Georgia Rules and Regulations
Administrative Bulletin for May 2023

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513. RULES OF PUBLIC RETIREMENT SYSTEMS	513-17-1-.01, 513-17-1-.02	adopted	Apr. 24, 2023	May 14

Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

Chapter 40-4. ENTOMOLOGY AND PLANT INDUSTRY

Subject 40-4-26. CITRUS REGULATIONS AND QUARANTINE

40-4-26-.03 Plant Pest Declaration

The Commissioner may declare any pest determined to be injurious to citrus in Georgia to constitute a plant pest and a public nuisance. The Department will publish a list of any citrus-related pests declared to constitute a plant pest and public nuisance on the Department's website.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.03

AUTHORITY: O.C.G.A. § 2-7-1*, et. seq*.

HISTORY: Original Rule entitled "Plant Pest Declaration" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. May 24, 2023; eff. June 13, 2023.

40-4-26-.05 Citrus Plants, Budwood, and Rootstock Entering Georgia

(1) Importing Citrus Plants

(a) Citrus plants are prohibited from entering Georgia unless:

1. The state plant regulatory organization has been issued a Master Permit by the Georgia Department of Agriculture, Plant Protection Section;

2. The citrus plants were produced inside an exclusion structure as defined in these Rules;

3. The citrus plants are produced in a facility under a citrus certification compliance program with either the relevant state plant regulatory organization or USDA-APHIS-PPQ;

4. Scion trees or mother trees have been tested at least every three (3) years for the graph transmissible pathogens listed in these Rules or on the Department of Agriculture's website. Rootstock seed source trees must be tested for Citrus greening (or huanglongbing; *Candidatus Liberibacter asiaticus*), Citrus Leaf Blotch Virus (CLBV), and Citrus Psorosis Virus (CPsV) at least every six (6) years;

5. The facility and citrus plants are inspected at least six (6) times per year by state plant regulatory or USDA-APHIS-PPQ personnel, or the combined number of inspections of both agencies total at least six (6), for citrus pests and diseases; and

6. The citrus plants are shipped directly from the approved exclusion structure to Georgia.

(b) The Commissioner may request additional information to determine whether a nursery is in compliance with the requirements of these Rules.

(c) The Commissioner will order an immediate Stop-Sale Notice and Hold Order for any citrus plant shipped into Georgia without proof that the plant originated from a nursery in compliance with the requirements of this Rule. Citrus plants will be released in accordance with the requirements of these Rules.

(d) The Commissioner may suspend or cancel a Master Permit if there is reason to believe that citrus plants are produced or shipped in violation of these Rules.

(2) Importing Budwood

(a) Budwood may be imported from a citrus clean stock program facility including, but not limited to, the following:

1. California Citrus Clonal Protection Program;

2. Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration;

3. Texas Citrus Budwood Certification Program; and

4. USDA-ARS National Clonal Germplasm Repository for Citrus and Dates (USDA-ARS-NCGR).

(b) Budwood may be imported from a USDA-APHIS-PPQ certified facility provided the budwood was produced inside an exclusion structure as defined in these Rules.

(c) Budwood from outside of the United States must comply with all USDA-APHIS-PPQ and Customs and Border Protection applicable regulations and requirements for entry into the country.

(3) Importing Rootstock

(a) Seeds must originate from a state certified seed source tree.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.05

AUTHORITY: O.C.G.A. § 2-7-1, et. seq.

HISTORY: Original Rule entitled "Citrus Plants, Budwood, and Rootstock Entering Georgia" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. May 24, 2023; eff. June 13, 2023.

40-4-26-.06 Growing Citrus Nursery Stock in Georgia

(1) Georgia Citrus Nursery Stock Program Participation

(a) It shall be unlawful to propagate or plant citrus nursery stock that is not produced in accordance with these Rules. Participation in the Georgia Citrus Nursery Stock Program does not imply any warranty on the part of the nurserymen, the Department, or any employee thereof.

(b) Prior to propagating citrus nursery stock, propagators must:

1. Register with the Georgia Department of Agriculture, Plant Protection Section by completing a Georgia Citrus Nursery Application;

2. Pay applicable fees; and

3. Comply with all conditions that apply to the Georgia Citrus Nursery Stock Program contained in these Rules.

(c) Application Process and Fees

1. Applications for a Georgia Citrus Nursery can be obtained from the Department's website.

2. Applicants must submit completed application forms according to directions on the form.

3. An inspection of the facility will be scheduled to determine if the citrus plants and structure meet the requirements of these Rules. The cost of this inspection will be listed on the application form.

4. An annual fee of $500 will be required for facilities with a total enclosed pest exclusion area of up to 25,000 square feet, plus $500 for each additional 25,000 square feet or fraction thereof.

5. Renewal payments are late if the fee has not been received by the Department by the due date.

6. The Georgia Citrus Nursery status will be canceled if payment of the renewal fee is 60 or more days late. In such case, the facility must re-apply to be a Georgia Citrus Nursery.

(d) Georgia Citrus Nursery Program Participation Required

1. Propagators of citrus nursery stock must hold a current Live Plant License.

(i) Citrus nursery stock is required to be grown in a pest exclusion structure facility until:

(I) Moved directly to a grove for immediate planting;

(II) Moved to a physically separate, exclusively retail area at the location; or

(III) Moved from the production location to a separate location for immediate wholesale or retail resale.

2. The current Georgia Citrus Nursery certificate shall be kept on display at the Georgia Citrus Nursery in a location where it is readily visible to the public.

(e) Facility Structural Requirements

1. All citrus plants must be produced inside an exclusion structure as defined in these Rules.

2. To qualify as an exclusion structure, a facility must include, at a minimum, each of the following:

(i) Exterior walls and top

(I) Any combination of solid surfaces and screening may be used, as long as the structure meets or exceeds USDA-APHIS-PPQ "Interstate Movement of Citrus Nursery Stock From Areas Quarantined For Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid", including resistance to wind-blown rain.

(II) Mesh size for any screening used in walls, doors, vent covers, or other parts of a structure shall not exceed 0.3 square millimeters (e.g., 0.547 x 0.547 mm or 0.5 x 0.6 mm).

(ii) Each approved structure must have a citrus free buffer area of at least 100 feet around the exterior of the approved structure. If a buffer area of 100 feet or more is not feasible, a minimum buffer area of 25 feet is allowed if the side of the structure facing citrus nursery plant material is constructed with a water-proof wall, or double-walled screening with a minimum of a 4-inch space, between each screen.

(iii) Doors, doorways, and entryways must be designed and constructed to exclude wind-blown rain and pest organisms.

(I) All doorways must have a positive pressure air curtain, double entrance with vestibule (i.e., outer door opening into a vestibule then inner door leading to the structure), or other mechanism sufficient to prevent the entrance of any insect pests, both during operation of the door and while the door is closed.

(II) All doors must fit against the floor and door frame so that no pest organisms or rain can enter the facility.

(III) At minimum, all entrance doors to the facility must have working locks. The facility must be secured (locked) when employees are not present.

(IV) A footbath containing a product approved by the Department as effective against citrus canker must be located at each entrance and must be properly utilized on footwear by all persons prior to entering the structure.

(V) Vehicles, equipment, and other articles used to handle or move citrus nursery stock must be treated in accordance with USDA-APHIS-PPQ requirements immediately before entering the structure.

(VI) The site must incorporate an area for deliveries and shipments.

(iv) Except for doors, all exterior openings for cooling pads, fans, vents, or other parts of the structure must be covered with screening as specified above; and

(v) The structure perimeter must facilitate drainage away from the structure.

3. The owner of the facility is responsible for maintaining the integrity of the facility and ensuring it remains pest-free.

(i) Before an exclusion structure is modified in a way that affects the walls, screening, doors, or insect-exclusionary ventilation, the nursery must enter into a compliance agreement with the Department that outlines safeguarding conditions to maintain the facility as insect free.

(ii) The Department must be notified immediately if a breach is detected at any time during the life cycle of the citrus stock, from propagation to point of sale.

(iii) If the integrity of the structure is compromised or breached, the citrus nursery stock will be subject to immediate Stop-Sale Notice and Hold Order and will not be released from Stop-Sale Notice and Hold Order by the Department until a risk evaluation has been completed.

4. Citrus nursery stock may be moved from one structure into another structure on the same site provided the plants in the process of being actively relocated are not subjected via open air exposure to citrus pests and diseases.

5. Structures in existence and actively used for growing citrus that do not currently meet the structural requirements of this Rule will be given, upon written request by the owner to the Department, six (6) months from the date of the adoption of this Rule to make the structural modifications necessary to fully comply with this Rule.

(f) Citrus Propagation Requirements

1. Any citrus nursery stock or budwood source tree found infected or exposed to plant pest infestation shall be subject to immediate Stop Sale Notice and Hold Order.

2. Citrus nursery stock grown or distributed in Georgia after January 1, 2020 must be produced in a Georgia Citrus Nursery under the provisions of these Rules.

3. All planting, growing, and budding of rootstock or other propagative material, including seeds, shall be in an approved pest exclusion structure.

4. In-ground production of citrus nursery stock is not approved. Citrus nursery stock may only be produced on a barrier between the soil and pot (e.g., gravel, horticulture cloth, or tables).

5. Citrus nursery stock must be propagated in compliance with the following provisions:

(i) Citrus nursery stock may be propagated directly from certified budwood taken from scion trees or increase trees, or citrus nursery stock may be propagated directly from tested, non-certified citrus budwood. Nurseries producing citrus plants using tested, non-certified budwood must enter into a compliance agreement with the Department.

(ii) After January 1, 2023, non-certified citrus budwood may no longer be used to propagate commercial citrus nursery stock.

(iii) Citrus nursery plants propagated from uncertified budwood prior to January 1, 2023, may be sold until December 31, 2023, only if such plants conform to all of the below requirements.

(I) Either the source plants from which the citrus nursery plants' buds were cut or the citrus nursery plants must be sampled and tested for each of the pathogens deemed citrus-related plant pests by the Commissioner and the testing must reveal the absence of those pathogens. Such sampling and testing must have been performed in accordance with the following requirements:

I. Testing must have been performed after April 1, 2021;

II. Tested samples must have been collected by the Commissioner or the Commissioner's agent in accordance with the USDA-APHIS-PPQ "Survey Protocol for Interstate Movement of Citrus Nursery Stock from Areas Quarantined for Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid"; and

III. Testing must have occurred at a diagnostic laboratory. The Department will not be responsible for testing, transportation, or other costs related to testing.

(II) The grower must include the following statement on each bill of sale: "These plants have been propagated from uncertified budwood but have tested negative for each pathogen declared a citrus-related plant pest by the Georgia Commissioner of Agriculture."

(iv) Citrus nursery stock and propagative material must remain within the approved exclusion structure at all times, or if moved outside of the pest exclusion structure, citrus nursery stock must be protected and covered with material designed to prevent exposure to citrus pests and diseases at all times during transit.

(g) Scion Trees and Scion Block

1. Scion trees must meet the following requirements:

(i) Budwood for propagating scion trees must be obtained from a foundation tree.

(ii) Scion trees must be propagated and grown in a Georgia Citrus Nursery.

(iii) Scion trees must be budded on nursery rootstock which has not been budded previously. If re-budding is necessary, buds from the same source as the original must be used.

(iv) Scion trees must be vigorous, productive, and horticulturally true-to-type.

2. Scion trees must be held exclusively in an approved pest exclusion structure designated for scion trees.

(i) At no time shall any uncertified citrus nursery stock be inside the approved pest exclusion structure.

(ii) Scion trees of different varieties and selections must be kept distinctly apart and clearly identified to avoid the mixing of scion trees originating from different source trees.

3. Labeling of Scion Trees

(i) Each scion tree label must include the name of the selection, the source tree identification number, and the month and year of budding.

(ii) A scion tree identification map must be maintained on-site. The map must be made available during an inspection or upon request by the Department.

4. Inspection

(i) Scion trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 36 months for the pathogens listed in these Rules or on the Department's website or any other pest of regulatory concern. The cost of the laboratory analysis of the samples will be borne by the owner of the nursery. The Department will inspect trees for citrus canker and other pests of regulatory concern during facility inspection.

(ii) The scion block must be routinely inspected and treated to prevent pests and diseases.

(iii) Scion trees found infected with a pathogen must be removed from the protected greenhouse within 10 days of notification of test results by the Department.

(iv) The Department may consult with a panel of experts for additional mitigation measures necessary to ensure the integrity of scion trees.

5. Upon discontinuing use of a scion tree, the scion tree must be removed from the scion block and may be sold, planted, or destroyed.

(h) Increase Trees and Increase Blocks

1. Increase trees and increase blocks must meet the following requirements:

(i) Budwood for propagating increase trees must be obtained from a foundation or scion tree.

(ii) Increase trees must be propagated and grown in a Georgia Citrus Nursery.

(iii) Increase trees must be budded on nursery rootstock which has not been budded previously. If re-budding is necessary, buds from the same source tree as the original bud must be used.

2. Increase trees must be held exclusively in an approved structure designated for increase trees or housed with other citrus nursery stock from certified budwood being grown in the approved structure, provided the two groups of plants are kept identifiably separate.

(i) At no time shall any uncertified citrus nursery stock be inside the approved structure.

(ii) Increase trees may be grown in containers or planted in the ground.

(iii) Increase trees of different varieties and selections must be kept distinctly apart and clearly identified to avoid the mixing of increase trees originating from different source trees.

3. Labeling of Increase Trees

(i) Each lot of increase trees produced from the same lot of budwood from a specific foundation block tree must be labeled for traceability with a unique identification number. The permanent label or tag must include the variety, source tree identification number, and the month and year of budding.

(ii) An increase tree identification map must be maintained on site. The map must be made available during an inspection or upon request by the Department. The map must include the location of each group of increase trees by selection in the approved structure, the name of the selection, the number of trees in each lot, source tree identification number, and the month and year of budding.

4. Increase trees may be used as a source of certified budwood to produce citrus nursery stock for a period not to exceed 60 consecutive months. The 60-month duration begins on the first day of the month following the month in which the trees were budded.

5. At any time, during the 60-month period, the nursery owner may make a request to the Department to convert increase trees to scion trees.

(i) The request must be accompanied by laboratory test results received within the past twelve (12) months for the graph transmissible pathogens listed in these Rules or on the Department of Agriculture's website.

(ii) The trees must be moved to the exclusion structure described above within five (5) days of receiving approval.

6. Citrus trees propagated from increase trees, except trees that have been converted to scion trees as described above, must not serve as a future source of certified budwood.

7. Inspection

(i) Increase trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 36 months for the graph transmissible pathogens in these Rules or on the Department of Agriculture's website or any other pest of regulatory concern. The Department will collect samples for testing according to the sampling plan. The cost of the laboratory analysis of samples will be borne by the owner of the nursery. The Department will inspect trees for citrus canker and other pests of regulatory concern during facility inspection.

(ii) The increase block must be routinely inspected and treated to prevent pests and diseases.

(iii) Increase trees found infected with a pathogen must be removed from the protected greenhouse within 10 days of notification of test results by the Department.

(iv) The Department may consult with a panel of experts for additional mitigation measures necessary to ensure the integrity of increase trees.

8. Upon discontinuing use of an increase tree, the increase tree must be removed from the increase block and may be sold, planted, or destroyed.

(i) Rootstock

1. All planting, growing, and budding of rootstock or other propagative material, including seeds, must be in an approved pest exclusion structure as defined in these Rules.

2. Seed Source trees must originate from a certified clean stock program.

3. All rootstock seed planted for propagation must have undergone thermal treatment or other treatment approved by the Department to reduce the risk of citrus infesting pathogens.

4. Rootstock produced any way other than from seed:

(i) Must have been taken from a tree tested within the previous year, using methods approved by the Department, and found free of diseases quarantined in these Rules; and

(ii) The source tree must have been maintained continuously in a Georgia Citrus Nursery.

5. Documentation of negative test results described in this paragraph must be maintained for at least four years following distribution of all plants propagated from the source tree and must be available for inspection during normal hours of operation.

(j) Micropropagation of Citrus Rootstocks and Plants

1. The plant material for initiation of micropropagated cultures must originate from fully tested foundation material.

2. Cultures must be re-initiated from foundation material after a maximum of 36 months.

3. The plant portion micropropagated must come from non-zygotic embryos or shoots from adult plants.

4. Material grown on contaminated media will be rejected.

5. Antibiotics that can mask the presence of microorganisms must not be added to any media.

6. Once plants leave culture vessels they must be maintained in approved enclosed structures.

7. All movement reports and shipping labels must include the word "micropropagated".

(k) Plant Identification and Labeling

1. Each citrus plant sold or distributed within Georgia must have attached to it, or to the container in which it is planted, a waterproof tag or label upon which is legibly printed in permanent lettering:

(i) "Grown by [the Production Facility Name]";

(ii) "Produced in [State of Origin]" (Postal abbreviation of the state is acceptable); and

(iii) "Georgia Live Plant License # [Number]" or nursery license number in the state of origin.

2. Unless satisfactory records that readily identify the plant as having been produced in an approved facility are provided, the absence of a tag or label required by this Rule creates a non-rebuttable presumption that the plant is a quarantined article, and the quarantined article will be placed under a Stop-Sale Notice and Hold Order until the owner arranges proper disposition.

(l) Inspections

1. The Department will inspect Georgia Citrus Nursery facilities as often as it deems necessary but at a minimum of six (6) times per calendar year.

2. Department personnel may inspect the growing practices and take physical and/or documentary samples as deemed necessary of:

(i) Compliance with facility structural requirements;

(ii) Plants in the nursery;

(iii) Insects and plant pests that may be present;

(iv) Recordkeeping; and

(v) Any other item that is related to the Georgia Citrus Nursery Stock Program and citrus plant propagation or production.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.06

AUTHORITY: O.C.G.A. § 2-7-1***, et. seq.***

HISTORY: Original Rule entitled "Growing Citrus Nursery Stock in Georgia" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. May 24, 2023; eff. June 13, 2023.

40-4-26-.07 Georgia Citrus Clean Stock Program

(1) A Georgia Citrus Clean Stock Program may be initiated with the recommendation from any of the following organizations:

(a) Fort Valley State University

(b) Georgia Crop Improvement Association

(c) Georgia Department of Agriculture

(d) Georgia Seed Development Commission

(e) University of Georgia

(2) The Georgia Citrus Clean Stock Program will provide the care, maintenance, and security for all foundation trees in Georgia.

(3) Establishment of a Foundation Block

(a) Foundation block status will be considered upon written request to the Department. The request must include:

1. A physical description of the proposed site including location, size, and a map of the land to be used. A copy of the deed or lease to the property must be made available upon request by the Department;

2. Identification of the certified laboratory available to perform tests to diagnose plant pests and diseases identified in these Rules; and

3. The name and address of the person responsible for the overall operation of the foundation block.

(b) Adequate environmental controls must be in place to prevent loss of the block due to adverse environmental conditions such as damaging heat, cold, or wind.

(c) Adequate security must be maintained to protect the budwood from contamination or theft.

(d) Plants must be kept exclusively in an approved structure at a Georgia Citrus Nursery as described in these Rules.

(e) Foundation trees must be kept in secure greenhouse facility for budwood cutting and distribution to citrus nurseries.

(f) The Foundation block site must meet the requirements described in these Rules.

(g) Foundation trees must be the source for all scion trees.

(h) The trees in a foundation block must be established using one or more of the following:

1. Parent tree clones or shoot-tip grafts that have undergone treatment for diseases in a clean stock program;

2. Budwood imported directly from one or more of the following citrus clean stock program facilities:

(i) California Citrus Clonal Protection Program;

(ii) Bureau of Citrus Budwood Registration of the Florida Department of Agriculture and Consumer Services;

(iii) USDA-ARS National Clonal Germplasm Repository for Citrus; or

(iv) Texas Citrus Budwood Certification Program.

(i) Budwood used to establish a foundation block must originate from trees that exhibit desirable horticultural true-to-type characteristics for the specified varieties using criteria established by one of the agencies listed above.

(j) Each tree planted in a foundation block must be assigned a unique source tree identification number consisting of block abbreviation, variety abbreviation, block number, row number, and tree number. A sign, stake, tag, or other permanent and waterproof marker must be used to associate each tree with its unique number.

(k) Any tree not exhibiting desirable horticultural characteristics for the specified variety must be immediately removed from use as a budwood source.

(4) Maintaining Foundation Block Status

(a) Trees in a foundation block must be tested by a certified laboratory to verify that foundation block trees continue to be free of diseases listed in these Rules.

(b) Records must be maintained as required by the Commissioner.

(c) At a minimum, the following measures must be taken to prevent disease contamination from internal or external sources.

1. If one or more foundation block trees become infected with a disease listed in these Rules or on the Department's website, or a vector of such disease, the affected tree(s) must be removed immediately.

2. Tools and equipment used to cut or prune foundation block trees must be used only in the foundation block and must be disinfected before use on any other tree, unless:

(i) It is impractical to restrict equipment use only to the foundation block; and

(ii) Such equipment has been treated with an antimicrobial pesticide labeled to control citrus graft transmitted pathogens or in accordance with guidelines prescribed by the Department.

3. Irrigation of the foundation block must be performed in such a manner as to minimize the risk of transmission of diseases through the irrigation system.

4. A foundation block must be completely contained in a Georgia Citrus Nursery in accordance with the requirements described in these Rules.

(5) Labeling and Handling of Budwood Produced in Foundation Block

(a) At the time of sale, each budwood piece or bundle of certified budwood must be labeled to identify the variety of the budwood, number of buds, and source tree identification number, and safeguarded from exposure to the plant pests and diseases listed in these Rules.

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.07

AUTHORITY: O.C.G.A. § 2-7-1***, et. seq.***

HISTORY: Original Rule entitled "Georgia Citrus Clean Stock Program" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Amended: F. May 24, 2023; eff. June 13, 2023.

40-4-26-.09 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 40-4-26-.09

AUTHORITY: O.C.G.A. § 2-7-1*, et. seq*.

HISTORY: Original Rule entitled "Citrus Propagation for Variety Development" adopted. F. Dec. 5, 2019; eff. Jan. 1, 2020, as specified by the Agency.

Repealed: F. May 24, 2023; eff. June 13, 2023.

Department 150. RULES OF GEORGIA BOARD OF DENTISTRY

Chapter 150-5. DENTAL HYGIENE

150-5-.05 Requirements for Continuing Education for Dental Hygienists

(1) Dental hygienists licensed to practice in the state of Georgia shall maintain and furnish to the Board, upon request, official documentation of having completed a minimum of twenty-two (22) hours of continuing education during each biennium. Official documentation shall be defined as documentation from an approved provider that verifies a licensee's attendance at a particular continuing education course. Official documentation of course attendance must be maintained by a dental hygienist for at least three (3) years following the end of the biennium during which the course was taken.

(a) Compliance with all continuing education requirements is a condition for license renewal. Failure to complete all hours of mandatory continuing education shall serve as grounds to deny the renewal of a license and may also result in disciplinary action being taken against a licensee.

(b) Upon its own motion, the Board may at any time randomly select a percentage of actively licensed dental hygienists for the purpose of auditing their compliance with the continuing education requirements of the Board. Those licensees selected for an audit shall submit official documentation of their compliance within thirty (30) days of receipt of the audit letter. Failure to respond to an audit request in a timely manner shall be grounds for disciplinary action against a licensee.

(c) The continuing education requirements shall apply within the first biennium that a dental hygienist is licensed in Georgia. However, in order to meet the continuing education requirements during the first biennium, a newly licensed dental hygienist may submit as their continuing education hours proof of dental hygiene coursework taken within the previous two (2) years of the date of the renewal application from a university or other institution accredited by the Commission on Dental Accreditation of the American Dental Association. Following the first biennium that a dental hygienist is licensed in Georgia such licensees shall comply with the continuing education requirements set forth in Rule 150-5-.05(2) and (3).

(d) The continuing education requirements shall not apply to dental hygienists who are on inactive status.

(e) The continuing education requirements for dental hygienists holding volunteer licenses may be satisfied by compliance with this rule, or they may alternatively be satisfied by compliance with Rule 150-3-.10.

(2) Coursework, including home study courses, sponsored or approved by any organization recognized under Rule 150-3-.09(2) will be accepted.

(3) Course content:

(a) All courses must reflect the professional needs of the hygienist providing quality dental health care to the public;

(b) At least fifteen (15) hours of the minimum requirement must be scientific courses in the actual delivery of dental services to the patient or to the community;

(c) Four (4) credit hours for successful completion of the in-person CPR course required by Georgia law offered by the American Heart Association, the American Red Cross, the American Safety and Health Institute, the National Safety Council, EMS Safety Services, or other such agencies approved by the Board may be used to satisfy continuing education requirements per renewal period. This requirement may be satisfied by successful completion of an in-person Basic Life Support (BLS) or Advanced Cardiovascular Life Support (ACLS) course.

(d) Up to eight (8) hours of continuing education per year may be obtained by assisting the Board with administering the clinical licensing examination or by assisting the Board with investigations of licensees. These hours shall be

approved by the Continuing Education Committee of the Georgia Board of Dentistry and need not be sponsored by any agency or organization listed in 150-3-.09(2).

(e) Up to five (5) hours of continuing education per biennium may be obtained by teaching dental hygiene at any ADA-approved educational facility. These hours shall be awarded, in writing, by the course director at the facility and approved by the Continuing Education Committee of the Georgia Board of Dentistry.

(f) Up to five (5) hours of continuing education per biennium may be obtained by providing, uncompensated dental hygiene care at a charitable dental event as defined by O.C.G.A. § 43-11-53.

(g) Up to ten (10) hours of continuing education per biennium may be obtained by members of the Georgia Board of Dentistry for member service, where one continuing education hour is credited for each five hours of Board service provided.

(h) Effective on and after January 1, 2022, one (1) hour of the minimum requirement shall include legal ethics and professionalism in the practice of dental hygiene, which shall include but not be limited to, education and training regarding professional boundaries; unprofessional conduct relating to the commission of acts of sexual intimacy, abuse, misconduct, or exploitation with regard to the practice of dental hygiene; legislative updates and changes to the laws relating to the practice of dental hygiene and rules, policies, and advisory opinions and rulings issued by the Board; professional conduct and ethics; proper billing practices; professional liability; and risk management.

(4) Criteria for receiving credit for attending an approved continuing education course:

(a) Credit hours are not retroactive or cumulative. All credit hours must be received during the two (2) year period to which they are applied;

(b) One credit hour for each hour of course attendance will be allowed;

(c) Only twelve hours of credit will be accepted per calendar day; and

(d) Effective January 1, 2008, at least eleven (11) of the required twenty-two (22) hours of credit must be acquired in person at an on-site course or seminar; you are not allowed to acquire all CE hours through on-line courses, electronic means, journal studies, etc.

(5) Criteria for receiving credit for teaching an approved continuing education course:

(a) Credit hours for teaching an approved course must be obtained and used during the biennium that the approved course is taught;

(b) A dental hygienist that teaches an approved continuing education course is eligible to receive two (2) credit hours for each hour of coursework that he or she presents at a particular course. Credit will be given for teaching a particular course on one occasion only. A maximum of five (5) credit hours per biennium may be obtained by a dental hygienist by whom an approved continuing education course is taught;

(c) Only continuing education course designated in Rule 150-5-.05(2) as being sponsored or approved by recognized organizations will be considered for credit pursuant to this subsection of the rule. Courses taught by a dental hygienist prior to or a part of the process of obtaining his or her R.D.H. shall not be eligible for consideration pursuant to this provision of the rule;

(d) In the event that an audit is conducted of the continuing education hours of a dental hygienist who has taught a course approved by a recognized organization, the following shall be required to document the dental hygienists role in presenting a continuing education course:

1. Documentation from an approved provider verifying that the dental hygienist presented an approved continuing education course;

2. Documentation from an approved provider reflecting the content of the course;

3. Documentation from an approved provider specifying the list of materials used as part of the course; and

4. Documentation from an approved provider verifying the hours earned and the dates and times that the course in question was given.

(e) In the event that an approved continuing education course is taught by more than one dental hygienist, continuing education credit will be given for those portions of course work in which the dental hygienist is directly involved and primarily responsible for the preparation and presentation thereof. Continuing education credit will not be available to a dental hygienist whose participation in preparing and presenting an approved course is not readily identifiable.

(6) Criteria for receiving credit for providing uncompensated indigent dental hygiene care.

(a) Up to five (5) hours of continuing education per biennium may be obtained by providing uncompensated dental hygiene care at a charitable dental event as defined by O.C.G.A. § 43-11-53.

(b) Dental hygienists may receive one hour of continuing education for every four hours of indigent dental hygiene care the dental hygienist provides, up to five (5) hours. Such continuing education credits will be applied toward the dental hygienist's clinical courses.

(c) All credit hours must be received during the two (2) year renewal period;

(d) Dental hygienists shall at all times be required to meet the minimal standards of acceptable and prevailing practice in Georgia;

(e) The Board shall have the right to request the following:

1. Documentation from the organization indicating that the dental hygienist provided the services;

2. Documentation from the organization that it provided medical and/or dental hygiene services to the indigent and/or those making up the underserved populations;

3. Notarized verifications from the organization documenting the dental hygienist agreement not to receive compensation for the services provided;

4. Documentation from the organization detailing the actual number of hours spent providing said services; and

5. Documentation from the dental hygienist and/or organization verifying the services provided.

Cite as Ga. Comp. R. & Regs. R. 150-5-.05

AUTHORITY: O.C.G.A. §§ 43-11-7**,** 43-11-9**,** 43-11-53**,** 43-11-73**.**

HISTORY: Original Rule entitled "Requirements for Continuing Education for Dental Hygienists" adopted. F. Mar. 4, 1992; eff. Mar. 24, 1992.

Repealed: New Rule of same title adopted. F. Feb. 1, 1999; eff. Feb. 21, 1999.

Repealed: New Rule of same title adopted. F. July 22, 1999; eff. August 11, 1999.

Repealed: New Rule of same title adopted. F. July 28, 2003; eff. August 17, 2003.

Repealed: New Rule of same title adopted. F. Jan. 13, 2004; eff. Feb. 2, 2004.

Amended: F. Mar. 15, 2004; eff. Apr. 4, 2004.

Amended: F. Sept. 10, 2007; eff. Sept. 30, 2007.

Repealed: New Rule of same title adopted. F. July 29, 2009; eff. August 18, 2009.

Amended: F. Jan. 21, 2014; eff. Feb. 10, 2014.

Amended: F. Sep. 3, 2014; eff. Sept. 23, 2014.

Amended: F. Feb. 5, 2016; eff. Feb. 25, 2016.

Amended: F. May 12, 2023; eff. June 1, 2023.

150-5-.07 Administration of Local Anesthetic by Dental Hygienist

(1) A dental hygienist, under the direct supervision of a Georgia licensed dentist, may administer local anesthesia for hygiene purposes, including intraoral block anesthesia, soft tissue infiltration anesthesia, or both, to a non-sedated patient that requires local anesthesia for pain management and who is 18 years of age or older if the following criteria are met.

(2) Educational and Practical Experience Requirements:

(a) Graduate of an approved curriculum program.

1. Dental hygiene anesthesia courses or programs required for dental hygienists licensed in Georgia to qualify to administer local anesthesia:

(i) Shall be taught using lecture and laboratory/clinical formats by a dental education program accredited by the Commission on Dental Accreditation of the American Dental Association (ADA) or its successor agency, a similar organization approved by the United States Department of Education, or the Board.

(ii) The requirements shall include, at a minimum, sixty (60) hours of coursework comprised of thirty (30) didactic hours, fifteen (15) laboratory hours, and fifteen (15) clinical hours which shall include, but not be limited to, the following:

(I) Theory of pain control;

(II) Selection-of-pain-control modalities;

(III) Anatomy;

(IV) Neurophysiology;

(V) Pharmacology of local anesthetics;

(VI) Pharmacology of vasoconstrictors;

(VII) Psychological aspects of pain control;

(VIII) Systemic complications;

(IX) Techniques of maxillary anesthesia;

(X) Techniques of mandibular anesthesia;

(XI) Infection control;

(XII) Safety Injection practices; and

(XIII) Medical emergencies involving local anesthesia.

(iii) Laboratory and clinical instruction shall be provided with a faculty to student ratio of no greater than 1:5 under the direct supervision of a dentist licensed in this state.

(iv) Courses must be taught to a minimum score of eighty percent (80%) in the parenteral administration of local anesthesia, and successful students shall be awarded a certificate of completion.

(3) Continuing Education: Dental hygienists administering local anesthesia pursuant to this rule, must complete two (2) hours of approved continuing education per biennium, which shall include a review of local anesthetic techniques, contraindications, systemic complications, medical emergencies related to local anesthesia, and a general overview of dental office emergencies. These hours may be used as part of the twenty-two (22) hours of continuing education required each biennium.

Cite as Ga. Comp. R. & Regs. R. 150-5-.07

AUTHORITY: O.C.G.A. §§ 43-11-1**,** 43-11-7**,** 43-11-9**,** 43-11-73.1**,** 43-11-74**.**

HISTORY: Original Rule entitled "Administration of Local Anesthetic by Dental Hygienist" adopted. F. May 12, 2023; eff. June 1, 2023.

Department 150. RULES OF GEORGIA BOARD OF DENTISTRY

Chapter 150-13. SEDATION PERMITS

150-13-.01 Conscious Sedation Permits

(1) When the intent is minimal sedation (anxiolysis), which is defined as a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway with unaffected ventilatory and cardiovascular function and respond normally to tactile and verbal stimulation, a permit for conscious sedation is not required.

(a) When the intent is minimal sedation for adults, the initial dosing is no more than the maximum recommended dose (MRD) of a drug that can be prescribed for unmonitored home use. Nitrous oxide/oxygen may be used in combination with a single enteral drug in minimal sedation. For adults, supplemental dosing that may be necessary for prolonged procedures should not exceed one-half of the initial drug dose and should not be administered until the dentist has determined that the clinical half-life of the initial dosing has passed. The total aggregate dose must not exceed 1.5x the MRD on the day of treatment.

(b) The use of preoperative sedatives for children (age 12 and under) except in extraordinary situations must be avoided due to the risk of unobserved respiratory obstruction during transport by untrained individuals. Children can become moderately sedated despite the intended level of minimal sedation. Should this occur, the guidelines for moderate sedation apply. For children, the American Dental Association supports the use of the American Academy of Pediatrics/American Academy of Pediatric Dentists Guidelines for Monitoring and Management of Pediatric Patients During and After Sedation for Diagnostic and Therapeutic Procedures.

(2) No dentist shall administer conscious sedation at the moderate level in Georgia in accordance with the definition of conscious sedation as defined by O.C.G.A. 43-11-1 unless such dentist possesses a permit based on a credentials review. The permits issued are Moderate Enteral Conscious Sedation or Moderate Parenteral Conscious Sedation.

(3) Moderate Conscious Sedation is defined as a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(4) Moderate Enteral Conscious Sedation is any technique of administration in which the drugs are absorbed through the gastrointestinal tract or oral mucosa, i.e., oral, rectal, and sublingual.

(a) To obtain a Moderate Enteral Conscious Sedation Permit for adults, a dentist must provide certification of the following:

1. Completion of an ADA-accredited postdoctoral training program, which affords comprehensive training necessary to administer and manage moderate enteral conscious sedation; or

2. Completion of a continuing education course approved by the board from a board approved organization, which consists of a minimum of twenty-four (24) hours of didactic instruction, of which eight (8) hours must be in-person, plus management of at least ten (10) adult patient experiences which provides competency in moderate enteral conscious sedation which may include simulated cases.

(b) To obtain a Moderate Enteral Conscious Sedation Permit for pediatric patients (age 12 and under), a dentist must provide certification of the following:

1. Completion of an ADA-accredited postdoctoral training program, which affords comprehensive training and experience in pediatric sedation commensurate with the requirements of Rule 150-13-.01(4)(b)(2), and necessary to administer and manage moderate enteral conscious sedation of pediatric patients; or

2. Completion of a continuing education course approved by the board from a board approved organization, which consists of a minimum of twenty-four (24) hours of pediatric-specific didactic instruction, of which eight (8) hours must be in-person, after adult training and ten (10) pediatric patient experiences, which include supervised administration of sedation to at least five (5) patients.

(5) Moderate Parenteral Conscious Sedation is any technique utilizing multiple sedation modalities, including intravenous, enteral, parenteral, and inhalation.

(a) To obtain a Moderate Parenteral Conscious Sedation Permit for adults, a dentist must provide certification of the following:

1. Completion of an ADA-accredited postdoctoral training program, which affords comprehensive training to administer and manage moderate parenteral conscious sedation; or

2. Completion of a continuing education course approved by the board from a board approved organization which consists of a minimum of sixty (60) hours of didactic instruction, of which twenty (20) hours must be in-person, plus management of at least twenty (20) adult patient experiences which provides competency in moderate parenteral conscious sedation.

(b) To obtain a Moderate Parenteral Conscious Sedation Permit for pediatric patients (age 12 and under), a dentist must provide certification of the following:

1. Completion of an ADA-accredited postdoctoral training program, which affords comprehensive training and experience in pediatric sedation commensurate with requirements of Rule 150-13-.01(5)(b)(2) and necessary to administer and manage moderate parenteral conscious sedation of pediatric patients; or

2. Completion of a continuing education course approved by the board from a board approved organization, which consists of a minimum of sixty (60) hours of pediatric-specific didactic instruction, of which twenty (20) hours must be in person, after adult training and twenty (20) pediatric patient experiences to include supervised administration of sedation to at least ten (10) patients.

(6) The dentist issued a permit in either Moderate Enteral Conscious Sedation or Moderate Parenteral Conscious Sedation shall maintain a properly equipped facility for the administration of such sedation, staffed with appropriately trained and supervised personnel. The facility must have equipment capable of delivering positive pressure oxygen ventilation, a pulse oximeter, suction equipment that allows aspiration of the oral and pharyngeal cavities, an operating table or chair that allows for the patient to be positioned to maintain an airway, a firm platform for cardiopulmonary resuscitation, a fail-safe inhalation system if nitrous oxide/oxygen is used, equipment necessary to establish intravascular access, equipment to continuously monitor blood pressure and heart rate, appropriate emergency drugs per ACLS or PALS protocol, a manual or automatic external defibrillator, and a recovery area with available oxygen and suction. The facility shall have continual monitoring of end tidal CO2 (expired carbon dioxide) unless invalidated by the nature of the patient, procedure, or equipment. "Continual" shall mean "repeated regularly and frequently in steady rapid succession." All of the aforementioned equipment, drugs, and supplies must be stationary and not subject to transfer from one facility to another. The applicant must submit verification that the facility meets the above requirements and shall be subject to an on-site inspection. The dentist and all support personnel must be certified in cardiopulmonary resuscitation at the basic life support healthcare provider level given by a board approved sponsor with update not to exceed two years per board rules 150-3-.08, 150-3-.09, 150-5-.04, 150-5-.05. Additionally, the dentist must have current certification in advanced cardiovascular life support (ACLS) for adult permits or pediatric advanced life support (PALS) for pediatric permits or an appropriate dental sedation/anesthesia emergency management course as approved by the board. Any dental hygienist or dental assistant, expanded or general, performing phlebotomy or venipuncture procedures must be in compliance with O.C.G.A. § 43-11-23.

(a) The dentist must take four (4) hours of continuing education every two (2) years in pharmacology, anesthesia, emergency medicine or sedation, as part of the 40 hour requirement for license renewal, to maintain certification for

the Enteral and/or Parenteral Conscious Sedation Permits. Certification of this continuing education must be submitted at renewal.

(b) The Georgia Board of Dentistry shall be given a written, thirty (30) day advance notification of the relocation of a facility, the addition of a facility or significant change to the facility.

(c) When a Certified Registered Nurse Anesthetist (CRNA) is permitted to function under the direction and responsibility of a dentist for the administration of conscious sedation, the operating dentist must have completed training and hold a valid conscious sedation permit issued by the board that incorporates the level and mode of sedation administered by the CRNA.

(d) The dentist must be certified in cardiopulmonary resuscitation at the basic and advanced levels and all support personnel who provide direct hands-on patient care must be certified in cardiopulmonary resuscitation at the basic life support level given by a board approved provider with an update not to exceed two years. While any conscious sedation procedure is underway, a minimum of two support personnel certified in basic cardiopulmonary resuscitation must be present.

(7) A licensed dentist shall not delegate to a dental assistant or a dental hygienist the administration of any medication or drugs given to a patient through phlebotomy and venipuncture procedures.

(8) The requirements as set forth in this rule apply to all new permit applicants upon its effective date. Current, active sedation permit holders are grandfathered for educational requirements and will have until December 31, 2011 to comply with facility requirements including monitoring and emergency equipment, drugs, and supplies, and periodic emergency training requirements for the dentist and all support personnel.

(9) Permit fees: As shown in the schedule of fees adopted by the Board of Dentistry.

(10) Renewal Fees: As shown in the schedule of fees adopted by the Board of Dentistry.

(11) Late Renewal Fees: As shown in the schedule of fees adopted by the Board of Dentistry.

Cite as Ga. Comp. R. & Regs. R. 150-13-.01

AUTHORITY: O.C.G.A. §§ 43-11-1**,** 43-11-7**,** 43-11-8**,** 43-11-21**,** 43-11-21.1**.**

HISTORY: Original Rule entitled "Conscious Sedation Permits" adopted. F. Oct. 25, 1989; eff. Nov. 14, 1989.

Amended: F. Oct. 29, 1996; eff. Nov. 18, 1996.

Amended: F. Jan. 10, 2002; eff. Jan. 30, 2002.

Repealed: New Rule of same title adopted. F. Jan. 31, 2005; eff. Feb. 20, 2005.

Repealed: New Rule of same title adopted. F. Sept. 14, 2005; eff. Oct. 4, 2005.

Repealed: New Rule of same title adopted. F. Feb. 18, 2010; eff. Mar. 10, 2010.

Amended: F. Nov. 16, 2010; eff. Dec. 6, 2010.

Amended: F. May 5, 2023; eff. May 25, 2023.

Department 189. GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION

Chapter 189-3. DISCLOSURE REPORTS

189-3-.06 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 189-3-.06

AUTHORITY: O.C.G.A. § 21-5-6(a)(7)**.**

HISTORY: Original Rule entitled "Flight on Noncommercial Aircraft by a Candidate, Public Officer, or Person Traveling on Behalf of a Candidate or Committee, for Campaign Purposes" adopted. F. Dec. 5, 2008; eff. Jan. 1, 2009, as specified by the Agency.

Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.

Repealed: F. May 11, 2023; eff. May 31, 2023.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-1. GENERAL PROVISIONS

375-3-1-.37 Video Recording, Photography, and Solicitation at DDS Facilities

(1) Filming and Photography On Department of Driver Services Owned or Controlled Property

(a) In that it has been previously declared by state law that the use of the capitol building and grounds shall be limited to departments of state government and to state and national political organizations and for no other purposes unless specifically authorized by law and in that the employees of the departments of state government, and of state agencies, authorities, commissions, boards, bureaus, and other state entities located in the capitol building and other state buildings are engaged in the business of the citizens of the state and should not be unreasonably interrupted in the performance of their public duties, it is, therefore, in the best interest of the state and its citizens that a public policy against such unreasonable disruptions of state employees in the performance of their official duties be declared, and it is in this Code section so declared. O.C.G.A. § 50-9-9(a).

(b) Department of Driver Services Customer Service Centers are non-public forums in which customers do not anticipate being filmed or photographed. Customers have an expectation of privacy in conducting these personal matters which include the exchange of personal information. For this reason, filming and photography are prohibited in all Customer Service Centers.

(2) Soliciting On Department of Driver Services Owned or Controlled Property

(a) Without the express written consent of the director of the Georgia Building Authority, his or her designee, or his or her successor in office first having been received and except as otherwise provided by state law, it shall be illegal for any person, firm, group, organization, or other entity to beg, panhandle, solicit, or to sell goods, wares, or any other objects or services within any buildings or on the grounds, sidewalks, or other ways owned by or under the control of the state, its agencies, authorities, commissions, boards, bureaus, or other state entities. O.C.G.A. § 50-9-9(b).

(b) Solicitation of any kind is prohibited on Department of Driver Services owned or controlled properties.

Cite as Ga. Comp. R. & Regs. R. 375-3-1-.37

AUTHORITY: O.C.G.A. §§ 40-5-4**,** 40-5-101**,** 40-16-2**,** 40-16-5**.**

HISTORY: Original Rule entitled "Video Recording, Photography, and Solicitation at DDS Facilities" adopted. F. May 10, 2023; eff. May 30, 2023.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-3. REVOCATION AND SUSPENSION

375-3-3-.02 Proof of Financial Responsibility for Probationary License

(1) Proof of financial responsibility must be made by an authorized insurance company filing a Form SR-22 certifying that the violator has in effect a valid liability insurance policy covering the required future time span or, by the owner of a motor vehicle filing a Form DS-266 showing that the owner has provided insurance on the vehicle to be operated by the driver. Such proof of financial responsibility must include full name, license number and date of birth of operator.

