraisal**

(1) An "Evaluation Appraisal" is defined as follows:

An appraisal which is limited in its scope and development to the requirements for Evaluations as set forth for a lender by a federal financial institutions regulatory agency and as defined in and consistent with the Interagency Appraisal and Evaluation Guidelines ("Evaluation Guidelines") promulgated by the Office of the Comptroller of the Currency, et al.

(2) An Evaluation Appraisal may be performed for any transaction that qualifies to be performed as an Evaluation under the Interagency Appraisal and Evaluation Guidelines ("Evaluation Guidelines") promulgated by the Office of the Comptroller of the Currency, et al.

(3) Development and Content of Evaluation Appraisals:

At a minimum, the development and content of an Evaluation Appraisal shall comply with the guidelines set forth in the Interagency Appraisal and Evaluation Guidelines ("Evaluation Guidelines") promulgated by the Office of the Comptroller of the Currency, et al.

(4) **Certification.** The Evaluation Appraisal report shall include the following items in language substantially similar to the following: I certify that, to the best of my knowledge and belief:

- the statements of fact contained in this report are true and correct.
- the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no (or the specified) present or prospective interest in the property that is the subject of this report, and I have no (or the specified) personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.
- my engagement in this assignment or in any future assignment is not contingent upon developing or reporting predetermined results.
- my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Georgia Real Estate Appraiser Classification and Regulation Act and the Rules and Regulations of the Georgia Real Estate Appraisers Board.
- I have (or have not) made a personal inspection of the property that is the subject of this report. (If more than one person signs the report, this certification must clearly specify which individuals did and which individuals did not make a personal inspection of the appraised property.)

- no one provided significant professional assistance to the person signing this report. (If there are exceptions, the name of each individual providing significant professional assistance must be stated and the professional assistance provided must be disclosed.)

**Cite as** Ga. Comp. R. & Regs. R. 539-3-.04

**AUTHORITY:** O.C.G.A. §§ [43-39A-13](#), [43-39A-18](#).

**HISTORY:** Original Rule entitled "Confidentiality" adopted. F. Sept. 25, 1990; eff. Oct. 15, 1990.

**Repealed:** New Rule entitled "Departure in Non-federally Related Transactions" adopted. F. Sept. 26, 1997; eff. Oct. 16, 1997.

**Amended:** F. Jan. 25, 2002; eff. Feb. 14, 2002.

**Repealed:** F. June 22, 2006; eff. Aug. 1, 2006, as specified by the Agency.

**Adopted:** New rule entitled "Standards for Developing and Reporting an Evaluation Appraisal." F. Feb. 26, 2013; eff. Mar. 18, 2013.

**Amended:** F. July 30, 2020; eff. Aug. 19, 2020.

# Department 616. OFFICE OF STATE ADMINISTRATIVE HEARINGS

## Chapter 616-1.

### Subject 616-1-2. ADMINISTRATIVE RULES OF PROCEDURE

#### 616-1-2-.02 Scope of Rules

(1) This Chapter governs all actions and proceedings before the Court.

(2) At the Court's discretion, procedural requirements of these Rules may be relaxed to facilitate the resolution of a matter without prejudice to the parties and in a manner consistent with the requirements of the APA or other applicable law.

(3) Procedural questions that are not addressed by the APA, other applicable law, or these Rules shall be resolved at the Court's discretion, as justice requires. The Court may refer to the CPA and the Uniform Rules for the Superior Courts in the exercise of this discretion.

(4) The Court shall determine which law governs a hearing when a Rule conflicts with or is supplemented by a state or federal statute or rule.

**Cite as** Ga. Comp. R. & Regs. R. 616-1-2-.02

**AUTHORITY:** O.C.G.A. §§ [50-13-40\(c\)](#); [50-13-41](#).

**HISTORY:** Original Rule entitled "Hearings for the Department of Agriculture" adopted as ER. 616-1-2-0.2-.02. F. Mar. 23, 1995; eff. Apr. 1, 1995, as specified by the Agency.

**Amended:** Permanent Rule entitled "Applicability and Scope of These Rules" adopted. F. June 30, 1995; eff. July 20, 1995.

**Repealed:** New Rule entitled "Applicability and Scope of Rules" adopted. F. Nov. 15, 2010; eff. Dec. 5, 2010.

**Amended:** New title "Scope of Rules." F. June 22, 2020; eff. July 12, 2020.

**Note:** The incorrect Rule was posted on the SOS Rules and Regulations website July 2020 through August 2020, due to an administrative error. The correct Rule, as amended by filing on June 22, 2020; effective July 12, 2020, was updated on the website September 1, 2020.