(2) The Department will accept a "premium financed" SR-22 provided:

(a) It is clearly marked as premium financed;

(b) Cancellation of policy for non-payment of premium is not allowable under the expiration of ninety (90) days from effective date of policy. The policy may be cancelled prior to expiration of ninety (90) days set forth above upon sufficient reason in the discretion of the Commissioner being made known to him in writing.

(3) An SR-22 form not marked "premium financed" is accepted on the basis that it is paid in full. The Department will not accept a cancellation notice (SR-26) for non-payment of the premium and the policy must remain in effect for the statutory required length of time.

(4) The Department must be given twenty (20) days notice by the insurance carrier prior to acceptable termination or cancellation. The Department must be in receipt of Form SR-26 at least twenty (20) days before effective date of cancellation.

(5) An SR-26 cancellation of coverage form is not acceptable if based on the non-payment of premium in addition to those originally assessed by the Company.

(6) If an SR-22 form filed on a premium financed policy is cancelled for non-payment of premium, another premium financed SR-22 will not be accepted by the Department for a period of twelve (12) months from the date that the original SR-22 was accepted.

(7) An employer may furnish proof of financial responsibility on behalf of an employee operator and qualify such operator to operate motor vehicles for which proof is given by the employer, (DS-266). If the operator is only qualified to operate motor vehicles for an owner or employer, such restriction shall be designated by the Department on the license of the operator.

(8) The liability insurance policy shall provide for payment of not less than $25,000 because of bodily injury to or death of one person in any one crash, and not less than $50,000 because of bodily injury to or death of two or more persons in any one crash, and to a limit of not less than $25,000 because of injury to or destruction of property of others in any one crash.

Cite as Ga. Comp. R. & Regs. R. 375-3-3-.02

AUTHORITY: O.C.G.A. § 40-5-4**.**

HISTORY: Original Rule entitled "Proof of Financial Responsibility for Probationary License" adopted. F. Jan. 9, 2003; eff. Jan. 29, 2003.

Amended: F. May 10, 2023; eff. May 30, 2023.

Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

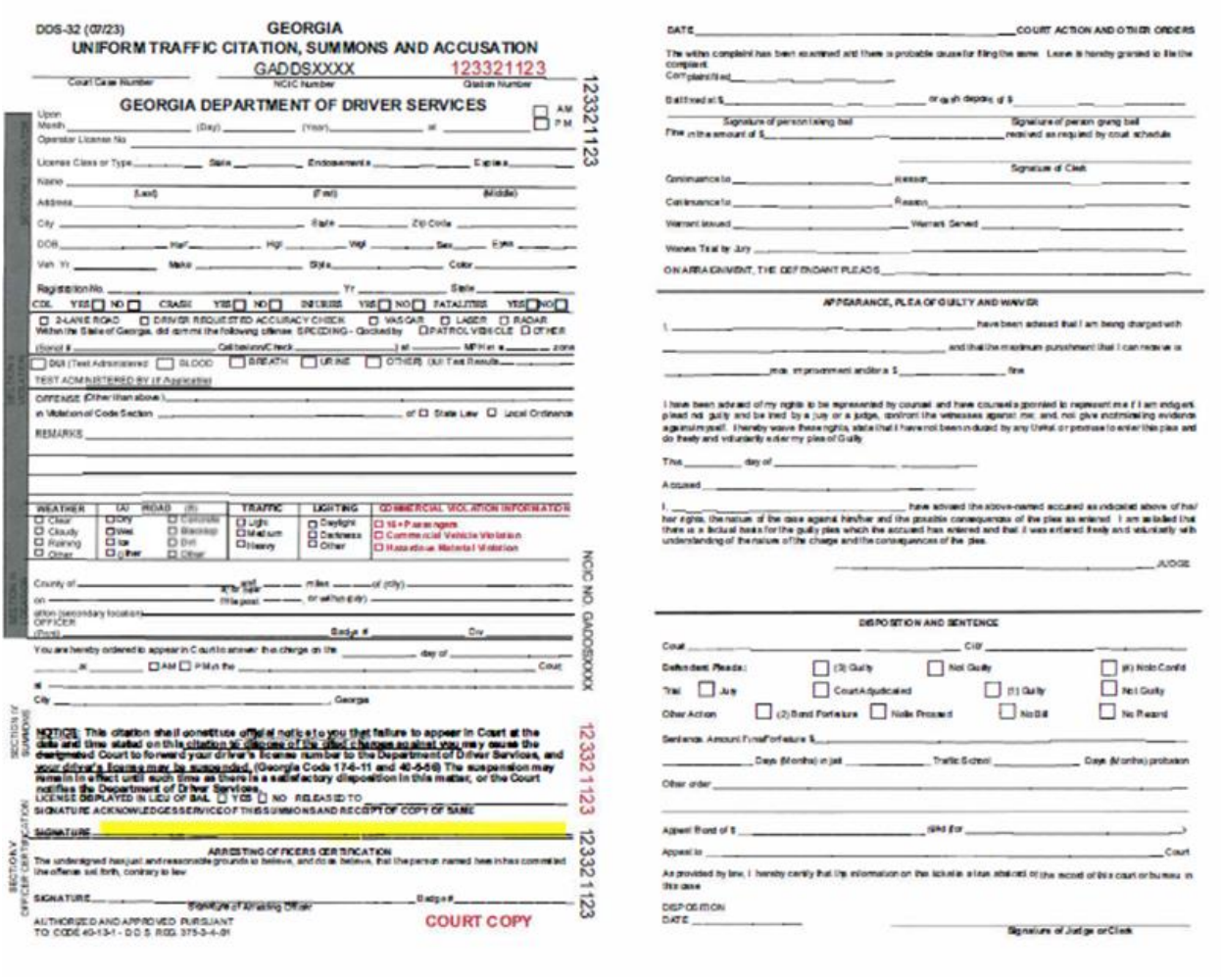
Chapter 375-3. DRIVER LICENSE SERVICES

Subject 375-3-4. UNIFORM TRAFFIC CITATIONS

375-3-4-.01 Uniform Traffic Citation Form

(1) DDS-32, Uniform Traffic Citation, Summons and Accusation, shall be used by all law enforcement officers who are empowered to enforce the traffic laws and ordinances in effect in this State. The amended version of Form DDS-32, shown in sections (1)(a) through (1)(e) of this rule, shall be effective July 1, 2023 and may be used beginning on July 1, 2023. Such citation shall be by the following form in a five-part series, at least 5 ½ inches in width and 8 ½ inches in length except that computer generated or electronically submitted citations shall not have a series requirement and may appear up to 8 ½ inches in width and 11 inches in length.

(a) Court Copy, front and back:



DDS-32 (07/23)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GADDSXXXX 123321123

Court Case Number NCIC Number Citation Number

GEORGIA DEPARTMENT OF DRIVER SERVICES

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation or dispose of the listed charges as ordered may cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license may be suspended. (Georgia Code 17-6-11 and 40-5-58) The suspension may remain in effect until such time as there is a satisfactory disposition in this matter, or the Court notifies the Department of Driver Services.

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

ARRESTING OFFICERS CERTIFICATION

COURT COPY

DATE _____ COURT ACTION AND OTHER ORDERS

ARRAIGNMENT, THE DEFENDANT PLEADS _____

ARRAIGNMENT, PLEA OF GUILTY AND WAIVER

DISPOSITION AND SENTENCE

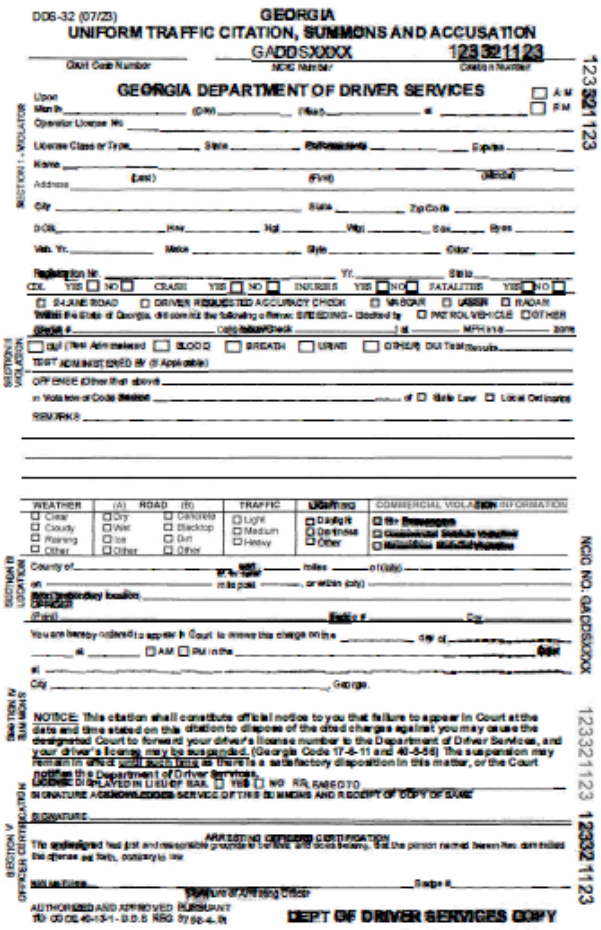
Appeal Bond of $ _____ (paid for _____)

Appeal to _____ Court

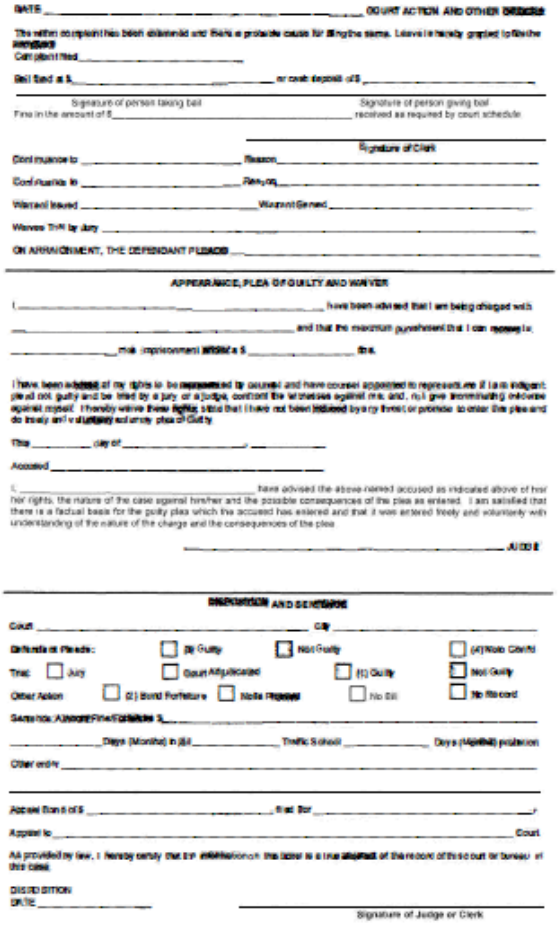
DISPOSITION DATE _____

Signature of Judge or Clerk

(b) Department of Driver Services copy, front and back:

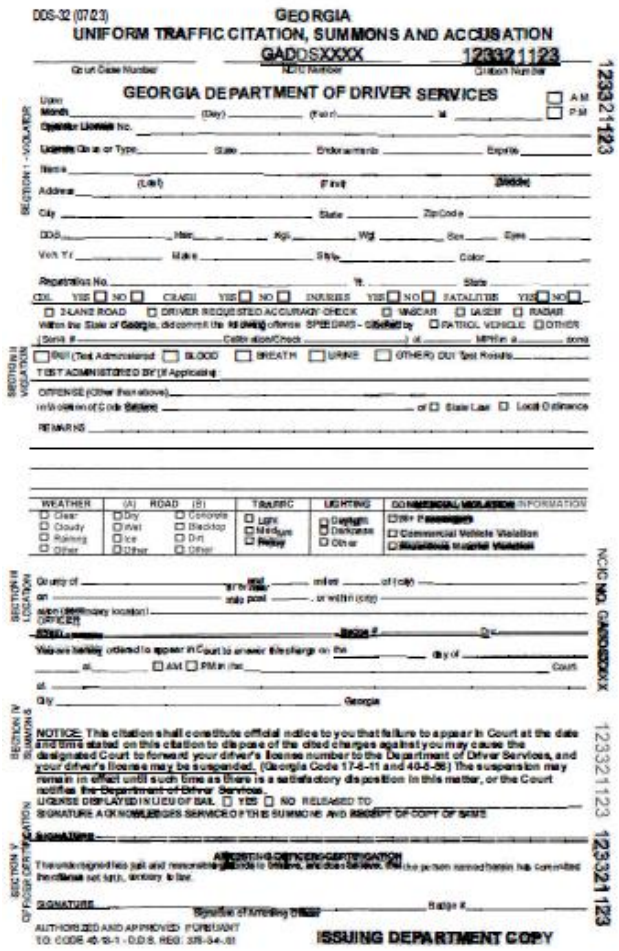


GEORGIA
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION
GADDSXXXX 123321123
NCIC Number Citation Number
GEORGIA DEPARTMENT OF DRIVER SERVICES
NCIC NO. GADDSXXXX
DEPT OF DRIVER SERVICES COPY



APPEARANCE, PLEA OF GUILTY AND WAIVER
DISPOSITION AND SENTENCE
Signature of Judge or Clerk

(c) Issuing department copy, front and back:



DDS-32 (07.23)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GADDSXXXX 123321123

Court Case Number — NCIC Number — Citation Number

123321123

GEORGIA DEPARTMENT OF DRIVER SERVICES

SECTION I - VIOLATOR

SECTION II VIOLATION

SECTION III LOCATION

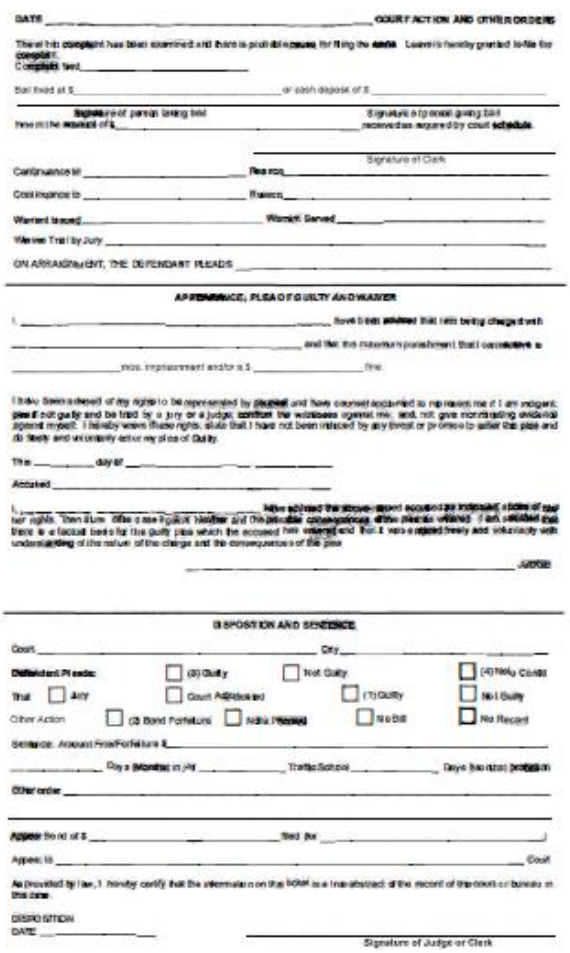
SECTION IV SUMMONS

SECTION V OFFICER CERTIFICATION

NCIC NO. GADDSXXXX

123321123

ISSUING DEPARTMENT COPY

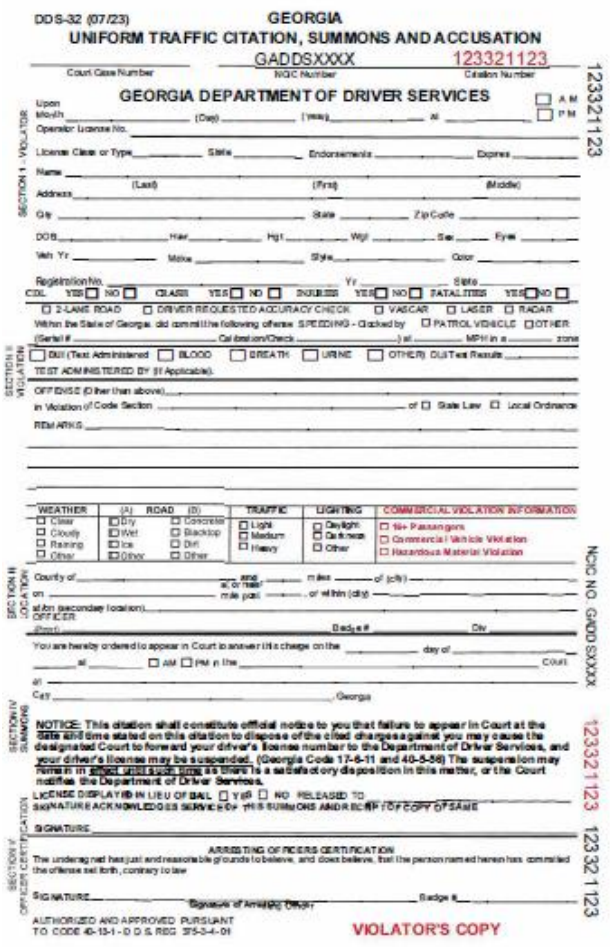


COURT ACTION AND OTHER ORDERS

APPEARANCE, PLEA OF GUILTY AND WAIVER

DISPOSITION AND SENTENCE

(d) Violator's copy, front and back:



DDS-32 (07/23)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GADDSXXXX (NCIC Number) 123321123 (Citation Number)

Court Case Number

GEORGIA DEPARTMENT OF DRIVER SERVICES

☐ A.M. ☐ P.M.

SECTION I - VIOLATOR

Upon Month _____ (Day) _____ (Year) _____ at _____

Operator License No. _____

License Class or Type _____ State _____ Endorsements _____ Expires _____

Name _____ (Last) (First) (Middle)

Address _____

City _____ State _____ Zip Code _____

DOB _____ Hair _____ Hgt _____ Wgt _____ Sex _____ Eyes _____

Veh Yr _____ Make _____ Style _____ Color _____

Registration No. _____ Yr _____ State _____

CDL YES☐ NO☐ CRASH YES☐ NO☐ INJURIES YES☐ NO☐ FATALITIES YES☐ NO☐

☐ 2-LANE ROAD ☐ DRIVER REQUESTED ACCURACY CHECK ☐ VASCAR ☐ LASER ☐ RADAR

SECTION II - VIOLATION

Within the State of Georgia, did commit the following offense: SPEEDING - Clocked by ☐ PATROL VEHICLE ☐ OTHER

(Serial # _____ Calibration/Check _____) at _____ MPH in a _____ zone

☐ DUI (Test Administered ☐ BLOOD ☐ BREATH ☐ URINE ☐ OTHER) DUI Test Results _____

TEST ADMINISTERED BY (If Applicable) _____

OFFENSE (Other than above) _____

In Violation of Code Section _____ of ☐ State Law ☐ Local Ordinance

REMARKS _____

WEATHER	(A) ROAD (D)	TRAFFIC	LIGHTING	COMMERCIAL VIOLATION INFORMATION
☐ Clear	☐ Dry ☐ Concrete	☐ Light	☐ Daylight	☐ 16+ Passengers
☐ Cloudy	☐ Wet ☐ Blacktop	☐ Medium	☐ Darkness	☐ Commercial Vehicle Violation
☐ Raining	☐ Ice ☐ Dirt	☐ Heavy	☐ Other	☐ Hazardous Material Violation
☐ Other	☐ Other			

SECTION III - LOCATION

County of _____ and/or near _____ miles _____ of (city) _____

on _____ mile post _____ or within (city) _____

at/on (secondary location) _____

OFFICER _____

(Print) _____ Badge # _____ Div _____

You are hereby ordered to appear in Court to answer this charge on the _____ day of _____

at _____ ☐ AM ☐ PM in the _____ COURT

at _____

City _____ Georgia

NCIC NO. GADDSXXXX

SECTION IV - SUMMONS

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you may cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license may be suspended. (Georgia Code 17-6-11 and 40-5-58) The suspension may remain in effect until such time as there is a satisfactory disposition in this matter, or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL ☐ YES ☐ NO RELEASED TO _____

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE _____

123321123

SECTION V - OFFICER CERTIFICATION

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named hereon has committed the offense set forth, contrary to law.

SIGNATURE _____ Badge # _____

Signature of Arresting Officer

AUTHORIZED AND APPROVED PURSUANT TO O.C.G.A. 40-13-1 - D.D.S. REG. 375-3-4-.01

VIOLATOR'S COPY

123321123

123321123

(EACH AGENCY SHOULD PRINT SPECIFIC APPEARANCE INSTRUCTIONS HERE)

NOTICE

YOU HAVE BEEN SERVED WITH A CITATION AND SUMMONS. IF YOU FAIL TO APPEAR TO ANSWER THE CHARGE, A WARRANT WILL BE ISSUED FOR YOUR ARREST AND YOUR DRIVER'S LICENSE SHALL BE SUSPENDED BY THE GEORGIA DEPARTMENT OF DRIVER SERVICES.

You have been issued a traffic citation by _____ <Agency Name>. Law Enforcement Officers ARE NOT authorized TO SET OR ACCEPT Cash Traffic Bonds.

If your violation is to be released to a member of a Court or Sheriff's Office, you will have Bond Procedures explained to you by the accepting official.

If you were permitted to show your driver's license in Lieu of Bail pursuant to Georgia Code 17-6-11, presentation of the license does not excuse you from appearing in court and answering the charges against you. Your failure to appear as directed shall result in the automatic suspension of your driver's license by the Georgia Department of Driver Services.

A LICENSE MAY NOT BE DISPLAYED IN LIEU OF BAIL FOR THE FOLLOWING OFFENSES:

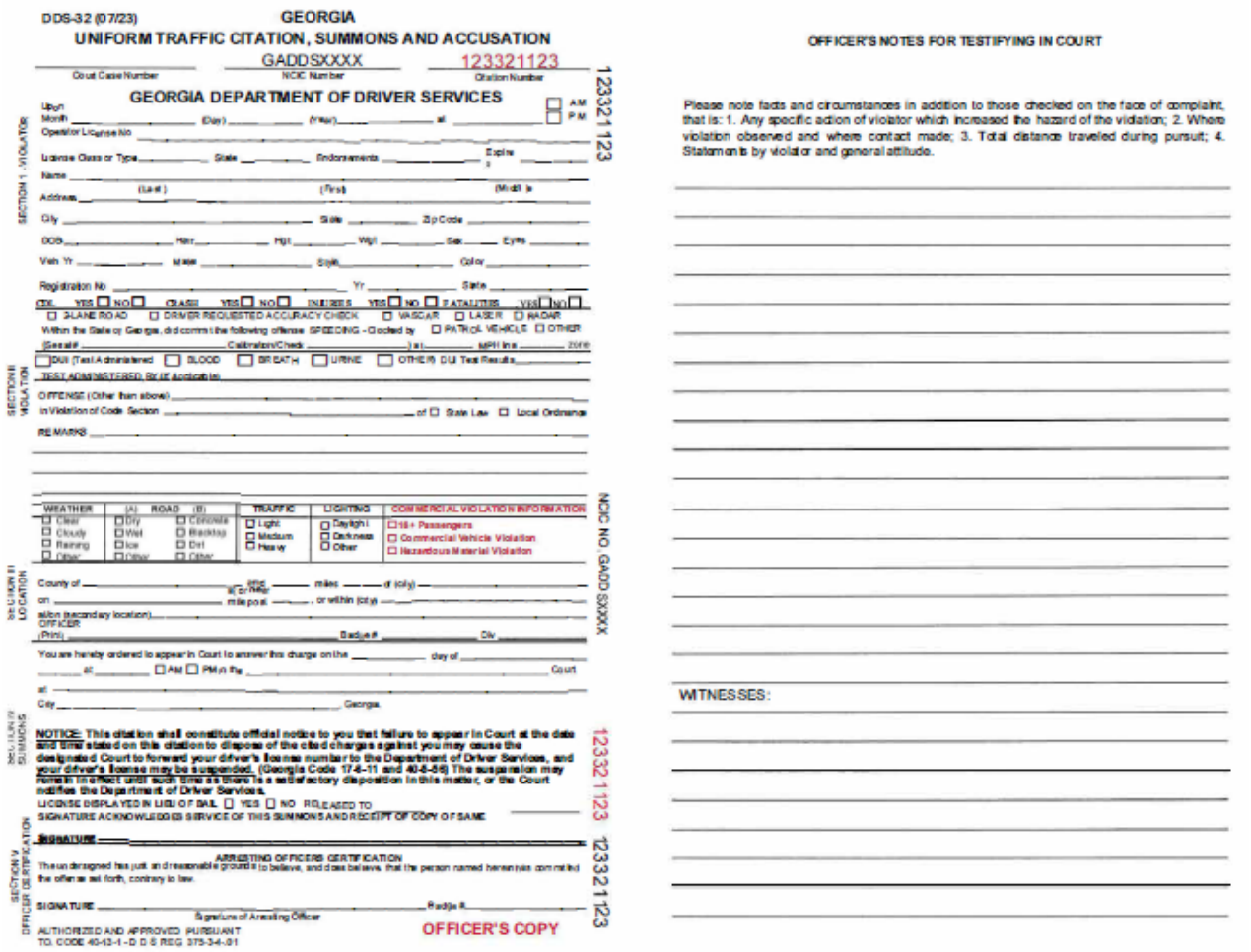
1. Homicide by vehicle.
2. Any felony in which a vehicle is used.
3. Hit and run or leaving the scene of an accident.
4. Racing.
5. Using vehicle in fleeing or attempting to elude officer.
6. Reckless driving.
7. Feticide by vehicle.
8. Serious injury by vehicle.
9. Homicide or serious injury by interfering with traffic control device or railroad sign/signal.
10. Controlled substance or marijuana offenses pursuant to 40-5-75.
11. Driving on suspended or revoked license.
12. Driving under the influence of alcohol/drugs.
13. Fraudulent or fictitious use of driver's license.
14. Aggressive Driving.

I, THE UNDERSIGNED, DO HEREBY ENTER MY WRITTEN, RATHER THAN PERSONAL APPEARANCE IN THE COURT CASE RESULTING FROM THE VIOLATION CHARGED ON THE REVERSE SIDE OF THIS CITATION. I UNDERSTAND THAT BY PAYING MY FINE AND NOT PERSONALLY APPEARING BEFORE THE COURT I AM WAIVING ANY RIGHT THAT I MIGHT HAVE HAD TO A TRIAL BY JUDGE OR JURY AND TO BE REPRESENTED BY COUNSEL. I FURTHER UNDERSTAND THAT BY PAYING THE FINE, I HAVE PLED GUILTY TO THE OFFENSE AS CHARGED.

SIGNATURE OF ACCUSED

_____

(e) Officer's copy, front and back:


DDS-32 (07/23)

GEORGIA

UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

GADDSXXXX

123321123

GEORGIA DEPARTMENT OF DRIVER SERVICES

OFFICER'S NOTES FOR TESTIFYING IN COURT

Please note facts and circumstances in addition to those checked on the face of complaint, that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation observed and where contact made; 3. Total distance traveled during pursuit; 4. Statements by violator and general attitude.

WITNESSES:

NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on the citation to dispose of the cited charges against you may cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's license may be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension may remain in effect until such time as there is a satisfactory disposition in this matter, or the Court notifies the Department of Driver Services.

OFFICER'S COPY

(2) The bar code, accuracy check box, and highlighted offender signature bar on the front of each part of the Uniform Traffic Citation form are optional.

Cite as Ga. Comp. R. & Regs. R. 375-3-4-.01

AUTHORITY: O.C.G.A. § 40-13-1.

HISTORY: Original Rule entitled "Uniform Traffic Citation Form" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

Repealed: New Rule of same title adopted. F. Apr. 23, 2009; eff. May 13, 2009.

Amended: F. Sept. 22, 2009; eff. Oct. 12, 2009.

Amended: F. Aug. 15, 2022; eff. Sep. 4, 2022.

Amended: F. May 10, 2023; eff. May 30, 2023.

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_{10}"** 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_{10} 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 ($C_4F_9OCH_3$ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate ($HCOOCH_3$); 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_2OCF_2H (HFE-134); $HCF_2OCF_2OCF_2H$ (HFE-236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (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 January 31, 2021.

(oooo) **"Banking"** means a system for quantifying, recording, storing and preserving Emission Reduction Credits for 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 paragraph 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) **"$PM_{2.5}$" 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) **"$PM_{2.5}$ 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

AUTHORITY: O.C.G.A. § 12-9-1 ***et seq.*****, as amended.**

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Note: Rule 391-3-1-.01, correction of administrative typographical error in Rule History, "**Amended:** F. May 30, 2023; eff. June 19, 2023." corrected to "**Amended:** (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023." Effective June 19, 2023.

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 paragraphs 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 (NOx), 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 NOx per million BTUs of heat input;

(ii) when firing oil--0.3 pounds of NOx per million BTUs of heat input;

(iii) when firing gas--0.2 pounds of NOx per million BTUs of heat input;

(iv) when different fuels are burned simultaneously in any combination the applicable standard, expressed as pounds of NOx 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_20_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:

$$a = \frac{y(0.80) + z(1.2)}{y + z}$$

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 (NOx), expressed as nitrogen dioxide, from Nitric Acid Plants equal to or exceeding:

(i) for plants constructed before January 1, 1972: 25 pounds of NOx 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 NOx 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_2) and acid mist from sulfuric acid plants equal to or exceeding:

(i) For plants constructed before January 1, 1972, 27.0 pounds of SO_2, 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_2 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--$E = 10P^{0.4}$ 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

$$(8.34lb/gal)(0.084)(350^{0.160-R_T})$$

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 (diluents). Upon exposure to atmospheric conditions the diluents 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 atmospheric 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^2 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^2 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^2 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 value, 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.

(xliii) "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 not 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.

(ll) **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 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; 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 inch2 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 nonaqua 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 vertical and 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 connected 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, 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 associated with the system to be tested. 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, 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 any Stage I gasoline vapor recovery systems approved by the Division after December 31, 2002.

(ii) After June 1, 2008, recertification testing will be required within 12 months following the initial certification or recertification for any 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, including failed test results.

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. 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 replaced 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. 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.

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 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, and demonstrated efficiency of 98% collection of vapor; 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, demonstrated an efficiency of 95% collection of vapor 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.

(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.

4. Subparagraphs 1. through 3. are applicable PRIOR to the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).

5. Subparagraphs 6. through 8. are applicable AFTER the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).

6. The provisions of this subparagraph apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification on or before July 17, 2014 and has either 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 subparagraph 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)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

7. Definitions of all Terms used, but not defined in subparagraphs 6. through 8., have the meaning given them in 40 CFR Part 60 Subpart Cf. 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) Except as noted, the word "Administrator" as used in regulations adopted by reference in subparagraphs 6. through 8. shall mean the Director of the Georgia Environmental Protection Division. For 40 CFR 60.30f(c), 40 CFR 60.35f(a)(5) and 40 CFR 60.38f(j) the word "Administrator" shall mean the Administrator of the EPA.

8. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR Part 60 Subpart Cf for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of subparagraph 6. shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart Cf, which is hereby incorporated and adopted by reference with the exceptions as follows:

(i) The requirements of the State to incorporate the provisions into an approvable state plan, and

(ii) The provisions of 60.30f.

(iii) In lieu of 40 CFR 60.33f(d)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.33f through 40 CFR 60.40f on the basis of the design capacity exemption in 40 CFR 60.31f results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, due to reconstruction or modification, that was commenced after July 17, 2014, then the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

(iv) In lieu of 40 CFR 60.38f(d)(2), the following provision applies:

(I) 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 60.34f through 40 CFR 60.39f proposed by the owner or operator. In addition, the collection and control system design plan must specify:

I. 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 reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring;

II. 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 reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring; and

III. The date by which the construction or installation of the air pollution control device(s) or process changes will be complete.

(II) Operational standards for collection and control systems. The provisions of 40 CFR 60.34f apply as stated therein.

(III) Test methods and procedures. The provisions of 40 CFR 60.35f apply as stated therein.

(IV) Compliance provisions. The provisions of 40 CFR 60.36f apply as stated therein.

(V) Monitoring of operations. The provisions of 40 CFR 60.37f apply as stated therein.

(VI) Reporting requirements. The provisions of 40 CFR 60.38f apply as stated therein. Except as provided in 7.(i) and 8.(iv).

(VII) Recordkeeping requirements. The provisions of 40 CFR 60.39f apply as stated therein.

(VIII) Specifications for active collection systems. The provisions of 40 CFR 60.40f 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) **NOx 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 NOx from an affected unit under this subsection unless:

(i) The NOx 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 NOx 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 NOx from an affected unit under this subsection unless:

(i) The NOx 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 NOx 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 NOx from an affected unit under this subsection unless:

(i) The NOx 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 NOx 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 NOx from an affected unit under this subsection unless:

(i) The NOx 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 NOx 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 NOx from an affected unit under this subsection unless:

(i) The NOx 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 NOx 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 NOx from an affected unit under this subsection unless:

(i) The NOx 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 NOx 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

Coating Type	VOC Content Limit (lb/gal)	VOC Content Limit (g/L)
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(llll).

(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.

(xliii) "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 depainting operations and generally to allow the use of less hazardous depainting 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 resoluble 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.

(lll) **NOx Emissions From Fuel-Burning Equipment.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NOx) 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) **NOx 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 (NOx), 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_2, dry basis

(ii) For stationary engines installed or modified on or after April 1, 2000:

80 ppm @ 15% O_2, dry basis

(iii) For stationary gas turbines in operation on or after January 1, 1999 and before October 1, 1999:

42 ppm @ 15% O_2, dry basis

(iv) For stationary gas turbines installed or modified on or after October 1, 1999:

30 ppm @ 15% O_2, 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 in 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) **NOx Emissions from Large Stationary Gas Turbines.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NOx), 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_2, 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_2, dry basis

2. The requirements of this subparagraph shall apply during the period May 1 through September 30 of each year.

3. Compliance Dates.

(i) Stationary gas turbines subject to subparagraph 1.(i) above shall comply by May 1, 2003.

(ii) Stationary gas turbines subject to subparagraph 1.(iii) above shall be in compliance upon startup.

4. The requirements contained in subparagraph 1.(iii) of this subparagraph shall not apply to stationary gas turbines subject to NOx emission limits established between April 1, 2000, and February 21, 2023 (inclusive).

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 NOx 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 subparagraph 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 subparagraph 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:

Final VOC Emissions = (Facility VOC Emissions)/(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:

Final VOC Emissions = (Facility VOC Emissions)/(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 =

$$\sum_{i=1}^{m} B_i(1 - OCE_i) + \sum_{i=1}^{n} C_i(1 - OCE_i) + \sum_{i=1}^{p} E_i(1 - OCE_i)$$

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) **NOx 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 NOx emissions, or using a NOx analyzer so that NOx 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 NOx emissions, and explain how those settings were determined. All documents and calculations used to determine reduced NOx 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 NOx, SO_2 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_2 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.

(xliii) "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 not 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.

(xlvi) "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 MMMM 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 MMMM. 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 MMMM, 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 MMMM 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 propylenediene 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 propylenediene 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-propylenediene 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-propylenediene 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:

$$Monomer\,VOC\,Limit = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

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:

$$\left[(0.014)(\text{Resin } VOC\%^{2.425})\right]$$

(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:

$$\left[(0.01185)(\text{Resin } VOC\%^{2.425})\right]$$

(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:

$$\left[(0.00945)(\text{Resin } VOC\%^{2.425})\right]$$

(vii) The monomer VOC emission rate (PV_i) from the non-atomization of production resin or tooling resin is computed by the following equation:

$$\left[(0.014)(\text{Resin } VOC\%^{2.275})\right]$$

(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:

$$\left[(0.0110)(\text{Resin } VOC\%^{2.275})\right]$$

(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:

$$\left[(0.0076)(\text{Resin } VOC\%^{2.275})\right]$$

(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:

$$\left[(0.445)\left(Gel\,Coat\,VOC\%^{1.675}\right)\right]$$

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 (%) =

$$\left[\frac{\sum_{i=1}^{n}\left[(M_i)(VOC_i)\right]}{\sum_{i=1}^{n}(M_i)}\right]$$

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:

$$(PV_F)=(PV_U)\left[\frac{(100-\%Filler)}{100}\right]$$

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 subaragraph 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 manufacturers 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 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_2).

(i) The 1-hour primary standard is attained when the three-year average of the annual (99^{th} 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.

2. 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_2).

(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_{10}

(i) The level of the 24-hour ambient air quality standard for PM_{10} 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_{10} shall be measured in the ambient air as PM_{10} (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) by a reference method based upon 40 CFR 50, Appendix J.

2. $PM_{2.5}$

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

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

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

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

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

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

(d) **Carbon Monoxide.**

1. 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^{th} percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with Appendix S of 40 CFR 50.

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

(h) **Standard Conditions for Temperature and Pressure.**

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

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

(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 leaf piles, yard debris, or hand-piled natural vegetation 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 subparagraphs 1 or 2 above whose total population, as listed in the 2010 Census, exceeds 65,000 (Barrow, Bartow, Bibb, Carroll, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Hall, Henry, Houston, Newton, Paulding, Richmond, Rockdale, Troup, Walker and Walton), 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 subparagraphs (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 subparagraph (iv) of this subparagraph, 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 subparagraph (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 subparagraph (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 subparagraph.

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 subparagraph (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 subparagraph (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 subparagraph (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 subparagraph 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 subparagraph (gg) of paragraph 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 subparagraph (gg) of paragraph 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 subparagraph (lll) of paragraph 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 (NOx) 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 that 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 subparagraph (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 subparagraphs (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.

(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 October 7, 2020, 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 January 19, 2021, 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 0, 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 That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014: 40 CFR Part 60 Subpart WWW, as amended October 13, 2020, 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 October 7, 2020, 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 June 29, 2021, is hereby incorporated and adopted by reference.

78. Standards of Performance for Stationary Combustion Turbines: 40 CFR Part 60 Subpart KKKK, as amended October 7, 2020, 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 June 29, 2021, 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 Facilities for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015: 40 CFR Part 60 Subpart OOOO, as amended September 14, 2020, 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 amended November 5, 2020, is hereby incorporated and adopted by reference.

86. Standards of Performance for New Residential Wood Heaters: 40 CFR Part 60 Subpart AAA, as amended October 7, 2020, 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 amended October 7, 2020, 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 amended October 7, 2020, 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 September 15, 2020, 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 November 19, 2021, [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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, is hereby incorporated and adopted by reference.

25. [reserved]

26. Emission Standards for Coke Oven Batteries: 40 CFR Part 63 Subpart L, as amended November 19, 2020, is hereby incorporated and adopted by reference.

27. Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: 40 CFR Part 63 Subpart M, as amended November 19, 2020, 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 November 19, 2020, is hereby incorporated and adopted by reference.

29. Ethylene Oxide Emissions Standards for Sterilization Facilities: 40 CFR Part 63 Subpart O, as amended November 19, 2020, 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 November 19, 2020, 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 4, 2020, is hereby incorporated and adopted by reference.

33. Emission Standards for Pulp & Paper Industries: 40 CFR Part 63 Subpart S, as amended November 19, 2020, is hereby incorporated and adopted by reference.

34. Emission Standards for Halogenated Solvent Cleaning: 40 CFR Part 63 Subpart T, as amended November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, is hereby incorporated and adopted by reference.

39. Emission Standards for Marine Tank Vessel Loading Operations: 40 CFR Part 63 Subpart Y, as amended November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 19, 2020, 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 November 19, 2020, is hereby incorporated and adopted by reference.

45. Emission Standards for Magnetic Tape Manufacturing Operations: 40 CFR Part 63 Subpart EE, as amended December 28, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 19, 2020, is hereby incorporated and adopted by reference.

50. Emission Standards for Wood Furniture Manufacturing Operations: 40 CFR Part 63 Subpart JJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.

51. Emission Standards for the Printing and Publishing Industry: 40 CFR Part 63 Subpart KK, as amended November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 July 6, 2020, 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 July 6, 2020, 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 November 19, 2021, 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 November 19, 2020, 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 December 28, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 28, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 19, 2020, 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 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 October 13, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2021, 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 November 19, 2020, 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 November 19, 2021, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2021, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 December 4, 2020, 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 December 28, 2020, is hereby incorporated and adopted by reference.

120. Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing: 40 CFR Part 63 Subpart BBBBB, as amended November 19, 2020, 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 November 19, 2020, 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 December 28, 2020, 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 November 19, 2020, 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 November 19, 2020, is hereby incorporated and adopted by reference.

125. Emission Standards for Hazardous Air Pollutants: Site Remediation, 40 CFR Part 63 Subpart GGGGG: as amended November 19, 2020, 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 November 25, 2020, 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 December 28, 2020, 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 November 19, 2020, 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 19, 2021, 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 November 19, 2020, 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 November 18, 2021, 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 November 19, 2020, is hereby incorporated and adopted by reference.

133. [reserved]

134. Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands: 40 CFR Part 63 Subpart PPPPP, as amended November 19, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 November 19, 2021, 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 November 19, 2020, 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 September 9, 2020, is hereby incorporated and adopted by reference.

140. [reserved]

141. Emission Standards for Hospital Ethylene Oxide Sterilizers: 40 CFR Part 63 Subpart WWWWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.

142. [reserved]

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

144. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources: 40 CFR Part 63 Subpart ZZZZZ, as amended September 10, 2020, 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 November 19, 2020, 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 November 19, 2020, 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 EEEEEE, 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 FFFFFF, 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 November 19, 2020, 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 November 18, 2021, 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 November 19, 2020, 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 November 19, 2020, 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 amended November 19, 2020, 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 amended November 19, 2020, 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 November 19, 2020, 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 amended November 19, 2020, 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 amended November 19, 2020, is hereby incorporated and adopted by reference.

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

171. Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart AAAAAAA, as amended November 19, 2020, 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 BBBBBBB, as amended November 19, 2020, 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 CCCCCCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.

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

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

176. [reserved]

177. [reserved]

178. Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart HHHHHHH, as amended November 19, 2020, 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 NOx 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 NOx Annual trading budget and new unit set-aside for allocations of CSAPR NOx Annual allowances, and the variability limit for the Georgia NOx Annual trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NOx 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 NOx 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_2 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_2 Group 2 trading budget and new unit set-aside for allocations of CSAPR SO_2 Group 2 allowances, and the variability limit for the Georgia SO_2 Group 2 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The SO_2 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_2 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 NOx 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 BBBBB 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 NOx Ozone Season Group 1 trading budget and new unit set-aside for allocations of CSAPR NOx Ozone Season Group 1 allowances, and the variability limit for the Georgia NOx Ozone Season Group 1 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NOx 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 NOx 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 27, 2000; eff. August 16, 2000.

Amended: F. Dec. 8, 2000; eff. Dec. 28, 2000.

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Amended: F. June 4, 2003; eff. June 24, 2003.

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Amended: F. Dec. 20, 2004; eff. Jan. 9, 2005.

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Amended: F. Dec. 9, 2010; eff. Dec. 29, 2010.

Amended: F. Aug. 24, 2011; eff. Sept. 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. Sept. 20, 2012.

Amended: F. May 2, 2013; eff. May 22, 2013.

Amended: F. May 24, 2013; eff. June 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. August 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. August 14, 2016.

Amended: F. Nov. 2, 2016; eff. Nov. 22, 2016.

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

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.

Amended: (i.e., paragraphs (2)(rr), (6), (8), and (9); paragraph (2)(ggg), as specified by the Agency.) F. Oct. 5, 2021; eff. Oct. 25, 2021.

Amended: (i.e., paragraphs (4), (5), (8), and (9), as specified by the Agency.) F. Aug. 30, 2022; eff. Sep. 19, 2022.

Amended: F. May 30, 2023; eff. June 19, 2023.

Note: Rule 391-3-1-.02, correction of administrative typographical error in Rule History, "**Amended:** (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023." corrected to "**Amended:** F. May 30, 2023; eff. June 19, 2023." Effective June 19, 2023.

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; 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_{10}, 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 (NOx) 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_{10}, 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_{10} 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_{10}. 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_{10} 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_{10} 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. 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 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 paragraph 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 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 subparagraph 391-3-1-.02(9)(b)16. of this Rule.

(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.

Calendar Year	$/Ton Rate	Fee Manual
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 other sources	"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.
2020	$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, 2021 and June 30, 2022" dated February 3, 2021.

Calendar Year	$/Ton Rate	Fee Manual
2021	$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, 2022 and June 30, 2023" dated February 3, 2022.
2022	$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, 2023 and June 30, 2024" dated February 3, 2023.

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

Permit Type
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 391-3-1-.02(7)
112(g) permit per 391-3-1-.02(9)(b)16.

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) permit applications via Title V permit applications. The PSD/112(g) 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). 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 chance 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 subparagraphs (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 subparagraphs (I), (II), (III), or (IV) and the remainder of this subparagraph 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 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 Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale 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 subparagraph, 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 subparagraph 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 subparagraph 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 paragraph provides for the creation, banking, and transfer 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 paragraph.

(i) [reserved]

(ii) Discounting Based on Time Banked.

Emission Reduction Credits banked under this paragraph 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 subparagraph (ii) shall not occur if the affected Emission Reduction Credits have already been discounted by 50% or more under the following subparagraph (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 subparagraph (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 subparagraph (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 paragraph. 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) [reserved]

(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, 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) [reserved]

(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 a Certificate of Emission Reduction Credit as per subparagraph (d)2. of this paragraph.

2. Payment of administrative fees required by this subparagraph shall be submitted along with an application to create, certify, bank, transfer, or re-evaluate Emission Reduction Credits.

(i) **Definitions.**

For the purposes of this paragraph, 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.

Amended: F. Mar. 20, 1979; eff. Apr. 9, 1979.

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. August 17, 1994.

Amended: F. Oct. 31, 1994; eff. Nov. 20, 1994.

Amended: F. June 30, 1995; eff. July 20, 1995.

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.

Amended: F. May 26, 1998; eff. June 15, 1998.

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. August 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. August 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. Sept. 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. August 3, 2015.

Amended: F. July 25, 2016; eff. August 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. Sept. 26, 2019.

Amended: F. June 12, 2020; eff. July 2, 2020.

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

Amended: F. June 10, 2021; eff. June 30, 2021.

Amended: F. June 1, 2022; eff. June 21, 2022.

Amended: (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023.

Note: Rule 391-3-1-.03, correction of administrative typographical error in Rule History, "**Amended:** F. May 30, 2023; eff. June 19, 2023." corrected to "**Amended:** (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023." Effective June 19, 2023.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-3. ENVIRONMENTAL PROTECTION

Subject 391-3-5. RULES FOR SAFE DRINKING WATER

391-3-5-.04 Approval Required

(1) **Approval.** No person shall erect, construct, or operate a public water system, nor undertake substantial enlargements, extensions, additions, modifications, renovations or repairs to any public water system, including storage, distribution, purification, or treatment components, without having first secured the Division's approval of: the source of water supply; the means and methods of treating, purifying, storing and distributing said water; and obtaining a permit to operate a public water system, except as provided by paragraph (2) of this Rule. The approval of the Director must be obtained prior to the dividing of a public water system. For purposes of these rules "substantial" as used in this Rule shall not include routine maintenance.

(2) **Limited Additions.** Governmentally owned public water systems and water authorities and privately owned community water systems whose owners serves a combined population of greater than 10,000, with qualified staff and meeting operating criteria developed by the Division may, with prior approval from the Division, approve limited additions to the water system. These additions will be limited to water distribution lines to serve subdivisions, apartment complexes and shopping centers. The review of other additional types of water distribution system additions and/or extensions may be delegated to those water systems that have demonstrated the capability for such reviews. All delegations shall be by written agreement. Additions approved by the water system must be reported annually in a format prescribed by the Division. The report shall be due by July 1 of each year and describe additions approved in the previous calendar year.

(3) **Local Governmental Approval.** Before a person may initiate construction of a new public water system or increase the capacity of an existing public water system, the person shall notify the local government in which the system is located and obtain the local government's approval for development of the project within its jurisdiction, prior to the submittal of the plans and specifications to the Division for approval. To the extent practicable, the person should avoid locating part or all of the new or expanded facility at a site which:

(a) is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or

(b) except for intake structures, is within the floodplain of a 100- year flood or is lower than any recorded high tide where appropriate records exist; or

(c) is on or in close proximity to an abandoned landfill or any other site used for waste disposal.

(4) **Connect to Local Governmental Public Water System.** Any person who desires to own or operate or who desires to commence the operation of a public water system shall first evaluate connecting to an existing local governmentally owned and operated public water system.

(5) **Approval for No Connection to Local Governmental Public Water System.** No approval of the plans and specifications for the development of a separate source of water supply or the construction of the water system will be made and no permit to operate will be issued until the owner has provided acceptable certification to the Division outlining the reasons why the system cannot connect to an existing local governmentally owned water system.

(6) **Pre-Operating Compliance Conditions.** Beginning January 1, 1998, the Division shall require compliance with the following conditions prior to the issuance of the initial permit to operate to a new privately owned community public water system:

(a) The owner shall provide written certification from the local government in which the system is located, that the local government is in concurrence with the development of the privately owned public water system. The certification shall be provided to the Division with the submission of the permit application and prior to or concurrently with the submission to the Division of the plans and specifications for construction of the proposed public water system.

(b) The owner must retain a Professional Engineer, registered in the State of Georgia, to prepare plans and specifications for approval by the Division for the construction of the proposed public water system, and the owner shall submit to the Division a certification from the engineer that the water system was constructed according to the plans and specifications approved by the Division. The public water system must be designed and constructed in accordance with the Division's "Minimum Standards for Public Water Systems", latest edition.

(c) The owner must provide an approved back-up water source, such as an additional well, capable of providing adequate water service if the primary source becomes nonfunctional. The requirement for an approved back-up water source may be waived by the Director for systems with less than 25 service connections.

(7) **Treatment Products and Materials.** Products added directly to drinking water for its treatment or introduced indirectly into drinking water through its contact with surfaces of materials or products used for its treatment, storage, transmission, or distribution shall not adversely affect drinking water quality and public health.

(a) All treatment chemicals that come into contact with drinking water shall be certified for conformance with American National Standards Institute/National Sanitation Foundation Standard 60 (ANSI/NSF Standard 60) by an American National Standards Institute (ANSI) approved third-party certification program or laboratory.

(b) All products that come into contact with drinking water during its treatment, storage, transmission or distribution shall be certified for conformance with American National Standards Institute/ National Sanitation Foundation Standard 61 (ANSI/NSF Standard 61) by an American National Standards Institute (ANSI) approved third-party certification program or laboratory.

(8) **Infrastructure Security.** Public water systems must provide appropriate measures to protect and secure its critical drinking water supply infrastructure, including its water source, treatment, distribution, and any other component that is deemed pertinent to the safe operation and maintenance of the drinking water supply system.

(9) **Performance Bond or Letter of Credit**

(a) A performance bond or letter of credit may be required by the director to further assist in the assurance that a public water system serving year-round residents maintains compliance with the established contaminant levels and the provision of an adequate supply of water at or above the required minimum pressure. Such a performance bond or letter of credit shall be required of the owner or operator of any public water system serving year-round residents if:

1. After the first violation of contaminant or water supply standards or requirements, the owner or operator of the public water system fails to make the necessary corrections after receiving a notice from the director specifying:

(i) The corrections which must be made; and

(ii) A reasonable period of time for the completion of necessary corrective action; or

2. After a second violation of contaminant or water supply standards or requirements, the director makes a determination, based on factors such as past performance, frequency and severity of violations, and timeliness of corrective action, that a performance bond or letter of credit is required.

(b) Any owner or operator of a public water system serving year-round residents who is required to obtain a performance bond or letter of credit pursuant to subparagraph (9)(a) shall file with the director the following:

1. A performance bond, payable to the director and issued by an insurance company authorized to issue such bonds in this state; or

2. An irrevocable letter of credit, issued in favor of and payable to the director, from a commercial bank or other financial institution approved by the director.

(c) The bond or letter of credit required in subparagraph (9)(a) shall be:

1. Conditioned upon faithful compliance with the Georgia Safe Drinking Water Act of 1977, the Rules for Safe Drinking Water Chapter 391-3-5, and the conditions and terms of the permit issued for the operation of the public water system;

2. In such amount as determined by the director as necessary to ensure the continued lawful operation of the public water system for a period up to ten years in the event the owner or operator fails to do so; provided, however, the range shall be as follows:

(i) Systems with 25 service connections or less -- an amount not to exceed $30,000.00;

(ii) Systems with 26 to 50 service connections -- an amount not to exceed $40,000.00; or

(iii) Systems with more than 50 service connections -- an amount not to exceed $50,000.00;

3. Subject to termination or expiration only upon 120 days' written notice to the director; and

4. Conditioned upon coverage for any violation occurring during the term of the bond or letter of credit of which written notice has been given to the owner or operator prior to 120 days after said term even though the initial or final determination of the violation occurs after the term of the bond or letter of credit.

(d) If an existing bond or letter of credit is to expire or terminate, the owner or operator of the public water system shall file a replacement bond or letter of credit meeting the requirements of this paragraph at least 60 days prior to the termination or expiration of the existing bond or letter of credit.

(e) Upon a determination by the director that an owner or operator has violated the Georgia Safe Drinking Water Act of 1977, the Rules for Safe Drinking Water Chapter 391-3-5, or the terms or conditions of a permit, the director may, after written notice of the violation to the owner or operator:

1. Forfeit or draw that amount of such bond or letter of credit that the director determines necessary to correct the violations determined and continue the lawful operation of the public water system; and

2. Expend such amount for such purposes.

(f) No action taken by the director pursuant to this paragraph, including the forfeiture of a bond or the drawing of funds from a letter of credit, shall relieve the owner or operator of a public water system from compliance with all provisions of this part, including the requirement to maintain in full force and effect a bond or letter of credit meeting the requirements of this paragraph.

(g) Every permit issued under the Rules for Safe Drinking Water, Chapter 391-3-5, shall be conditioned upon compliance with this paragraph.

(h) The provisions of this paragraph shall not apply to:

1. Any public water system of the state, an agency of the state, a county, a municipality, or of any other political subdivision or governmental entity;

2. Any water system owned by a church or other religious institution;

3. Any water system owned or provided by an employer and used primarily to serve employees; and

4. Any water system which is jointly owned by private individuals who are the users of the water supplied by the system.

(10) **Business Plan**. Beginning January 1, 1998, prior to the issuance of the initial permit to operate to a new community public water system, and beginning October 1, 1999, prior to the issuance of the initial permit to operate a new non transient, noncommunity water system, the Division shall require the owner to submit to the Division for approval a multiyear business plan. The multiyear business plan must adequately demonstrate the water system's managerial and financial capacity to comply with all drinking water regulations in effect, or likely to be in effect. The business plan shall be prepared in accordance with the latest edition of the Division's "Minimum Standards for Public Water Systems." The business plan shall be updated at intervals determined by the Director.

(11) **Asset Management Plan**

(a) Beginning January 1, 2024, prior to the issuance of a permit to operate a new community water systems (CWS) and new non-transient non-community water systems (NTNCWS) that serve a population greater than 3,300, the Division shall require the owner to submit an asset management plan prepared in accordance with subsection (d) of this rule for the Division's approval.

(b) Beginning January 1, 2024, prior to the issuance of a permit for ownership change or renewal permit for all existing community water systems (CWS) and non-transient non-community water systems (NTNCWS) that serve a population greater than 3,300, the Division shall require the owner to submit an asset management plan prepared in accordance with subsection (d) of this rule for the Division's approval.

(c) The asset management plan shall be prepared in accordance with Appendix C of the latest edition of the Division's "Minimum Standards for Public Water Systems." The asset management plan shall include the following elements:

1. Asset inventory;

2. The required sustainable level-of-service;

3. Determination of critical assets;

4. Determination of the lowest life-cycle cost options for providing the highest level-of service over time; and

5. Long-term financing strategy.

(d) The asset management plan shall be updated at intervals determined by the Director.

Cite as Ga. Comp. R. & Regs. R. 391-3-5-.04

AUTHORITY: O.C.G.A. § 12-5-170 ***et seq.***

HISTORY: Original Rule entitled "General Provisions" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

Repealed: New Rule entitled "Approval Required" adopted. F. July 5, 1977; eff. July 26, 1977, as specified by Rule 391-3-5-.47.

Amended: F. July 15, 1983; eff. August 4, 1983.

Repealed: New Rule, same title adopted. F. May 12, 1989; eff. June 1, 1989.

Amended: F. June 25, 1992; eff. July 15, 1992.

Amended: F. Sept. 26, 1997; eff. Oct. 16, 1997.

Amended: F. Sept. 24, 1999; eff. Oct. 14, 1999.

Amended: F. Sept. 29, 2000; eff. Oct. 19, 2000.

Amended: F. June 8, 2001; eff. June 28, 2001.

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

Amended: F. Dec. 21, 2004; eff. Jan. 10, 2005.

Amended: New title "Approval Required. Amended." F. Jan. 8, 2014; eff. Jan. 28, 2014.

Amended: F. July 26, 2016; eff. August 15, 2016.

Amended: F. Apr. 22, 2021; eff. May 12, 2021.

Amended: New title, "Approval Required." F. May 1, 2023; eff. May 21, 2023.

Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

Chapter 391-4. WILDLIFE RESOURCES DIVISION

Subject 391-4-13. SALE OF ALLIGATOR MEAT AND PRODUCTS

391-4-13-.03 Sale of Alligator Hides and Other Products

(1) Alligator hides and other products, except meat, may be sold or transferred in accordance with the following:

(a) Alligator farmers, agent-trappers, permitted drawn quota hunters, and other persons authorized to take or possess alligators may sell or transfer the hides, feet, viscera or skeletal parts of alligators when all such sales or transfers are documented on a department supplied or approved report form which indicates the kind and quantity of items sold or transferred and the name and address of each buyer. A copy of such form must be returned to the Department within 30 days of the date of sale or transfer. Any packaged alligator parts must be labeled with a department-approved label that indicates the hide tag number(s) of the alligator(s) from which the parts came, the name and address of the seller, the date of the sale of transfer, and the number and kind of parts included.

(b) Any alligator skull sold or transferred shall be permanently labeled with the identifying alligator hide tag number of the alligator from which the skull was taken and the name of the hunter, farmer or agent-trapper selling or transferring the skull.

(c) Upon approval by the department, agent-trappers may collect oviductal eggs from gravid nuisance alligators for sale to licensed Georgia alligator farmers.

(d) Persons selling finished or unfinished alligator products shall maintain documentation of their legal acquisition.

(e) No person shall sell or transfer any hide, meat, or other product manufactured from a crocodilian species which has been declared to be endangered or threatened by the United States Fish and Wildlife Service.

(f) All alligator hides sold or transferred must be tagged by the State of origin, and all alligator parts from out-of-state sources must be packed and marked in accordance with regulations of the State of origin.

Cite as Ga. Comp. R. & Regs. R. 391-4-13-.03

AUTHORITY: O.C.G.A. § 27-2-10**,** 27-3-19**.**

HISTORY: Original Rule entitled "Sale of Alligator Hides and Other Products" was filed on July 15, 1988; effective August 4, 1988.

Amended: F. Jul. 17, 1989; eff. Aug. 6, 1989.

Amended: F. Jul. 24, 1990; eff. Aug. 13, 1990.

Repealed: New Rule of same title adopted. F. Aug. 27, 1993; eff. Sept. 16, 1993.

Repealed: New Rule of same title adopted. F. May 30, 2023; eff. June 19, 2023.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-2. LICENSURE AS A PHARMACIST

480-2-.04 Examinations

(1) For licensure, an individual must successfully pass the NAPLEX, and a jurisprudence examination approved by the Board.

(a) An individual is not eligible to take the examinations for licensure until such individual has graduated from an approved college or school of pharmacy and has completed all internship requirements.

(2) The NAPLEX examination is made available throughout the year, with the jurisprudence portion of the examination being given at specified times. Applications must be in the Board office in accordance with the deadlines established by the Board.

(a) Candidates for a Georgia license are required to make a minimum grade of 75 on the NAPLEX examination. Applicants are also required to obtain a minimum score of 75 on the jurisprudence examination.

(3) The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans with Disabilities Act (ADA). The request for an accommodation by an individual with a disability must be made in writing and received in the Board's office by the application deadline along with appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

Cite as Ga. Comp. R. & Regs. R. 480-2-.04

AUTHORITY: O.C.G.A. §§ 16-13-22**,** 26-4-4**,** 26-4-27**,** 26-4-28**,** 26-4-42**.**

HISTORY: Original Rule entitled "Examinations" adopted. F. Mar. 21, 2001; eff. Apr. 10, 2001.

Amended: F. May 7, 2013; eff. May 27, 2013.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-2-.05 Reciprocity

(1) In order for a pharmacist currently licensed in another jurisdiction to obtain a license as a pharmacist from the Board, an applicant shall:

(a) Complete an applicant form supplied by the National Association of Boards of Pharmacy (NABP) to apply for licensure with the Georgia State Board of Pharmacy. This application should be filed with NABP, and then with the Board for further review by the Board and an investigation by the Georgia Drugs and Narcotics Agency (GDNA), if necessary. If so requested, an applicant must produce evidence satisfactory to the Board or the GDNA which shows the applicant has the age, moral character, background, education, and experience demanded of applicants for registration by examination under O.C.G.A. 26-4 and by this chapter.

(b) Have attained the age of majority;

(c) Be of good moral character;

(d) Have possessed at the time of initial licensure as a pharmacist, all qualifications necessary to have been eligible for licensure at that time in this state;

(e) Have presented to the Board proof of initial licensure by examination and proof that such license is in good standing;

(f) Have presented to the board proof that any other license granted to the applicant by any other state is not currently suspended, revoked, or otherwise restricted for any reason except nonrenewal or for the failure to obtain the required continuing education credits in any state where the applicant is currently licensed, but not engaged in the practice of pharmacy;

(g) Have successfully passed a jurisprudence examination approved by the Board on Georgia's pharmacy laws and Board regulations;

(h) If requested by the Board, have personally appeared for an interview with a member of the Board;

(i) Have paid the fees specified by the Board.

(2) No applicant may be granted a license by reciprocity if that person has failed the examination for licensure as a pharmacist in this state.

(3) No applicant shall be eligible for reciprocity unless the state in which the applicant is licensed as a pharmacist also grants license reciprocity to pharmacist duly licensed by examination in this state under like circumstances.

Cite as Ga. Comp. R. & Regs. R. 480-2-.05

AUTHORITY: O.C.G.A. §§ 26-4-27**,** 26-4-28**,** 26-4-41**,** 26-4-42**,** 26-4-46**,** 26-4-47**.**

HISTORY: Original Rule entitled "Reciprocity" adopted. F. Mar. 21, 2001; eff. Apr. 10, 2001.

Amended: Title changed to "Reciprocity. Amended." F. Nov. 18, 2013; eff. Dec. 8, 2013.

Amended: F. May 14, 2015; eff. June 3, 2015.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-2-.06 Temporary Licenses

(1) As used in this rule:

(a) "Military" means the United States armed forces, including the National Guard;

(b) "Military spouse" means a spouse of a service member or transitioning service member;

(c) "Pharmacy resident" means a graduate who received a professional degree from a college or school approved by the board, as provided for in Rule 480-2-.02, who has been accepted for a post-graduate clinical training position in this State;

(d) "Service member" means an active or reserve member of the United States armed forces, including the National Guard;

(e) "Transitioning service member" means a member of the military on active-duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

(2) Temporary licenses for service members, transitioning service members, and military spouses.

(a) A service member may qualify for a temporary pharmacist license by examination where the applicant:

1. Has submitted a completed application for licensure by examination on a form approved by the Board, paid the requisite fee, and requested a temporary license;

2. Has graduated and received a professional degree from a college or school approved by the board, as provided for in Rule 480-2-.02;

3. Has completed an internship program approved by the Board, as provided for in Rule 480-2-.03; and

4. Has successfully passed the NAPLEX.

(b) A service member, transitioning service member, or military spouse may qualify for a temporary pharmacist license by reciprocity where the applicant:

1. Has completed an applicant form supplied by the National Association of Boards of Pharmacy (NABP) to apply for licensure with the Georgia State Board of Pharmacy. This application should be filed with NABP, and then with the Board for further review by the Board and an investigation by the Georgia Drugs and Narcotics Agency (GDNA), if necessary. If so requested, an applicant must produce evidence satisfactory to the Board or the GDNA which shows the applicant has the age, moral character, background, education, and experience demanded of applicants for registration by examination under O.C.G.A. 26-4 and by this chapter;

2. Has presented to the board proof that any other license granted to the applicant by any other state is not currently suspended, revoked, or otherwise restricted for any reason except nonrenewal or for the failure to obtain the required continuing education credits in any state where the applicant is currently licensed, but not engaged in the practice of pharmacy;

3. Has successfully passed the NAPLEX;

4. Has paid the requisite fee, and has requested a temporary license; and

5. Holds a license from another state for which the training, experience, and testing substantially meet or exceed the requirements under this State to obtain a pharmacist license; and if the applicant is a service member or transitioning service member, has obtained a specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

(c) Any temporary license issued to a service member, transitioning service member, or military spouse shall be valid for a period of six months from the date of issuance of the license and shall expire at the end of the six-month period or upon the issuance of a permanent license, whichever is earlier.

(3) Temporary licenses for pharmacy residents.

(a) A pharmacy resident may apply for temporary pharmacist licensure where the applicant has:

1. Has submitted a completed application for licensure on a form approved by the Board, paid the requisite fee, and requested a temporary license;

2. Has attained the age of majority;

3. Has completed an internship program approved by the Board, as provided for in Rule 480-2-.03; and

4. Has submitted evidence that the applicant has been accepted for a pharmacy resident position in this state.

(b) Any temporary license issued to a pharmacy resident shall expire at the end of the month following the third Board meeting conducted after the issuance of such license and may not be reissued or renewed.

(4) All other temporary licenses.

(a) An applicant may qualify for temporary pharmacist licensure where the applicant has:

1. Has submitted a completed application for licensure on a form approved by the Board and paid the requisite fee;

2. Has attained the age of majority;

3. Has graduated and received a professional degree from a college or school approved by the board, as provided for in Rule 480-2-.02;

4. Has completed an internship program approved by the Board, as provided for in Rule 480-2-.03; and

5. Has submitted evidence of an emergency situation justifying such temporary license.

(b) Any temporary license issued to a pharmacy resident shall expire at the end of the month following the third Board meeting conducted after the issuance of such license and may not be reissued or renewed.

Cite as Ga. Comp. R. & Regs. R. 480-2-.06

AUTHORITY: O.C.G.A. §§ 26-4-20**,** 26-4-27**,** 26-4-28**,** 26-4-41**,** 26-4-42**,** 26-4-43**,** 26-4-44.2**,** 43-1-34**.**

HISTORY: Original Rule entitled "Temporary Licenses" adopted. F. Feb. 27, 2017; eff. Mar. 19, 2017.

Amended: F. May 4, 2023; eff. May 24, 2023.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-10. RETAIL PHARMACY REGULATIONS

480-10-.01 Controlled Substances and Dangerous Drugs: Inspection, Retention of Records and Security

(1) Every retail pharmacy, possessing or having possessed any controlled substances and/or dangerous drugs, within a period of two years, and/or possessing any record related to the same, which is required to be kept by O.C.G.A. T. Ch. 16-13, shall exercise diligent care in protecting such controlled substances and/or dangerous drugs and/or records related to the same from loss or theft.

(a) Every licensed retail pharmacy shall ensure that all controlled substances and/or dangerous drugs are purchased from and/or returned to firms holding a current permit issued by the Georgia State Board of Pharmacy (Board). This requirement can be met by a pharmacy maintaining a copy of such firms' current Georgia Board permit.

(b) It shall be the responsibility of the pharmacist on duty to sign the invoice(s), including signature, legible Georgia pharmacist license number, and date, for all controlled substances upon receipt and verification.

(2) All controlled substances and/or dangerous drugs shall be kept in the prescription department, accessible only to an authorized person, except where contained in a collection receptacle compliant with state and federal law and regulation.

(3) The Georgia Drugs and Narcotics Agency (GDNA) shall have the authority to conduct inspections of any place or premises used by any such licensed retail pharmacy in relation to such controlled substances and/or dangerous drugs and/or any records pertaining to their acquisition, dispensing, disposal, or loss.

(4) The GDNA shall have the authority to examine, copy, or remove all such records, and to examine, copy, remove, or inventory all such controlled substances and/or dangerous drugs.

(a) It shall be the responsibility of such person possessing such controlled substances and/or dangerous drugs and/or records to make the same available for such inspection, copying, examination, or inventorying by said GDNA.

(b) At the conclusion of an inspection, the GDNA personnel examining said drugs and/or records shall have the responsibility of providing to such retail pharmacy a copy of an inspection report on which any deficiencies or violations are made along with any recommendations, if any, concerning the satisfactory storage, keeping, handling and security of controlled substances and/or dangerous drugs.

(5) Any person possessing controlled substances and/or dangerous drugs and/or records may request that such an inspection be made, and upon receipt of such written request, the GDNA Director shall make, or cause to be made, without unreasonable delay, an inspection in compliance with said request.

Cite as Ga. Comp. R. & Regs. R. 480-10-.01

AUTHORITY: O.C.G.A. §§ 16-13-34**,** 16-13-39**,** 16-13-45**,** 16-13-46**,** 26-3-17**,** 26-4-4**,** 26-4-27 **to** 26-4-29**,** 26-4-110**,** 26-4-113**,** 26-4-115**.**

HISTORY: Original Rule entitled "Narcotic Drugs: Inspection, Records Security" adopted. F. Oct. 6, 1970; eff. Oct. 26, 1970.

Repealed: New Rule entitled "Controlled Substances: Inspection, Records Security" adopted. F. Nov. 13, 1974; eff. Dec. 3, 1974.

Repealed: New Rule entitled "Controlled Substances and Dangerous Drugs: Retention of Records, Security and Inspection" adopted. F. Sept. 26, 1997; eff. Oct. 16, 1997.

Repealed: New Rule entitled "Controlled Substances and Dangerous Drugs: Inspection, Retention of Records and Security" adopted. F. Mar. 5, 2003; eff. Mar. 25, 2003.

Amended: F. Oct. 3, 2017; eff. Oct. 23, 2017.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-10-.02 Prescription Department, Requirement, Supervision, Hours Closed

(1) For the purpose of this rule, the following definitions shall apply:

(a) "Direct supervision" shall mean that a pharmacist is physically present, providing care at the address listed on the pharmacy license, and is in the prescription department, consultation room, vaccination room, or areas where over-the-counter drugs, devices, or durable medical equipment are displayed. The supervising pharmacist is professionally responsible and accountable for all activities performed by authorized pharmacy personnel and is available to provide assistance and direction to authorized pharmacy personnel. This shall not require a pharmacist to maintain a direct line of sight to authorized pharmacy personnel. The supervising pharmacist shall provide a final check of prepared products and document final checks before any prescription drug is dispensed.

(b) "Pharmacy care" shall mean those services related to the interpretation, evaluation, or dispensing of prescription drug orders, the participation in drug and device selection, drug administration, and drug regimen reviews, and the provision of patient counseling related thereto.

(c) "Preparation" shall mean the functions of preparing a prescription to be dispensed, including product selection, data entry into a pharmacy dispensing system, and any other functions required to have the prescription ready to be verified, checked, and dispensed by a pharmacist or pharmacy intern working under the direct supervision of a pharmacist.

(d) "Pharmacy" shall mean all areas of a facility when the prescription department is not closed or locked separately from the facility or only the area of the prescription department in those facilities where the prescription department is locked and separated.

(e) "Prescription Department" shall mean an area set aside for the preparation and dispensing of prescription drugs. In a facility offering other departments and types of merchandise not requiring a pharmacist to be open for business, this term shall apply only to the area in which prescriptions are prepared and dispensed.

(f) "Vaccination room" is an area adjacent to the pharmacy where vaccinations are administered.

(g) "Consultation room" is an area adjacent to the pharmacy where patient or customer consultations are done, and more in-depth pharmacy care may be provided.

(2) Except for retail pharmacies located in the same space as hospital pharmacies, the owner, manager, or proprietor of each pharmacy shall designate an area, room or rooms, which shall be known as the "Prescription Department," and which is primarily devoted to activities related to prescriptions, including preparation and dispensing.

(3) A licensed pharmacist shall be in charge of each pharmacy. His or her name shall be upon the application for the license of the pharmacy; he or she shall be the pharmacist in charge of and have supervision of not more than one pharmacy at one time; and he or she shall be responsible and accountable for the conduction of business related to prescriptions within and access to said retail pharmacy.

(a) This regulation is not intended to prohibit any pharmacist from engaging in the practice of pharmacy at more than one pharmacy, if conducted in compliance with the other provisions of this rule and regulation.

(b) This regulation does not prohibit a pharmacist from being in charge of one separately licensed Home Health Care Pharmacy, as defined by Board Rule 480-21, and/or one Nursing Home Pharmacy, and/or one Long Term Health Care Facility Pharmacy, as both are defined in Board Rule 480-24, in addition to being in charge of a retail pharmacy, licensed under Rule 480-10, as long as each pharmacy is operated under the same ownership and is located under the same roof, provided that there is a physical separation of the two pharmacies and separate inventories are maintained for the two pharmacies.

(4) Except for retail pharmacies located in the same space as hospital pharmacies, a Licensed Pharmacist shall be present and on duty in a licensed retail pharmacy as follows:

(a) Entire business establishments which are licensed under O.C.G.A. § 26-4-110 as a pharmacy shall have a pharmacist on duty at all times the pharmacy is open for business as follows:

1. Such times when the pharmacist is absent from the pharmacy cannot exceed three (3) hours daily, or more than one and one half (1 1/2) hours at any one time. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised.

2. In the absence of a pharmacist from the pharmacy, the area designated as the prescription department shall be closed and locked in such a manner as to prevent unauthorized entry.

3. Whenever the pharmacist is absent from the pharmacy, a sign shall be prominently displayed on the entrance to the prescription department announcing, "Prescription Department Closed" and such sign shall be clear and legible with letters not less than three (3) inches in size.

4. The pharmacist on duty shall be responsible and accountable for the direct supervision of all personnel working in the pharmacy or prescription department. Pharmacy technicians and pharmacy interns/externs can continue preparation of a prescription when the pharmacist is in the immunization or consultation room or is providing pharmacy care services.

(b) If a pharmacy is located in a general merchandising establishment, or if the owner of a business licensed as a pharmacy so chooses, a portion of the space in the business establishment may be set aside and permanently enclosed or otherwise secured; only the permanently enclosed area shall be subject to provisions of this rule and shall be licensed as a pharmacy;

1. In such cases, the area to be licensed or registered as a pharmacy shall be permanently enclosed with a partition built from the floor to the ceiling or in a manner which meets security guidelines submitted to and approved by the Board and upon inspection by the GDNA.

2. In the absence of a pharmacist from the Prescription Department, consultation room, vaccination room, and area where over-the-counter drugs, devices, and durable medical equipment are displayed, the area designated as the Prescription Department shall be closed and locked in such a manner as to prevent unauthorized entry.

3. Whenever the pharmacist is absent from the Prescription Department, consultation room, vaccination room, and area where over-the-counter drugs, devices, and durable medical equipment are displayed, a sign shall be prominently displayed on the entrance to the Prescription Department announcing, "Prescription Department Closed" and such sign shall be clear and legible with letters not less than three (3) inches in size.

4. If a pharmacist is absent less than five minutes from the prescription department, this absence is not considered an "absence" within the meaning of this rule and will not require a posted notice, provided that the prescription department's security is not compromised. No prescription shall be dispensed in the absence of a licensed pharmacist. The pharmacist on duty shall be responsible and accountable for the direct supervision of all personnel working in the pharmacy or prescription department. Pharmacy technicians and pharmacy interns/externs can

continue preparation of a prescription when the pharmacist is in the immunization or consultation room or is providing pharmacy care services.

(5) If a retail pharmacy license and hospital pharmacy license occupy the same physical space, nothing shall prohibit one nursing supervisor from having access to the pharmacy in accordance with Board Rule 480-13-.04(8).

Cite as Ga. Comp. R. & Regs. R. 480-10-.02

AUTHORITY: O.C.G.A. §§ 26-4-27**,** 26-4-28**,** 26-4-82**,** 26-4-110**.**

HISTORY: Original Rule entitled "Prescription Department, Requirement, Supervision, Hours Closed" adopted. F. Oct. 6, 1970; eff. Oct. 26, 1970.

Amended: F. Oct. 6, 1976; eff. Oct. 26, 1976.

Amended: F. Aug. 12, 1997; eff. Sept. 1, 1997.

Repealed: New Rule of same title adopted. F. Mar. 5, 2003; eff. Mar. 25, 2003.

Amended: F. May 1, 2003; eff. May 21, 2003.

Amended: F. May 24, 2017; eff. June 13, 2017.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Amended: F. May 20, 2023; eff. June 9, 2023.

480-10-.06 Licensure, Applications, and Display of License and Renewal Certificate

(1) Licensure and Applications

(a) Every retail pharmacy must be licensed by the Board in accordance with the laws and regulations of this State. As used in these rules, a "retail pharmacy" shall mean all pharmacies, except hospital, clinic, prison, and specialty pharmacies, located in this state where pharmacy is practiced as defined in O.C.G.A. §§ 26-4-4 and 26-4-5.

(b) All retail pharmacies shall renew biennially by June 30th of the odd-numbered years with the Georgia State Board of Pharmacy; certificates of registration shall be issued only to those retail pharmacies who comply with this rule.

(c) Certificates of registration shall be issued only to those retail pharmacies who meet the following requirements:

1. Submission of an application with the following information:

i. The name, full business address, and telephone number of the licensee;

ii. All trade or business names used by the licensee;

iii. Address, telephone number, and the name of the Pharmacist in Charge;

iv. The type of ownership or operations (i.e., partnership, corporation, or sole proprietorship);

v. The name(s) of the owner and/or operator of the licensee, including:

(I) If a person, the name of the person;

(II) If a partnership, the name of the partnership and the name of each partner;

(III) If a sole proprietorship, the full name of the sole proprietorship and the name of the business entity; or

(IV) If a corporation, the corporate name, the name and title of each corporate officer and director, the state of incorporation; and the name of the parent company, if any.

vi. Where operations are conducted at more than one location by a single retail pharmacy, each such location shall be licensed by the Board.

2. Payment of an application fee. Application fees shall not be refundable.

3. Filing a report from the Director of the Georgia Drugs and Narcotics Agency (GDNA) certifying the applicant possesses the necessary qualifications for a license.

(d) Licenses become null and void upon the sale, transfer or change of mode of operation.

(e) Licenses are renewed for two-year periods and expire on June 30th of each odd numbered year and may be renewed upon the payment of the required fee for each place of business and the filing of an application for renewal. If the application for renewal is not made and the fee paid before September 1st, of the odd numbered year, the license shall lapse and shall not be renewed except by application for a new license.

(f) Changes in any information in this rule shall be submitted to the Board prior to such change. Change of ownership and change of location notification must be made via the formal application process. If application is for change of location only, then a new license number will not be required.

(g) The Board will consider the following factors in determining eligibility for licensure of applicants in charge of the facility who are applying for a retail pharmacy license:

1. Any convictions of the applicant under any Federal, State, or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;

2. Any felony convictions of the applicant under Federal, State, or local laws;

3. The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;

4. Suspension or revocation by Federal, State, or local government of any pharmacist, pharmacy or other health care license currently or previously held by the applicant;

5. Compliance with licensing requirements under previously granted licenses, if any;

6. Compliance with requirements to maintain and/or make available to the State Licensing Authority or to Federal, State, or local law enforcement officials, those records required to be maintained by retail pharmacies; and

7. Other factors or qualifications the Board considers relevant to and consistent with the public health and safety.

(h) The Board reserves the right to deny a license to an applicant if it determines that the granting of such a license would not be in the best interest of the public.

(2) The pharmacist's wall certificate issued by the Georgia State Board of Pharmacy (Board), along with the current renewal license of each full-time Pharmacist, employed at the pharmacy, shall be displayed in a conspicuous place, near the prescription department where such pharmacist is actively engaged in the practice of Pharmacy;

(a) While employed in a pharmacy on a full-time basis, if a pharmacist has not yet received their Board issued Pharmacist Wall Certificate, in its place such pharmacist shall post a copy of their current Board issued pocket license card;

(b) Any pharmacist employed on a part-time basis at a pharmacy shall post a copy of their current Board issued pocket license instead of posting their Pharmacist Wall Certificate; and

(c) Any pharmacist employed as a relief or "prn" pharmacist need not post any type of Board issued license, but such pharmacist must maintain and present upon request their current Board issued pocket license.

(3) Any letter(s) from the Board which have granted a licensee any exception(s) and/or exemption(s) from this, or any other rule, must be posted and/or displayed next to the current Board of Pharmacy renewal permit; and

(4) No pharmacist or intern/extern shall display his or her license in any pharmacy where he or she is not employed or engaged in the practice of pharmacy and shall not knowingly permit any other person to use his or her license for the purpose of misleading anyone to believe that such person is the holder or recipient of said license or intern certificate.

Cite as Ga. Comp. R. & Regs. R. 480-10-.06

AUTHORITY: O.C.G.A. §§ 16-13-35**,** 16-13-37**,** 26-4-27**,** 26-4-28**,** 26-4-110**,** 26-4-111**,** 26-4-113**.**

HISTORY: Original Rule entitled "Display of License and Renewal Certificate" adopted. F. Oct. 6, 1970; eff. Oct. 26, 1970.

Repealed: New Rule entitled "Licensure, Applications, and Display of License and Renewal Certificate" adopted. F. Mar. 5, 2003; eff. Mar. 25, 2003.

Amended: F. May 1, 2003; eff. May 21, 2003.

Amended: F. May 20, 2023; eff. June 9, 2023.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-11. PHARMACEUTICAL COMPOUNDING

480-11-.02 Compounded Drug Preparations

(1) Compounded drug preparations - Pharmacist/Patient/Prescriber Relationship.

(a) Based on the existence of a pharmacist/patient/prescriber relationship and the presentation of a valid prescription drug order or in anticipation of a prescription drug order based on routine, regularly observed prescribing patterns, pharmacists may compound, for an individual patient, drug preparations that are not commercially available in the marketplace or commercially available in the place as outlined by the restrictions under 12(b). Dispensing of pharmaceutical products shall be consistent with the provisions of O.C.G.A. T. 16, Ch. 13 and T. 26, Ch. 4 relating to the issuance of prescriptions and the dispensing of drugs.

(b) Pharmacists shall receive, store, or use pharmaceuticals that have been manufactured or repackaged in a FDA-registered facility. Pharmacists shall also receive, store, or use pharmaceuticals in compounding preparations that meet official compendia requirements. If neither of these requirements can be met, pharmacists shall use their professional judgment to procure alternatives.

(c) Pharmacists may compound pharmaceuticals prior to receiving a valid prescription drug order based on a history of receiving valid prescription drug orders within an established pharmacist/patient/prescriber relationship, and provided that they maintain the prescriptions on file for all such preparations compounded at the pharmacy. Preparations compounded in anticipation of a valid prescription drug order shall be properly labeled to include the name of the compounded pharmaceutical, date of compounding, and beyond-use date.

(d) The distribution of non-patient specific compounded preparations for office use by a practitioner, excluding veterinarians, is prohibited. This subsection shall not affect 503b outsourcing facilities ability to provide non-patient specific compounded preparations for office use by a practitioner. The distribution of compounded preparations, for office administration or emergency dispensing, to a veterinarian shall not exceed 5% of production of compounded preparation in a calendar year by that pharmacy. Amounts produced greater than 5% shall be considered manufacturing and will require separate licensure as a manufacturer.

1. "Emergency Dispensing" shall mean no more than a 10-day supply dispensed for an urgent condition to an animal patient by a licensed veterinarian with a valid veterinarian-client-patient relationship when timely access to a compounding pharmacy is not available.

(e) Pharmacists must maintain a separate compounding log for each compounded preparation that includes the quantity and amount of each pharmaceutical that is compounded. Pharmacists shall label all compounded preparations that are dispensed pursuant to a prescription in accordance with the provisions of O.C.G.A. T. 16, Ch. 13 and O.C.G.A. T. 26, Chs. 3 and 4, and Board rules and regulations, and shall include on the labeling an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding.

(f) All compounded preparations labeled in accordance with Board rules and regulations regarding pharmaceutical compounding shall be deemed to meet the labeling requirements of O.C.G.A. T. 16, Ch. 13, and T. 26, Chs. 3 and 4.

(2) Compounded drug preparations - Pharmacist for Distribution to Veterinarian.

(a) Only a pharmacy licensed or registered by the Board may distribute compounded preparations to veterinarians licensed in this state for administration or emergency dispensing to their patients in the course of their professional practice, either personally or by an authorized person under their direct and immediate supervision.

(b) A veterinarian shall make a request to the pharmacy for a compounded preparation in the same manner as ordering products from a wholesale pharmaceutical distributor or manufacturer and not by using a prescription drug order.

(c) A pharmacy receiving an order from a veterinarian for a compounded preparation shall maintain such order with its compounding records as required in Rule 480-11-.08 and other rules and regulations of the Board.

(d) Pharmacists shall label all compounded preparations distributed to veterinarian for administration or emergency dispensing to their patients with the following:

1. "By purchase order, Not by prescription",

2. "For Office Use Administration or Emergency Dispensing by a Veterinarian Only - Not for resale",

3. The name of the active ingredients and strengths contained in the compounded preparation,

4. The lot number or identification of the compounded preparation,

5. The pharmacy's name, address and telephone number,

6. The initials of the pharmacist verifying the finished compounded preparation and the date verified,

7. The quantity, amount, size, or weight of the compounded preparation in the container,

8. An appropriate beyond-use (expiration) date of the compounded preparation as determined by the pharmacist in compliance with Board rule and USP-NF standards for pharmacy compounding, and

9. Appropriate ancillary instructions such as storage instructions or cautionary statements, and where appropriate, hazardous drug warning labels.

(e) Pharmacists shall enter into a written agreement with a veterinarian for the veterinarian's use and emergency dispensing of the compounded preparation before providing any compounded preparation to the veterinarian. The written agreement shall provide the following information:

1. The name and address of the veterinarian, license number and contact information.

2. An agreement by the veterinarian that the compounded preparation may only be administered to the patient and may not be dispensed to the patient or sold to any other person or entity except for a case in which emergency dispensing is required.

3. An agreement by the veterinarian to include on the patient's chart, or medication administration record the lot number and beyond-use date of the compounded preparation administered or dispensed to the patient.

4. The procedures for a patient to report an adverse reaction or to submit a complaint about a compounded preparation.

5. The procedure to be used when the pharmacy has to recall a batch of compounded preparation.

(f) When pharmacists are compounding preparations to be provided to veterinarians for use in patient care or when pharmacists are altering or repackaging such products for veterinarians to use in patient care in the veterinarian's office, the compounding shall be conducted as allowed by applicable federal law and Board rules and shall be in compliance with USP-NF standards for compounding.

(g) Pharmacists may not compound Schedule II, III, IV or V controlled substances, as defined in Article 2 of Chapter 13 of Title 16 without a patient specific prescription drug order.

(h) Nothing in this paragraph shall be construed to apply to pharmacies owned or operated by institutions or to pharmacists or practitioners employed by an institution or its affiliated entities; provided, however, pharmacies owned or operated by institutions and pharmacists and practitioners within or employed by institutions or affiliated entities shall remain subject to the other rules and regulations of the Board governing the compounding of pharmaceuticals.

(3) Pharmacists must maintain documentation of proof that the beyond-use date on compounded pharmaceuticals is valid.

(4) Pharmacists shall personally perform or personally supervise the compounding process, which shall include a final verification check for accuracy and conformity to the formula of the product being prepared, correct ingredients and calculations, accurate and precise measurements, appropriate conditions and procedures, and appearance of the final product.

(5) Pharmacists shall ensure compliance with USP-NF standards for both sterile and non-sterile compounding.

(6) Pharmacists may use prescription bulk substances in compounding when such bulk substances:

(a) Comply with the standards of an applicable USP-NF monograph, if such monograph exists, including the testing requirements, and the Board rules on pharmaceutical compounding; or are substances that are components of pharmaceuticals approved by the FDA for use in the United States; or otherwise approved by the FDA;

(b) Are manufactured by an establishment that is registered by the FDA; and

(c) Are distributed by a wholesale distributor licensed by the Board and registered by the FDA to distribute bulk substances if the pharmacist can establish purity and safety by reasonable means, such as lot analysis, manufacturer reputation, or reliability of the source.

(7) Pharmacists shall maintain records of all compounded pharmaceutical products. Pharmacist shall maintain a complete compounding formula listing all procedures, necessary equipment, necessary environmental considerations, and other factors in detail when such instructions are necessary to replicate a compounded product or where the compounding is difficult or complex and must be done by a certain process in order to ensure the integrity of the finished product.

(a) This record-keeping requirement does not apply when FDA-approved and labeled sterile injectable drug products, produced by registered pharmaceutical manufacturers, are reconstituted under conditions as allowed by USP 797, and each such sterile drug product must be administered within 24 hours of being reconstituted.

(8) Pharmacists engaged in the compounding of pharmaceuticals shall operate in conformance with Georgia laws and regulations. Non-sterile compounded preparations shall be subject to USP 795. All sterile compounded preparations shall be subject to USP 797.

(9) Radiopharmaceuticals. If radiopharmaceuticals are being compounded, conditions set forth in the Board's rules for nuclear pharmacists and pharmacies must be followed.

(10) Special precaution preparations. If drug preparations with special precautions for contamination are involved in a compounding operation, appropriate measures, including either the dedication of equipment for such operations or the meticulous cleaning of contaminated equipment prior to its return to inventory, must be utilized in order to prevent cross-contamination.

(11) Cytotoxic drugs. In addition to the minimum requirements for a pharmacy established by rules of the Board, the following requirements are necessary for those pharmacies that prepare cytotoxic drugs to insure the protection of the personnel involved.

(a) All cytotoxic drugs should be compounded in a vertical flow, Class II, biological safety cabinet or an appropriate barrier isolator. Other preparations should not be compounded in this cabinet.

(b) Personnel compounding cytotoxic drugs shall wear protective apparel as outlined in the National Institute of Occupation Hazards (NIOSH) in addition to appropriate compounding attire as described in USP 797.

(c) Appropriate safety and containment techniques for compounding cytotoxic drugs shall be used in conjunction with the aseptic techniques required for preparing sterile preparations.

(d) Disposal of cytotoxic waste shall comply with all applicable local, state, and federal requirements.

(e) Written procedures for handling both major and minor spills of cytotoxic agents must be developed and must be included in the policy and procedure manual.

(f) Prepared doses of cytotoxic drugs must be dispensed, labeled with proper precautions inside and outside, and delivered in a manner to minimize the risk of accidental rupture of the primary container.

(g) Disposal of cytotoxic and/or hazardous wastes. The pharmacist-in-charge is responsible for assuring that there is a system for the disposal of cytotoxic and/or infectious waste in a manner so as not to endanger the public health.

(12) Pharmacists shall not engage in the following:

(a) The compounding for human use of a pharmaceutical product that has been withdrawn or removed from the market by the FDA because such drug product or a component of such drug product has been found to be unsafe.

(b) The compounding of any pharmaceutical products that are essentially copies of commercially available pharmaceutical products. However, this prohibition shall not include:

1. The compounding of any commercially available product when there is a change in the product ordered by the prescriber for an individual patient,

2. The compounding of a commercially available manufactured pharmaceutical during times when the product is not available from the manufacturer or wholesale distributor,

3. The compounding of a commercially manufactured pharmaceutical that appears on the drug shortages list, or

4. The mixing of two or more commercially available products of which the end product is a commercially available product.

(13) Practitioners who may lawfully compound pharmaceuticals for administering or dispensing to their own patients pursuant to O.C.G.A. Section 26-4-130 shall comply with all the provisions of this rule and other applicable Board laws, rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 480-11-.02

AUTHORITY: O.C.G.A. §§ 26-4-4**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-86**.**

HISTORY: Original Rule entitled "Compounded Drug Products" adopted. F. Apr. 19, 2004; eff. May 9, 2004.

Repealed: New Rule entitled "Compounded Drug Preparations" adopted. F. Nov. 22, 2006; eff. Dec. 12, 2006.

Amended: F. Dec. 14, 2012; eff. Jan. 3, 2013.

Amended: F. Dec. 19, 2013; eff. Jan. 8, 2014.

Amended: F. Jun. 20, 2014; eff. July 10, 2014.

Amended: F. Nov. 26, 2014; eff. Dec. 16, 2014.

Amended: F. Nov. 06, 2019; eff. Nov. 26, 2019.

Amended: F. May 4, 2023; eff. May 24, 2023.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-22. REQUIREMENTS OF A PRESCRIPTION UNDER ORDER

480-22-.12 Requirements of Prescription Drug Orders as Issued by a Physician's Assistant (PA), or an Advanced Practice Registered Nurse (APRN) Licensed to Practice in the State of Georgia

(1) Under O.C.G.A. § 43-34-103(e.1), a physician assistant (PA) licensed by the Georgia Composite Medical Board is permitted to issue a prescription drug order or orders for any dangerous drugs, as defined in O.C.G.A. § 16-13-71, or for any Schedule III, IV, or V controlled substance without the co-signature of a supervising physician under the following conditions:

(a) The supervising physician has delegated the authority to prescribe dangerous drugs and/or controlled substances in the PA's job description on file with the Georgia Composite Medical Board.

(b) If the prescription is for controlled substances, the PA has a DEA number.

(c) If the prescription is a hard-copy of an electronic visual image prescription drug order given directly to the patient or his/her agent, the hard copy must be printed on security paper with the wording that indicates the signature was electronically generated.

(d) The prescription drug order must include the following:

(i) The name, address, and telephone number of the supervising physician and the PA;

(ii) The patient's name and address;

(iii) The drug name, strength and quantity prescribed;

(iv) The directions to the patient with regard to taking the drug;

(v) The number of authorized refills, if any; and

(vi) If applicable, the DEA permit number of the PA.

(e) If the prescription is transmitted by facsimile or computer, the prescription shall include:

(i) The complete name and address of the supervising physician and the PA;

(ii) In the case of a prescription drug order for a controlled substance, the DEA registration number of the PA;

(iii) The telephone number of the PA for verbal confirmation;

(iv) The name and address of the patient;

(v) The time and date of the transmission;

(vi) The full name of the person transmitting the order;

(vii) The drug name, strength and quantity prescribed;

(viii) The directions to the patient with regard to taking the drug;

(ix) The number of authorized refills, if any; and

(x) The signature of the PA as provided in Rule 480-27-.02(2) or, in the case of a controlled substances prescription, in accordance with 21 C.F.R. 1301.22.

(f) No prescription drug order issued by a PA can be used to authorize refills more than twelve (12) months past the date of the original drug order.

(2) Under O.C.G.A. § 43-34-25, an advanced practice registered nurse (APRN) who is recognized by the Georgia Board of Nursing as having met the requirements to engage in advanced nursing practice, and whose registered nurse license and advanced practice registered nurse license are in good standing with the Georgia Board of Nursing, is permitted to issue a prescription drug order or orders for any dangerous drugs, O.C.G.A. § 16-13-71 except for drugs intended to cause an abortion to occur pharmacologically, or for any Schedule III, IV, or V controlled substance without the co-signature of a delegating physician under the following conditions:

(a) The APRN has been delegated the authority to issue prescription for the dangerous drugs and controlled substances by a physician licensed by the Georgia Composite Medical Board in a nurse protocol agreement and that agreement has been filed with the Georgia Composite Medical Board.

(b) If the prescription is for controlled substances, the APRN has a DEA number.

(c) If the prescription is a hard-copy of an electronic visual image prescription drug order given directly to the patient or his/her agent, the hard copy must be printed on security paper with the wording that indicates the signature was electronically generated.

(d) The prescription drug order must include the following:

(i) The name, address, and telephone number of the delegating physician and the APRN;

(ii) The patient's name and address;

(iii) The drug name, strength and quantity prescribed;

(iv) The directions to the patient with regard to taking the drug;

(v) The number of authorized refills, if any; and

(vi) If applicable, the DEA permit number of the APRN.

(e) If the prescription is transmitted by facsimile or computer, the prescription shall include:

(i) The complete name and address of the delegating physician and the APRN;

(ii) In the case of a prescription drug order for a controlled substance, the DEA registration number of the APRN;

(iii) The telephone number of the APRN for verbal confirmation;

(iv) The name and address of the patient;

(v) The time and date of the transmission;

(vi) The full name of the person transmitting the order;

(vii) The drug name, strength and quantity prescribed;

(viii) The directions to the patient with regard to taking the drug;

(ix) The number of authorized refills, if any; and

(x) The signature of the APRN as provided in Rule 480-27-.02(2) or, in the case of a controlled substances prescription, in accordance with 21 C.F.R. 1301.22.

(f) No prescription drug order issued by an APRN can be used to authorize refills more than twelve (12) months past the date of the original drug order unless the prescription drug order is for oral contraceptives, hormone replacement, or prenatal vitamins. Oral contraceptives, hormone replacement and prenatal vitamins may be refilled up to twenty-four (24) months from the date of the original drug order.

(3) Nothing in this Rule, Title 16, Chapter 13 or Title 43, Chapter 34, shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist who in good faith fills a prescription drug order presented by a patient that had been issued by a PA or an APRN consistent with this Rule.

(a) A pharmacist shall presume that a prescription drug order issued by a PA or APRN was issued by a PA or APRN duly licensed and qualified under Title 43, Chapter 34 to prescribe pharmaceutical agents.

(b) A pharmacist shall presume that the drug prescribed by the PA is a drug approved by the supervising physician in the PA's job description and that the drug prescribed by an APRN is a drug authorized by the delegating physician in the APRN's nurse protocol agreement, unless the pharmacist has actual or constructive knowledge to the contrary.

(4) Any prescription drug order form containing less information than that described in this Rule shall not be offered to or accepted by any pharmacist.

Cite as Ga. Comp. R. & Regs. R. 480-22-.12

AUTHORITY: O.C.G.A. §§ 16-13-21**,** 16-13-41**,** 16-13-70.1**,** 16-13-72**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-80**,** 43-34-25**,** 43-34-103**,** 21 C.F.R. 1301.22**,** 45 C.F.R. Part 162**.**

HISTORY: Original Rule entitled "Requirements of Controlled Substance and Dangerous Drug Prescription Drug Orders as Carried Out By a Physician's Assistant (PA) Licensed to Practice in the State of Georgia" adopted. F. July 24, 2002; eff. August 13, 2002.

Amended: Rule retitled "Requirements of Prescription Drug Orders as Issued by a Physician's Assistant (PA) or an Advanced Practice Registered Nurse (APRN) Licensed to Practice in the State of Georgia" adopted. F. Nov. 14, 2007; eff. Dec. 4, 2007.

Amended: F. Nov. 29, 2011; eff. Dec. 19, 2011.

Amended: F. July 27, 2015; eff. August 16, 2015.

Amended: F. May 20, 2023; eff. June 9, 2023.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-27. REQUIREMENTS OF A PRESCRIPTION DRUG ORDER WHEN UTILIZING A COMPUTER OR OTHER ELECTRONIC MEANS

480-27-.01 Definitions

For purposes of these Rules and Regulations, the following definitions apply:

(a) Authentication. Any process by which the identities of the parties sending and receiving electronic prescription data are verified.

(b) Automated Electronic Data Processing System. A system utilizing computer software and hardware for the purpose of record-keeping and/or receiving prescription drug orders. Any and all such systems that are compatible and capable of interacting with, and electronically transferring prescription drug data with any other system must be in compliance with the rules of the Board for use in electronic prescription monitoring.

(c) Board. The Georgia State Board of Pharmacy.

(d) Computer. Programmable electronic device capable of multi-function including but not limited to storage, retrieval, and processing of information.

(e) Controlled Substances. Those drug items regulated by federal law and/or the Georgia Controlled Substances Act.

(f) Dangerous Drugs. Those drug items and devices regulated by the Georgia Dangerous Drug Act.

(g) Digital ID. An authenticated identifiable signature than can be attached to an electronic e-mail and is tamper proof.

(h) Downtime. That period of time when a computer is not operable.

(i) Electronic Means. An electronic device used to send, receive, and/or store prescription drug order information, including computers, facsimile machines, etc.

(j) Electronic Signature. An electronically reproduced visual image signature or an electronic data signature of a practitioner, which appears on, is attached to, or is logically associated with an electronic prescription drug order.

(k) Facsimile. A hard copy prescription drug order sent via a facsimile machine.

(l) Hard Copy. A fileable prescription drug order which is written or printed via electronic means.

(m) Hardware. The fixed component parts of a computer.

(n) HIPPA. The Health Insurance and Portability and Accountability Act and the associated security standards for the protection of electronic protected health information.

(o) Intervening Electronic Formatter. An entity that is not prohibited under O.C.G.A. Section 26-4-80(c)(1) and (5), and that provides the infrastructure that connects a computer or automated electronic data processing system or other electronic device used by a prescribing practitioner with a computer or automated electronic data processing system or another electronic device used by the pharmacy to facilitate the secure transmission of:

1. An electronic prescription drug order;

2. A refill authorization request;

3. A communication; and

4. Other patient care information between a practitioner and pharmacy.

(p) Practitioner Drug Order. A drug order written in an institutional practice/setting in a patient's chart for a specific patient. It is not necessary to reduce to writing as required for a prescription drug order.

(q) Prescriber. A practitioner authorized to prescribe and acting within the scope of this authorization.

(r) Prescription Drug Order. A lawful order from a practitioner, acting within the scope of his or her license to practice, for a drug or device for a specific patient. Such order includes a written order from the practitioner, a telephone order reduced to writing by the pharmacist, and electronic image prescription drug order and an electronic data prescription drug order.

(s) Print-out. A hard copy document generated by computer or other electronic means that is readable without the aid of any special device.

(t) Regulatory Agency. Any federal or state agency charged with enforcement of pharmacy or drug laws and regulations, i.e., the Georgia Drugs and Narcotics Agency (GDNA), the Drug Enforcement Administration (DEA), or the Georgia Department of Medical Assistance (Medicaid).

(u) Security Paper. Paper with security features on which the electronic visual image prescription drug order of a practitioner is printed and presented to a patient so as to ensure that a prescription drug order is not subject to any form of copying, reproduction, or alteration, and may include a watermark produced by the electronic digital process when a prescription is printed that clearly shows if a prescription has been reproduced or copied in an unauthorized manner. Such security paper shall include, at a minimum, but not limited to, the following security features:

1. A latent, repetitive pattern shall be visible across the entire front of the prescription blank if the prescription is scanned or photocopied; and

2. A chemical void protection that prevents alteration by chemical washing.

(v) Software. Programs, procedures, and systems for receipt and/or storage of required information data.

(w) Stop Date. In institutional settings, the practitioner normally indicates on his/her drug order, the length of time to administer the medication. In absence of such a notation, a committee will have determined by policy, the length of time to administer the medication by category.

Cite as Ga. Comp. R. & Regs. R. 480-27-.01

AUTHORITY: O.C.G.A. §§ 26-4-5**,** 26-4-27 **to** 26-4-29**,** 26-4-37**,** 26-4-80**,** 26-4-83**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Nov. 26, 1986; eff. Dec. 16, 1986.

Repealed: New Rule of same title adopted. F. July 24, 2002; eff. August 13, 2002.

Repealed: New Rule of same title adopted. F. Aug. 18, 2006; eff. Sept. 7, 2006.

Amended: F. Jan. 23, 2009; eff. Feb. 12, 2009.

Amended: F. May 20, 2023; eff. June 9, 2023.

480-27-.02 Prescription Drug Order Requirements

(1) Prescription drug orders shall include, but not be limited to, the following information:

(a) Date of issue;

(b) Name and address of patient (or patient location if in an institution);

(c) Name, address, and telephone number of the prescriber;

(d) DEA registration number of the prescriber in the case of controlled substances;

(e) Name, strength, dosage form and quantity of drug prescribed;

(f) Number of authorized refills;

(g) Directions for use by patient;

(h) If a written prescription drug order, the signature of the prescribing practitioner; and

(i) Any cautionary statements as may be required or necessary.

(2) Electronically transmitted prescription drug orders shall contain all information required for written prescriptions above and required by state and federal law including the prescriber's name, address, and phone number, except the signature may be an electronic signature as provided below and the electronically transmitted prescription must include the time and date of transmission.

(a) Electronically transmitted prescription drug orders transmitted from the practitioner and received by a pharmacy via facsimile must contain either an electronically reproduced visual image signature or original signature of the practitioner.

(b) Electronically generated prescription drug orders transmitted from the practitioner and received by a pharmacy as e-mails must contain an electronic data signature of the practitioner.

(c) All electronic prescription drug orders generated by a practitioner containing an electronically reproduced visual image signature or an electronic data signature must bear wording that appears on the face of the prescription which indicates the signature was electronically generated.

(3) The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of prescriptions consistent with federal and state statutes and regulations. In the absence of unusual circumstances requiring further inquiry, the pharmacy and each of its associated pharmacists are entitled to rely on the accuracy and authenticity of electronically transmitted prescriptions from an intervening electronic for matter that comply with this rule.

(4) An electronic visual image prescription drug order that bears an electronic reproduction of the visual image of the practitioner's signature and is given directly to the patient must be printed on security paper with the wording that indicates the signature was electronically generated.

(a) Every hard copy prescription drug order for any Schedule II controlled substance written in this state by a practitioner shall be written on security paper. If a hard copy of an electronic data prescription drug order for any Schedule II controlled substance is given directly to the patient, the manually signed hard copy prescription drug order must be on security paper.

(5) Pharmacies are prohibited from receiving electronic data from intervening electronic for matters that do not meet all of the following requirements:

(a) Utilize recognized encrypted technology and secure servers.

(b) Maintain HIPAA compliance.

(c) Maintain a combination of technical and administrative security measures, such as, but not limited to those listed in Security Standards for the Protection of Electronic Protected Health Information (HIPAA), to ensure a reasonable and appropriate level of:

1. Practitioner and dispenser authentication;

2. Content integrity; and

3. Confidentiality.

(d) Refrain from collecting and disseminating patient and/or prescriber data to sources other than the originating prescriber and the receiving pharmacy.

Cite as Ga. Comp. R. & Regs. R. 480-27-.02

AUTHORITY: O.C.G.A. §§ 16-13-41**,** 16-13-73**,** 16-13-74**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-37**,** 26-4-80**,** 26-4-80.1**,** 26-4-83**,** 42 C.F.R. Part 423**.**

HISTORY: Original Rule entitled "Prescription Requirements" adopted. F. Nov. 26, 1986; eff. Dec. 16, 1986.

Repealed: New Rule entitled "Prescription Drug Order Requirements" adopted. F. July 24, 2002; eff. August 13, 2002.

Repealed: New Rule of same title adopted. F. Aug. 18, 2006; eff. Sept. 7, 2006.

Amended: F. Jan. 23, 2009; eff. Feb. 12, 2009.

Amended: F. July 27, 2015; eff. August 16, 2015.

Amended: F. May 20, 2023; eff. June 9, 2023.

480-27-.04 Use of Facsimile Machine to Transmit or Receive Prescription Drug Order

(1) All prescription drug orders sent via facsimile or other electronic means must meet the requirements of O.C.G.A. § 26-4-80 and Chapter 480-22 of the Board Rules and the requirements for electronically transmitted prescriptions or drug orders.

(2) All persons engaged in the practice of pharmacy in this state, which includes accepting or receiving a prescription drug order, must be licensed by the Board.

(3) All dangerous drugs and controlled substances must be dispensed pursuant only to a valid prescription drug order. A pharmacist shall not dispense a prescription drug order which the pharmacist knows or should know is not a valid prescription drug order.

(4) A prescription drug order may be accepted by a licensed pharmacist, a pharmacy intern or extern, acting under the direct supervision of a registered pharmacist, in written form, orally, via facsimile, or electronically as set forth in O.C.G.A. § 26-4-80 and the Rules of the Board. Provisions for accepting a prescription drug order for a schedule II controlled substance are set forth in Chapter 480-22.

(5) Prescription drug orders transmitted either electronically or via facsimile shall include the following requirements:

(a) Electronically transmitted prescription drug orders shall be transmitted directly by the prescribing practitioner or indirectly utilizing intervening electronic formatters as permitted under Georgia law, except in the case of a prescription drug order sent via facsimile equipment by the practitioner or the practitioner's agent acting under the direct supervision of the practitioner, to the pharmacy of the patient's choice with no other intervening person or intermediary having access to or retaining information contained in the prescription drug order. No patient or agent for a patient may transmit a prescription drug order to a pharmacy.

(b) Prescription drug orders transmitted or received by facsimile or other electronic means shall include:

1. In the case of a prescription drug order for a dangerous drug, the complete name, address and telephone number of the prescribing practitioner;

2. In the case of a prescription drug order for a controlled substance when authorized by federal law, the complete name, address, telephone number, and DEA registration number of the prescribing practitioner;

3. The complete name and address of the patient;

4. The time and date of transmission;

5. The complete name of the person transmitting the prescription drug order and a telephone number for verbal confirmation; and

6. The practitioner's signature in the manner required in 480-27-.02(2).

(c) An electronically transmitted prescription drug order which meets the requirements of this Chapter shall be deemed sufficient to serve as the original prescription drug order for the pharmacy.

(d) Electronically generated prescriptions may be transmitted directly or indirectly thru one or more Intervening Electronic Formatters to a pharmacy's computer or other similar electronic device.

(e) Intervening electronic formatters not compliant with the requirements of this chapter will be considered an invalid source and are prohibited.

(f) Electronically generated prescriptions as e-mails directly from the prescriber to a pharmacy of the patient's choice shall be encrypted and accompanied by a digital ID for authentication purposes. The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of prescriptions consistent with federal and state statutes and regulations. In the absence of unusual circumstances requiring further inquiry, the pharmacy and each of its associated pharmacists is entitled to rely on the accuracy and authenticity of electronically transmitted prescriptions. E-mail prescriptions should comply with the following:

1. E-mails shall be reduced to hard copy and maintained as a prescription order record and maintained as required by rules and statute for all other prescription orders; and

2. The prescription may not be for a controlled substance unless allowed by federal law.

(6) The pharmacist or pharmacy intern or extern acting under the direct supervision of a licensed pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription drug order consistent with Federal and State Laws and rules and regulations adopted pursuant to same.

(7) A prescription drug order electronically transmitted from a prescriber or a prescriber's agent acting under the direct supervision of the prescriber, shall be considered a highly confidential transaction, and said transmission shall not be compromised by interventions, control, change, altering, or manipulation by any other person or party in any manner whatsoever except by an intervening electronic formatter as permitted by law and these rules.

(8) Any pharmacist or pharmacy intern or extern acting under the direct supervision of a licensed pharmacist that transmits, receives, or maintains any prescription or prescription refill either orally, in writing, or electronically shall ensure the security, integrity, and confidentiality of the prescription drug order and any information contained therein.

(9) The Board may provide exceptions to this Rule by establishing policies for institutional settings such as hospital pharmacies, nursing home pharmacies, outpatient clinic pharmacies, opioid treatment program clinic pharmacies, or pharmacies owned and operated directly by health maintenance organizations.

(10) Receiving computers or other similar electronic devices used to view the prescription shall be located within the pharmacy or pharmacy department with only authorized personnel having access.

(11) Transmission of prescriptions to answering machines and electronic voice recording devices by an authorized practitioner or approved agent shall be retrieved by a licensed pharmacist, intern, or extern and is considered to be a direct transmission of a prescription order.

Cite as Ga. Comp. R. & Regs. R. 480-27-.04

AUTHORITY: O.C.G.A. §§ 16-13-41**,** 16-13-72**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-37**,** 26-4-40**,** 26-4-78**,** 26-4-80**,** 26-4-82**,** 26-4-83**,** 43-34-26.1**.**

HISTORY: Original Rule entitled "Automated Data Processing Systems" adopted. F. Nov. 26, 1986; eff. Dec. 16, 1986.

Amended: F. July 31, 1992; eff. August 20, 1992.

Amended: F. July 8, 1996; eff. July 28, 1996.

Repealed: New Rule entitled "Use of Facsimile Machine or Other Electronic Means to Transmit or Receive Prescription Drug Orders" adopted. F. July 24, 2002; eff. August 13, 2002.

Repealed: New Rule of same title adopted. F. Aug. 18, 2006; eff. Sept. 7, 2006.

Amended: Rule retitled "Use of Facsimile Machine to Transmit or Receive Prescription Drug Orders". F. Jan. 23, 2009; eff. Feb. 12, 2009.

Amended: F. May 20, 2023; eff. June 9, 2023.

480-27-.05 Record-Keeping When Utilizing an Automated Data Processing System

In order to comply with the record keeping requirements of this Chapter, an automated electronic data processing system may be utilized for the record keeping system if the following conditions have been met:

(a) Except as otherwise provided herein, all original prescriptions, those hard copies written by a practitioner, telephoned to the pharmacist by a practitioner and reduced to writing, or sent via facsimile machine or other electronic means must be retained as a permanent record for two years in the usual consecutively serial numbered prescription file. Any refill information subsequently authorized by a practitioner must be maintained in the manner required by O.C.G.A. § 26-4-80(e).

(b) The system shall at a minimum produce sight-readable records for all dangerous drug and controlled substance prescriptions filled or refilled during each 24-hour period. The term "sight-readable" means that a representative of the Board or GDNA shall be able to immediately retrieve and examine the record and read the information during any on-site visit to the pharmacy. For purposes of off-site audits and review, a separate copy of any sight-readable hard-copy printout or electronic readable file (such as a PDF file) of each daily record shall be made available to a representative of the Board or GDNA upon verbal request by that representative. These daily prescription records can:

1. Be generated as hard-copy print-outs at least once weekly, separated into each 24-hour period, by the pharmacy and maintained for at least two years after the last date on which the prescription was filled or refilled. If a hard-copy printout of each day's filled and refilled prescription is generated, that printout shall be verified, dated, and signed by the individual pharmacist who refilled such a prescription order. The individual pharmacist must verify that the data indicated are correct and then sign this document in the same manner as he would sign a check or legal document (e.g., J.H. Smith, or John H. Smith). This document shall be maintained in a separate file at that pharmacy for a period of two years from the dispensing date; or

2. Be maintained electronically. The computers on which the records are maintained may be located at another location, but the records must be immediately retrievable as hard-copy print-outs or viewing on a computer monitor set aside for such viewing at each individually registered pharmacy upon a verbal request by a representative from the Board or GDNA. The computer software must be capable of printing out or transferring the prescription records in a format that is readily understandable to the representative for the Board or GDNA at the registered location. Prescription records must also be sortable and retrievable by prescriber name, patient name, drug dispensed, and date filled. When utilizing electronic daily prescription fill and refill records, each pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement each day, attesting to the fact that the prescription information entered by him or her into the computer that day has been reviewed by him or her and is correct as shown. Such a book or file must be maintained at the pharmacy employing such software for a period of two years after the date of dispensing the appropriately authorized refill.

(c) The information maintained by the automated electronic data processing system shall include, but not be limited to the following:

1. Date of dispensing;

2. Prescription number;

3. Patient's name;

4. Patient's address;

5. Drug name, strength, and dosage form;

6. Quantity prescribed, and if the quantity dispensed is different from the quantity prescribed, the quantity dispensed;

7. Prescriber's name;

8. Identification of dispensing pharmacist;

9. Indication whether drugs are being dispensed pursuant to a new prescription or for a refill order;

10. In case of a controlled substance as allowed by federal law, the name, address and DEA registration of the practitioner and the schedule of the drug;

11. Directions for administration of the prescription to the patient; and

12. Total number of refills authorized.

(d) Permanent records of electronic prescriptions for dangerous drugs and controlled substances do not have to be reduced to hard copy provided the following requirements are met:

1. Electronic prescription data must be maintained in the original format received for a minimum of two years; and

2. Reliable backup copies of the information are readily retrievable and stored in a secure and fireproof (minimum 1 hr. UL approved) container, stored in a secured offsite location or backed up to a documented offsite secure storage device within 48 hours following each work-day.

(e) The individual pharmacist responsible for completeness and accuracy of the entries to the system must provide documentation that prescription information entered into the computer is correct, by dating and signing the print-out in the same manner as signing a check or legal document (e.g., Mary A. Smith or M. A. Smith).

(f) An auxiliary record-keeping system shall be established for the documentation of filling new prescriptions, refills, and transfers if the automated electronic data processing system is inoperative for any reason. The auxiliary system shall insure that all refills are authorized by the original prescription and that the maximum number of refills is not exceeded. When this automated electronic data processing system is restored to operation, the information regarding prescriptions filled and refilled during the inoperative period shall be entered into the automated electronic data processing system as soon as possible. However, nothing in this section shall preclude the pharmacist from using his/her professional judgment for the benefit of a patient's health and safety.

(g) Any pharmacy using an automated electronic data processing system must comply with all applicable State and Federal laws and regulations.

(h) A pharmacy shall make arrangements with the supplier of data processing services or materials to ensure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with such supplier terminates for any reason. A pharmacy shall insure continuity in the maintenance of records.

Cite as Ga. Comp. R. & Regs. R. 480-27-.05

AUTHORITY: O.C.G.A. §§ 16-13-39**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-29**,** 26-4-80**,** 26-4-83**,** 26-4-111**.**

HISTORY: Original Rule entitled "Security" adopted. F. Nov. 26, 1986; eff. Dec. 16, 1986.

Repealed: New Rule entitled "Record-Keeping When Utilizing an Automated Data Processing System" adopted. F. July 24, 2002; eff. August 13, 2002.

Repealed: New Rule of same title adopted. F. Aug. 18, 2006; eff. Sept. 7, 2006.

Amended: F. Dec. 14, 2012; eff. Jan. 3, 2013.

Amended: F. Sep. 17, 2014; eff. Oct. 7, 2014.

Amended: F. May 20, 2023; eff. June 9, 2023.

Department 480. RULES OF GEORGIA STATE BOARD OF PHARMACY

Chapter 480-36. RETAIL PHARMACY REQUIREMENTS FOR REMOTE PRESCRIPTION DRUG ORDER PROCESSING

480-36-.01 Definitions

As used in this chapter, the following terms:

(1) "Board" shall mean the Georgia Board of Pharmacy.

(2) "Remote prescription drug order processing" shall mean the processing of prescription or patient information from a location other than the location from which the prescription medication is received and dispensed. It shall not include the dispensing of a drug, but may include:

(a) Receiving the prescription order from the primary dispensing pharmacy;

(b) Interpreting, analyzing, or clarifying prescriptions;

(c) Entering prescription or patient data into a data processing system;

(d) Transferring prescription information;

(e) Performing a drug regimen review;

(f) Performing a drug allergy review;

(g) Performing therapeutic interventions; or

(h) Any combination of these order processing functions.

(3) Primary dispensing pharmacy. A primary dispensing pharmacy shall be defined as the retail pharmacy located in this State from which a prescription is physically received and dispensed to the patient or the patient's caregiver.

(4) Secondary remote entry pharmacist. A secondary remote entry pharmacist shall be defined as a pharmacist licensed in this state and located anywhere in the United States who performs remote prescription drug order processing but does not dispense the medication to the patient or the patient's caregiver. There shall only be one secondary remote entry pharmacist to assist the primary dispensing pharmacy with remote prescription drug order processing per prescription.

Cite as Ga. Comp. R. & Regs. R. 480-36-.01

AUTHORITY: O.C.G.A. §§ 26-4-5**,** 26-4-27**,** 26-4-28**.**

HISTORY: Original Rule entitled "Definitions" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-36-.02 Licensing

(1) Secondary remote entry pharmacists who perform remote prescription drug order processing shall be licensed by the Board.

(2) When a secondary remote entry pharmacist performs remote prescription drug processing from any pharmacy, the pharmacy must be licensed in this State.

(3) Secondary remote entry pharmacists who perform remote prescription drug order processing shall either be employed by or contracted with the primary dispensing pharmacy or be employed by an organization that has a written contract describing the scope of services to be provided and the responsibilities and accountabilities of each pharmacy and the contractor. Such contract shall be available for review by the Board or its representative.

Cite as Ga. Comp. R. & Regs. R. 480-36-.02

AUTHORITY: O.C.G.A. §§ 26-4-4**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-110**.**

HISTORY: Original Rule entitled "Licensing" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-36-.03 Personnel and Supervision

(1) The primary dispensing pharmacy shall have a licensed pharmacist on site during business hours and his/her duties shall include the verification of the validity of all prescriptions. Such pharmacist shall be responsible for obtaining and recording all information needed. This shall include but not be limited to the following patient information: biographical information, medication history, drug allergies, and other information as required. Pharmacy technicians and pharmacy interns/externs may assist a pharmacist located at the primary dispensing pharmacy with remote prescription drug order processing. Such pharmacies shall comply with Georgia laws and rules set forth pertaining to ratios and the supervision of pharmacy technicians and pharmacy interns/externs.

(2) If the secondary remote entry pharmacist is engaging in the remote services listed in rule 480-36-.01 from a Georgia Board of Pharmacy licensed pharmacy, then pharmacy technicians and pharmacy interns/externs may assist the secondary remote entry pharmacist with remote prescription drug order processing.

(3) The secondary remote entry pharmacist shall be responsible for assuring the accuracy of prescriptions for which he/she performed or supervised remote prescription drug order processing. This responsibility shall exclude the compounding, preparation, dispensing, and counseling for prescriptions for which he/she has performed remote prescription drug order processing. The pharmacist shall verify the data entered into the computer system is consistent with the prescription. The pharmacist shall conduct a drug regimen review for each prescription. Any activity requiring the exercise of professional judgment shall be performed by the secondary remote entry pharmacist and shall not be delegated to pharmacy technicians. The secondary remote entry pharmacist shall be responsible for verification of all activities performed by pharmacy technicians, or pharmacy interns/externs.

Cite as Ga. Comp. R. & Regs. R. 480-36-.03

AUTHORITY: O.C.G.A. §§ 26-4-4**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-60**,** 26-4-80**,** 26-4-82**,** 26-4-83**,** 26-4-110**.**

HISTORY: Original Rule entitled "Personnel and Supervision" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. Apr. 13, 2021; eff. May 3, 2021.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-36-.04 Policy and Procedures

The primary dispensing pharmacy shall have a written policy and procedure that relates to the remote processing of prescriptions and such policy shall be available for inspection by the Board or its representative. The policy shall at a minimum include the following:

(a) The responsibilities of the primary dispensing pharmacy and secondary remote entry pharmacist;

(b) A list of the name, address, telephone numbers, and permit/registration/license numbers of all pharmacies and pharmacists involved in remote processing;

(c) Procedures for protecting the confidentiality and integrity of patient information;

(d) Procedures for ensuring that pharmacists performing prospective drug reviews have access to appropriate drug information resources;

(e) Procedures for maintaining required records;

(f) Procedures for complying with all applicable laws and regulations to include counseling.

Cite as Ga. Comp. R. & Regs. R. 480-36-.04

AUTHORITY: O.C.G.A. §§ 26-4-4**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-60**,** 26-4-80**,** 26-4-82**,** 26-4-83**,** 26-4-110**.**

HISTORY: Original Rule entitled "Policy and Procedure" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-36-.05 Record Keeping

(1) The primary dispensing pharmacy and the secondary remote entry pharmacist shall share a common electronic file or have technology which allows sufficient information necessary to process a non-dispensing function.

(2) In addition to any other required records, the primary dispensing pharmacy shall maintain retrievable records which show, for each prescription remotely processed, each individual processing function and identity of the pharmacist or pharmacy technician who performs a processing function and the pharmacist who checked the processing function.

(3) Prescriptions processed by a secondary pharmacist must be separately identifiable and retrievable upon request by a GDNA agent during inspection.

(4) These records maintained by the primary dispensing pharmacy shall be readily retrievable for at least two years through the primary dispensing pharmacy, and shall be available for inspection by the Board or its representative.

(5) The record keeping required by this rule is in addition to the record keeping required under Rule Chapter 480-10 and any other Board rules and state and federal laws.

Cite as Ga. Comp. R. & Regs. R. 480-36-.05

AUTHORITY: O.C.G.A. §§ 16-13-34**,** 16-3-39**,** 26-4-4**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-60**,** 26-4-80**,** 26-4-82**,** 26-4-83**,** 26-4-85**,** 26-4-110**.**

HISTORY: Original Rule entitled "Record Keeping" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-36-.06 Patient Counseling

(1) It shall be the responsibility of the pharmacist on duty at the primary dispensing pharmacy to perform patient counseling of all prescriptions, as required, including those assisted by remote processing.

(2) The secondary remote entry pharmacist shall not perform patient counseling on behalf of the primary dispensing pharmacy.

Cite as Ga. Comp. R. & Regs. R. 480-36-.06

AUTHORITY: O.C.G.A. §§ 26-4-4**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-85**.**

HISTORY: Original Rule entitled "Patient Counseling" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. May 4, 2023; eff. May 24, 2023.

480-36-.07 Notification to Patients

(1) Prior to utilizing remote prescription drug order processing, the primary dispensing pharmacy shall:

(a) Notify patients their prescription drug order may be processed in part by an offsite pharmacist or pharmacy. Such notification may be provided through use of a sign in the pharmacy which states: "Remote Order Processing Utilized Here." Such sign must be clear and legible with letters at least three (3) inches in size, and the sign shall be free from obstruction and visible to patients at the time the prescription is presented to the pharmacy.

Cite as Ga. Comp. R. & Regs. R. 480-36-.07

AUTHORITY: O.C.G.A. §§ 24-9-40**,** 26-4-5**,** 26-4-27**,** 26-4-28**,** 26-4-80**.**

HISTORY: Original Rule entitled "Notification to Patients" adopted. F. Feb. 21, 2011; eff. Mar. 13, 2011.

Amended: F. May 4, 2023; eff. May 24, 2023.

Department 505. PROFESSIONAL STANDARDS COMMISSION

Chapter 505-3. EDUCATOR PREPARATION RULES

505-3-.01 Requirements and Standards for Approving Educator Preparation Providers and Educator Preparation Programs

(1) **Purpose.** This rule states requirements and standards for the approval of educator preparation providers (EPPs) and programs for the initial and continuing preparation of educators in Georgia.

(2) **Definitions.**

(a) Accreditation: (1) A process for assessing and enhancing academic and educational quality through external, often voluntary, peer review. (2) A decision awarded and process certified by an accrediting organization. For the purposes of educator preparation provider (EPP) and program approval, GaPSC recognizes three (3) types of accreditation: Regional Accreditation, National Accreditation, and Specialized Accreditation. Each type of accreditation is defined in subsequent definitions.

(b) Administrative Approval: A process used in lieu of the Developmental Approval Review exclusively for endorsement programs and available only to GaPSC-approved EPPs. Administrative approval involves a staff review of an approval application and a curriculum map in which key assessments are described and mapped to program content standards. After an endorsement program is administratively approved, it will be reviewed against all applicable standards in the EPP's next Continuing Approval Review.

(c) Advanced Preparation/Degree-Only Program: An educator preparation program at the post-baccalaureate level for the continuing education of educators who have previously completed initial preparation and are certified in the program's subject area or field of certification. Advanced preparation programs commonly award graduate credit and include master's, specialist, and doctoral degree programs.

(d) Approval: A process for assessing and enhancing academic and educational quality through peer review and annual reporting, to assure the public an EPP and/or program has met and continues to meet institutional, state, and national standards of educational quality; also, a Georgia Professional Standards Commission (GaPSC) decision rendered when an EPP or program meets GaPSC standards and annual reporting requirements.

(e) Approval Review: Examination of evidence and interviews of stakeholders conducted by GaPSC site visitors and sometimes CAEP site visitors either on-site at an institution/agency, or electronically through the use of Internet and telephone conferencing systems as part of a Developmental, First Continuing, Continuing, Focused, or Probationary Review. Although not an approval review, the Substantive Change process is used when certain changes are made to the design or operations of approved program (see definition at).

(f) B/P-12: Formerly P-12, the term *B/P-12* references schools serving children aged birth to grade 12.

(g) Branch Campus: A campus that is physically detached from the parent university or college and has autonomous governance. A branch campus generally has full student and administrative services with a CEO and is regionally accredited separately from the parent campus. For approval purposes, GaPSC considers branch campuses distinct from the parent institution and therefore a separate EPP. For approval purposes, a branch campus located in the state of Georgia having an original, or main, campus located in another state or country is considered an out-of-state institution and is therefore ineligible to seek GaPSC approval as an EPP.

(h) Candidates/Teacher Candidates: Individuals enrolled in programs for the initial or advanced preparation of educators, programs for the continuing professional development of educators, or programs for the preparation of other professional school personnel. Candidates are distinguished from students in B/P-12 schools. (The term *enrolled* is used in the GaPSC approval process to mean the candidate is admitted and taking classes.)

(i) Clinical Educators: All educator preparation provider (EPP) and P-12 school-based individuals, including classroom teachers, who assess, support, and develop a candidate's knowledge, skills, or professional dispositions at some stage in the clinical experiences. The term *Clinical Educators* is intended to be inclusive of the roles of Mentor Teacher, B/P-12 Supervisor, and Faculty Supervisor. EPPs are expected to clearly define the roles and responsibilities of all clinical educators with whom candidates interact.

(j) Clinical Practice: Culminating residency (formerly referred to as *student teaching)* or internship experiences with candidates placed in classrooms for at least one (1) full semester where they experience intensive and extensive practices in which they are fully immersed in the learning community and provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing. In initial preparation programs in Service and Leadership fields, candidates will complete such culminating residency or internship experiences in placements that allow the knowledge, skills, and dispositions included in the programs to be practiced and applied. In non-traditional preparation programs, such as GaTAPP, clinical practice is job-embedded as candidates must be hired as a classroom teacher to be admitted to the program.

(k) Content Knowledge: The central concepts, tools of inquiry, and structures of a discipline (Source: CAEP Glossary).

(l) Council for the Accreditation of Educator Preparation (CAEP): The national accreditation organization formed as a result of the unification of the National Council for the Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC). CAEP advances excellence in educator preparation through evidence-based accreditation that assures quality and supports continuous improvement to strengthen B/P-12 student learning. CAEP accredits educator preparation providers (EPPs).

(m) Dispositions: Moral commitments and professional attitudes, values, and beliefs that underlie educator performance and are demonstrated through both verbal and non-verbal behaviors as educators interact with students, families, colleagues, and communities.

(n) Distance Learning: A formal educational process in which instruction occurs when candidates and the instructor are not in the same place at the same time. Distance learning can occur through virtually any media including asynchronous or synchronous, electronic or printed communications.

(o) Distance Learning Program: A program delivered primarily (50% or more contact hours) through distance technology in which the instructor of record and candidates lack face-to-face contact and instruction is delivered asynchronously or synchronously (see definition n). These preparation programs include those offered by the EPP through a contract with an outside vendor or configured as a consortium with other EPPs, as well as those offered solely by the provider.

(p) Dyslexia and Other Related Disorders: Dyslexia is a specific learning disability that is neurological in origin, which is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede the growth of vocabulary and background knowledge. Other related disorders include aphasia, dyscalculia, and dysgraphia.

1. Aphasia: Aphasia is a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and shall not include speech problems caused by loss of muscle control.

2. Dyscalculia: Dyscalculia is the inability to understand the meaning of numbers, the basic operations of addition and subtraction, or the complex operations of multiplication and division or to apply math principles to solve practical or abstract problems.

3. Dysgraphia: Dysgraphia is difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers.

(q) Educator Preparation Program: A planned sequence of courses and experiences for preparing B/P-12 teachers and other professional school personnel. The three (3) types of educator preparation programs are described in definitions ac (Initial), u (Endorsement), and c (Advanced/Degree-Only).

(r) Educator Preparation Provider (EPP): The institution of higher education (IHE), college, school, department, agency, or other administrative body responsible for managing or coordinating all programs offered for the initial and continuing preparation of teachers and other school personnel, regardless of where these programs are administratively housed (formerly referred to as the professional education unit).

(s) Endorsement Program: A planned sequence of courses and experiences, typically three (3) to four (4) courses in length, designed to provide educators with an additional, specific set of knowledge and skills, or to expand and enhance existing knowledge and skills. Successful completion of an endorsement program results in the addition of the endorsement field to the Georgia educator certificate designating expertise in the field. Endorsement programs may be offered as non-credit bearing programs (or if applicable, as continuing education units), or they may lead to college credit; they must be approved by the GaPSC and administered by a GaPSC-approved EPP, and may be offered as either a stand-alone program or, unless otherwise specified in GaPSC Educator Preparation Rules 505-3-.82 through 505-3-.115, embedded in an initial preparation program. Depending on the needs of the individual educator, endorsement programs may also be included as a part of an educator's professional learning plan/goals. See GaPSC Rule 505-2-.14, ENDORSEMENTS.

(t) Field Experiences: Activities that include organized and sequenced engagement of candidates in settings providing opportunities to observe, practice, and demonstrate the knowledge, skills, and dispositions delineated in institutional, state, and national standards. The experiences must be systematically designed and sequenced to increase the complexity and levels of engagement with which candidates apply, reflect upon, and expand their knowledge and skills. Since observation is a less rigorous method of learning, emphasis should be on field experience sequences requiring active professional practice or demonstration, and including substantive work with B/P-12 students and B/P-12 personnel as appropriate. In non-traditional preparation programs, such as GaTAPP, field experiences occur outside candidates' classrooms with students with different learning needs and varied backgrounds in at least two (2) settings during the clinical practice.

(u) First Continuing Review: Formerly called the *Initial Performance Review*, the First Continuing Review is conducted three (3) to four (4) years after a Developmental Review to determine if the EPP and/or initial educator preparation program(s) have evidence of meeting all applicable standards.

(v) Franchise Program: An endorsement program developed by and approved for a GaPSC-approved EPP (the franchise manager) and subsequently shared with other GaPSC-approved EPPs operating as franchisees.

(w) Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP): Georgia's non-traditional preparation program for preparing career changers for certification as B/P-12 teachers. See GaPSC Rule 505-3-.05, GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP).

(x) Grade Point Average (GPA): A quantitative indicator of candidate achievement. Letter grades are converted to numbers and averaged over a period of time.

(y) Induction:

(1) The formal act or process of placing an individual into a new job or position and providing appropriate support during the first three (3) years of employment. The Georgia Department of Education defines The Induction Phase Teacher as any teacher who has been hired into a new permanent position in any Georgia school.

(2) A Georgia level of professional educator certification; for additional information see GaPSC Rule 505-2-.04, INDUCTION CERTIFICATE.

(z) Information Literacy: An intellectual framework for understanding, finding, evaluating, and using information - activities which may be accomplished in part by fluency with information technology, in part by sound investigative methods, but most importantly, through critical discernment and reasoning (adopted from The Association of College and Research Libraries).

(aa) Initial Preparation Program: A program designed to prepare candidates for their first professional certificate in a teaching, leadership, or service field. Examples include degree programs at the baccalaureate, master's, or higher levels; or post-baccalaureate programs, non-degree certification-only programs, and non-traditional programs such as the GaTAPP program. Programs leading to an educator's first certificate in a particular field are considered initial preparation even if the educator is certified in one or more other fields.

(ab) Local Unit of Administration (LUA): A local education agency, including but not limited to public, waiver, Investing in Educational Excellence (IE2), charter schools and private schools (e.g., faith-based schools, early learning centers, hospitals, juvenile detention centers, etc.). As referenced in GaPSC Certification Rule 505-2-.01, GEORGIA EDUCATOR CERTIFICATION, paragraph (2) (d) 1, for employment purposes GaPSC Certification Division staff consider all non-IHEs as LUAs.

(ac) Media Literacy: The ability to encode and decode the symbols transmitted via media and the ability to access, analyze, evaluate, and communicate information in a variety of forms, including print and non-print messages. Also known as the skillful application of literacy skills to media and technology messages (adopted from the National Association for Media Literacy Education).

(ad) Mentor Teacher: A B/P-12 employed teacher and an expert practitioner who supports the development of a pre-service or novice teacher by assessing and providing feedback on instructional practice; interactions with students, colleagues, and parents; classroom management; and professionalism. Mentor teachers are typically involved with faculty supervisors in the formal supervision and evaluation of pre-service clinical practice experiences (residency/internship). The term *Mentor Teacher* is often used synonymously with the terms *Cooperating Teacher* and *B/P-12 Supervisor*. The terms *B/P-12 Supervisor* and *Faculty Supervisor* are described in definition au.

(ae) National Accreditation: National accreditation is conducted by an accrediting organization which develops evaluation criteria and conducts peer evaluations to assess whether or not those criteria are met. National accrediting agencies operate throughout the country and review entire institutions, EPPs, or programs in specific content fields. The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is an example of a national accrediting organization that reviews institutions. CAEP (see definition l) is an example of a national accrediting organization that reviews EPPs. The National Association of Schools of Music (NASM) is an example of a national accrediting organization that reviews programs in a specific field.

(af) Nationally Recognized Program: A program that has met the standards of a national specialized professional association (SPA) that is a constituent member of CAEP. The term *National Recognition* signifies the highest level of SPA recognition awarded to programs.

(ag) Non-traditional Preparation Program (GaTAPP): A program designed to prepare individuals who at admission hold an appropriate degree with verified content knowledge through a major or its equivalent in the content field or a passing score on the state-approved content assessment in the content field. If the state-approved content knowledge was not required at admission, it must be passed for program completion. Non-traditional preparation programs do not lead to a degree or college credit and:

1. Feature a flexible timeframe for completion;

2. Are job-embedded, allowing candidates to complete requirements while employed by a regionally accredited local unit of administration (school district or private school), a charter school approved by the Georgia State Charter School Commission, or a charter school approved by the Georgia Department of Education as a classroom teacher full-time or part-time for at least a half day;

3. Require that candidates are supported by a Candidate Support Team;

4. Require an induction component that includes coaching and supervision;

5. Provide curriculum, performance-based instruction and assessment focused on the pedagogical knowledge, skills, and dispositions necessary for the candidate to teach his/her validated academic content knowledge; and

6. Are individualized based on the needs of each candidate with respect to content knowledge, pedagogical skills, learning modalities, learning styles, interests, and readiness to teach. See GaPSC Rule 505-3-.05, GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP).

(ah) Out-of-State Institution: An institution of higher education administratively based in a state within the United States other than Georgia, or another country.

(ai) Pedagogical Content Knowledge: A core part of content knowledge for teaching that includes: core activities of teaching, such as determining what students know; choosing and managing representations of ideas; appraising, selecting and modifying textbooks; and deciding among alternative courses of action and analyzing the subject matter knowledge and insight entailed in these activities (Source: adapted from the CAEP Glossary).

(aj) Pedagogical Knowledge: The broad principles and strategies of classroom instruction, management, and organization that transcend subject matter knowledge (Source: CAEP Glossary).

(ak) Pedagogical Skills: An educator's abilities or expertise to impart the specialized knowledge/content and skills of their subject area(s) (Source: CAEP Glossary).

(al) Preconditions: Fundamental requirements that undergird the GaPSC standards that must be met as a first step in the approval process and before an EPP is permitted to schedule a Developmental Approval Review.

(am) Preparation Program Effectiveness Measures (PPEMs): A set of common measures applied to all teacher and leader preparation programs leading to initial certification in a field. Teacher Preparation Program Effectiveness Measures (TPPEMs) and Leader Preparation Program Effectiveness Measures (LPPEMs) are further defined in GaPSC Rule 505-3-.02, EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

(an) Program Completer: A person who has met all the requirements of a GaPSC-approved or state-approved out-of-state educator preparation program.

(ao) Regional Accreditation: Regional accreditation is conducted by an accrediting organization that develops evaluation criteria and conducts peer evaluations to assess whether or not those criteria are met. Six (6) regional accreditors operate in the United States to conduct educational accreditation of public, private, for-profit, and not-for-profit schools, colleges, and universities in their regions. The Southern Association of Colleges and Schools (SACS) is the regional accreditor for the southern region. The SACS accrediting organization for P-12 schools is the Council on Accreditation and School Improvement (SACSCASI), also known as Cognia. The SACS accrediting organization for institutes of higher education is the Commission on Colleges (SACSCOC).

(ap) Specialized Accreditation: Specialized accrediting organizations operate throughout the country to review programs and some single-purpose institutions. Like national and regional accreditors, specialized accreditation organizations develop evaluation criteria and conduct peer evaluations to assess whether or not those criteria are met.

(aq) Specialized Professional Association (SPA): A constituent member of CAEP representing a particular disciplinary area that develops standards for the approval of educator preparation programs in that area and reviews programs for compliance with those standards.

(ar) Substantive Change Procedure: Process used for EPPs to submit changes that are considered significant, including additional levels of program offerings and changes to key assessments or leadership personnel.

(as) Supervisor: An individual involved in the oversight and evaluation of educator preparation candidates during field and clinical experiences. In most cases one or more individuals are involved in the formal supervision of clinical experiences - a supervisor employed by the EPP and one or more supervisors employed by the B/P-12 site hosting a pre-service educator. The term *Faculty Supervisor* refers to the employee of the EPP and the term *B/P-12 Supervisor* (sometimes referred to as Mentor Teacher or Cooperating Teacher) refers to the school-based employee who hosts a pre-service educator for the culminating residency or internship.

(at) Technology Literacy: Using technology as a tool to research, organize, evaluate, and communicate information and understanding the ethical and legal issues surrounding the access and use of information.

(au) Traditional Preparation Program: A credit-bearing program designed for the preparation of educators typically offered by institutes of higher education.

(av) Year-long Residency: An extended clinical practice lasting the entire length of the B/P-12 school year, in the same school, in which candidates have more time to practice teaching skills with students under the close guidance of experienced and effective B/P-12 teachers licensed in the content area the candidate is preparing to teach. Candidates fully participate in the school as a member of the faculty, including faculty meetings, parent conferences, and professional learning activities spanning, if feasible, the beginning (e.g., pre-planning) and ending (post-planning) of the academic year. (Candidates may participate in post-planning at the end of the junior year if it is not possible for them to participate at the end of the senior year). These extended residencies also include supervision and mentoring by a representative of the preparation program who, along with the B/P-12 supervisor, ensures the candidate is ready for program completion and is eligible for state certification.

(3) **GENERAL REQUIREMENTS APPLICABLE TO ALL EDUCATOR PREPARATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS.**

(a) Authorization for the Establishment of Georgia Educator Preparation Providers (EPPs)

1. The following types of organizations administratively based in the state of Georgia (as determined by the location of the office of the President or the single highest ranking executive officer of the institution/agency/organization) are eligible to seek GaPSC approval as an EPP for the purpose of preparing educators: Regionally accredited institutions of higher education; regionally accredited local units of administration with student enrollment over 30,000; Regional Educational Service Agencies (RESAs); and other education service organizations. Out-of-state entities of any kind (e.g., institutions, agencies, associations, non-profit or for-profit organizations, or other types of organizations) operating in the state of Georgia through a branch or satellite campus or by online delivery of programs are not eligible to seek GaPSC approval.

(b) Accreditation of Institutions/Agencies with an Educator Preparation Provider (EPP)

1. Institutions of higher education with a college, school, department or other entity that is a GaPSC-approved EPP shall be fully accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), at the level(s) of degree(s) granted by the institution. The institution shall submit program(s) for GaPSC approval corresponding to the appropriate level of accreditation and in a field recognized for certification by the GaPSC. If an institution has submitted an application for change in degree level to a GaPSC-accepted regional accreditation agency, and is seeking Developmental Approval of a program(s) at the proposed new degree level by the GaPSC, the institution must be regionally accredited at the new degree level prior to approval review by the GaPSC. See GaPSC Rule 505-2-.31, GaPSC-ACCEPTED ACCREDITATION FOR CERTFICATION PURPOSES.

2. Local education agencies, RESAs, or other approved, non-IHE providers shall admit candidates who hold degrees from a GaPSC-accepted accredited institution of higher education appropriate for the certificate sought. GaPSC-approved EPPs offering Career Technical and Agricultural Education (CTAE) programs, including GaTAPP providers, may admit individuals who do not hold post-secondary degrees who are seeking CTAE certification in certain fields (see GaPSC Rule 505-3-.05, GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP). See GaPSC Rule 505-2-.31, GaPSC-ACCEPTED ACCREDITATION FOR CERTIFICATION PURPOSES for a list of acceptable accrediting agencies.

(c) GaPSC Approval of Educator Preparation Providers (EPPs)

1. An education institution or agency's EPP (e.g., college/school/department of education) and/or program(s) shall be approved by its governing board prior to seeking GaPSC approval for the first time (Developmental Approval). Once an EPP is approved, subsequent submission of programs for approval may be made as long as governing board approval is in process and completed 45 days prior to the GaPSC program approval review.

2. GaPSC approval standards for EPPs and programs shall at a minimum be adapted from the most recent version of the standards of the Council for the Accreditation of Educator Preparation (CAEP).

3. EPPs administratively based in the state of Georgia for which GaPSC has regulatory authority may choose to seek and/or maintain CAEP accreditation. If the accreditation visit was conducted jointly by GaPSC and CAEP, the GaPSC will accept CAEP accreditation of an EPP and the EPP shall be recognized as approved by GaPSC until the end of the seven (7)-year approval cycle, or for a shorter period of time if, during the seven (7)-year cycle GaPSC action is necessitated by persistently low (Low Performing) Preparation Program Effectiveness Measures (PPEMs) ratings or non-compliance with GaPSC rules. If CAEP accreditation of the EPP is delayed, denied, or revoked, GaPSC will render an EPP approval decision. If the accreditation visit is conducted solely by CAEP, GaPSC approval of the EPP will be based upon the implementation of the state approval process and a final EPP approval decision will be rendered by the Commission. Program approval is contingent upon EPP approval.

4. LUAs, qualifying organizations (see paragraph (3) (a) 1), and IHEs seeking GaPSC approval as an EPP shall follow all applicable GaPSC policies and procedures, e.g., preconditions to determine eligibility for a review, approval review requirements, post review requirements, Commission decisions, public disclosure policy, and annual reporting procedures. In order to maintain approval status, all GaPSC-approved EPPs must maintain regional or GaPSC-accepted accreditation and must comply with all applicable GaPSC rules and policies including, but not limited to, those regarding Preparation Program Effectiveness Measures, annual reporting, and data submission requirements. Failure by an approved provider to fully comply with GaPSC Educator Preparation, Certification, and Ethics Rules, Commission approval decisions, or agency procedures and/or requirements may result in changes in approval status that could include revocation of approval. Failure to comply with federal reporting requirements may result in fines.

5. The EPP must have completed the GaPSC approval process and be approved by the GaPSC before candidates are enrolled in educator preparation programs and begin taking classes.

6. For EPPs offering initial preparation programs leading to a Teaching, Leadership, or Service certificate, GaPSC EPP approval cycles shall include Developmental Approval valid for three (3) years and Continuing Approval valid for seven (7) years. The Developmental Approval Review is used to determine if a new EPP has the capacity to meet state standards and it is followed, in three (3) to four (4) years, by a First Continuing Review to determine if the EPP has evidence of meeting state standards. Following the First Continuing Review, the GaPSC will conduct Continuing Reviews of the EPP and all preparation programs at seven (7) year intervals. For IHEs seeking to maintain CAEP accreditation, the state Continuing Review will be scheduled such that the state review will be completed and the resulting GaPSC approval decision will be rendered prior to the beginning of the CAEP site visit. GaPSC will require a Focused Approval Review or a Probationary Review of an approved or accredited EPP and/or its educator preparation programs in fewer than seven (7) years if annual performance data indicate standards are not being met, or if a previous approval review indicates pervasive problems exist that limit provider capacity to offer programs capable of meeting standards and requirements specified in GaPSC educator preparation and certification rules, or if GaPSC staff determine non-compliance with state rules.

7. For EPPs offering only endorsement programs, GaPSC EPP approval cycles shall include Developmental Approval valid for seven (7) years and Continuing Approval every seven (7) years thereafter.

8. GaPSC-approved EPPs shall comply with all GaPSC reporting requirements, to include the submission of data in all appropriate candidate-level, program-level, and EPP-level reporting systems (e.g., Traditional Program Management System [TPMS], Non-Traditional Reporting System [NTRS], Provider Reporting System [PRS], and federal annual reports on the performance of the EPP and all educator preparation programs). Out-of-state EPPs

offering initial teacher preparation programs to Georgia residents and/or to residents of other states who fulfill field and clinical experiences in Georgia B/P-12 schools shall comply with all applicable GaPSC reporting requirements, to include the submission of data in TPMS and other systems that may become applicable. EPPs shall report according to the schedules and timelines below and shall accurately provide all data elements. Failure to report on time and accurately may negatively impact EPP approval status. See GaPSC Rule 505-3-.02, EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

(i) Enrollments. GaPSC-approved EPPs shall, through the appropriate GaPSC reporting system (i.e., Non-Traditional Reporting System [NTRS] or Traditional Program Management System [TPMS]), enter all applicable data for candidates enrolled in Teaching (T), Leadership (L), and Service (S) field programs leading to initial Georgia certification, and in Endorsement programs according to the following schedule:

(I) October 31: The deadline for entering all candidates enrolled in current academic year summer and fall semesters.

(II) March 31: The deadline for entering all candidates enrolled in current academic year spring semester.

(ii) Completions and Withdrawals. GaPSC-approved EPPs shall, through the appropriate GaPSC reporting system (i.e., Non-Traditional Reporting System [NTRS] or Traditional Program Management System [TPMS]), enter all applicable data related to candidate completions and withdrawals within sixty (60) days of the event.

(iii) For federal, Title II, reporting purposes, October 7 is the deadline for entering all initial teaching candidates who were enrolled, withdrawn, or completed during the prior reporting year (September 1 - August 31).

9. GaPSC-approved EPPs shall notify all enrolled candidates when EPP and/or program approval is revoked or when approval status is changed to Probation. Notification must be made within sixty (60) days after such a GaPSC decision is granted in written form via letter or e-mail, and a copy must be provided to GaPSC by the EPP head. This notification must clearly describe the impact of the approval status change on candidates and the options available to them. The EPP must maintain records of candidates' acknowledgement of receipt of the notification.

(d) GaPSC Approval of Educator Preparation Programs

1. Educator preparation programs leading to Georgia educator certification shall be offered only by GaPSC-approved EPPs (reference paragraph (3) (c) 3). All initial preparation programs and endorsement programs must be approved by the GaPSC.

2. GaPSC-approved EPPs seeking approval to add new initial preparation programs may submit the programs for GaPSC approval prior to receiving governing board approval, as long as governing board approval is granted forty-five (45) days prior to the approval review.

3. GaPSC-approved EPPs seeking approval for preparation programs leading to Georgia educator certification shall follow all applicable GaPSC program approval policies and procedures in effect at the time of the requested approval and shall comply with revised policies in accordance with timelines published by the GaPSC.

4. Initial educator preparation programs and endorsement programs shall be approved by the GaPSC before candidates are enrolled and begin program coursework.

5. GaPSC-approved EPPs, in conjunction with preparations for an EPP approval review, shall submit program reports conforming to GaPSC program standards and program review requirements for approval by GaPSC. Programs may also be submitted to GaPSC-accepted Specialized Professional Associations or program accrediting agencies for national recognition or accreditation. If the highest level of recognition or accreditation, in most cases National Recognition or Accreditation, is granted for a program, state approval procedures will be reduced to remove duplication and will include only those components necessary to ensure Georgia-specific standards and requirements are met. Programs submitted for national recognition or accreditation that are not granted National Recognition (e.g., granted Recognition with Conditions or any level of recognition lower than National Recognition)

or Accreditation must comply with all applicable GaPSC program approval review requirements. See the guidance document accompanying this rule for the list of GaPSC-accepted SPAs and program accrediting agencies.

6. GaPSC approval of initial preparation programs in Teaching (T), Leadership (L), and Service (S) fields shall include a Developmental Approval Review to determine if the new educator preparation program has the capacity to meet state standards. Developmental Approval is valid for three (3) to four (4) years and is followed by a First Continuing Review to determine if the educator preparation program has evidence of meeting state standards. Following the First Continuing Review, the GaPSC will conduct Continuing Reviews of the educator preparation programs in conjunction with the EPP Continuing Review at seven (7) year intervals.

7. GaPSC approval of new endorsement programs shall include an Administrative Approval process to determine if the new program has the capacity to meet state standards followed by a Continuing Approval Review of the program in conjunction with the next scheduled EPP Continuing Review, and Continuing Reviews every seven (7) years thereafter.

8. The GaPSC will require a Focused Approval Review or a Probationary Review of an approved educator preparation program in fewer than seven (7) years if annual performance data indicate standards are not being met or if a previous approval review indicates pervasive problems exist limiting program capacity to meet standards and requirements specified in GaPSC educator preparation and certification rules.

9. GaPSC-approved EPPs shall submit program(s) for GaPSC approval corresponding to the appropriate level of preparation (initial or endorsement) and in a certification field authorized in GaPSC Certification Rules. Although advanced/degree-only preparation programs are neither reviewed nor approved by GaPSC, those accepted by GaPSC for the purposes of certificate level upgrades must be listed in the GaPSC Certificate Upgrade Advisor.

10. GaPSC-approved EPPs shall make program decisions based upon program purpose, institutional mission, supply and demand data, and B/P-12 partner needs, and shall attempt to include a variety of options for program completion (e.g., multiple delivery models, degree options, and individualized programs; additional examples are provided in the guidance document accompanying this rule).

11. Ongoing GaPSC approval of educator preparation programs is contingent upon EPP approval status and the performance of the EPP and its programs. As described in GaPSC Educator Preparation Rule 505-3-.02, EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION, are used as part of the approval process to determine ongoing approval of EPPs and educator preparation programs.

12. Out-of-state institutions offering initial teacher preparation programs to Georgia residents and/or to residents of other states who fulfill field and clinical experiences in Georgia B/P-12 schools shall ensure their candidates hold the Georgia Pre-Service Certificate prior to beginning any field and clinical experiences in any Georgia B/P-12 school required during program enrollment. The requirements for this certificate are outlined in GaPSC Rule 505-2-.03, PRE-SERVICE TEACHING CERTIFICATE. Out-of-state institutions preparing candidates for Georgia certification must also ensure their candidates meet all program completion assessment requirements outlined in this rule in paragraphs (3) (e) (6) (i) and (ii); the requirements specified in GaPSC Certification Rule 505-2-.22, CERTIFICATION BY STATE-APPROVED PROGRAM, paragraph (2) (d) 2; and the requirements outlined in GaPSC Certification Rule 505-2-.04, INDUCTION CERTIFICATE, including the required amount of time spent in the culminating clinical experience (i.e., student teaching or internship occurring after, and not including, field experiences), and passing the ethics and content assessments.

13. Out-of-state institutions offering initial teacher preparation programs to Georgia residents and/or to residents of other states who fulfill field and clinical experiences in Georgia B/P-12 schools are subject to all applicable data collection requirements referenced in paragraph (3) (c) 8. and described in GaPSC Rule 505-3-.02, EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

(e) Educator Preparation Program Requirements

1. Admission Requirements

(i) The Georgia Educator Ethics Assessment must be passed prior to enrollment in a traditional or non-traditional initial educator preparation program and to qualify for the Pre-Service Teaching Certificate (see GaPSC Rule 505-2-.03, PRE-SERVICE TEACHING CERTIFICATE).

(ii) GaPSC-approved EPPs shall ensure candidates admitted to initial preparation programs at the post-baccalaureate level have attained appropriate depth and breadth in both general and content studies, with a minimum of a bachelor's degree from a GaPSC-accepted accredited institution. Candidates seeking certification in Career Technical and Agricultural Education (CTAE) fields must hold a high school diploma or GED, or an associate's degree or higher in the field of certification sought, as delineated in applicable GaPSC Certification Rules. CTAE candidates admitted with a high school diploma or GED must complete both the associate's degree and the initial teacher preparation program to earn a professional certificate. The preparation program must be completed within three years; an additional year is allowable if needed to complete the associate's degree.

2. Pre-service Certificate Request

(i) EPPs must request the Pre-Service Certificate for all candidates admitted to traditional initial teacher preparation programs at the baccalaureate level or higher, except for candidates who hold a valid professional Georgia teaching certificate and are currently employed in a Georgia school. Out-of-state EPPs must request the Pre-Service Certificate for candidates enrolled in initial teacher preparation programs and completing field and clinical experiences in Georgia B/P-12 schools; such candidates must be enrolled in programs leading to a certification field offered by the GaPSC. See GaPSC Rule 505-2-.03, PRE-SERVICE TEACHING CERTIFICATE for Pre-Service certification requirements.

(ii) Successful completion of a criminal record check is required to earn the Pre-Service Certificate.

3. Candidate Monitoring and Support. EPPs shall monitor each cohort aggregate GPA for changes, document any point at which the cohort GPA is less than 3.0, disaggregate the data by race and ethnicity and any other mission-related categories, analyze the data to identify specific needs for candidate support, and develop and implement plans to provide the needed supports.

4. Program Content and Curriculum Requirements

(i) Preparation programs for educators prepared as teachers shall incorporate the latest version of the Teacher Assessment on Performance Standards (TAPS) published by the Georgia Department of Education. Preparation programs for educators prepared as leaders shall incorporate these standards into those courses related to instructional leadership to assure leadership candidates understand the TAPS standards as they apply to the preparation and continued growth and development of teachers.

(ii) GaPSC-approved EPPs shall require a major or equivalent in all secondary and P-12 fields, where appropriate. The equivalent of a major is defined for middle grades (4-8) as a minimum of fifteen (15) semester hours of coursework in the content field and for secondary (6-12) as a minimum of twenty-one (21) semester hours of coursework in the content field. Content field coursework must meet expected levels of depth and breadth in the content area (i.e., courses above the General Education level) and shall address the program content standards required for the field as delineated in GaPSC Educator Preparation Rules 505-3-.19 through 505-3-.53.

(iii) GaPSC-approved EPPs shall ensure candidates in all initial preparation programs complete a sequence of courses and/or experiences in professional studies that includes knowledge about and application of professional ethics and behavior appropriate for school and community, ethical decision-making skills, and specific knowledge about the Georgia Code of Ethics for Educators. Candidates are expected to demonstrate knowledge and dispositions reflective of professional ethics and the standards and requirements delineated in the Georgia Code of Ethics for Educators. In addition to candidates meeting the state-approved ethics assessment requirement in 505-3-.01,(e) 1. (i) and (e) 6.(iii) (see GaPSC Rule 505-2-.26, CERTIFICATION AND LICENSURE ASSESSMENTS), GaPSC-approved EPPs shall assess candidates' knowledge of professional ethics and the Georgia Code of Ethics for Educators either separately or in conjunction with assessments of dispositions.

(iv) GaPSC-approved EPPs shall ensure candidates are prepared to implement Georgia state mandated standards (i.e., Georgia Performance Standards [GPS]; Georgia Performance Standards [CCGPS], Georgia Standards of Excellence, College and Career Ready Standards, and all other GaDOE-approved standards) in each relevant content area. Within the context of core knowledge instruction, providers shall ensure candidates are prepared to develop and deliver instructional plans that incorporate critical thinking, problem solving, communication skills, and opportunities for student collaboration. EPPs shall ensure candidates are also prepared to implement any Georgia mandated educator evaluation system. EPPs shall ensure educational leadership candidates understand all state standards and have the knowledge and skills necessary to lead successful implementation of standards in schools.

(v) GaPSC-approved EPPs shall require candidates seeking teacher certification to demonstrate knowledge of the definitions and characteristics of dyslexia and other related disorders; competence in the use of evidence-based instruction, structured multisensory approaches to teaching language and reading skills, and accommodations for students displaying characteristics of dyslexia and/or other related disorders; and competence in the use of a multi-tiered systems of support framework addressing reading, writing, mathematics, and behavior, including:

(I) Universal screening;

(II) Scientific, research-based interventions;

(III) Progress monitoring of the effectiveness of interventions on student performance;

(IV) Data-based decision making procedures related to determining intervention effectiveness on student performance and the need to continue, alter, or discontinue interventions or conduct further evaluation of student needs; and

(V) Application and implementation of response-to-intervention and dyslexia and other related disorders instructional practices in the classroom setting.

(vi) GaPSC-approved EPPs shall require candidates seeking certification to demonstrate satisfactory proficiency in computer and other technology applications and skills, and satisfactory proficiency in integrating Information, Media and Technology Literacy into curricula and instruction, including incorporating B/P-12 student use of technology, and to use technology effectively to collect, manage, and analyze data for the purpose of improving teaching and learning. This requirement may be met through content embedded in courses and experiences throughout the preparation program and through demonstration of knowledge and skills during field and clinical experiences. Candidates shall demonstrate the specialized knowledge and skills necessary for effective teaching in a distance learning environment.

(vii) GaPSC-approved EPPs shall require candidates seeking certification in a Teaching (T) field, the field of Educational Leadership (L), or the Service (S) fields of Media Specialist and School Counseling to complete either five (5) or more quarter hours or three (3) or more semester hours of coursework in the identification and education of children who have special educational needs or the equivalent through a Georgia-approved professional learning program. This requirement may be met in a separate course, or content may be embedded in courses and experiences throughout the preparation program (see GaPSC Rule 505-2-.24, SPECIAL GEORGIA REQUIREMENTS). In addition, candidates in all fields must have a working knowledge of Georgia's framework for the identification of differentiated learning needs of students and how to implement multi-tiered structures of support addressing the range of learning needs.

(viii) GaPSC-approved EPPs shall ensure candidates being prepared to teach in the fields of Elementary Education, Middle Grades Education, and the special education fields of General Curriculum, Adapted Curriculum, and General Curriculum/Elementary Education (P-5) demonstrate competence in the knowledge of methods of teaching reading. Teachers will be equipped to develop students' foundational reading skills, to include phonemic awareness, phonics, fluency, and vocabulary, with the ultimate goal of reading comprehension.

(ix) GaPSC-approved EPPs offering endorsement programs shall ensure the programs are designed to result in candidates' expanded knowledge and skills in creating challenging learning experiences, supporting learner ownership and responsibility for learning, and in strengthening analysis and reflection on the impact of planning to

reach rigorous curriculum goals as specified in GaPSC Rules 505-3-.82 through 505-3-.115. Unless specified otherwise in GaPSC Rules 505-3-.82 through 505-3-.115, endorsement programs may be offered as stand-alone programs or embedded in initial preparation or degree-only programs. Embedded endorsement programs must include field experiences specifically for meeting endorsement standards and requirements, as well as any additional grade levels addressed by the endorsement. These field experiences must be in addition to those required for the initial preparation program. Although field experiences in specific grade bands are not required for endorsement programs, candidates must have opportunities to demonstrate the knowledge and skills delineated in endorsement standards in as many settings as necessary to demonstrate competence with children at all developmental levels addressed by the endorsement. In addition to field experience requirements, the GaPSC Continuing approval process for embedded endorsement programs will require EPPs to provide evidence of meeting a minimum of one (1) of the following (2) options:

(I) Option 1: Additional Coursework. Endorsement programs are typically comprised of three (3) or four (4) courses (the equivalent of nine [9] or twelve [12] semester hours). Although some endorsement standards may be required in initial preparation programs (e.g., Reading Endorsement standards must be addressed in Elementary Education programs) and in such cases some overlap of coursework is expected, it may be necessary to add endorsement courses to a program of study to fully address the additional knowledge and skills delineated in endorsement standards.

(II) Option 2: Additional Assessments(s). Candidates' demonstration of endorsement program knowledge and skills must be assessed by either initial preparation program assessments or via additional assessment instruments specifically designed to address endorsement program content.

See the guidelines accompanying this rule for further clarification of expectations for endorsement programs.

(x) GaPSC-approved EPPs shall provide information to each candidate on Georgia's tiered certification structure, professional learning requirements, and employment options.

5. Requirements for Partnerships, and Field Experiences and Clinical Practice

(i) Effective partnerships with B/P-12 schools and/or school districts are central to the preparation of educators. At a minimum, GaPSC-approved EPPs shall establish and maintain collaborative relationships with B/P-12 schools, which are formalized as partnerships and focused on continuous school improvement and student growth and learning through the preparation of candidates, support of induction phase educators, and professional development of B/P-20 educators. EPPs are encouraged to establish and sustain partnerships meeting higher levels of effectiveness, as described in the guidance document accompanying this rule.

(ii) GaPSC-approved EPPs shall require in all programs leading to initial certification in teaching, leadership, or service fields, and endorsement programs, field experiences that include organized and sequenced engagement of candidates in settings providing them with opportunities to observe, practice, and demonstrate the knowledge, skills, and dispositions delineated in all applicable institutional, state, and national standards. The experiences must be systematically designed and sequenced to increase the complexity and levels of engagement with which candidates apply, reflect upon, and expand their knowledge and skills. Since observation is a less rigorous method of learning, emphasis should be on field experience sequences requiring active professional practice or demonstration and including substantive work with B/P-12 students or B/P-12 personnel as appropriate depending upon the preparation program. Field experience placements and sequencing will vary depending upon the program. In non-traditional preparation programs, such as GaTAPP, field experiences occur outside candidates' classrooms with students with different learning needs and varied backgrounds in at least two settings during the clinical practice. Refer to the guidance document accompanying this rule for additional information related to field experiences and clinical practice.

(iii) GaPSC-approved EPPs shall ensure candidates complete supervised field experiences consistent with the grade levels of certification sought. For Birth Through Kindergarten programs, field experiences are required at three (3) age levels: ages 0 to 2, ages 3 to 4, and kindergarten. For Elementary Education programs (P-5), field experiences are required in three (3) grade levels: PK-K, 1-3, and 4-5. For middle grades education programs, field experiences are required in two (2) grade levels: 4-5 and 6-8. Programs leading to P-12 certification shall require field

experiences in four (4) grade levels: PK-2, 3-5, 6-8, and 9-12; and secondary education programs (6-12) shall require field experiences in two (2) grade levels: 6-8 and 9-12.

(iv) GaPSC-approved EPPs shall ensure candidates complete supervised clinical practice (residency/internships) in the field of certification sought and only in fields for which the EPP has been approved by the GaPSC. Clinical practice for all fields must occur in regionally accredited schools, charter schools approved by the Georgia State Charter School Commission, charter schools approved by the Georgia Department of Education, private schools accredited by a GaPSC-accepted accreditor, Department of Defense schools, or in international settings meeting accreditation criteria specified in GaPSC Rule 505-2-.31, GAPSC-ACCEPTED ACCREDITATION; VALIDATION OF NON-ACCREDITED DEGREES. Candidates in Birth Through Kindergarten programs may participate in residencies or internships in regionally accredited schools, in pre-schools or child care centers licensed by the Georgia Department of Early Care and Learning (DECAL, also known as Bright from the Start), or in pre-schools accredited by USDOE- or CHEA-accepted accrediting agencies. Candidates of GaPSC-approved EPPs must meet all applicable Pre-Service Certificate requirements, regardless of clinical practice placement location. Clinical practice must be designed and implemented cooperatively with B/P-12 partners and candidates' experiences must allow them to demonstrate their developing effectiveness and positive impact on all students' learning and development. Although year-long residencies/internships as defined herein (see paragraph (2) (ax)) are recognized as most effective, teacher candidates must spend a minimum of one (1) full semester or the equivalent in residencies or internships. GaPSC preparation program rules for service and leadership fields may require more than one (1) full semester of clinical practice; see GaPSC Rules 505-3-.63 through 505-3-.81.

(v) B/P-12 educators who supervise candidates (mentors, cooperating teachers, educational leadership coaches/mentors, Service (S) field supervisors) in residencies or internships at Georgia schools shall meet the following requirements:

(I) B/P-12 supervisors shall have a minimum of three (3) years of experience in a teaching, service, or leadership role; and

(II) If the residency or internship is completed at a Georgia school requiring GaPSC certification, the B/P-12 supervisor shall hold renewable Professional Level Certification in the content area of the certification sought by the candidate. In cases where a B/P-12 supervisor holding certification in the content area is not available, the candidate may be placed with a Professionally Certified educator in a related field of certification (related fields are defined in the guidance document accompanying this rule). For teaching field candidates who are employed as the full-time teacher of record while completing residency or internship in a school requiring GaPSC certification, the B/P-12 supervisor must hold Professional Certification.

(III) If the residency or internship is completed at a Georgia school that has the legal authority to waive certification, the B/P-12 supervisor must hold a Clearance Certificate.

(IV) The Partnership Agreement shall describe training, evaluation, and ongoing support for B/P-12 supervisors and shall clearly delineate qualifications and selection criteria mutually agreed upon by the EPP and B/P-12 partner. The Partnership Agreement shall also include a principal or employer attestation assuring educators selected for supervision of residencies/internships are the best qualified and have received an annual summative performance evaluation rating of proficient/satisfactory or higher for the most recent year of experience.

(V) Certificate IDs (to include Clearance Certificate IDs as applicable) of B/P-12 supervisors must be entered in TPMS or NTRS prior to the completion of the residency or internship.

It is the responsibility of GaPSC-approved EPPs and out-of-state EPPs who place candidates seeking Georgia certification in Georgia schools for field and clinical experiences to ensure these requirements are met.

6. Assessment Requirements

(i) State-approved Content Assessment.

(I) Eligibility: EPPs shall determine traditional program candidates' readiness for the state-approved content assessment and shall authorize candidates for testing only in their field(s) of initial preparation and only at the appropriate point in the preparation program.

(II) Attempts: GaPSC-approved EPPs shall require all enrolled candidates to attempt the state-approved content assessment (resulting in an official score on all parts of the assessment) within the content assessment window of time beginning on a date determined by the EPP after program admission and ending on August 31 in the year of program completion, and at least once prior to program completion. Candidates enrolled in a traditional (IHE-based), initial preparation program leading to Middle Grades certification must attempt the state-approved content assessment in each of the two (2) areas of concentration, as required for program completion and receive an official score on each assessment prior to program completion. For more information on Middle Grades areas of concentration, see GaPSC Rule 505-3-.19, MIDDLE GRADES EDUCATION PROGRAM.

(III) Passing Score: A passing score on all applicable state-approved content assessments is not required for program completion, except in the GaTAPP program, which is a non-traditional, certification-only program (See GaPSC Rule 505-3-.05, GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY [GaTAPP]); however, a passing score is required for state certification. See GaPSC Rule 505-2-.26, CERTIFICATION AND LICENSURE ASSESSMENTS, and GaPSC Rule 505-2-.08, PROVISIONAL CERTIFICATE.

(ii) State-approved Performance-based Assessments.

(I) Eligibility: EPPs shall determine initial preparation program candidates' readiness for the state-approved performance-based assessments in state-approved Teacher Leadership programs and Educational Leadership Tier II programs and shall authorize candidates for testing only in their field(s) of preparation and only at the appropriate point in the preparation program.

(II) Attempts: GaPSC-approved EPPs shall require candidates enrolled in state-approved Educational Leadership Tier II preparation programs to attempt the state-approved performance-based assessment (resulting in an official score on all tasks within the assessment) prior to program completion.

(III) Passing Score: A passing score on all applicable state-approved performance-based assessments is not required for program completion; however, a passing score is required for state certification. See GaPSC Rule 505-2-.26, CERTIFICATION AND LICENSURE ASSESSMENTS, 505-2-.153, EDUCATIONAL LEADERSHIP CERTIFICATE, and 505-2-.149, TEACHER LEADERSHIP.

(iii) State-approved Educator Ethics Assessment.

(I) Program Admission:

A. Candidates who enroll in initial teacher preparation programs must pass the Georgia Educator Ethics Assessment prior to beginning program coursework. Educators who hold a valid Induction, Professional, Lead Professional, or Advanced Professional Certificate are not required to pass the assessment if they enroll in an initial preparation program for the purpose of adding a new teaching field.

B. Candidates who enroll in any GaPSC-approved Educational Leadership program must pass the Georgia Ethics for Educational Leadership Assessment prior to beginning program coursework.

7. Program Completion Requirements

(i) GaPSC-approved EPPs shall require candidates completing initial preparation programs to have a 2.5 or higher overall GPA on a 4.0 scale. Non-traditional program providers do not issue grades and therefore are not subject to this requirement; however, non-traditional EPPs must verify all program requirements are met as specified in GaPSC Rule 505-3-.05, GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP).

(ii) GaPSC-approved EPPs may accept professional learning, prior coursework, or documented experience the EPP deems relevant to the program of study in lieu of requiring candidates to repeat the same or similar coursework for credit.

(iii) GaPSC-approved EPPs shall provide, at appropriate intervals, information to candidates about instructional policies and requirements needed for completing educator preparation programs, including all requirements necessary to meet each candidate's certification objective(s), the availability of EPP services such as tutoring services, social and psychological counseling, and job placement and market needs based on available supply and demand data.

(iv) GaPSC-approved EPPs shall provide performance data to candidates that they may use to inform their individual professional learning needs during induction.

(f) Verification of Program Completion and Reporting of Ethics Violations

1. GaPSC-approved EPPs shall designate an official who will provide evidence to the GaPSC that program completers have met the requirements of approved programs, including all applicable Special Georgia Requirements, and thereby qualify for state certification.

2. GaPSC-approved EPPs shall submit, in a timely manner, any documentation required of them by the GaPSC Certification Division for program completers seeking GaPSC certification.

3. GaPSC-approved EPPs shall ensure program completers meet all requirements of the approved program in effect at the time the candidate was officially admitted to the program and any additional program requirements with effective dates after program admission, as described elsewhere in this rule.

4. Should program completers return to their GaPSC-approved EPP more than five (5) years after completion to request verification of program completion, providers shall require those individuals to meet current preparation requirements to assure up-to-date knowledge in the field of certification sought.

5. GaPSC-approved EPPs shall immediately report to GaPSC any violations of the Georgia Code of Ethics for Educators by enrolled candidates. Failure to report ethical violations may result in changes in approval status that could include revocation of approval. Out-of-state EPPs placing candidates in Georgia schools for field and clinical experiences are expected to collaborate with Georgia B/P-12 partners to immediately report ethics violations. Procedures for reporting ethical violations are addressed in the guidance document accompanying this rule.

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AUTHORITY: O.C.G.A. § 20-2-200**.**

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Note: Correction of non-substantive typographical error in subparagraph (3)(e)4.(iv), "... see GaPSC Rules 505-3-.63 through 505-3-.8." corrected to "... see GaPSC Rules 505-3-.63 through 505-3-.81.", as requested by the Agency. Effective Apr. 15, 2020.

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Amended: F. Dec. 11, 2020; eff. Jan. 1, 2021, as specified by the Agency.

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Amended: F. June 10, 2022; eff. July 1, 2022, as specified by the Agency.

Amended: F. May 30, 2023; eff. June 15, 2023, as specified by the Agency.

505-3-.05 Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP)

(1) **Purpose**. This rule states specific content standards and requirements for approving non-traditional preparation programs designed for the initial preparation of transition teachers and supplements requirements in GaPSC Rules 505-3-.01, REQUIREMENTS AND STANDARDS FOR APPROVING EDUCATOR PREPARATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS, GaPSC Rule 505-3-.02, EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION, and GaPSC Certification Rules 505-2-.01, GEORGIA EDUCATOR CERTIFICATION, 505-2-.08, PROVISIONAL CERTIFICATE, and 505-2-.05, PROFESSIONAL CERTIFICATE. This rule also states specific content standards and requirements for approving non-traditional preparation programs that prepare professionally certified teachers to teach any subject in grades P-5. Field-Specific requirements for the Elementary Education Certification-Only Program through GaTAPP (grades P-

5) are described at www.gapsc.com FIELD-SPECIFIC REQUIREMENTS. This extension to the GaTAPP rule supplements the requirements in GaPSC Rule 505-3-.14, ELEMENTARY EDUCATION (P-5) PROGRAM.

(2) **Definitions.**

(a) Academic Year (AY): Consists of two (2) full semesters, one (1) of which must include the beginning of a school year.

(b) Candidate Support Team (CST): A team of school-based leaders, mentors, Educator Preparation Provider (EPP) supervisors, and content specialists who monitor, assess, and coach candidates using performance assessment data to improve teaching performance in order to improve student learning.

(c) Coaching: Assisting candidates in transferring knowledge, skills, and understandings in the GaTAPP program into professional practice.

(d) Clinical Practice/Field Experiences:

1. Clinical Practice: Candidates are immersed in the learning community and provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing while supported by the Candidate Support Team. The job-embedded, hands-on experiences provide candidates with an intensive and extensive opportunity to be monitored, assessed, and coached. Performance assessment data from these experiences inform the Individualized Induction Plan/Professional Learning Plan.

2. Field Experiences: Various early and ongoing field-based opportunities, in which candidates may observe, assist, tutor, instruct, and/or conduct research. Field experiences occur outside the candidate's classroom in settings such as schools, community centers, or homeless shelters.

(e) Dispositions: Moral commitments and professional attitudes, values, and beliefs that underlie educator performance and are demonstrated through both verbal and non-verbal behaviors as educators interact with students, families, colleagues, and communities.

(f) Elementary Education Certification-Only Program: A one (1) year supervised program administered through GaTAPP to prepare teachers with Professional teaching certification in any field issued by the GaPSC with the knowledge, skills, and dispositions to teach all subjects in grades P-5. This program requires an induction component that includes coaching and elementary pedagogical and content instruction for one (1) full academic year. This program does not lead to a degree or college credit.

(g) Highly Qualified Status: Although no longer a federal mandate, candidates admitted into GaTAPP programs have a minimum of a bachelor's degree, Georgia Provisional teacher certification, and verified content knowledge in the subjects they teach. Candidates seeking certification in non-core academic teaching fields are not required to meet "highly qualified requirements" and must complete the program to receive an Induction or Professional certificate by the end of the Provisional certificate validity period.

(h) Individual Induction Plan (IIP): A dynamic plan of action to improve candidate performance collaboratively developed by the CST and the candidate based on performance assessment data. The IIP will be used by the mentor/supervisor to coach the candidate in the twenty-four (24) competencies and dispositions delineated in this rule (also known as a Professional Learning Plan).

(i) Induction: A period of time (frequently up to three (3) years) when educators are new to a teaching or leader position or new to the state, a school, or a school district. The State Induction Guidance Documents provide a framework for how school districts and their partners will structure a system of support for the novice teacher and new leader in their first years of service. In GaTAPP, Induction is the first three (3) years as a newly employed classroom teacher who must receive mentoring/coaching from the Candidate Support Team throughout the induction period.

(j) Non-traditional Preparation: Post-baccalaureate programs designed for individuals who did not prepare as educators during their undergraduate studies. These preparation programs, designed to lead to an Educator Preparation Provider's recommendation for certification but not a degree, often accommodate the schedules of adults and recognize their earlier academic preparation and life experiences. In most instances, candidates are employed as educators while enrolled. An example is the Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP) where employment is required for enrollment.

(k) Regionally Accredited: A process for assessing and enhancing academic and educational quality through voluntary peer review by a regionally accepted accrediting body to ensure the school district is meeting its standards of educational quality.

(l) Special Education Consultative Teacher: A Special Education teacher who works collaboratively with a content area teacher of record in all content and is not responsible for final scores for students. Candidates in the GaTAPP program are required to develop unit and/or lesson plans based on the Georgia state-approved P-12 performance standards in an academic content area(s) of concentration and to implement those plans in the classroom.

(m) Special Education Teacher of Record: A Special Education teacher who is responsible for the curriculum, instruction, assessment, and record maintenance for the P-12 learner in any of the five (5) academic content concentrations, regular or remedial.

(n) Transition teachers: Individuals who wish to transition into teaching from another career path, did not complete a teacher education program, and who have never held a professional teaching certificate in any state or country.

(3) **General Requirements.**

(a) Educator Preparation Provider Requirements.

1. Eligible Program Providers: GaTAPP programs may be proposed by any GaPSC-approved EPP that can verify, through the program approval process, the ability to provide non-traditional preparation that complies with the definition of GaTAPP and to provide programs that meet all requirements and standards delineated in this rule. GaPSC-approved EPPs at local education agencies shall offer GaTAPP only to those candidates employed by that school system.

2. GaTAPP programs shall prepare individuals with the appropriate degree for the certificate sought in a Professional Teaching field issued by the GaPSC. GaTAPP programs have the following characteristics:

(i) Feature a flexible timeframe of one (1) to three (3) years for completion based on individualized performance assessment data;

(ii) Do not lead to a degree or college credit;

(iii) Are job-embedded allowing candidates to complete non-traditional preparation path requirements while employed by a regionally accredited local unit of administration (school district or private school), a charter school approved by the Georgia State Charter School Commission, or a charter school approved by the Georgia Department of Education as a classroom teacher full-time or part-time for at least a half day;

(iv) Require that candidates are supported by a Candidate Support Team (CST);

(v) Require an induction component that includes coaching and induction for a minimum of one (1) academic year and continuing until completion of the program;

(vi) Provide curriculum, performance-based instruction, and assessment focused on the pedagogical knowledge and skills necessary for the candidate to teach his/her validated academic content knowledge;

(vii) Are individualized based on the needs of each candidate with respect to content knowledge, pedagogical skills, and readiness to teach; and

(viii) Use candidate and non-traditional preparation performance data to inform decision-making regarding continuous improvement of candidate performance, program effectiveness, and provider effectiveness in the non-traditional preparation path.

3. Eligible Certification Fields.

(i) Non-traditional preparation paths are available for all teaching fields. FIELD-SPECIFIC REQUIREMENTS for GaTAPP fields are found at www.gapsc.com; and

(ii) As the purpose of GaTAPP is to prepare classroom teachers, service, leadership, and endorsement certifications are not available through GaTAPP. See GaPSC Rule 505-3-.76, ALTERNATIVE PREPARATION FOR EDUCATIONAL LEADERSHIP PROGRAM for information on alternative certification in the field of Educational Leadership.

(4) **Program Approval Requirements.**

(a) Annual Reporting and Evaluation Requirements are described in GaPSC Rule 505-3-.02, EDUCATOR PREPARATION PROVIDER ANNUAL REPORTING AND EVALUATION.

(b) Program Admission Requirements.

1. Field-specific admission requirements are described at www.gapsc.com FIELD-SPECIFIC REQUIREMENTS.

2. All admitted candidates shall meet the following requirements:

(i) Hold a minimum of a bachelor's degree from a GaPSC accepted, accredited institution of higher education; See FIELD-SPECIFIC REQUIREMENTS at www.gapsc.com for the CTAE exception;

(ii) Have verification of passing the Georgia Educator Ethics Assessment;

(iii) Never held a professional teaching certificate in Georgia or any other state or any country; See FIELD-SPECIFIC REQUIREMENTS at www.gapsc.com for the Elementary Education Certification-Only Program exception;

(iv) Hold a valid Georgia Provisional teaching certificate or Permit. Candidates accepted into the Elementary Education Certification-Only program must hold a valid Non-Renewable Professional Certificate in Elementary Education as requested by the employing LUA;

(v) Employed by a regionally accredited local unit of administration (school district or private school), a charter school approved by the Georgia State Charter School Commission, or a charter school approved by the Georgia Department of Education as full-time teachers or as part-time teachers who teach at least a half day;

(vi) Provide evidence of subject matter competence in the subjects they teach;

(vii) Have a teaching assignment that is appropriate for the field listed on the Georgia teaching certificate; and

(viii) Upon admission, have an Individualized Induction Plan (IIP)/ Professional Learning Plan.

(c) Supervision of Candidate Performance: GaPSC approved EPPs shall provide supervision and assessment of the candidate's performance and coordinate results with observations and assessments by the other CST members.

(d) Assessment of Candidate Performance: GaPSC approved GaTAPP EPPs shall utilize common state-approved assessments and multiple program EPP specific assessments to make decisions regarding candidate program status.

(e) Candidate Support Team (CST): For a minimum of one (1) academic year and continuing throughout the program, all candidates must receive intensive support through a CST meeting the following requirements:

1. Team Composition: all CSTs must be comprised of:

(i) A school-based administrator;

(ii) A GaPSC certified school-based mentor or teaching coach;

(iii) A supervisor employed by the EPP; and

(iv) If not represented by one of the previously described team members, a content specialist who holds certification and expertise in the candidate's teaching field.

2. Team Member Criteria: CST members must hold valid teaching certificates at either the Professional, Lead Professional, or Advanced Professional level and must demonstrate effective teaching performance on the appropriate state or local evaluation system. Educators holding valid Life, Service, or Leadership certificates may serve on CSTs as long as a teaching field certificate is also held or was previously held.

3. Training: Coaches/Mentors and Supervisors of the CST shall be trained in the knowledge, skills, and dispositions that meet the standards and requirements delineated in GaPSC Educator Preparation Rule 505-3-.105, TEACHER SUPPORT AND COACHINGENDORSEMENT PROGRAM or 505-3-.85, COACHING ENDORSEMENT PROGRAM. School-based administrators receive an orientation regarding program expectations linking the leadership practices to the program.

(f) Serving Professionally Certified Educators: To receive approval to offer a non-traditional path for Professionally certified educators to earn certification in Elementary Education, a GaPSC-approved educator preparation provider must ensure candidates meet the field-specific content requirements in Rule 505-3-.14**,** ELEMENTARY EDUCATION (P-5) PROGRAM. This extension of the initial teacher preparation program features a one-year (minimum) supervised program for completion based on individualized performance assessment data and does not lead to a degree or college credit.

(5) **Candidate Performance Requirements.**

(a) Prior to program completion and through the use of performance-based assessments, candidates must demonstrate proficiency in the following professional dispositions:

1. Dispositions:

(i) The candidate demonstrates an appreciation of all students, the staff, and the community and capitalizes on their differences;

(ii) Candidate/student interactions and student/student interactions are friendly, warm, caring, polite, respectful, and developmentally and culturally appropriate;

(iii) The candidate establishes a culture of learning where students are committed to the value of the subject, accept the candidate's high expectations, and take pride in quality work and conduct;

(iv) The candidate responds appropriately, respectfully, and successfully to student behavior;

(v) The candidate's directions, procedures, and oral and written language are communicated clearly and accurately;

(vi) The candidate demonstrates flexibility and responsiveness by adjusting lessons, responding to students, and being persistent;

(vii) The candidate maintains accurate, complete records of student assignments and learning and of non-instructional activities;

(viii) The candidate frequently and successfully provides instructional information and student progress information to parents and engages families in the school program;

(ix) The candidate is supportive of and cooperative with colleagues and volunteers and makes substantial contributions to school and district projects;

(x) The candidate actively seeks professional development to enhance content and pedagogical skills and actively assists other educators;

(xi) The candidate proactively serves all students, challenges negative attitudes, and takes a leadership role in high quality decision-making; and

(xii) The candidate understands and actively participates in the school's School Improvement process.

(b) Prior to program completion and through the use of performance-based assessments, candidates must demonstrate proficiency in the following professional competencies:

1. Competencies:

(i) Planning and Preparation

(I) The teacher demonstrates solid knowledge of content structure of the discipline, of connections and prerequisite relationships, of content-related pedagogy and of connections with technology;

(II) The teacher demonstrates a working knowledge of age-group characteristics, of different students' approaches to learning, of students' skills and knowledge levels and language proficiency, and of students' interests and cultural heritage, and knowledge of students' special needs;

(III) The teacher demonstrates an appreciation of all students, the staff, and the community and capitalizes on their differences;

(IV) The teacher selects instructional goals that are valuable, sequential, clear, aligned with state and national standards, suitable for all students, and balanced among types of learning;

(V) The teacher actively seeks and utilizes varied instructional materials and community resources, including technology, to extend content knowledge, pedagogy, and student learning;

(VI) The teacher's instructional plans are coherent and structured in that learning activities (learning units and lessons), resources, groupings, and time allocations are varied and suitable to the developmental level of the students, to individual students, and to the instructional goals; and

(VII) The teacher utilizes varied assessment methods, including those through technology, that are congruent with the instructional goals for student learning; students' understanding of the criteria and standards; and the teacher designs and utilizes formative results to plan for and differentiate instruction.

(ii) The Classroom Environment

(I) Teacher/student interactions and student/student interactions are friendly, warm, caring, polite, respectful, and developmentally and culturally appropriate;

(II) The teacher establishes a culture of learning where students are committed to the value of the subject, accept the teacher's high expectations, and take pride in quality work and conduct;

(III) The teacher effectively manages instructional groups, transitions, materials, supplies, non-instructional duties, and supervision of volunteers and paraprofessionals;

(IV) The teacher makes standards of conduct clear, is consistently alert to student behavior, and responds appropriately, respectfully, and successfully to student behavior; and

(V) The teacher arranges the classroom and organizes physical space and materials skillfully, resourcefully, and with safety and accessibility components in place.

(iii) Instruction

(I) The teacher's expectations for student learning and classroom procedures are clearly articulated in directions, and both oral language and written language are communicated clearly and accurately modeling standard grammar;

(II) The teacher's questions and discussion techniques are of high quality and engage all students;

(III) The teacher utilizes engaging and varied representations of content, instructional strategies, assessment techniques, activities, assignments, technology, grouping configurations, materials and resources, structure and pacing;

(IV) The teacher develops relevant assessment criteria, monitors student learning, and gives meaningful and timely feedback to students and teaches students to self-assess and monitor their own progress;

(V) The teacher demonstrates flexibility and responsiveness by adjusting lessons, responding to students' needs, and being persistent in searches for varied approaches for students who have difficulty learning; and

(VI) The teacher accurately assesses lessons' effectiveness and demonstrates an understanding of how to modify subsequent lessons.

(iv) Professional Responsibilities

(I) The teacher maintains accurate, complete records of student assignments and learning and of non-instructional activities;

(II) The teacher frequently and successfully provides instructional information and student progress information to parents and engages families in the instructional non-traditional preparation path;

(III) The teacher is supportive of and cooperative with colleagues, is involved in a culture of professional inquiry, and makes substantial contributions to school and district projects;

(IV) The teacher actively seeks professional development to enhance content, pedagogical skills and dispositions, accepts feedback from colleagues, and actively assists other educators;

(V) The teacher demonstrates integrity and ethical conduct; and

(VI) The teacher proactively serves all students, challenges negative attitudes, takes a leadership role in high quality decision-making, and understands and actively participates in the school's School Improvement process.

(c) The GaPSC-approved provider shall assure that all non-traditional preparation path participants meet the twenty-four **(** 24) competencies at the proficient level by path completion, by providing preparation (curriculum, instruction, and assessment) in the following pedagogical content standards:

1. Essential Preparation

(i) The non-traditional preparation path shall prepare candidates who demonstrate knowledge, skills, and dispositions in unpacking state and/or national standards for the purpose of teaching all students in the content field in which the candidate is seeking Professional Certification;

(ii) The non-traditional preparation path shall prepare candidates who demonstrate the knowledge, skills, and dispositions necessary in developing pre- and post- assessments that are aligned with state and/or national content standards that clearly demonstrate the students' knowledge and skills as delineated in the state and/or national standards requirements; and

(iii) The non-traditional preparation path shall prepare candidates who demonstrate the knowledge, skills, and dispositions necessary to establish benchmarks for monitoring student progress toward meeting state/national content standards.

2. Evidence

(i) The non-traditional preparation path shall prepare candidates who demonstrate knowledge, skills, and dispositions in planning, implementing, and using multiple assessments to determine the level of student learning based on the academic content standards of the teaching field to include the:

(I) Development of various types of assessments;

(II) Development of scoring guides for the assessments;

(III) Analysis of student work to assess achievement and gains; and

(IV) Analysis of assessment data to determine instruction to meet individual student needs.

3. Engagement

(i) The non-traditional preparation path shall prepare candidates who demonstrate knowledge, skills, and dispositions of planning, implementing, and assessing classroom instruction engaging all students in active learning to include the:

(I) Establishment of a standards-based classroom;

(II) Use of research based exemplary practices;

(III) Use of activating strategies;

(IV) Use of cognitive strategies;

(V) Use of summarizing strategies;

(VI) Use of questioning strategies;

(VII) Use of Bloom's Taxonomy;

(VIII) Use of cooperative learning strategies;

(IX) Demonstration of the understanding of relationship between engagement and achievement;

(X) Demonstration of the understanding of how to align research-based strategies with Georgia Standards of Excellence;

(XI) Demonstration of the understanding of the role of effective questioning and critical thinking;

(XII) Demonstration of the skills to create acquisition and extending/refining lessons based on research-based strategies;

(XIII) Demonstration of the understanding of how to use strategies and graphic organizers to increase engagement;

(XIV) Demonstration of the understanding of how to write content questions according to Bloom's Taxonomy; and

(XV) Demonstration of the understanding of how to differentiate instruction by content and by learner.

4. Environment

(i) The non-traditional preparation path shall prepare candidates who demonstrate knowledge, skills, and dispositions to develop and implement effective classroom management plans that include the:

(I) Appropriate arrangement of classroom that supports student learning; and

(II) Planning and implementation of strategies that produce a learning environment that provides the best opportunity for student learning.

5. Ethics

(i) The non-traditional preparation path shall prepare candidates who demonstrate the knowledge, skills, and dispositions necessary to model ethical practices of the education profession. (GaPSC Rule 505-6-.01, THE CODE OF ETHICS FOR EDUCATORS).

(d) Program Completion Requirements. Non-traditional EPPs shall require candidates to:

1. Obtain a passing score on the state-approved content assessment in the field of certification sought, unless a passing score is required for program admission in that field (see www.gapsc.com FIELD-SPECIFIC REQUIREMENTS);

2. Meet the twelve (12) dispositions, twenty-four (24) competencies, and pedagogical content standards delineated in this rule;

3. Complete an Individual Induction Plan (IIP)/Professional Learning Plan that includes the requirements described in paragraph (2) (h);

4. Meet all of the elements in Standard 6: Requirements and Standards of the *Georgia Standards for the Approval of Educator Preparation Providers and Educator Preparation Programs* (Georgia Standards); and

5. Meet individual requirements resulting from the analysis of candidate assessment data.

(6) **Field-Specific Requirements.** To receive approval to offer non-traditional paths to Professional teacher certification in eligible fields, a GaPSC-approved educator preparation provider must ensure candidates meet all FIELD-SPECIFIC REQUIREMENTS found at www.gapsc.com**.**

(7) **Field-Specific Exemptions for the Elementary Education Certification-Only Program Through GaTAPP.** Since candidates in this program have completed an initial teacher preparation program, they are exempt from the Georgia Educator Ethics Assessment.

(8) **Military Exemption for Assessment Requirements.** Military retirees or spouses of active-duty military personnel who enter a GaTAPP program without a related degree in the field of certification sought must attempt the content assessment by the end of the first semester in the program and must pass the assessment by the end of the first year.

Cite as Ga. Comp. R. & Regs. R. 505-3-.05

AUTHORITY: O.C.G.A. § 20-2-200**.**

HISTORY: Original Rule entitled "Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP)" adopted. F. Apr. 24, 2014; eff. May 15, 2014, as specified by the Agency.

Amended: F. Jun. 13, 2014; eff. July 3, 2014.

Note: Correction of non-substantive typographical error in Rule History, original Rule title "Educator Preparation Provider Annual Reporting and Evaluation" corrected to "Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP)." Effective Oct. 15, 2016.

Repealed: New Rule of same title adopted. F. Sep. 26, 2016; eff. Oct. 15, 2016, as specified by the Agency.

Amended: F. Dec. 20, 2017; eff. Jan. 15, 2018, as specified by the Agency.

Amended: F. Oct. 11, 2018; eff. Oct. 15, 2018, as specified by the Agency.

Amended: F. June 26, 2019; eff. July 1, 2019, as specified by the Agency.

Amended: F. Apr. 7, 2020; eff. Apr. 15, 2020, as specified by the Agency.

Amended: F. June 11, 2020; eff. July 1, 2020, as specified by the Agency.

Amended: F. Dec. 11, 2020; eff. Jan. 1, 2021, as specified by the Agency.

Amended: F. June 10, 2022; eff. July 1, 2022, as specified by the Agency.

Amended: F. May 30, 2023; eff. June 15, 2023, as specified by the Agency.

505-3-.06 Pedagogy-Only Program

(1) **Purpose.** This rule specifies the pedagogical standards required for approval of initial educator preparation programs offered at the post-baccalaureate level that prepare individuals to teach in Middle Grades (4-8), Secondary (6-12), and all P-12 fields except Reading Education and Special Education, for which they have demonstrated content expertise. This rule supplements requirements in GaPSC Rule 505-3-.01, REQUIREMENTS AND STANDARDS FOR APPROVING EDUCATOR PREPARATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS; therefore, unless otherwise stated herein, all requirements specified for initial teacher preparation programs in Rule 505-3-.01 apply to pedagogy-only programs.

(2) **Requirements.**

(a) To receive approval, a GaPSC-approved educator preparation provider shall offer a preparation program described in program planning forms, catalogs, syllabi, and key assessments addressing the Georgia Teacher Assessment on Performance Standards (TAPS), listed below, published by the Georgia Department of Education.

1. Professional Knowledge: The provider ensures candidates demonstrate an understanding of the curriculum, subject content, pedagogical knowledge, learner development, and the needs of students by providing relevant learning experiences.

2. Instructional Planning: The provider ensures candidates plan for instruction using their understanding of learner development, state and local school district curricula and standards, effective strategies, resources, and data to address the differentiated needs of all students.

3. Instructional Strategies: The provider ensures candidates promote student learning by using research-based instructional strategies relevant to the content to engage students in active learning and to facilitate the students'

acquisition of key knowledge and skills. The provider ensures candidates model and apply national or state approved technology standards to engage and improve learning for all students.

4. Differentiated Instruction: The provider ensures that candidates are able to apply critical concepts and principles of P-12 student growth and development. The provider ensures candidates challenge and support each student's learning by providing appropriate content and developing skills which address individual learning differences.

5. Assessment Strategies: The provider ensures candidates systematically choose a variety of diagnostic, formative, and summative assessment strategies and instruments that are valid and appropriate for the content and student population.

6. Assessment Uses: The provider ensures candidates systematically gather, analyze, and use relevant data to measure student progress, to inform instructional content and delivery methods, and to provide timely and constructive feedback to both students and families.

7. Positive Learning Environment: The provider ensures candidates provide a well-managed, safe, and orderly environment that is conducive to learning and encourages respect for all.

8. Academically Challenging Environment: The provider ensures candidates create a student-centered, academic environment in which teaching and learning occur at high levels and students are self-directed learners.

9. Professionalism: The provider ensures candidates exhibit a commitment to professional ethics and the school's mission, participate in professional growth opportunities to support student learning, and contribute to the profession.

10. Communication: The provider ensures candidates communicate effectively with students, families, district and school personnel, and other stakeholders in ways that enhance student learning.

(b) Program Admission Requirements

1. In addition to meeting all program admission requirements specified in Rule 505-3-.01, candidates must meet prior to enrollment the following requirements:

(i) Candidates must hold a minimum of a bachelor's degree from a GaPSC-accepted, accredited institution of higher education; and

(ii) Candidates must provide evidence of expertise in the content of the field of certification sought. This can be accomplished through one of three options:

(I) A major in the field of certification sought earned in conjunction with a bachelor's or higher degree from a GaPSC-accepted, accredited institution of higher education, or

(II) A passing score on the Georgia state-approved content assessment in the field of certification sought, or

(III) Evidence of successful completion of a specified number of semester hours of content area coursework earned in conjunction with a bachelor's or higher degree or through additional coursework from a GaPSC-accepted, accredited institution of higher education. The number of semester hours of content area coursework required for secondary (6-12) and P-12 fields (excluding Special Education) is twenty-one (21) semester hours; and for Middle Grades (4-8) fields, fifteen (15) semester hours of coursework is required in one of the content areas of Language Arts, Math, Reading, Science, or Social studies.

(c) Program Completion Requirements

1. Prior to completion, candidates must meet all program completion requirements specified in GaPSC Educator Preparation Rule 505-3-.01, with one exception; candidates seeking Middle Grades certification through the

pedagogy-only program are required to be prepared in and attempt the state-approved content assessment in only one field.

Cite as Ga. Comp. R. & Regs. R. 505-3-.06

AUTHORITY: O.C.G.A. § 20-2-200**.**

HISTORY: Original Rule entitled "Advanced Degree Alternative Certification Program" adopted. F. Sept. 18, 2007; eff. Oct. 15, 2007, as specified by the Agency.

Repealed: F. Apr. 20, 2009; eff. May 15, 2009, as specified by the Agency.

Adopted: New Rule entitled "Pedagogy-Only Program." F. Sep. 24, 2019; eff. Oct. 15, 2019, as specified by the Agency.

Amended: F. Sep. 24, 2021; eff. Oct. 15, 2021, as specified by the Agency.

Amended: F. May 30, 2023; eff. June 15, 2023, as specified by the Agency.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-1. ORGANIZATION

560-2-1-.01 Organization

(1) The Rules and Regulations and Forms contained in this Chapter are promulgated pursuant to authority contained in the Act.

(2) All words and terms are used as defined by the Act unless otherwise defined or unless the context in which such words or terms are used clearly indicate that they shall be given their usual and ordinary meaning.

(3) The Alcohol and Tobacco Division of the Department of Revenue is responsible to the Commissioner for proper administration of the Act.

Cite as Ga. Comp. R. & Regs. R. 560-2-1-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Administration" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Aug. 5, 1970; eff. Aug. 25, 1970.

Repealed: F. Oct. 1, 1975; eff. Oct. 21, 1975.

Amended: New Rule entitled "Organization" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of the same title adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-1-.02 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 560-2-1-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Sections" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Divisions" adopted. F. Aug. 5, 1970; eff. Aug. 25, 1970.

Repealed: New Rule of same title adopted. F. June 29, 1972; eff. July 19, 1972.

Repealed: F. Oct. 1, 1975; eff. Oct. 21, 1975.

Amended: New Rule entitled "Personnel of Department Prohibited From Dealing in Beverage Alcohol; Exception" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Repealed: New Rule entitled "Commissioner's Authority to Rename and Reorganize Chapters" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Repealed: F. May 31, 2023; eff. June 20, 2023.

560-2-1-.03 Personnel of Department Prohibited From Dealing in Alcoholic Beverages; Exception

(1) Employees of the Alcohol and Tobacco Division, the Compliance Division, the Audits Division and the Taxpayer Services Division of the Department are prohibited from employment within the Alcoholic Beverage industry.

(2) Employees in other Divisions of the Department may be employed within the Alcoholic Beverage industry when such employment would pose no conflict of interest or interference with the employee's performance of his or her duties as an employee of the Department.

(3) Any employee of the Department desiring employment within the Alcoholic Beverage industry shall first obtain written approval for such employment from the Department.

Cite as Ga. Comp. R. & Regs. R. 560-2-1-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-30**,** 48-2-12**.**

HISTORY: Original Rule entitled "Substantive Regulations (Definitions)" adopted. F. and eff. June 30, 1965.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Retention of Weapon and Badge Upon Retirement" adopted. F. June 29, 2007; eff. July 19, 2007.

Repealed: New Rule entitled "Personnel of Department Prohibited From Dating in Alcoholic Beverages; Exception" adopted. F. Oct 1, 2010; eff. October 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-1-.04 Restriction on Law Enforcement Agents

No license, permit or registration shall be issued or recorded which will permit or entitle any person who is a law enforcement agent of the United States or of Georgia or of any county or municipality of the State to engage in or derive remuneration or profit from the operation of any businesses regulated under the Act.

Cite as Ga. Comp. R. & Regs. R. 560-2-1-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "The Act" adopted. F. and eff. June 30, 1965.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Restriction on Law Enforcement Agents" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-1-.05 Retention of Weapon and Badge Upon Retirement

(1) Upon service retirement from the Department under honorable conditions, a special agent or enforcement officer who has accumulated a minimum of twenty-five (25) years of service as a law enforcement officer with the Department will be eligible to retain his or her Department-issued handgun, badge, and a "retired" Department Identification Card as part of their compensation.

(2) When a special agent or a sworn enforcement officer separates from the Department as a result of disability arising in the line of duty in performance of official duties, the special agent or enforcement officer will be eligible to retain his or her weapon, badge and a "disability" Department Identification Card as part of their compensation. The term "disability" shall mean an impairment that prevents a person from working as a law enforcement officer.

(3) A special agent or enforcement officer who is eligible to retain his or her weapon, badge, and "retired" or "disability" Department Identification Card shall file a request in writing with the Commissioner as soon as the date of separation is known. The request shall include the law enforcement officer's or special agent's full name, Employee Identification Number, Social Security Number, badge number(s), the make, model and serial number of the weapon, dates of creditable service, and residential address. If available at the time of application, a copy of the qualifying retirement or disability documentation shall also be attached to the request.

(4) The Commissioner shall evaluate the conditions of departure prior to approving or denying the request. The request may be denied if:

(a) The special agent or enforcement officer does not have twenty-five (25) years of creditable service at time of retirement;

(b) The special agent or enforcement officer does not retire under honorable conditions;

(c) The special agent or enforcement officer separates from the Department for reasons other than retirement or disability arising out of performance of official duties;

(d) The employee is approved for disability retirement for reasons of mental instability;

(e) The employee is separated from the Department pending a disciplinary action; or

(f) The issuance of the firearm would be deemed contrary to the public safety and welfare.

(5) The Commissioner shall keep all approved requests and such other documentation as may be required concerning disposal of the weapon, badges, and Department Identification Card on file in perpetuity.

(6) The Commissioner shall not be responsible for any liability associated with providing such weapon to the special agent or enforcement officer pursuant to Title 3 and Title 48.

(a) The Commissioner shall not be responsible for the continued training or qualification of the special agent or enforcement officer with the weapon provided pursuant to Title 3 and Title 48.

Cite as Ga. Comp. R. & Regs. R. 560-2-1-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-30**,** 48-2-12**.**

HISTORY: Original Rule entitled "Department" adopted. F. and eff. June 30, 1965.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Retention of Weapon and Badge Upon Retirement" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-2. GENERAL PROVISIONS

560-2-2-.01 Definitions

(1) As used in these Regulations:

(a) "Act" means the Georgia Alcoholic Beverage Code as amended.

(b) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of Wine, from whatever source or by whatever process produced.

(c) "Alcoholic Beverage" means and includes all Alcohol, Distilled Spirits, Malt Beverage, Wine, or Fortified Wine intended for human consumption.

(d) "Alcohol Type" means the various Alcohol products within the categories of Alcoholic Beverages such as bourbon, gin and vodka for Distilled Spirits, chardonnay and pinot noir for Wine and lager and ale for Malt Beverages.

(e) "Brand" means any word, name, group of letters, symbols or combination thereof that is used to identify a specific Distilled Spirit, Malt Beverage, Wine, or other Alcoholic Beverage product and which is used to distinguish that product from other Alcoholic Beverage products.

(f) "Brand Label" means any distinctive labeling characteristics of an Alcoholic Beverage product associated with a Brand including, without limitation, trade name, trademark, trade dress, colors, packaging, Alcohol Type designation, or design. A Brand may have more than one Brand Label associated with such Brand. A difference in packaging container size alone is not considered a new or different Brand or Brand Label.

(g) "Broker" means any person who purchases or obtains an Alcoholic Beverage from an Importer, distillery, brewery, or winery and sells the Alcoholic Beverage to another Broker, Importer, or Wholesaler without having custody of the Alcoholic Beverage or maintaining a stock of the Alcoholic Beverage.

(h) "Carrier" means any person whose business is to transport goods or people while acting in the capacity as common, private, or contract transporter of a product using its facilities or those of other carriers.

(i) "Commissioner" means the state revenue commissioner, or the Commissioner's designated agent or representative.

(j) "Consular Officer" means a career consular officer who is a national of the sending country assigned to a consular post in Georgia for the exercise of consular functions, and whose sending country is a contracting party to the multilateral consular convention referred to in Rule 560-2-15-.06 or another treaty with the United States of similar import.

(k) "Consular Post" means any consulate-general, consulate, vice-consulate or consular agency.

(l) "County or Municipality" means a political subdivision of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.

(m) "Department" means the Georgia Department of Revenue.

(n) "Denatured Alcohol" means a type of Alcohol to which denaturants have been added in order to render the Alcohol unfit for beverage purposes or internal human medicinal use.

(o) "Denaturants" means materials authorized for use pursuant to Chapter 1 of Title 27 of the Code of Federal Regulations.

(p) "Distilled Spirits" means any Alcoholic Beverage obtained by distillation or containing more than twenty-four percent (24%) Alcohol by volume, including, but not limited to, all Fortified Wines.

(q) "Family or Immediate Family" means any person related to a Manufacturer, Shipper, Importer, or Broker within the first degree of consanguinity and affinity as computed according to the canon law.

(r) "Flavored Malt Beverage" means any Malt Beverage containing flavors and other non-beverage ingredients containing Alcohol. Except as provided by paragraph (r)1. below, no more than 49% of the overall Alcohol content may be derived from the addition of flavors and other non-beverage ingredients containing Alcohol.

1. In the case of Malt Beverages with an Alcohol content of more than six percent (6%) and not exceeding fourteen percent (14%) by volume, no more than one and a half percent (1.5%) of the volume of the Malt Beverage may consist of Alcohol derived from added flavors and other non-beverage ingredients containing Alcohol.

2. A Flavored Malt Beverage shall be deemed a Malt Beverage for purposes of these Regulations.

(s) "Fortified Wine" means any Alcoholic Beverage containing more than twenty-one percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

(t) "Fraternal Organization" means any society, order, or supreme lodge, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on the lodge system with a ritualistic form of work, and having a representative form of government.

(u) "Gallon" or "Wine Gallon" means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

(v) "Georgia Tax Center" is the Department's electronic filing and payment system, which includes registration, collection, and licensing for Alcohol. This term shall include any successor electronic filing and payment system implemented by the Department.

(w) "Hotel" means any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.

(x) "Hard Cider" means an Alcoholic Beverage obtained by the fermentation of the juice of apples, containing not more than six percent (6%) of Alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this regulation, hard cider shall be deemed a Malt Beverage. This term does not include "sweet cider."

(y) "Head of a Consular Post" means the Consular Officer charged with the duty of acting in the capacity of head of the Consular Post to which he or she is assigned.

(z) "Importer" means any person who imports an Alcoholic Beverage into this state from a foreign country and sells the Alcoholic Beverage to another Importer, Broker, or Wholesaler and who maintains a stock of the Alcoholic Beverage.

(aa) "Individual" means a natural person.

(bb) "Licensee" means any person who is granted a license or permit by the Department concerning the manufacturing, brokering, importing, wholesaling, or shipping of Alcoholic Beverages, or who is licensed as a Retailer or Retail Consumption Dealer.

(cc) "Malt Beverage" means any Alcoholic Beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than fourteen percent (14%) Alcohol by volume and including, but not limited to, the Alcohol Types of ale, porter, brown, stout, lager beer, small beer, and strong beer. This term does not include sake, also known as Japanese rice wine.

(dd) "Manufacturer" means any maker, producer, or bottler of an Alcoholic Beverage and:

1. In the case of Distilled Spirits, any person engaged in distilling, rectifying, or blending any Distilled Spirits;

2. In the case of Malt Beverages, any brewer; and

3. In the case of Wine, any vintner.

(ee) "Mead Wine" or "Honey Mead" means a fermented Alcoholic Beverage made from honey that may not contain an Alcoholic content of more than fourteen percent (14%) by volume or total solids content that exceeds thirty-five (35) degrees Brix.

(ff) "Military Beer" means Malt Beverages which have been purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Rules 560-2-15-.03 and 560-2-15-.04.

(gg) "Military Liquors" means Distilled Spirits purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Rules 560-2-15-.03 and 560-2-15-.04.

(hh) "Military Reservation" means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.

(ii) "Military Wine" means Wine purchased pursuant to these regulations which is exempt from Georgia excise taxes and which have been properly identified pursuant to Rules 560-2-15-.03 and 560-2-15-.04.

(jj) "Package" means a bottle, can, keg, barrel, or other original consumer container.

(kk) "Person" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(ll) "Place of Business" means the Premises of a licensed Manufacturer, Broker, Importer, Wholesaler, Retailer or Retail Consumption Dealer described in such license where Alcohol, or Alcoholic Beverages are manufactured, sold, or offered for sale.

(mm) "Premises" means one physically identifiable Place of Business operated by the same ownership and overall management with only one address registered as a single Place of Business with the local licensing authority and the State of Georgia.

(nn) "Regulations" means the regulations that are promulgated by the Commissioner pursuant to the Act.

(oo) "Representative" means a person, employee, agent, independent contractor, or salesperson with or without compensation from a Licensee, who, acting on behalf of or at the direction of the Licensee, represents the Licensee to a third-party.

(pp) "Retail Consumption Dealer" means any person who sells Distilled Spirits for consumption on the premises at retail only to consumers and not for resale.

(qq) "Retailer" means, except as to Distilled Spirits, any person who sells Alcoholic Beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to Distilled Spirits, the term means any person who sells Distilled Spirits in unbroken packages at retail only to consumers and not for resale.

(rr) "Routine Hub Transfer" means a simultaneous transfer of Alcoholic Beverage products from one Wholesaler delivery truck (the hub truck) to another Wholesaler delivery truck(s) (the spoke truck(s)).

(ss) "Shipper" means any person who ships an Alcoholic Beverage into Georgia from outside of Georgia.

(tt) "Social Media" means websites and other web-based technology that enable users to create, share, or exchange information, ideas, messages, and other content.

(uu) "Standard Case" means six (6) containers of 1.75 liters, twelve (12) containers of 750 milliliters, twelve (12) containers of one liter, twenty-four (24) containers of 500 milliliters, twenty-four (24) containers of 375 milliliters, forty-eight (48) containers of 200 milliliters, sixty (60) containers of 100 milliliters, or one hundred twenty (120) containers of 50 milliliters.

(vv) "State" means the State of Georgia.

(ww) "Taxpayer" means any person made liable by law to file a return or to pay tax.

(xx) "Warehouse" means any premises of a Wholesaler, Manufacturer, Importer, or Shipper other than its registered Place of Business, used for the storage of Alcoholic Beverages in accordance with the express written approval of the Commissioner.

(yy) "Wholesaler" means any person who sells or distributes Alcoholic Beverages to other licensed Wholesalers, Importers, Retailers, or to Retail Consumption Dealers.

(zz) "Wine" means any Alcoholic Beverage containing not more than 21 percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added.

1. This term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, other like products and Sake, which is an Alcoholic Beverage produced from rice.

2. This term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

3. A liquid shall first be deemed to be a "Wine" at that point in the manufacturing process when it conforms to the definition of "Wine".

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.01

AUTHORITY: O.C.G.A. §§ 3-1-2**,** 3-2-2**.**

HISTORY: Original Rule entitled "Notification of Intention to Engage as a Producer" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Nov. 22, 1972; eff. Dec. 12, 1972.

Repealed: New Rule entitled "Definitions" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. Dec. 15, 2006; eff. Jan. 4, 2007.

Amended: F. Mar. 10, 2008; eff. Mar. 30, 2008.

Repealed: New Rule of the same title adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Nov. 1, 2013; eff. Nov. 21, 2013.

Amended: F. June 26, 2015; eff. July 16, 2015.

Amended: F. May 6, 2016; eff. May 26, 2016.

Repealed: New Rule of the same title adopted. F. Aug. 1, 2017; eff. Aug. 21, 2017.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.03 Bonds

(1) Alcoholic Beverage Licensees for Distilled Spirits and Wine are required to post with the Commissioner an approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-4-22 for Distilled Spirits, and Code § 3-6-21 for Wine.

(2) Alcoholic Beverage Licensees for Malt Beverages are required to post with the Commissioner either:

(a) An approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-5-25.1 for Malt Beverages and Code § 3-5-36 and Rule 560-2-8-.02 for brewpubs; or

(b) An irrevocable bank letter of credit, issued by a bank located in Georgia, conditioned upon the prompt payment of all sums which may become due as required by all laws, rules and regulations governing the distribution and sale of Alcoholic Beverages in Georgia.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-4-22**,** 3-5-25.1**,** 3-5-36**,** 3-6-21**,** 48-8-12**.**

HISTORY: Original Rule entitled "License Application: Citizenship and Residency; Waiver" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "License Application: Citizenship and Residency" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Sales to Minors: Exceptions" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Sept. 27, 1985; eff. Oct. 17, 1985.

Repealed: New Rule entitled "Bonds" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.04 Display of License

(1) Every license issued under the Act shall be prominently displayed to the public by the holder at the Licensee's Place of Business.

(2) Retail Consumption Dealers shall display the annual alcohol license at each licensed premises.

(a) On-premises retail consumption locations which cannot be determined as one identifiable Place of Business shall require additional licenses regardless of whether those establishments have the same trade name, ownership, or management;

(b) Nothing shall require additional licenses for service bars or portable bars used exclusively for the purpose of mixing or preparing Alcoholic Beverage drinks when such bars are accessible only to employees of the licensed establishment and from which Alcoholic Beverage drinks are prepared to be served on the licensed premises.

(3) Any Alcoholic Beverages kept, stored, or found at the Licensee's Place of Business or Warehouse shall be presumed to be the Licensee's property.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-3**.**

HISTORY: Original Rule entitled "Annual Fee; Bond" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Retail Dealer and Retail Consumption Dealer Purchases from Licensed Wholesaler. Penalty for Violation" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Display of License" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.05 Monthly Report; Remittance of Taxes

(1) Taxes imposed on all Alcohol manufactured, imported, sold, possessed, delivered, purchased, used, consumed, handled, or offered for sale within Georgia shall be collected from Wholesalers by use of a reporting system.

(a) Every Wholesaler shall file a monthly report with the Commissioner, through the Georgia Tax Center or in such format or manner as the Commissioner may reasonably prescribe setting forth Alcoholic Beverage purchases for each calendar month, beginning and ending inventories for each calendar month, and such other information as the Commissioner may require to describe the complete transactions;

(b) Each Wholesaler shall file the report for all Alcoholic Beverages, no later than the fifteenth (15th) day of each month for the preceding calendar month's transactions;

(c) The report shall indicate the total disposition of Alcoholic Beverages during the report period; and

(d) The proper tax remittance for all transactions shall be paid to the Department simultaneously with the filing of the report.

(2) When one Wholesaler sells or transfers Alcoholic Beverages to another Wholesaler, the Wholesaler that sells or transfers Alcoholic Beverages is responsible for the payment of taxes and shall indicate on the sales invoice that the Alcoholic Beverages are tax-paid by the seller.

(a) The seller shall include the transaction on the seller's monthly report and shall remit the proper tax with that report.

(3) Breweries, brewpubs, distilleries, wineries, and farm wineries that make retail sales to individuals or act as a Wholesaler shall be responsible for monthly reporting and the remittance of taxes.

(4) No licensed Wholesaler shall accept or take from any municipality or county any fee, discount, rebate, or compensation of any nature for the collection or reporting of the city and/or county excise taxes as required.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Description of Premises" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Description of Premises, Storage of Distilled Spirits" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Consuls" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Repealed: New Rule entitled "Monthly Report; Remittance of Taxes" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Sept. 9, 2011; eff. Sept. 29, 2011.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.06 Initial Applications; Temporary Permits Authorized; Conditions of Issuance

(1) Persons making initial license applications pursuant to Georgia laws and regulations, after properly filing all required documents, may be authorized by the Commissioner to operate pursuant to a temporary permit.

(2) Before any temporary permit shall be issued, the applicant must have filed with the Department the following documents and materials under the conditions indicated:

(a) A valid local license from the proper governing authority to engage in the business for which application is made;

(b) A valid state application with all questions answered and which indicates prima facie eligibility to hold the license sought;

(c) All other documents required pursuant to the laws and regulations for obtaining a license appropriate to the type of business for which application is made; and

(d) Any other relevant information the Commissioner may deem appropriate under the circumstances.

(3) The issuance of any temporary permit pursuant to the above conditions is within the discretion of the Commissioner and may be withdrawn by the Commissioner at any time without notice or hearing.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-7**.**

HISTORY: Original Rule entitled "Record of Materials Received, Including Affidavit Regarding Georgia Products" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time All Records Must Be Maintained" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Advertising Material; Assessments for Advertising" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Initial Applications; Temporary Permits Authorized; Conditions of Issuance" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.07 Certain Requirements for Licensees Upon Suspension of Alcohol License

(1) In every case in which an Alcoholic Beverage license is suspended, the Licensee shall be required to post a public notice in a prominent and conspicuous place on the front window or door of the licensed premises throughout the period of suspension.

(a) The dimensions of the notice shall be at least eight and one-half (8.5) inches by eleven (11) inches with a font size of at least eighteen (18) point in Times New Roman typeface.

(2) The notice shall contain:

(a) The Licensee name;

(b) License number;

(c) Address of the licensed location; and

(d) A statement that the Licensee's license is suspended pursuant to an order of the Commissioner for violation of the Act and/or the regulations of the Department.

(3) In addition to the public notice requirement set forth under paragraph (1) of this Rule, the Commissioner may make available to the public a complete or partial listing of all Alcohol license suspensions and cancellations on the Department's website or by such other means as designated by the Commissioner.

(4) Licensees who fail to comply with this Regulation shall be subject to additional disciplinary action, including, but not limited to, further license suspension or cancellation.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.07

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**.**

HISTORY: Original Rule entitled "Application for Purchases in Bulk from Out of State Producers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Purchases in Bulk From Out of State Producers" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Acceptance of Legal Delivery" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Certain Requirements for Licensees Upon Suspension of Alcohol License" adopted. F. Oct 1, 2010; eff. October 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.09 Failure to Comply with Tax Laws

(1) No application for a license to sell Alcoholic Beverages will be considered as long as the applicant, Person, firm, or corporation holding any interest in the business for which application is made has failed to meet any obligations imposed by any tax law of Georgia.

(2) The failure of any Licensee, permittee, registrant, Person, firm, or corporation holding an interest in the business for which the license, permit, or registration is issued to meet any obligations imposed by the Act, any tax law of Georgia, or any regulations of the Commissioner shall be grounds for suspension, revocation, or cancellation of a license, permit, or registration.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.09

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Monthly Reports of Production" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Licensing Qualifications" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. Dec. 15, 2006; eff. Jan. 4, 2007.

Amended: F. Mar. 10, 2008; eff. Mar. 30, 2008.

Repealed: New Rule entitled "Failure to Comply with Tax Laws" adopted. F. Oct. 1, 2010; Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.10 Ownership Interest; Change or Transfer of Ownership

(1) Neither a Manufacturer, Shipper, Importer, or Broker, nor any of its employees or members of such Manufacturer's, Shipper's, Importer's, or Broker's Immediate Family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Wholesaler or Retailer.

(2) Neither a Wholesaler, nor any of its employees, nor any members of such Wholesaler's Immediate Family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Manufacturer, Shipper, Importer, Broker, or Retailer; provided nothing shall prohibit such persons from owning stock in such firms when such firms' stock is publicly traded on a national exchange or over the counter.

(3) Neither a Retailer or Retail Consumption Dealer, nor any of its employees or members of such Retailer's or Retail Consumption Dealer's Immediate Family, shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with, the business of any Wholesaler, Manufacturer, Shipper, Importer or Broker.

(4) Provided however, nothing shall prohibit the Commissioner from waiving the above prohibitions in regard to children of the Manufacturer, Wholesaler, Shipper, Importer, or Retailer, provided the children are emancipated and hold no business interest, financial interest, or vested interest in the parent's operation.

(5) It shall be the duty of the Licensee to notify the Commissioner in writing concurrently with:

(a) Any change to an answer or personnel statement made on an application for a license which is either pending or approved, and such written notification must be timely reported as an amendment to the application.

(b) Any change in any interest in Licensee's business, including but not limited to:

1. Execution of Letter of Intent to sell or purchase.

2. Receipt of a bona fide proposal to purchase.

3. Division of the profits.

4. Division of net or gross sales for any purpose whatsoever.

5. Change in ownership of any legal entity that has any interest in such business or the change of management of such legal entity.

6. A loss or damage to goods which results in a claim against an insurance policy.

(c) Any public corporation whose stock is traded on recognized national stock exchanges shall be exempt from subparagraphs (5)(b)2, (5)(b)3, (5)(b)4, and (5)(b)5.

(d) Any substantial change in or any agreement in principle, whether written or not, to change the conduct or ownership interest of any licensed business.

(6) The Commissioner shall notify Licensee upon receipt of written notice of any objection to the ownership or interest.

(a) The Licensee shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the objection.

(b) Upon receipt of Licensee's written request, the Commissioner shall provide the Licensee with due notice and opportunity for hearing on the application pursuant to Subject 560-2-16.

(c) If the Commissioner, after providing notice and opportunity for hearing, finds the Licensee is not entitled to a license pursuant to these regulations, the applicant shall then be advised in writing of the findings upon which the denial is based.

(d) If the Licensee does not request a hearing, the Commissioner will review the objections, render a final decision and notify the applicant.

(7) No state license may be transferred from one Person to another.

(a) The Commissioner may at the Commissioner's discretion grant a transfer of a license from one location to another location within the same local regulatory jurisdiction, provided authority for such a transfer has also been granted by the local governing authority.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.10

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Registration of Brands" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Solicitation of Drinks" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Outside Delivery of Drinks" adopted. F. Sept. 20, 2007; eff. Oct. 10, 2007.

Repealed: New Rule entitled "Ownership Interest; Change or Transfer of Ownership" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.11 Restrictions for Employees of Manufacturers, Shippers, Importers, Brokers, Joint Registrants or Wholesalers

No employee of any Manufacturer, Shipper, Importer, Broker, joint registrant, or Wholesaler shall at any time, with or without compensation, act as a salesperson or sales-clerk in a Retailer's or Retailer Consumption Dealer's Place of Business.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.11

AUTHORITY: O.C.G.A. § 3-2-2.

HISTORY: Original Rule entitled "Shipment Outside Georgia" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Shipments Within and Without Georgia" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Games of Chance; Cause for Suspension or Revocation of License" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Restrictions on Non-Department Employees" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Restrictions for Employees of Manufacturers, Shippers, Importers, Brokers, Joint Registrants or Wholesalers." F. May 31, 2023; eff. June 20, 2023.

560-2-2-.13 Refunds; Discounts; Gifts; All Sales Final

(1) Unless otherwise specifically permitted by this Act and these regulations, no Manufacturer, Shipper, Importer, Broker, or Wholesaler, nor their employees, agents, Representatives, or anyone acting on their behalf, shall directly or indirectly:

(a) Make any gift, refund, price concession, discount, joint offer, or any concession of any kind or character;

(b) Give or offer to give any sample, free goods, articles, or things of value in connection with the sale of Alcoholic Beverages, and only to the extent expressly authorized in Subject 560-2-4 and Subject 560-2-5;

(c) Compensate any Retailer or Retail Consumption Dealer or their employees for interior or exterior beautification, improvement in premises, displaying any merchandise, or displaying the same merchandise in a particular position or manner;

(d) Make any inducement to any Retailer or Retail Consumption Dealer or their employees, agents, buyers, or purchasing agents by:

1. Furnishing, giving, or lending any equipment, fixtures, signs, supplies, money, services, or other things of value. Social Media posts or messages used to inform the public where a Manufacturer or Wholesaler's products are available for purchase at retail shall not be considered a thing of value.

2. Guaranteeing any loan or repayment of any financial obligation, paying total or partial payment of salary, or promoting any promotion or sales contest for such persons.

(2) Nothing shall prohibit quantity discounts by Wholesalers to Retailers or Retail Consumption Dealers provided such quantity discounts are for sale and delivery to a single retail location and are available to all Retailers and Retail Consumption Dealers within that Wholesaler's designated sales territory upon equal terms.

(3) It shall be a violation of this Rule for any Retailer or Retail Consumption Dealer, their employees, agents, buyers, purchasing agents, or anyone acting directly or indirectly on their behalf to accept, acquiesce, or otherwise participate in the prohibited acts contained in the Act or this Chapter or to coerce or attempt to coerce, entice, request, or solicit any prohibited acts.

(4) Alcoholic Beverages shall be inspected at the time of delivery for breakage, damage, shortage, and for any other condition which would render delivery unacceptable to the Retailer or Retail Consumption Dealer.

(a) No adjustment or exchange subsequent to delivery shall be permitted where breakage, shortage, or other conditions are evident to the extent that such conditions would have been obvious upon casual inspection at the time of delivery.

(5) A licensed Wholesaler may accept from any licensed Retailer or Retail Consumption Dealer any quantity of Alcoholic Beverages and give that Retailer or Retail Consumption Dealer credit for the same, but only if on the same day the Retailer or Retail Consumption Dealer buys from the Wholesaler, at prevailing prices, a like quantity, measured in case lots, of the same Alcohol Type and Brand, and copies of the invoices evidencing such transfer are promptly filed at the Wholesaler's Place of Business for inspection by the Commissioner or his agents.

(6) Exchanges of identical Brands and quantities of Alcoholic Beverages shall be authorized for "leakers" or "short fills," provided at the time of such exchange the tops of the containers are affixed and such leakage is apparent.

(a) No adjustment, credit, or exchange subsequent to delivery shall be permitted for chipped bottle necks of Malt Beverages;

(b) Within thirty (30) days of Malt Beverage Brands becoming outdated in accordance with written brewery or Wholesaler's quality control standards and provided the Malt Beverages were sold to the Retailer or Retail Consumption Dealer at the Wholesaler's posted unit price at the time of sale, Wholesalers:

1. May exchange identical Brands and quantities of Malt Beverages.

2. May exchange the Malt Beverage for identical quantities of the same or other Brands within the mix and match assortment sold under authority of Rule 560-2-4-.07 and the Malt Beverages have the same single case price as products being exchanged.

3. Shall retain copies of invoices evidencing such exchanges and promptly file same at the Wholesaler's Place of Business for inspection by the Commissioner or the Commissioner's agents.

4. Shall not issue a credit, rebate, or refund of excise taxes for such an exchange.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.13

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Intra-State Transportation Via Licensed Common Carriers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Sept. 25, 1978; eff. Oct. 15, 1978.

Repealed: New Rule entitled "Other Beverage Alcohol Prohibited" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Refunds; Discounts; Gifts; All Sales Final" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 6, 2016; eff. May 26, 2016.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.14 Coupons and Rebates

(1) It shall be a violation of these regulations for any licensed Retailer or Retail Consumption Dealer to offer any coupon or rebate affecting the price or prices of Alcoholic Beverages, nor shall any licensed Retailer or Retail Consumption Dealer accept any coupon or rebate in payment for purchases of Alcoholic Beverages.

(2) No Retailer or Retail Consumption Dealer shall redeem any Manufacturer coupon or rebate promoting the sale or use of Alcoholic Beverages.

(a) All Manufacturer coupons or rebates promoting the sale or use of Alcoholic Beverages, or for merchandise other than Alcoholic Beverages, shall only be redeemable by the Manufacturer or its designated agent. A designated agent cannot be a Retailer or Retail Consumption Dealer in Georgia.

(3) Nothing shall prohibit a licensed Retailer or Retail Consumption Dealer, for its own advertising purposes, from offering in-store coupons or rebates and from redeeming such coupons or rebates for the purchase of merchandise other than Alcoholic Beverages, unless otherwise prohibited by local regulation.

(4) No Manufacturer, or anyone acting on its behalf, shall make any arrangement of any kind or character, or enter into any agreement, with any licensed Retailer or Retail Consumption Dealer in connection with the use and redemption of coupons or rebates promoting the sale or use of Alcoholic Beverages.

(5) No Manufacturer, or anyone acting on its behalf, shall make its coupons or rebates available to any licensed Retailer or Retail Consumption Dealer offering the Manufacturer's products for sale to the exclusion of other licensed Retailers or Retail Consumption Dealers offering the Manufacturer's products for sale.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.14

AUTHORITY: O.C.G.A. § 3-2-2**.**

HISTORY: Original Rule entitled "Tax Stamp Rates Affixed Prior to Intra-State Transportation" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Subterfuge" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Coupons and Rebates" adopted. F. Oct 1, 2010; eff. October 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.15 Inspection of Licensed Premises and Records

(1) The Commissioner and/or the Commissioner's agents may enter the licensed Place of Business of any person engaged in the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages at any time for the purpose of inspecting the Place of Business and enforcing this Act and these regulations, and the agents shall have access during the inspection to:

(a) All areas of the Place of Business; and

(b) All books, records, and supplies relating to the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages.

(2) Failure to cooperate with all aspects of an inspection or any action or effort to hinder or interfere with an agent in the performance of the agent's duties shall be a violation of these regulations by any Licensee, its employee, or anyone acting on behalf of or with the approval of the Licensee, compensated or otherwise.

(3) Interference or hindrance of an agent shall include, but not be limited to, the following:

(a) Disorderly conduct, including behaving in any manner tending to threaten or to appear to threaten the agent or members of the public during an inspection or performance of the agent's duties;

(b) Disturbing the peace including, but not limited to, utilizing loud, boisterous, threatening, abusive, insulting, or indecent language during an inspection or performance of the agent's duties.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.15

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-32**.**

HISTORY: Original Rule entitled "Limitation Upon Other Business Interest" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Display of License" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Inspection of Licensed Premises and Records" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.16 Emergency Movement of Alcoholic Beverages - General Provisions

(1) Whenever any Licensee's Place of Business is threatened with destruction or looting because of riot, civil disorder, or natural disaster, the Licensee is authorized to transport its supply of Alcoholic Beverages to a secure location by any means of any transportation available.

(2) The Licensee shall notify the Commissioner as soon as practical.

(3) In any such case the Licensee shall cease business and shall not reopen without the express written approval of the Commissioner.

(4) Upon approval for reopening, the Licensee shall be permitted to transport the Alcoholic Beverages back to the licensed location at a time, date, and in a manner as agreed to by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.16

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Records to Be Maintained" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: F. Nov. 2, 1977; eff. Nov. 22, 1977.

Amended: New Rule entitled "Refunds; Discounts; Gifts; All Sales Final; Termination of Business and Refunds on Close-Out Inventory" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. Feb. 3, 1987; eff. Feb. 23, 1987.

Amended: F. July 23, 1992; eff. August 12, 1992.

Amended: F. Dec. 13, 2002; eff. Jan. 2, 2003.

Repealed: New Rule of same title adopted. F. Dec. 31, 2003; eff. Jan. 20, 2004.

Repealed: New Rule of same title adopted. F. Feb. 26, 2007; eff. Mar. 18, 2007.

Repealed: New Rule entitled "Emergency Movement of Alcoholic Beverages" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.17 Trade Practices - Inventory Sets and Resets; Notification

(1) A Retailer or Retail Consumption Dealer may submit a request for Wholesalers to conduct a single initial setting of Alcoholic Beverages at the Retailer's or Retail Consumption Dealer's location.

(2) A Retailer or Retail Consumption Dealer at their option, may submit a request for Wholesalers to conduct the re-setting of assigned Brand Labels once per calendar year at the Retailer's or Retail Dealer's location.

(3) Each Retailer or Retail Consumption Dealer shall notify the Department through the Georgia Tax Center and notify all applicable Wholesalers of such sets or resets no less than ten (10) business days prior to the scheduled date.

(a) Participation in a scheduled set or reset by any Wholesaler is completely voluntary. Wholesalers who choose to participate in a set or reset shall be subject to equal terms;

(b) All Retailers or Retail Consumption Dealers and participating Wholesalers must maintain a copy of the notification at their licensed premises for three (3) years.

(4) A set or reset may only be performed Monday through Friday from 7:00 a.m. to 7:00 p.m., excluding state holidays.

(5) During a set or reset, a Wholesaler may move or touch only its assigned Brand Labels.

(a) The Wholesaler may request that the Retailer or Retail Consumption Dealer remove a Brand Label that is located in Wholesaler's assigned space but are not Brand Labels assigned to that Wholesaler;

(b) If the Retailer or Retail Consumption Dealer declines to remove the Brand Labels, then the shelf space shall be deemed assigned to that Brand Label.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.17

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**.**

HISTORY: Original Rule entitled "Consideration of Goods Bought or Sold to Be in Cash; Exceptions" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Trade Practices - Inventory Set and Resets; Notification" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title "Trade Practices - Inventory Sets and Resets; Notification." F. May 31, 2023; eff. June 20, 2023.

560-2-2-.18 Trade Practices - Point-of-Sale Advertising

(1) A Wholesaler, Broker, Importer, or Manufacturer is only authorized to distribute to a Retailer or Retail Consumption Dealer, without cost, generic point-of-sale advertising materials for use inside the licensed Place of Business.

(a) The materials may be provided without charge for use inside a retail location to attract consumer attention to specific Alcoholic Beverages, provided that all such materials shall be available on equivalent terms to all accounts of the Wholesaler;

(b) Where products are not generic point-of-sale advertising materials, or the products are intended for exterior use, such materials must be invoiced to the Retailer or Retail Consumption Dealer and paid for based upon fair market value.

(2) Generic point-of-sale advertising materials do not include items for use that are of a permanent or semi-permanent nature, are constructed or created on the premises of a Retailer or Retail Consumption Dealer, are affixed or attached in any way to the exterior premises, or that refer specifically to a Retailer or Retail Consumption Dealer.

(3) It shall be a violation by the Retailer or Retail Consumption Dealer to use any point-of-sale material provided without charge on the exterior of their premises.

(4) A Wholesaler, Broker, Importer, or Manufacturer who performs any service or provides general point-of-sale advertising items to Retailers or Retail Consumption Dealers shall make such service or items available on equal terms to all Retailers and Retail Consumption Dealers within its designated sales territories.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.18

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Airline and Railway Passenger Carriers, Authorization to Sell and Distribute" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Trade Practices - Point-of-Sale Advertising" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.19 Trade Practices - Promotional Items and Marketing Events

(1) A Wholesaler, Broker, Importer, or Manufacturer may conduct "marketing events" in Georgia as a promoting or sponsoring party.

(a) The marketing event shall be at no cost to the participants;

(b) The person promoting or sponsoring the marketing event ("promoter") shall notify all of its accounts within its sales territories of the marketing event;

(c) If the marketing event cannot accommodate all of the accounts of the promoter, then the promoter shall timely notify all accounts and advise them that due to a limitation there will be a drawing to select which accounts will attend the event;

1. The promoter shall provide, without cost to its accounts, a reasonably acceptable means for interested parties to register for the drawing, or in the alternative, upon notification place all of its accounts into the drawing for selection.

2. The promoter shall notify all accounts of the winner or winners as applicable.

(d) For purposes of this regulation the term "marketing event" means any marketing activity sponsored by Wholesalers, Brokers, Importers, or Manufacturers during which the total value of all non-alcoholic items given by

Wholesalers, Brokers, Importers, or Manufacturers may not exceed $300 per Brand in a single retail establishment in a rolling twelve-month period;

1. A "rolling" twelve month period is defined as the twelve months prior to the most recent occurrence.

2. Wholesalers, Brokers, Importers, or Manufacturers may not pool or combine dollar limitations in order to provide products or services to a Retailer or Retail Consumption Dealer valued in excess of $300 per Alcohol Type.

3. The following are not considered "marketing events" as defined in these regulations:

(i) Licensed Special Event as provided for in Rule 560-2-11-.02;

(ii) Trade Show as provided for in Rule 560-2-2-.22;

(iii) Promotional Events as provided for in Rule 560-2-2-.20.

(e) For two years after the date of each marketing event, Wholesalers, Brokers, Importers, or Manufacturers shall keep and maintain records of all items furnished to Retailers or Retail Consumption Dealers under this Regulation;

1. Commercial records or invoices may be used to satisfy this record-keeping requirement if the following required information is shown:

(i) The name and address of the Retailer or Retail Consumption Dealer receiving the item;

(ii) The date furnished;

(iii) The item furnished;

(iv) The Wholesaler's, Broker's, Importer's, or Manufacturer's cost of the item furnished (determined by the Manufacturer's invoice price of the item); and

(v) Charges to the Retailer or Retail Consumption Dealer for any item.

(2) All promotional items and marketing events are to be available on equal terms to all similarly situated accounts of the sponsoring party.

(3) Banners for internal or external use at promotional events may be provided at no cost to the non-Licensee and may be displayed at the event.

(a) The banners shall not refer to any specific Retailer or Retail Consumption Dealer or to the fact that an Alcoholic Beverage business is located at or in the promotional event location.

(4) A Wholesaler, Broker, Importer, or Manufacturer may provide promotional items, excluding tobacco products, Alcoholic Beverage products, and lottery products, directly to consumers on the premises of a Retailer or Retail Consumption Dealer, provided that all patrons are given an equal chance for such items without charge and without any purchase being required.

(a) Permitted Wholesaler, Broker, Importer, or Manufacturer employees or agents must be present to provide the items to patrons;

(b) These items shall be delivered concurrently with the arrival of the permitted agents or employees and such employees or agents must remove any items not distributed upon their departure.

(5) A Wholesaler, Broker, Importer, or Manufacturer may not make any payment, reimbursement, or compensation of any kind or character to any Retailer or Retail Consumption Dealer for any purpose, either directly or indirectly, or through a third-party arrangement.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.19

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**.**

HISTORY: Original Rule entitled "Emergency Movement of Beverage Alcohol" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Trade Practices - Promotional Items and Marketing Events" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.20 Promotional Events

(1) Any Alcoholic Beverage Licensee may sponsor or cosponsor a promotional event with any other promoter, provided the promoter is not an Alcoholic Beverage Licensee, and the location of the event is licensed as a Retailer or Retail Consumption Dealer.

(2) The Alcoholic Beverage Licensee shall not pay or otherwise provide any consideration to any other Licensee located at or within the publicly owned stadium, park, coliseum, or auditorium where the promotional event is held.

(3) Advertising promoting a promotional event shall not focus solely on any specific Alcoholic Beverage Licensee or to the fact that an alcohol licensed business is located at or within the publicly owned stadium, park, coliseum, or auditorium.

(a) Nothing in this Regulation shall be construed to prevent advertising which includes the name of the sponsor, the promotional event, or the name of the publicly owned stadium, park, coliseum, or auditorium at which the promotional event is held.

(4) No agreement between any of the parties promoting a promotional event shall limit the sale of Alcoholic Beverage products during the promotional event to specific types or Brands of Alcoholic Beverages or prohibit the sale of certain types or Brands of Alcoholic Beverages during the promotional event.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.20

AUTHORITY: O.C.G.A. § 3-2-2**.**

HISTORY: Original Rule entitled "Shipper's Failure to File Report" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Promotional Events" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.21 Prohibited Advertising

(1) No advertising of Alcoholic Beverages shall be published or disseminated in Georgia which:

(a) Contains any statement, design, or pictorial representation which falsely implies that the product has been endorsed by, made by, used by; or produced for or under the supervision of; or produced in accordance with the specification of any religious organization, the United States government, the government of Georgia, or any other domestic governmental entity;

(b) Contains any reference, directly or indirectly, which falsely implies an endorsement by or relationship with any school, college, or university athlete, or any school, college or university;

(c) Is directed to or promotes in any way the sale of Alcoholic Beverages to persons under the legal age to purchase Alcoholic Beverages in Georgia.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.21

AUTHORITY: O.C.G.A. § 3-2-2.

HISTORY: Original Rule entitled "Unlawful Shipments; Seizure; Assessment" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Prohibited Advertising" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.22 Trade Show

(1) For purposes of this Regulation, the term "trade show" shall be an exhibition organized and hosted by a licensed Wholesaler, Broker, Importer, Shipper, or Manufacturer for the purpose of providing information regarding new Alcoholic Beverage products.

(a) A Wholesaler, Broker, Importer, Shipper, or Manufacturer may conduct twelve (12) trade shows per calendar year at its licensed Place of Business or at a Retailer Consumption Dealer's Premises;

(b) A trade show hosted by a Broker, Importer, Shipper or Manufacturer can be attended only by Wholesalers and their employees within the Broker's, Importer's, Shipper's, or Manufacturer's sales territory;

(c) A trade show hosted by a Wholesaler can only be attended by Licensed Manufacturer's Representatives, bona fide journalists, Retailers, and/or Retail Consumption Dealer's and their respective employees within the Wholesaler's sales territory;

(d) Wholesalers, Manufacturers, Shippers, Importers, Brokers, and their Representatives and agents can accept orders for Alcoholic Beverage products at the trade show.

1. Sale and delivery shall not occur at the trade show.

(e) A licensed Representative of any Broker, Importer, Shipper, Manufacturer or Wholesaler, at the request of the host Licensee, may provide pouring services and product information during any trade show.

1. The trade show host together with the employing Licensee and the permitted Representatives shall be responsible for all acts or omissions of any Representative providing service at the trade show.

(2) At least fifteen (15) days prior to the trade show, a party seeking to conduct a trade show shall make a request in writing to the Commissioner accompanied by the following documents and materials:

(a) A valid license or authorization, if required, from the appropriate local governing authority granting permission to conduct such trade show; and

(b) A signed statement from the Wholesaler, Broker, Importer, Shipper or Manufacturer in substantially the following format:

Date: _____

Time: Begin: _____ End: _____

Location Name:_____

Address: _____

_____ _____

(city) (state) (ZIP code)

The undersigned hereby affirms that:

1. The excise tax on all alcohol beverages at the trade show has been paid and documentation of payment will be available at the trade show.

2. All (Retailers/Retail Consumption Dealers) (Wholesalers) within the applicant's sales territory have been invited to the event.

3. The event is without charge or cost of any kind to the attendees.

4. The host is paying "fair market value" for the use of any retail licensed premises.

5. All participants will be or have been advised in writing that a participant may only order Alcohol Products during the trade show and shall not receive shipment of orders for product onsite.

Signed: _____

Date: _____

Name:_____

(print or type)

Title: _____

Company Name: _____

Ga. License No. _____

(3) All trade shows must be approved by the Commissioner or Agents of the Department.

(4) If the applicant does not receive written notification from the Commissioner within ten (10) days after applying, the request has been denied.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.22

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Failure to Report; Failure to Remit Taxes; Penalty; Interest" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Trade Show" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.23 Sales Invoice Requirements for Manufacturers, Shippers, Importers, Brokers and Wholesalers

(1) No Manufacturer, Shipper, Importer, Broker, or Wholesaler, its agents, or employees, shall:

(a) Make any sale or delivery of any Alcoholic Beverages without a written invoice made concurrently with the sale or delivery in accordance with requirements of this Regulation;

(b) Make any invoice which falsely indicates prices and terms of any sale;

(c) Insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction invoiced or represented on the face of the invoice; or

(d) Withhold from any invoice any statement which properly should be included in it so that in the absence of such a statement the invoice does not truly reflect the transaction involved.

(2) Each sales invoice shall have the name, address, and license number of the seller and shall show the following information:

(a) Name, address, and license number of purchaser;

(b) Date of delivery or shipment and invoice number;

(c) Brand, Alcohol Type, size of container, amount of cases, number of containers and size of container in each case of Alcoholic Beverage delivered or shipped;

(d) The place from which the Alcoholic Beverage was shipped; and

(e) Invoices covering sales of Distilled Spirits and Wine shall show, in addition to the above, the total number of liters by tax category.

(3) For each sale made to a licensed retail location, a Wholesaler shall issue a separate and distinct sales ticket or invoice in compliance with this Regulation.

(a) The terms and conditions of sale shall at all times be consistent with applicable current price sheet and there shall be no terms or conditions of the transaction that are not readily determinable from the face of the invoice or ticket.

(b) A Wholesaler shall not favor specific retail locations and shall sell to retail locations within its territories on substantially the same terms and conditions at all times consistent with these regulations.

(4) Within twenty-four (24) hours after sale, all sales tickets or invoices must be on file on the premises of the Wholesaler and shall be open for inspection by authorized agents of the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.23

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-6-24**.**

HISTORY: Original Rule entitled "Common Carriers: Bills of Lading" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Manufacturer, Shipper and Wholesaler to Make Accurate Invoice" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Sales Invoice Requirements for Manufacturers, Shippers, Importers, Brokers and Wholesalers." F. May 31, 2023; eff. June 20, 2023.

560-2-2-.25 Sales to Minors; Exceptions

No Licensee, employee of such Licensee, or any person acting on behalf of or with the knowledge of such Licensee shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any Alcoholic Beverage to any person who is under the lawful drinking age as established by Georgia law.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.25

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-23**,** 48-2-12**.**

HISTORY: Original Rule entitled "Restriction to Retail Dealers and Retail Consumption Dealers" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Dec. 13, 2002; eff. Jan. 2, 2003.

Repealed: New Rule entitled "Sales to Minors; Exceptions" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.27 Violations; Unlawful Activities

(1) Any person holding any license, permit, or registration issued pursuant to this Chapter or any employee or agent of such person who violates any provision of this Chapter, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or cancellation.

(a) For purposes of administering and enforcing this Chapter, any act committed by an employee, agent, or Representative of a Licensee shall be deemed to be an act of the Licensee.

(2) It shall be a violation of this Chapter for any Licensee, permittee, or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the Place of Business which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency.

(a) With respect to any such activity, it shall be rebuttably presumed that the act was done with the knowledge or consent of the Licensee, provided however, that this presumption may be rebutted only by evidence which precludes every reasonable hypothesis that such Licensee did not know of, assisted, or aided in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.27

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-9**.**

HISTORY: Original Rule entitled "Employment Restrictions" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Violations; Unlawful Activities" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.28 Other Alcoholic Beverages Prohibited

No Licensee shall keep, possess, or store at the Licensee's Place of Business any Alcoholic Beverages for which the Licensee does not hold a valid license to sell those Alcoholic Beverages at that Licensee's Place of Business.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.28

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-3**.**

HISTORY: Original Rule entitled "Violations; Unlawful Activities" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Other Alcoholic Beverages Prohibited" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.29 Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited

No Licensee, employee of any Licensee, or any person acting on behalf of any Licensee shall furnish or give Alcoholic Beverages to any person on any day or at any time when sale of same is prohibited by law.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.29

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-7**,** 3-3-20**,** 48-2-12**.**

HISTORY: Original Rule entitled "Failure to Comply with Tax Laws" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Repealed: New Rule entitled "Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.30 Non-Registered Brands

Except where not required by law, no Person shall move or cause to be moved into Georgia, receive, hold, purchase, give away, sell, or offer to sell in Georgia any Alcoholic Beverages unless the Brand has first been registered with and approved by the Commissioner or the Commissioner's agent as provided in Rule 560-2-5-.08 or Rule 560-2-5-.09.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.30

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-152**,** 3-4-153**.**

HISTORY: Original Rule entitled "Damaged, Lost or Stolen Goods; Notification" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Repealed: New Rule entitled "Non-Registered Brands" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.31 Dishonored Payments

(1) Retailers or Retail Consumption Dealers remitting payment for purchases of merchandise from a Wholesaler shall, upon notification that any payment has been dishonored, make immediate payment for such purchases. This requirement applies regardless of whether the Retail or Retail Consumption Dealer is the maker, endorser, account holder, or payor of the payment.

(a) Failure to comply with this Regulation may subject Retailers and Retail Consumption Dealers to a citation.

(2) Wholesalers who receive a dishonored payment from a Retailer or Retail Consumption Dealer and secure a criminal warrant or a returned check citation against the Retailer or Retail Consumption Dealer must notify the Commissioner in writing within ten (10) days of the date of issuance of the warrant or citation.

(a) The notification shall include all pertinent information associated with the criminal warrant or returned check citation, including the county where the warrant or citation was secured, the warrant or citation number, docket number, and/or a copy of the warrant or citation.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.31

AUTHORITY: O.C.G.A. § 3-2-2**.**

HISTORY: Original Rule entitled "Selling in Violation of Order of Commissioner" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Invalid Checks" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Dishonored Payments." F. May 31, 2023; eff. June 20, 2023.

560-2-2-.32 Notification of Disciplinary Action

(1) Any Licensee who has any disciplinary action taken against the Licensee or the Licensee's employees by any authority, either municipal, county, state, or federal, shall notify the Commissioner, through the Georgia Tax Center or the Commissioner's agents within fifteen (15) days of such action, except as otherwise provided by law.

(a) The notification must include the complete details of the action taken;

(b) Any Licensee who fails to notify the Commissioner or the Commissioner's agents of such action within the prescribed time may be cited and required to appear before the Commissioner to show cause as to why the Licensee's license should not be suspended, revoked, or cancelled.

(2) Disciplinary action as used in this Regulation means any action taken by any municipal, county, state or federal agency against the Licensee, its employees, or its Place of Business including but not limited to:

(a) Arrests by local, state, or federal authorities of the Licensee or any of its employees;

(b) Citations issued by local, state, or federal authorities, to the Licensee or any of its employees;

(c) Indictments, presentments, or accusations in any local, state, or federal courts against the Licensee or any of its employees;

(d) Convictions of, or penalties imposed pursuant to a plea of nolo contendere or non vult against the Licensee or any of its employees in any local, state, or federal court;

(e) Penalties imposed by any regulatory agency against the Licensee or any of its employees; or

(f) Any other written charges or reprimand by local, state, or federal authorities.

(3) Traffic citations that do not result in arrest, written to the Licensee or any of its employees need not be reported to the Commissioner or the Commissioner's agents.

(4) Civil actions or accusations against the Licensee, or any person, firm or corporation holding a financial interest in the license, shall be reported in accordance with paragraph (1) of this Regulation.

(a) Civil actions or accusations against employees of the Licensee need not be reported.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.32

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-2.1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Measurement of Distances" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. Feb. 26, 2007; eff. Mar. 18, 2007.

Repealed: New Rule entitled "Notification of Disciplinary Action" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.33 Termination of Business and Refunds on Close-Out Inventory

(1) Upon termination of a Retailer's or Retail Consumption Dealer's business, including termination of such Retailer's or Retail Consumption Dealer's special event permit pursuant to Rule 560-2-2-.35, Rule 560-2-2-.67, Rule 560-2-11-.02, or Rule 560-2-11-.03, such Retailer or Retail Consumption Dealer may return to the appropriate Wholesaler such goods as the Licensee then has on hand, and the Wholesaler shall accept the return of such goods deemed by such Wholesaler to be saleable at the prices posted by such Wholesaler pursuant to these Regulations at the time such goods were sold to the Retailer or Retail Consumption Dealer.

(a) No Wholesaler shall charge a fee for picking up or taking back any merchandise greater than ten percent (10%) of the value of the merchandise returned.

(b) In the event of a termination of a Retailer's or Retail Consumption Dealer's business with such goods on hand being returned to the Wholesaler as provided herein, the Wholesaler may defer payment to the Retailer or Retail Consumption Dealer for a period not to exceed thirty (30) days to ensure that no security interest is being held by a third party on such merchandise.

(c) With express written permission of the Commissioner, a Retailer or Retail Consumption Dealer terminating its business may sell that portion of its remaining inventory which the Wholesaler does not accept to another Retailer or Retail Consumption Dealer within the same taxing jurisdiction.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.33

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-4**.**

HISTORY: Original Rule entitled "Initial Applications; Temporary Permits Authorized; Conditions of Issuance" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Termination of Business and Refunds on Close -Out Inventory" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.34 Product Recall

(1) For products that are unmarketable due to internal content deterioration resulting in the product varying substantially in taste or appearance from the Manufacturer's specifications, or other conditions the Commissioner deems appropriate, the Manufacturer, Shipper or Importer may petition the Commissioner in writing to request authorization to recall such products.

(a) Except in cases where there is an immediate threat to public health and safety, the recall request shall be submitted so that it is received by the Alcohol & Tobacco Division at least fifteen (15) days in advance of the proposed date for initiating the recall and shall specifically detail the reason for the recall, including:

1. The extent and scope of the problem with the product(s);

2. The amount in distribution within Georgia; and

3. The estimated amount of time needed to complete the recall.

(b) All approved recalls shall be conducted by Wholesalers working in conjunction with the impacted Manufacturer, Shipper, or Importer under terms and conditions agreed to by the Wholesalers and the impacted Manufacturer, Shipper, or Importer.

(c) Where a product is recalled pursuant to this provision, the product shall be exchanged for an equal quantity of the same product.

1. Where the same product is unavailable because the recall encompasses the total removal of a product from distribution or otherwise, the product shall be exchanged for an equal quantity of a product that is the same type of Alcoholic Beverages, or where such a product is unavailable, the issuance of a credit to the Retailer equal to the original purchase price paid by the Retailer.

(d) There shall be no refund or credit of any excise tax paid on any products subject to recall for any reason.

(e) Records regarding recalls of products shall be maintained in a manner consistent with O.C.G.A. § 3-3-6.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.34

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-4**,** 3-3-6**.**

HISTORY: Original Rule entitled "Sales by Vending Machines" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Product Recall" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.35 Special Use Permits

(1) The Commissioner may issue a special use permit subject to the following mandatory conditions:

a. Using the Georgia Tax Center, accessible through the Department's website, the permittee shall submit an application to the Department no later than ten (10) business days prior to the event; and

b. The permittee shall secure all appropriate and necessary local licenses, permits, or authorizations for the event, which must be available for Department inspection upon request.

(2) The following events shall qualify for a special use permit:

a. Estate sales;

b. Sales of inventory authorized under a bankruptcy proceeding;

c. Inventory auctions; and

d. Other such activities as deemed appropriate by the Commissioner.

(3) All applicable bonds and fees must be paid.

(4) No special use permit shall be issued unless the applicant is in full compliance with the laws and regulations governing the sale of Alcoholic Beverages, including alcohol excise tax laws.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.35

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-5**,** 3-3-1**,** 3-9-4**,** 3-14-1**.**

HISTORY: Original Rule entitled "Monthly Report of Shipments" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Oct. 1, 2010; eff. Oct. 21, 2010.

Adopted: New Rule entitled "Special Events Permits." F. Aug. 8, 2012; eff. Aug. 28, 2012.

Amended: New title "Special Use Permits." F. May 6, 2016; eff. May 26, 2016.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-2-.67 Special Events on the Premises of a Licensed Manufacturer or Wholesaler

(1) Definitions:

For the purpose of this regulation,

a. "Event Services" means services provided by an event planner, caterer, bartending service, or other third-party food and beverage vendor necessary to organize and execute a special event on the premises of a Manufacturer or Wholesaler on behalf of a Permittee.

b. "Permittee" means any person issued a special event permit pursuant to this regulation.

c. "Related Party" means any person who holds an ownership interest in an annual Licensee, is an employee of an annual Licensee, is an immediate family member of any owner or employee of an annual Licensee, or is any person who, in the determination of the Commissioner, has any relationship with an annual Licensee that is not arm's length.

(2) Permit Applicants:

Persons may apply for a permit to sell or distribute Alcoholic Beverages for consumption on the premises of a licensed Manufacturer or Wholesaler for a period not to exceed three (3) days, subject to the following mandatory conditions:

a. Applicants shall secure all appropriate and necessary local licenses, permits, or authorizations for the event, which must be submitted to the Department during the application process;

b. Applicants shall submit an application to the Department no later than ten (10) business days prior to the event using the Georgia Tax Center, accessible through the Department's website;

c. The rental of the premises of a Manufacturer or Wholesaler for a special event must be made through an arms-length agreement for a flat fee. The agreement cannot be based on the type or quantity of Alcoholic Beverages sold, commission, or a percentage of sales. The agreement must be formalized in writing and available to the Department for inspection upon request;

d. No special event permit shall be issued unless the applicant is in full compliance with the laws and regulations governing the sale of Alcoholic Beverages and all tax laws of this State; and

e. No annual Licensee or Related Party may hold a special event on the premises of a licensed Manufacturer or Wholesaler, except where such event will be held on the premises of a licensed Manufacturer or Wholesaler that is located within a local jurisdiction which requires by ordinance that the Permittee be the holder of an annual Retail license.

i. No annual retail Licensee shall be issued more than six (6) special event permits per year on the premises of any single licensed Manufacturer or Wholesaler.

ii. Permits issued pursuant to this exception shall be imputed between annual Retail Licensees and Related Parties for the purpose of determining the six (6) special event permit limitation.

(3) Duties of the Permittee:

a. All Alcoholic Beverages to be served or sold at the event must be purchased by the Permittee from a licensed Wholesaler, except where the Alcoholic Beverages have been donated for a charitable event pursuant to Rule 560-2-11-.02.

b. All Alcoholic Beverages supplied by the Permittee must be clearly identifiable at all times before, during, and after the special event.

c. Invoices for Alcoholic Beverages purchased by the Permittee must be available for inspection upon request during the event.

(4) Contracting for Event Services:

Nothing in this regulation shall prohibit a vendor ordinarily engaged in the business of providing Event Services who holds a retail or consumption on premises license from providing Event Services as an arms-length independent contractor pursuant to a written agreement.

a. Permittees shall provide the written agreement for Event Services to the Department for inspection upon request.

b. Event Services vendors may not purchase or provide the Alcoholic Beverages to be sold or dispensed at the special event. All Alcoholic Beverages to be served or sold at the event must be purchased by the Permittee from a licensed Wholesaler, except where the Alcoholic Beverages have been donated for a charitable event pursuant to Rule 560-2-11-.02.

(5) Duties of the Manufacturer or Wholesaler:

a. All Alcoholic Beverages owned by the Manufacturer or Wholesaler must be secured by locked barrier and physically isolated at all times from the Permittee and special event attendees.

b. Employees of a Manufacturer or Wholesaler are prohibited from providing any services on behalf of a Permittee during a special event, except where services have been donated for a charitable event pursuant to Rule 560-2-11-.02.

c. Manufacturers and Wholesalers may not require a Permittee to sell certain brands of Alcoholic Beverages as a condition of the event space rental agreement.

Cite as Ga. Comp. R. & Regs. R. 560-2-2-.67

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-14-1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Special Events on the Premises of a Licensed Manufacturer or Wholesaler" adopted. F. Aug. 8, 2016; eff. Aug. 28, 2016.

Repealed: New Rule of the same title adopted. F. Aug. 1, 2017; eff. Aug. 21, 2017.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-3. RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.01 Restriction to Retailer; Storage of Inventory

(1) No licensed Retailer or Retail Consumption Dealer shall keep any Distilled Spirits stored in any Warehouse, whether bonded or not, nor shall he enter into any agreement whereby Distilled Spirits ordered by him are stored for him by any licensed Wholesaler.

(2) A licensed Retailer or a Retail Consumption Dealer shall keep no inventory or stock of Distilled Spirits at any place except his licensed Place of Business, and within his licensed Place of Business his storage space for Distilled Spirits shall be immediately adjacent to the room in which he is licensed to do business.

(a) If the storage space for Distilled Spirits has an opening leading directly to the outside, the door shall be so equipped that it may only be unlocked and opened from the inside, and shall be opened only while accepting delivery of goods from a licensed Wholesaler;

(b) It shall be permissible to store other products, which the Licensee is legally permitted to sell, in the same storage space as described above;

(c) This Rule, however, is subject to the provisions of Rule 560-2-2-.16 of these regulations, which provides for the emergency movement of Distilled Spirits.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Inter-State Transportation by Registered Producer" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Producer" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Repealed: New Rule entitled "Restriction to Retailer; Storage of Inventory" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.02 Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation

(1) No Retailer of Distilled Spirits shall open its Place of Business or furnish, sell, or offer for sale, any Alcoholic Beverage at any of the following times:

(a) In violation of a county or municipal ordinance or regulation;

(b) In violation of a special order of the Commissioner;

(c) Sundays prior to 11:00 a.m., except as otherwise provided in O.C.G.A. § 3-3-7; or

(d) Any other day prior to 8:00 a.m.

(2) No Retailer of Distilled Spirits shall be in or permit others to be in its Place of Business at any of the following times:

(a) In violation of a county or municipal ordinance or regulation;

(b) In violation of a special order of the Commissioner;

(c) On Sundays prior to 9:00 a.m. or 30 minutes past the closing time, except as otherwise provided in O.C.G.A § 3-3-7; or

(d) Any other day prior to 6:00 a.m. or 30 minutes past the closing time.

(3) Nothing contained in paragraph (2) shall prohibit a Retailer from being in its Place of Business at any time:

(a) For purposes of responding to emergency situations such as fire or burglary;

(b) For purposes of taking inventory, making repairs, renovating, or any other Alcoholic Beverage business purpose which does not involve the presence of Persons other than the Retailer, its agents or employees, when the activities could not reasonably be carried out during regular business hours, provided that the Licensee posts on all door entrances to the Place of Business a sign to read: "**CLOSED, NO CUSTOMERS ALLOWED ON PREMISES.**"

(c) This exception does not relieve the Licensee from full compliance with all local laws and regulations or authorize the presence on the Retailer's Place of Business of any Person other than the Retailer, its agents or employees.

(4) Except as provided in Rule 560-2-3-.14, no Retailer shall operate in connection with any other mercantile establishment.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-7**,** 48-2-12**.**

HISTORY: Original Rule entitled "Registration of Producers and Sellers; Joint Registrants; Registration Fees" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Registration of Producers, Sellers, Joint Registrants and Brands; Registration Fee; Additional Brand Registrations" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Licensed Producer" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Amended: New Rule entitled "Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Feb. 28, 2012; eff. Mar. 19, 2012.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.03 Place of Sale or Delivery of Goods

(1) (a) It shall be permissible for a Retailer to have a drive-in window, and it shall be permissible for the Licensee or any of his employees to deliver Alcoholic Beverages through that window.

(b) A Retailer is permitted to load purchased goods into a customer's vehicle when the sale has previously taken place inside the Place of Business.

(c) No mechanical devices or contrivances may be used for delivery of, or loading of, merchandise into a customer's vehicle.

(d) No individual or business providing delivery for hire may purchase, pickup, or deliver Alcoholic Beverages, except as provided in O.C.G.A. § 3-3-10.

(2) (a) Except when prohibited by local ordinance, Retailers, excluding those who sell Alcoholic Beverages for consumption on the premises, may offer "online curbside pickup"-type services for sales of Alcoholic Beverages. Purchased goods must be delivered to the customer's vehicle and the vehicle must be located within a clearly designated pickup area located within a paved parking area adjacent to the Place of Business. If the Place of Business is located in a shopping center or other single property owned or leased by more than one business, at the discretion of the Department, the pickup area may be located within a paved parking area that is a part of or adjacent to such shopping center or single property, as long as the pickup area is owned or leased by the Retailer or the Retailer's landlord and is under the supervision and control of the Retailer.

(b) Alcoholic Beverages sold as part of "online curbside pickup" services must be pulled from the inventory located at the licensed location of the Retailer providing the "online curbside pickup" services and may not be pulled from the inventory of another Retailer or licensed location.

(c) Retailers shall require any customer to register with the Retailer before permitting the customer to order Alcoholic Beverages for "online curbside pickup."

(d) A Retailer may not knowingly transfer Alcoholic Beverages as part of an "online curbside pickup" service to an individual or business providing delivery for hire services, except as provided in O.C.G.A. § 3-3-10.

(e) Any employee delivering Alcoholic Beverages to a vehicle for "online curbside pickup" must confirm the individual receiving the Alcoholic Beverages is at least 21 years of age.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-10**,** 48-2-12**.**

HISTORY: Original Rule entitled "Additional Brand Registration Fee" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "License Application; Bond" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. July 19, 1976; eff. August 8, 1976.

Repealed: New Rule entitled "Registered Producer" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Nov. 8, 2006; eff. Nov. 28, 2006.

Amended: New Rule entitled "Place of Sale or Delivery of Goods" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Nov. 30, 2017; eff. Dec. 20, 2017.

Amended: F. Mar. 12, 2018; eff. Apr. 1, 2018.

Amended: F. July 22, 2019; eff. August 11, 2019.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.04 Products Other than Distilled Spirits for Sale, Display, or Offer

No Retailer of Distilled Spirits shall sell, offer for sale, display, furnish, or keep in stock for sale at its licensed Premises where Distilled Spirits are offered for sale, any other products or services except the following:

(a) Wines, if the Retailer holds a valid and current license to sell Wine at that Place of Business;

(b) Malt Beverages, if the Retailer holds a valid and current license to sell Malt Beverages at that Place of Business;

(c) Cigarettes, cigars, chewing tobacco, alternative nicotine products, or vapor products, snuff, if properly licensed to do so, cigarette papers, lighters and matches, chewing gum, breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications, and over-the-counter birth control devices;

(d) Beverages containing no Alcohol and which are commonly used to dilute Distilled Spirits;

(e) Packaged ice, ice chests, and "koozies" (individual can and bottle coolers).

1. The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is also in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled "Food from Approved Source," and the packaging complies with Georgia Department of Agriculture Rule 40-7-1-.26, entitled "Labeling."

(f) Paper, Styrofoam, or plastic cups, gift bags, which are limited in size to accommodate one 750 milliliter size bottle of Wine or Distilled Spirits, and contain only products approved for sale or display by this regulation.

(g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such Retailer is also an authorized retailer of the Georgia Lottery Corporation;

(h) Bar supplies, limited to:

1. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers, and wares made of glass, plastic, metal, or ceramic materials.

2. Cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for the preparation of Alcoholic Beverage drinks.

3. Alcoholic Beverage drink recipe booklets, bar guides, and consumer-oriented Alcoholic Beverage publications.

(i) Products co-packaged with Alcoholic Beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of Alcoholic Beverage product;

(j) Check cashing services arising out of the sale of any product lawfully sold under this Rule;

(k) Money order sales arising out of check cashing services;

(l) Automated teller machine service for customer use;

(m) Gift certificates for use only at the issuing licensed Retailer; and

(n) Devices and related accessories designed primarily for accessing or extracting alcohol and/or flavorings from prepackaged containers, including pods, pouches, capsules or similar containers, to mix or prepare alcoholic beverages. Devices which are not designed primarily for these purposes, including but not limited to household blenders, are not eligible under this subparagraph.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Brand Registration Conditional to Sale" adopted. F. and eff. June 30, 1965.

Amended: F. Dec. 24, 1974; eff. Jan. 13, 1975.

Repealed: New Rule entitled "Brand Registration; Labels; Conditional to Sale" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Joint Registrant" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Products Other than Distilled Spirits for Sale, Display, or Offer" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Jul. 24, 2014; eff. Aug. 13, 2014.

Amended: F. Nov. 18, 2020; eff. Dec. 8, 2020.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.05 Games of Chance; Cause for Suspension or Revocation of License

(1) Any scheme or device involving the hazarding of money or any other thing of value in any licensed Place of Business, or in any room adjoining the same owned, leased or controlled by the business, shall be cause for suspension or revocation of the Licensee's license. Such schemes or devices include but are not limited to:

(a) Gambling;

(b) Betting;

(c) Operating games of chance;

(d) Punchboards;

(e) Slot machines;

(f) Lotteries; and/or

(g) Tickets of chance.

(2) Nothing shall prohibit the operation of a bingo game, where properly licensed, or operating as an authorized retailer of the Georgia Lottery Corporation.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Authorized Agents Only to Receive or Solicit Orders from Licensed Georgia Wholesalers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Correct Labeling; Private Label" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Games of Chance; Cause for Suspension or Revocation of License" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.06 Acceptance of Legal Delivery

(1) A licensed Retailer shall take delivery of Alcoholic Beverages only:

(a) At their licensed Place of Business; and

(b) Only from a licensed Wholesaler or a licensed Carrier acting for a licensed Wholesaler.

(2) A delivering Wholesaler assumes entire responsibility of legal delivery to a licensed Retailer.

(3) Licensed Retailers shall not:

(a) Keep any Alcoholic Beverages stored in any Warehouse, whether bonded or not;

(b) Enter into any arrangement to store ordered Alcoholic Beverages with any licensed Wholesaler, Manufacturer, Broker, Importer, or Shipper; nor

(c) Keep any stock of Alcoholic Beverages at any place except its licensed Place of Business.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-111**,** 3-5-28**,** 3-6-26**,** 48-2-12**.**

HISTORY: Original Rule entitled "Licensing Procedure for Resident Representative of a Registered Producer or Joint Registrant" adopted. F. and eff. June 30, 1965.

Amended: F. Feb. 2, 1967; eff. Feb. 21, 1967.

Amended: F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Amended: F. Apr. 23, 1975; eff. May 13, 1975.

Repealed: New Rule entitled "Case Marking" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Acceptance of Legal Delivery - Retailer/Retail Consumption Dealer" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.07 Required Signs - Pregnancy Warning and Sales to Underage Persons

(1) All Retail Consumption Dealers, Retailers, distilleries, farm wineries, and breweries in this state who sell at retail any Alcoholic Beverages for consumption on the Premises must display a sign warning that consumption of Alcoholic Beverages during pregnancy can cause birth defects.

(a) The Department shall furnish on its website the necessary warning sign that must be displayed;

1. Nothing shall prohibit the display of additional similar information.

(b) The warning sign shall be prominently displayed at or near the entrance to where Alcoholic Beverages are consumed and shall be displayed in a readily visible, well lighted place, and safe from being defaced or destroyed;

(c) Should the sign be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website;

(d) Retailers selling Alcoholic Beverages in the unbroken Packages for consumption off the Premises may also display the warning sign.

(2) Every Retailer shall post in a conspicuous place a notice containing provisions of the laws of Georgia regarding the unlawful sale or furnishing of Alcoholic Beverages to Persons under the lawful drinking age.

(a) The Department shall furnish the initial necessary notice that must be displayed;

1. Nothing shall prohibit display of additional similar information.

2. Additional copies may be obtained as a download from the Department's website.

(b) This notice shall be prominently displayed in a readily visible, well lighted place, safe from being defaced or destroyed;

(c) Should the notice be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.07

AUTHORITY: O.C.G.A. §§ 3-1-5**,** 3-2-2**,** 3-3-24.2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Department of Revenue Recognition of Registered Producer or Joint Resident Representative" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Through-Shipment Permit" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Required Signs - Pregnancy Warning and Sales to Underage Persons" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.08 Retailer Purchase from Licensed Wholesaler; No Sales Below Purchase Price; Penalty for Violation

(1) Retailers and Retail Consumption Dealers shall only buy, arrange to buy, or in any way effect the transfer of, any Alcoholic Beverages from a licensed Wholesaler.

(2) All sales made by Wholesalers to licensed Retailers shall be bona fide sales transactions from the Wholesaler to the licensed Retailer.

(3) No Retailer shall sell Alcoholic Beverages for less than the cost for which the Alcoholic Beverages were purchased from a licensed Wholesaler, as evidenced by the Wholesaler's invoice.

(a) The Department shall consider the totality of the invoice as evidence of the cost for which the Alcoholic Beverages were purchased;

(b) For the purposes of auditing, the Department shall calculate the cost of an Alcoholic Beverage by applying to the Brand cost any:

1. Free Alcoholic Beverages; and/or

2. Cash discounts.

(4) Failure to comply with this Rule shall be cause for revocation of the licenses of all licensed Wholesalers and Retailers involved.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.08

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-4-26**,** 3-5-26**,** 3-5-27**,** 3-6-25**,** 48-2-12**.**

HISTORY: Original Rule entitled "Authorization to Contact Wholesalers or Retailers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Through-Shipment Regulations" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Repealed: New Rule entitled "Retailer Purchase from Licensed Wholesaler, No Sales Below Purchase Price; Penalty for Violation" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.09 Consideration of Goods Bought or Sold, Must Be in Cash; Exceptions

(1) The consideration for all Alcoholic Beverages sold by any Retailer or Retail Consumption Dealer shall be cash only, and, except as otherwise specifically permitted in paragraph (2) of Rule 560-2-3-.03 of these Regulations, the delivery and payment shall be a simultaneous transaction within the licensed Place of Business.

(a) No credit of any fashion shall be extended;

(b) The use of post-dated checks is prohibited.

(2) The use of a credit or debit card for the purchase of Alcoholic Beverages from a Retailer or Retail Consumption Dealer shall not be prohibited, provided that the credit card represents an unqualified obligation to pay without recourse on the part of the Person, institution, or agency issuing such card.

(a) Hotels licensed to sell Alcoholic Beverages shall not be prohibited from billing guests for Alcoholic Beverages, provided that payment is tendered at the time the guest leaves or checks out of the Hotel;

(b) The sale of Alcoholic Beverages by bona fide private clubs and lodges where members pay all charges on a monthly basis shall not be prohibited, provided that the receivables from such transactions are promptly placed for collection consistent with sound business practices.

(3) Consideration paid for Alcoholic Beverages when purchased by Retailers or Retail Consumption Dealers shall be cash paid at or before delivery.

(4) Where a Wholesaler makes deliveries to two or more Places of Business of the same Retailer or Retail Consumption Dealer, payment for all such deliveries shall be made by the Retailer or Retail Consumption Dealer in one cash payment at or before the last delivery on such day.

(5) Giving or receiving of post-dated checks, other evidence of indebtedness, or other subterfuges for obtaining or extending credit shall be a violation of this Regulation.

(6) The consideration for all Malt Beverages purchased from a Wholesaler by a Retailer or Retail Consumption Dealer shall be for cash only at or before the time of delivery except that in the event the Retailer or Retail Consumption Dealer owns more than one business and payment is made from a central office, the Wholesaler is permitted to carry an account for a period not to exceed five (5) days after delivery and invoice.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.09

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Unauthorized Sales Promotion or Distributions: Audits" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Non-Registered Brands; Affixing Tax Stamp" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Non-Registered Brands" adopted. F. Apr. 14, 1993; eff. May 4, 1993.

Repealed: New Rule entitled "Consideration of Goods Bought or Sold, Must be in Cash; Exceptions" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. July 22, 2019; eff. August 11, 2019.

Amended: New title, "Consideration of Goods Bought or Sold, Must Be in Cash; Exceptions." F. May 31, 2023; eff. June 20, 2023.

560-2-3-.10 Restriction to Retailers and Retail Consumption Dealers

No licensed Retailer or Retail Consumption Dealer shall transport Alcoholic Beverages except by Carrier and then only with the written approval of the Commissioner, except for delivery pursuant to O.C.G.A § 3-3-10 or emergency movement of Alcoholic Beverages as provided in Rule 560-2-2-.16.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.10

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-10**,** 48-2-12**.**

HISTORY: Original Rule entitled "Designation of Sales Territories" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Mar. 13, 1967; eff. Apr. 1, 1967.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Aug. 17, 1972; eff. Sept. 6, 1972.

Repealed: New Rule of same title adopted. F. Dec. 8, 1975; eff. Dec. 28, 1975.

Repealed: New Rule of same title adopted. F. Apr. 17, 1978; eff. May 7, 1978.

Repealed: New Rule entitled "Bottles, Cans or Containers Without Tax Stamps" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Apr. 14, 1993; eff. May 4, 1993.

Amended: New Rule entitled "Restriction to Retailers and Retail Consumption Dealers" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.11 Keg Registration and Identification

(1) Each retail Licensee selling kegs containing Malt Beverages for consumption off licensed Premises shall require each purchaser to present a Georgia driver's license or other proper identification at the time of purchase.

(2) Upon the sale of a keg of Malt Beverage, Licensees shall record the following information on the keg registration label or tag provided by the Department and shall affix the completed label or tag to the keg:

(a) Name and address of the retail Licensee;

(b) Keg identification number; and

(c) State alcohol license number of the business.

(3) The Licensee shall record for each keg sale the following information on an identification form:

(a) Date of sale;

(b) Size of the keg;

(c) Keg identification number;

(d) Amount of container deposit;

(e) Amount of keg registration fee;

(f) Name, address, and date of birth of the purchaser; and

(g) Form of identification presented by the purchaser.

(4) Prior to the culmination of the sale, the purchaser shall read and sign a statement acknowledging and attesting to the following:

(a) Accuracy of the purchaser's name and address;

(b) Location where the keg contents will be consumed;

(c) Knowledge that a violation of O.C.G.A. § 3-3-23, as it relates to furnishing Alcoholic Beverages to Persons under the age of twenty-one (21) years, may result in civil liability, criminal prosecution, or both; and

(d) Removal or obliteration of the keg registration label or tag is a violation of O.C.G.A. § 3-5-5 and that this violation may result in criminal prosecution as set forth in O.C.G.A. § 3-3-9.

(5) Licensees are authorized to charge a keg registration fee due at the time of sale of the keg.

(6) Licensees are authorized to charge a container deposit due at the time of sale of the keg.

(a) When the keg is returned and satisfies the conditions outlined in paragraph (7), the container deposit shall be refunded to the purchaser.

(b) The Licensee is authorized to retain any container deposit if the keg is returned without the label or the keg identification number, or if the information is illegible.

(7) Upon return of the keg, the Licensee shall record the condition of the label and keg identification number on the identification form.

(8) The Licensee shall retain all keg registration information at the Licensee's licensed Premises for a period of six months from the date of sale.

(a) Keg registration tags and labels issued by the Commissioner are for the use of the Licensee of the licensed Premises at the address as shown on the state license.

(b) Keg registration tags and labels are not transferable from one Licensee to another Licensee, or from one licensed Premises to another licensed Premises.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.11

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-5-5**,** 48-2-12**.**

HISTORY: Original Rule entitled "Shipment by Licensed Common Carriers; Application for Permit to Ship" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Shipment by Licensed Common Carriers; Shipments Consigned to Producer" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Restriction Against Law Enforcement Agents" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Keg Registration and Identification" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.12 Retailer of Distilled Spirits License

(1) Every applicant for a State license as a Retailer of Distilled Spirits shall comply with the requirements and qualifications set forth in Rule 560-2-2-.02 of these Regulations and this Rule. The requirements and qualifications in this Rule are cumulative and not in lieu of any requirements and qualifications of Rule 560-2-2-.02.

(2) In all cases where the owner of the business is a resident individual, the application shall be made in that name.

(a) Where the owner is a partnership, association, or non-resident of a county or municipality in which the sale of Distilled Spirits is authorized, the application shall be made in the name of a resident officer of a county in which the sale of Distilled Spirits is authorized, partner or associate owning a substantial interest in the business, or in the name of the principal resident managing officer, and the application shall show that the license is for the use of the owner, and the owner shall be named, and both shall be bonded;

(b) In the event the owner is a corporation or fraternal organization, the application may be submitted as set forth in Rule 560-2-2-.02 of these Regulations.

(3) A separate Retailer license shall be required for each Place of Business.

(4) The requirement that an applicant's license be for the same location may be waived by the Department where the location previously occupied was lost as the result of the judgment of a court of general jurisdiction involving no fault or default of the Person under whom the applicant had occupied the Premises, the condemnation of the property by an authority having the power of eminent domain, or the due acquisition of the property of such authority under the threat of condemnation.

(a) The requirement that an applicant's license be for the same location may be waived by the Department where the net effect of the proposed change is to reduce the number of package stores attributed to a Person or in which an applicant and his family holds an interest.

(5) No Retailer of Distilled Spirits shall be approved where the Licensee pays to any Person, firm or corporation any rent, management fee, or other payment based on the profits or sales of such licensed Premises.

(a) Every applicant for a retail license for Distilled Spirits shall attach to the application a copy of the applicant's lease if the applicant is leasing the Premises. The application will be denied if the rental payments are anything other than fixed amounts reasonable for the area and consistent with rent paid for similar accommodations by other retail business establishments.

(6) All leases for a Retailer of Distilled Spirits shall be in writing and for a term not less than the period of such license. In the event the lease is terminated for any reason, the retail license shall be terminated immediately.

(7) Application for a Retailer of Distilled Spirits for a location that has not been licensed in the previous twelve (12) months shall include a certificate or scale drawing of a registered surveyor that the proposed location complies with the Act in regard to distances from alcohol treatment centers, churches, schools, and licensed locations for retail sale of Distilled Spirits.

(8) Pursuant to O.C.G.A. § 3-4-21, no person shall be issued more than two Retailer of Distilled Spirits licenses, nor shall any person be permitted to have a beneficial interest in more than two Retailer of Distilled Spirits licenses, regardless of the degree of such interest, except under subparagraph (b) of this paragraph 8.

(a) For purposes of this regulation, a person shall be deemed to have a beneficial interest in a Retailer license when they:

1. Holds a Retailer of Distilled Spirits license;

2. Has any ownership interest, whether legal, equitable or other, in or control over a retail distilled spirits business;

3. Holds a retail license for or has any ownership interest in a beer or wine business which is conducted in conjunction with or immediately adjacent to a retail distilled spirits business; or

4. Holds the license for or has any ownership interest in any retail Alcoholic Beverage business and has any financial, contractual, or other business interest, including any lease arrangement, in or with a retail distilled spirits business or licensee.

(b) Under the *de minimis* concept, a person who owns less than five percent (5%) of the shares of a corporation which has more than thirty-five (35) shareholders or whose stock is publicly traded shall not, on the fact of stock ownership alone, be deemed to have a beneficial interest in the retail distilled spirits business of such corporation.

(9) With regards to tasting events, should any broken package containing Alcoholic Beverages be stored by a Retail Package Liquor Store not licensed for retail sales for consumption on the premises pursuant to O.C.G.A. § 3-15-2(9), such package shall be considered an "open package" at all subsequent tasting events for purposes of O.C.G.A. § 3-15-2(3) until such package is entirely consumed or disposed of.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.12

AUTHORITY: O.C.G.A. §§ 3-2-2**;** 3-4-21**,** 3-15-2**,** 3-15-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Bill of Lading in Advance of Shipment" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Producers Monthly Report: Invoices" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Application a Permanent Record; Specification of Premises: Licenses Valid After December 31" adopted. F. May 5, 1982; eff. May 25, 1985.

Repealed: New Rule entitled "Specification of Premises" adopted. F. Dec. 15, 2006; eff. Jan. 4, 2007.

Repealed: New Rule entitled "Retailer License" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Retailer of Distilled Spirits License." F. May 31, 2023; eff. June 20, 2023.

560-2-3-.13 Size of Container Purchased

(1) Except as provided in paragraph (2) of this rule, no Retail Consumption Dealer may purchase Distilled Spirits which exceed ten percent (10%) alcohol by volume in containers smaller than 750 milliliters.

(2) A Retail Consumption Dealer may purchase Distilled Spirits that exceed ten percent (10%) alcohol by volume in containers of 375 milliliters or greater where such brands are not commercially available in containers of 750 milliliters or greater as certified by the Manufacturer with the Department. Manufacturer certification shall be made to the Department at the time of brand registration by electronic means prescribed by the Commissioner.

(3) A Manufacturer is permitted to bundle single-serving containers of Distilled Spirits containing less than 750 milliliters in secure packaging where the aggregate volume of the bundled containers meets or exceeds 750 milliliters. Single-serving containers must remain bundled until the moment of service to the ultimate consumer by a Retail Consumption Dealer.

(4) The sale of Distilled Spirits by a Retail Consumption Dealer Licensee in unbroken Packages or in any quantity for other than consumption on the Premises is expressly prohibited.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.13

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Shipment Under Seal; Breaking Seal" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Shipment Under Seal" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Prima Facie Contraband" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Size of Container Purchased" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Nov. 10, 2016; eff. Nov. 30, 2016.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.14 Consumption on Premises - Retail, Contiguous Operation

(1) A Person holding a Retail Consumption Dealer license and a valid Retailer of Distilled Spirits license at locations where the Premises of each Place of Business is contiguous to the other and where each business is treated as completely separate for all purposes, including such things as inventory, purchasing and record maintenance, may

have a door between the retail Place of Business and the consumption on premises Place of Business subject to the following conditions:

(a) Each Place of Business must hold a proper license;

(b) Each Place of Business must operate in compliance with all laws and regulations applicable to such business;

(c) The door between the Places of Business must be closed and locked during days and hours when the operation of either Place of Business is prohibited;

(d) Each Place of Business must have a separate entrance for the public and no common entrance shall be permitted;

(e) Each Place of Business shall have a separate and distinct trade name;

(f) Any storage room for the retail Place of Business shall be in compliance with all rules and regulations pertaining to that retail Place of Business;

(g) Distilled Spirits may only be sold and delivered in the retail Place of Business;

(h) Only the Licensee of each Place of Business or his employees shall be permitted ingress and egress through the passageway or door separating the two Places of Business, and all such Persons must have a proper personnel statement on file with the Department at all times;

(i) A separate cash register shall be maintained in each Place of Business and all business transactions of the two Places of Business shall be kept separate;

(j) The passageway or door between the two Places of Business shall be located behind the bar or service counter of each Place of Business or otherwise so situated or maintained as to be accessible only to the Licensee and his employees and such passageway or door shall not be used by customers, patrons, or any other Persons not permitted by this Regulation.

1. Any connecting door or passageway which is not located behind the bar or service counter of each Place of Business must be specially approved by the Commissioner. There shall be permanently affixed on or beside that door or passageway a sign in letters at least two inches in height stating "Employees Only May Use This Door--Revenue Regulation 560-2-3-.14."

(2) It is the express intent of this Regulation that if a Retailer of Distilled Spirits location is operated adjacent to an establishment which sells Alcoholic Beverages for consumption on the premises as provided in paragraph (1) of this Regulation with an inside connecting service door, such Retailer of Distilled Spirits location shall remain a distinct and separate business entity, and the Retailer of Distilled Spirits location is hereby declared to be a separate Premises from the establishment which sells Alcoholic Beverages for consumption on the premises.

(3) It shall be a violation of this Regulation for any Licensee to sell, offer to sell, or keep for the purpose of sale any item not commonly associated with that establishment. Prohibited items shall include, but are not limited to, guns, ammunition, knives, weapons of any character, gambling paraphernalia, including playing cards or dice, non-immediately consumable items including groceries or any other items not commonly associated with the consumption of Alcoholic Beverages or establishments licensed for the sale of Alcoholic Beverages for consumption on the premises.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.14

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Arrival; Date of Receipt; Tax Stamp Inspection" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Arrival; Date of Receipt; Tax Stamp Inspection" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Notification of Intention to Engage as a Producer" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Consumption on Premises - Retail, Contiguous Operation" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.15 Package Sales by Retail Consumption Dealers; Prohibitions

(1) A Retail Consumption Dealer shall not sell Distilled Spirits in Packages for carryout purposes at any time.

(2) Retail Consumption Dealers shall not sell beer or Wine by the Package for carryout purposes:

(a) On any day or at any time when the sale of Package beer or Wine for carryout purposes is otherwise prohibited by law; or

(b) At any location which is within distances to grounds or buildings where the sale of Alcoholic Beverages for carryout purposes is otherwise prohibited by law.

(3) Any Retail Consumption Dealer violating the provisions of this Rule shall be subject to the suspension or revocation of licenses to sell Alcoholic Beverages.

(4) Pursuant to O.C.G.A. § 3-6-4, a restaurant that is a Retail Consumption Dealer may allow a patron to remove a partially consumed bottle of Wine which was:

(a) Purchased from the Licensee;

(b) Partially consumed in conjunction with a meal purchased from the Licensee;

(c) Securely resealed with tamper-resistant tape by the Licensee; and

(d) Placed in a bag or container that is secured in such a manner that it would be visibly apparent if the container has been subsequently opened or tampered with, along with an affixed, dated receipt indicating the terms of the purchase.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.15

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-7**,** 3-3-20**,** 3-3-21**,** 3-6-4**,** 48-2-12**.**

HISTORY: Original Rule entitled "Common Carrier's Report" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Common Carriers: Bill of Lading" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "License Application" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Package Sales by Retail Consumption Dealers; Prohibitions" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.16 Consumption on Premises; Trade Practices

(1) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the premises and the employees of such Person shall not:

(a) Sell or dispense any drinks not containing the exact brand, brands, or mixtures ordered or requested by the customer or consumer; or

(b) Make any statement which is false or untrue in any fashion or which by any means tends to create a misleading impression as to the quality of any Alcoholic Beverage to the customer or consumer.

(2) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the premises or the employees of such Person shall upon request of any customer or consumer:

(a) Divulge to that customer or consumer the quantity of Alcoholic Beverage contained in each drink sold to him or her; and

(b) Shall exhibit the specific brand or brands of Alcoholic Beverage contained in each drink to that customer.

(3) In the case of Distilled Spirits, no Licensee, in the preparation of mixed drinks for consumption on the premises, shall dispense one brand of Distilled Spirits from the container of any other brand of Distilled Spirits or from any container whatsoever except from that originally purchased from a licensed Wholesaler.

(a) No container may be refilled with any substance, including but not limited to water, under any conditions or for any reason.

(4) No Person shall knowingly, and/or cause any other Person to, possess, sell, ship, transport, or in any way dispose of any Alcoholic Beverages under any name other than the proper name or brand known to the industry as designating the kind and quality of the contents of the package or other containers of that Alcoholic Beverage.

(5) Establishments licensed to dispense Distilled Spirits by the drink shall not through general advertising media, advertise the alcoholic contents or measurements of Distilled Spirits contained in such drinks.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.16

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Shipment in Trucks Owned or Leased by Georgia-Licensed Wholesalers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time All Records Must Be Maintained" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Consumption on Premises; Trade Practices" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-3-.17 Outside Delivery of Drinks for Retail Consumption Dealers

(1) For purposes of this Regulation, the term "Licensed Premises" shall include the Place of Business and Premises that:

a. Is approved by the local governing authority;

b. Has the same address as the Licensed Premises;

c. Is owned or leased by the Retail Consumption Dealer;

d. Is not public domain;

e. Is served from the same bar or serving location that permanently services the Licensed Premises; and

f. Is under the exclusive custody and control of the Retail Consumption Dealer.

(2) A Retail Consumption Dealer shall not sell, serve, or deliver or permit the sale, service, or delivery of Alcoholic Beverages except within the Licensed Premises.

(3) Any area under the exclusive custody and control of the Retail Consumption Dealer that is not located at only one address and is not registered or licensed as a single Place of Business with the local licensing authority and the State of Georgia is subject to Rule 560-2-3-.12.

(4) A Retail Consumption Dealer shall be responsible for:

a. All sale, delivery, or service of Alcoholic Beverages through any window, door, or other opening in the Licensed Premises; and

b. Consumption and possession of all Alcoholic Beverages by any Person located on the Licensed Premises.

Cite as Ga. Comp. R. & Regs. R. 560-2-3-.17

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Shipment Through Georgia" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Separation of Georgia Products" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Outside Delivery of Drinks" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. Nov. 1, 2013; eff. Nov. 21, 2013.

Amended: New title, "Outside Delivery of Drinks for Retail Consumption Dealers." F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-4. WHOLESALER

560-2-4-.01 Wholesaler; Additional Requirements of Licensee

(1) A person applying for a license as a Wholesaler shall, in addition to providing the information required by these regulations, provide the Commissioner with the following items:

(a) A copy of the deed or purchase contract for the proposed licensed Premises, if the licensed Premises is owned by the applicant;

(b) A copy of applicant's lease agreement for the licensed Premises if the proposed licensed Premises is not owned by the applicant;

1. The term of the lease shall not be less than the term of the license sought by applicant.

(c) The applicant's scheduled hours and days of operation, including the hours and days when the licensed location is open and staffed.

(2) The Wholesaler shall:

(a) Maintain all inventory records at the licensed Premises for no less than three (3) years;

(b) Maintain all Alcoholic Beverages separately from all other products of the Wholesaler or from the products of any other parties sharing the facility;

1. Any separate location shall be a secured location under the custody and control of only the applicant, its agent, or employees.

(c) Maintain and have custody and control over direct access from outside the facility into the licensed Premises.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Application for Wholesalers License" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of the same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Registration of Representatives" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Wholesaler; Additional Requirements of Licensee" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.02 Delivery Charges and Special Charges

(1) Delivery Charges: When a shipment to a Retailer or Retail Consumption Dealer consists only of an order for the delivery of Alcoholic Beverages of less than one case of a single or an assortment of brands, the Wholesaler may

charge the Retailer or Retail Consumption Dealer a special delivery charge of no more than twenty dollars ($20.00) for that delivery.

(2) The amount of a delivery charge, other than special charges, shall be the same as applied to all of the Wholesaler's Retailers and/or Retail Consumption Dealers for shipments of less than one case.

(3) All special charges, including fuel surcharges, shall be shown on invoices to the Retailer or Retail Consumption Dealer.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Limitation of Wholesalers; No Retail Business Interests" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Designation of Sales, Territories" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Feb. 3, 1987; eff. Feb. 23, 1987.

Repealed: New Rule entitled "Special Charges" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Delivery Charges and Special Charges." F. May 31, 2023; eff. June 20, 2023.

560-2-4-.03 Transportation of Distilled Spirits; Vehicle Requirements

(1) Except for military deliveries as provided in Rule 560-2-15-.03 of these regulations and except for emergency movements as provided in Rule 560-2-2-.16 of these regulations, all transportation of Distilled Spirits from one point within Georgia to another within Georgia shall be by Carrier unless otherwise provided for in this Rule.

(2) A licensed Manufacturer may transport its product to a Wholesaler under the same provisions as set forth in this Regulation for a licensed Wholesaler.

(3) A licensed Wholesaler may only transport Alcoholic Beverages in vehicles owned or leased by that Wholesaler.

(a) An Alcoholic Beverage Wholesaler may also transport Alcoholic Beverages in vehicles owned or leased and operated by a Wholesaler's employees;

(b) Any vehicle used to transport Alcoholic Beverages, whether owned by the Wholesaler or by an employee of that Wholesaler, shall be properly identified;

1. Proper identification shall include the Wholesaler's trade name or state license number in a conspicuous place on each side of the vehicle.

2. The lettering for that identification shall not be less than two (2) inches in height and not less than one (1) inch in width, and clearly spaced so as to be clearly visible when read from a reasonable distance.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Requirements for Salesmen and Representatives of Wholesalers" adopted. F. and eff. June 30, 1965.

Amended: F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Nov. 2, 1977; eff. Nov. 22, 1977.

Repealed: New Rule entitled "Approval to Sell" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Transportation of Distilled Spirits; Vehicle Requirements" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.04 Transportation of Distilled Spirits; Limitations

(1) Transportation of Distilled Spirits shall be made on any day except Sundays. Each shipment shall be accompanied by an invoice or itemized list showing in detail the number of cases, the size of containers, Alcohol Type, Brand and price of Distilled Spirits included in the shipment and the point of origin and the point of destination.

(2) No licensed Wholesaler shall transport, or cause to be transported, any Distilled Spirits to any point outside of Georgia without the special approval of the Commissioner.

(3) No other goods, wares, merchandise, or property of any description, except Wine, Malt Beverages and those items that are lawfully sold in a Retailer's licensed location pursuant to Rule 560-2-3-.04 may be transported in a vehicle transporting Distilled Spirits.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-153**,** 48-2-12**.**

HISTORY: Original Rule entitled "Submitting Form 338" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Reports on Sales Withdrawals; Breakage and Other Losses" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Nov. 22, 1972; eff. Dec. 12, 1972.

Repealed: New Rule entitled "Sales Reports" adopted. F. May 13, 1975; eff. June 2, 1975.

Repealed: New Rule entitled "Identification Required" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. June 11, 1984; eff. July 1, 1984.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Transportation of Distilled Spirits Limitations" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.05 Trade Practices - Inventory Rotations; New Brands; Displays and Bins

(1) No Wholesaler, or anyone acting on its behalf, shall alter, disturb, move, rearrange, or remove any Alcoholic Beverage within any Premises of a Retailer or Retail Consumption Dealer, except:

(a) In a retail business where a Malt Beverage Wholesaler has been assigned a specific cooler and/or shelf space, the Malt Beverage Wholesaler may affix the price, as designated by the Retailer, and place its Brand Label in an assigned specific cooler and/or shelf space;

1. Wholesaler personnel cannot subsequently change or alter the retail price information affixed to Malt Beverages at time of delivery.

(2) A Malt Beverage Wholesaler may rotate its inventory while stocking its assigned Brand Label within the Place of Business of a Retailer including storerooms, product displays, warm shelves, and coolers.

(3) Upon introduction of a new Brand Label for distribution and sale in Georgia, or within a Wholesaler's sales territory, Wholesalers, at the request of a Retailer or Retail Consumption Dealer, may assist in rearranging available cooler and/or shelf space which has been previously assigned to the Wholesaler.

(a) This service is permitted only within sixty (60) calendar days of date of receipt of first shipment of the Brand Label by the Wholesaler and is limited to the rearranging of the Wholesalers' designated Brand Labels.

(4) Permitted sales Representatives of Wholesalers, Brokers, Importers, and Manufacturers may deliver generic point-of-sale displays and bins to Retailers provided such displays are made available to all Retailers and Retail Consumption Dealers on equal terms.

(5) The Wholesaler, at the request of a Retailer or Retail Consumption Dealer, **may** construct displays and bins on the Premises of a Retailer or Retail Consumption Dealer.

(a) These are allowed as part of the Wholesaler's marketing function;

(b) The construction or setup of displays and bins may include initially stocking the display with Alcoholic Beverages;

(c) Any further resets of Alcoholic Beverages associated with the display must be as prescribed under Rule 560-2-2-.17.

(6) No Wholesaler, Broker, Importer, Manufacturer, or any of their employees or agents shall alter, disturb, block, or in any way impede the property of any other Wholesaler or the products or displays relating to products offered by other Wholesalers.

(7) Wholesalers are not permitted to re-shelve Alcoholic Beverages contained in a display or bin.

(8) Except as provided in paragraph (3) of this regulation, all services authorized to be performed by a Wholesaler on or within the Place of Business of a Retailer or Retail Consumption Dealer must be performed within five (5) business days (excluding state holidays and Sunday) after the date of delivery by the Wholesaler, its employees, agents, or contractors.

(a) Wholesalers shall maintain written copies of their schedules for a subsequent period of three calendar years and make such schedules available to the Commissioner upon request.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Reports on Sales, Withdrawals, Breakage and Other Losses" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Submitting Form 338" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Nov. 22, 1972; eff. Dec. 12, 1972.

Repealed: New Rule entitled "Identification; Exception" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. June 11, 1984; eff. July 1, 1984.

Amended: New Rule entitled "Trade Practices - Inventory Rotations; New Brands; Displays and Bins" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.06 Sale Limitation; Delivery

(1) Licensed Wholesalers shall sell only to Georgia Wholesalers, Importers, Retailers or Retail Consumption Dealers holding a valid license.

(2) Alcoholic Beverages shall only be delivered to the Premises of such Retailers or Retail Consumption Dealers by a vehicle leased, owned, or authorized by these regulations and operated by a Wholesaler with a proper state-issued license or permit to make sales and deliveries within the municipality or county in which the sale and delivery occurs.

(3) Alcoholic Beverages sold shall not be received, stored, or delivered to any other place than the Place of Business for which a Retailer or Retail Consumption Dealer license has been issued except as otherwise permitted under these regulations.

(4) It shall be a violation of these regulations for any Wholesaler to sell or deliver Brands of Alcoholic Beverages in a territory designated to another Wholesaler for such Brands.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Authorized Sales by Wholesalers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Bonds" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. Sept. 20, 1990; eff. Oct. 10, 1990.

Amended: F. Apr. 25, 2006; eff. May 15, 2006.

Repealed: New Rule entitled "Sale Limitation; Delivery" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.07 Wholesaler Posted Price for Distilled Spirits and Malt Beverages

(1) Every licensed Wholesaler of Distilled Spirits and/or Malt Beverages shall file with the Commissioner a list setting forth all Alcohol Types, Brands, Brand Labels and sizes of Distilled Spirits and Malt Beverages being handled by the Wholesaler for each designated sales territory.

(2) All price listings for Distilled Spirits and Malt Beverages shall be submitted via the Wholesaler's Georgia Tax Center (GTC) account.

(a) All prices listed for Distilled Spirits and Malt Beverages shall include all federal and state taxes. Malt Beverage listings shall include county and municipal taxes.

(b) No licensed Wholesaler shall make any sale of Distilled Spirits or Malt Beverages for any price lower than the price posted with the Department, except that sales may be made less state tax to persons entitled to exemption from such tax.

(3) Quantity discounts, including cash, merchandise, and free Alcoholic Beverages provided by the licensed Wholesaler, must be listed separately from the non-discounted price.

(a) Quantity discounts shall be for the same Brand and Alcohol Type as required to be purchased to participate in the quantity discount listed by the licensed Wholesaler;

(b) Quantity discounts as provided for may not be used as a device or subterfuge to circumvent the provisions of Rule 560-2-2-.13;

(c) The quantity discount price shall be available to all Retailers and Retail Consumption Dealers within the Wholesaler's assigned sales territory;

(d) Quantity discount prices for Distilled Spirits may continue for a maximum of sixty (60) calendar days from the initial date of sale and delivery of the product to the Retailer or Retail Consumption Dealer provided the applicable price posting specifically notes the availability of the extended discount price on specific products;

(e) Quantity discounts for Malt Beverages must be posted at the same time and for the same duration as the actual price posting.

(4) All reported prices shall be effective the Monday following the date of filing with the Department and shall remain in effect until amended.

(5) Prices may not be amended for a period of:

(a) Fourteen (14) days after the previous effective filing date for Distilled Spirits;

(b) One hundred eighty (180) days after the previous effective filing date for Malt Beverages.

1. The Commissioner may grant a waiver of the one hundred eighty (180) day period for Malt Beverages when extenuating circumstances are shown and subject to the following conditions:

(i) In the event a change in posted prices for Malt Beverages is requested, the Wholesaler shall submit with the request substantial documentation indicating to the satisfaction of the Commissioner justification for such increase or decrease; and

(ii) In the event a waiver in writing is granted for Malt Beverages by the Commissioner pursuant to this Regulation, no subsequent increase or decrease in posted prices shall be permitted within a period of one hundred eighty (180) days after the date of the approval and waiver by the Commissioner unless a subsequent waiver is obtained from the Commissioner in the same manner and under the same conditions as specified in this Rule.

(6) Every Wholesaler, or Wholesaler employee, when calling on Retailer or Retail Consumption Dealer for the purpose of conducting business, shall have in their possession, and available to such licensee, a copy of the price list as reported to the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.07

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Wholesaler Retaining Possession: Consignments" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Monthly Report; Remittance of Taxes" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. June 29, 2007; eff. July 19, 2007.

Repealed: New Rule entitled "Wholesaler Posted Price for Distilled Spirits and Malt Beverages" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.08 Inventories

(1) Every licensed Wholesaler shall prepare a report, submitted via the Georgia Tax Center (GTC) setting forth (i) total containers by size and (ii) total liters by tax category of Distilled Spirits, Malt Beverages, and Wine on hand as of close of business January 31 and July 31 of each year, and at any other time as directed by the Commissioner or by any authorized agent of the Commissioner.

(2) The Wholesaler shall file the report via GTC with the Commissioner no later than ten (10) days following taking of the inventory.

(a) A detailed record of the physical inventories, broken down by Brand, Brand Label, Alcohol Type and size, must be available at all times at the Wholesaler's licensed Premises for verification by the Commissioner's agents.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.08

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Storage Other Than at Licenses Premises" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Sale Limitation; Delivery" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. June 29, 2007; eff. July 19, 2007.

Amended: New Rule entitled "Inventories" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.09 Audits; Assignment of Auditors; Due Cause

(1) In addition to the audits provided for in Rule 560-2-7-.02, the Commissioner, based on credible information that a Wholesaler is not remitting local taxes in a timely manner, may direct Department agents to perform any level of examinations or audits necessary to ensure that:

(a) Each taxing jurisdiction has been properly paid the taxes as required; and

(b) All applicable state taxes have been paid on each business transaction.

(2) Upon discovery of any discrepancy, the Commissioner shall report any findings to any and all taxing jurisdictions concerned; and

(a) The Commissioner may order the Wholesaler to show cause as to why the Wholesaler's license should not be suspended or revoked, or have other penalties imposed.

(3) The Department shall make available to any local taxing jurisdiction all:

(a) Excise tax reports;

(b) Audit briefs and reports;

(c) Alcoholic Beverage shipment records; and

(d) Any other investigative summaries and documents necessary for those taxing jurisdictions to conduct an independent audit of or inquiry into the reports of any licensed Wholesaler.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.09

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-11**,** 3-2-32**,** 48-2-12**.**

HISTORY: Original Rule entitled "Wholesale Brand Combinations" adopted. F. Dec. 26, 1974; eff. Jan. 15, 1975.

Repealed: New Rule entitled "Deposit for Bottles" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Audits; Assignment of Auditors; Due Cause" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-4-.10 Requirements for Salespersons and Representatives of Wholesalers

(1) No person shall be a salesperson or Representative of a licensed Wholesaler unless:

(a) The employing Wholesaler has notified the Department of the person's appointment as a salesperson or Representative;

(b) The salesperson or Representative has, under oath, completed and filed an application for a permit in the form prescribed by the Commissioner;

(c) The Commissioner has issued the permit to such salesperson or Representative;

(2) The permit shall expire upon written notice to the Commissioner by the Wholesaler that it no longer employs the salesperson or Representative.

(3) It shall be a violation of this Regulation for a salesperson or Representative of a licensed Wholesaler to:

(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency; and/or

(b) Cause Alcoholic Beverages to be delivered to an unlicensed place of business.

(4) A salesperson or Representative of a licensed Wholesaler violating these regulations may be cited and required to show cause as to why his or her permit should not be suspended or revoked.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.10

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Transportation of Distilled Spirits, Vehicle Requirements, Itemization of Cargo" adopted. F. Aug. 27, 1975; eff. Sept. 16, 1975.

Repealed: New Rule of same title adopted. F. June 20, 1980; eff. July 10, 1980.

Repealed: New Rule entitled "Driver, Salesperson, Delivery-man Permit" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Sept. 6, 2006; eff. Sept. 26, 2006.

Amended: New Rule entitled "Requirements for Salespersons and Representatives of Wholesalers" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023

560-2-4-.11 Warehouse - Hub and Spoke Operations

(1) With the Department's advance approval, a Wholesaler may use Warehouse space as a staging area for the routine transfer of Alcoholic Beverages for delivery within the Wholesaler's designated territory without additional licensing requirements, subject to the following requirements:

(a) The Warehouse space must be either owned or leased solely by the Wholesaler;

(b) The Warehouse space must not be shared with any other business entity;

(c) The Warehouse space must be located within a jurisdiction that allows the sale and retail consumption of Alcoholic Beverages; and

(d) The request for authorization from the Department must contain the street address of the Warehouse space.

(2) The Wholesaler must attest that:

(a) No business activity will occur at such Warehouse other than the routine transfer of Alcoholic Beverages; and

(b) Such Warehouse will not be used for direct shipments of Alcoholic Beverages from Shippers/Manufacturers to a Wholesaler.

(3) All Alcoholic Beverages transferred at such Warehouse shall be properly invoiced prior to moving to the Warehouse.

(4) At no time will Alcoholic Beverages be allowed to remain at such Warehouse in excess of two (2) consecutive days.

(5) Departmental approvals shall:

(a) Not extend beyond twelve (12) calendar months from the date of approval;

(b) Be renewed annually during the license renewal process;

(c) Be made a part of the Wholesaler's licensing file maintained by the Department; and

(d) Require that any changes to the original request must be submitted in writing and approved in advance.

Cite as Ga. Comp. R. & Regs. R. 560-2-4-.11

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Posting Master Price List" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Mar. 10, 2008; eff. Mar. 30, 2008.

Repealed: New Rule entitled "Warehouse - Hub and Spoke Operations" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-5. MANUFACTURERS, SHIPPERS, IMPORTERS, & BROKERS

560-2-5-.01 Advertising Material; Assessments for Advertising

(1) No Manufacturer, Shipper, Importer, or Broker shall make any assessment or surcharge against any Wholesaler on the purchase of Alcoholic Beverages, or otherwise, for advertising purposes.

(a) This Rule does not prohibit charging for advertising which is voluntarily requested and for which a fair market value is charged.

(2) No licensed Retailer or Retail Consumption Dealer shall accept from a Wholesaler, directly or indirectly, any free goods or free merchandise, except standard Manufacturer, Shipper, Importer, or Broker advertising material, nor shall any licensed Retailer or Retail Consumption Dealer accept such advertising material on consignment.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Location of Premises" adopted. F. and eff. June 30, 1965.

Amended: F. May 29, 1969; eff. June 16, 1969.

Repealed: New Rule entitled "Application" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Registration of Representatives" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Advertising Materials; Assessments for Advertising" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-5-.02 Unlawful Shipments; Seizure; Assessment

(1) Any and all Alcoholic Beverages shipped into or sold within Georgia by any Manufacturer, Shipper, Importer, or Broker that is not in compliance with the provisions of this Act or the provisions of the regulations promulgated pursuant to the Code shall be deemed contraband and shall be seized by agents of the Commissioner and any law enforcement agent in Georgia and disposed of according to the Act.

(2) Any Manufacturer, Shipper, Importer or Broker of contraband Alcoholic Beverages shall pay the full amount of tax as assessed to Georgia as determined by the Commissioner on Alcoholic Beverages shipped or sold in violation of the laws.

(3) Any Shipper may be required to appear before the Commissioner to show cause why the Shipper's license to ship into or within Georgia should not be revoked or suspended, have its bond forfeited, or both.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-33**,** 3-2-35**,** 48-2-12**.**

HISTORY: Original Rule entitled "Retail Licenses; Limitations; Leases" adopted. F. and eff. June 30, 1965.

Amended: F. Feb. 10, 1966; eff. Mar. 1, 1966.

Repealed: New Rule of same title adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Nov. 30, 1972; eff. Dec. 20, 1972.

Amended: F. July 6, 1976; eff. July 26, 1976.

Amended: F. Nov. 2, 1977; eff. Nov. 22, 1977.

Amended: F. Aug. 1, 1978; eff. Aug. 21, 1978.

Repealed: New Rule entitled "Designation of Sales Territories" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Feb. 3, 1987; eff. Feb. 23, 1987.

Repealed: New Rule entitled "Unlawful Shipments; Seizure; Assessment" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-5-.04 Damaged, Lost, or Stolen Goods; Notification

(1) Should any Alcoholic Beverages that are enroute to, carried through, or carried within Georgia become damaged, destroyed, lost, or stolen during transit, the Shipper or Carrier shall immediately notify the Commissioner.

(2) The Shipper or Carrier shall identify the Alcoholic Beverages so far as possible by type, Brand, Brand Label, type of Alcoholic Beverage, size and quantity.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Places for Concealment" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Price Advertising Prohibited, Exceptions" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: F. Mar. 10, 1997; eff. Mar. 30, 1997.

Amended: New Rule entitled "Damaged, Lost or Stolen Goods; Notification" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Damaged, Lost, or Stolen Goods; Notification." F. May 31, 2023; eff. June 20, 2023.

560-2-5-.05 Correct Brand Labeling; Private Brand Label

(1) All licensed Manufacturers are required to correctly label all goods by Brand Label produced by them, including the bottles, containers, and cases.

(2) The Brand Labels shall all contain alcohol content by volume.

(3) Manufacturers are required to provide a copy of U.S. Alcohol and Tobacco Tax and Trade Bureau Brand Label approval that shall be submitted to the Commissioner along with the request, except where not required by statute.

(4) Any private Brand Label Alcoholic Beverage to be offered for sale within Georgia shall:

(a) Receive prior approval of the Commissioner;

(b) Be the product of an arms-length transaction between the contracting Retailer and the Manufacturer, in which the Retailer has no direct involvement in the manufacturing process; and

(c) The Wholesaler must offer the Alcoholic Beverages to all Retailers on equal terms.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-152**,** 48-2-12**.**

HISTORY: Original Rule entitled "Opening of Can, Bottle or Container on Premises" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Opening of Can, Bottle or Container on Premises; Concealment" adopted. F. Mar. 23, 1977; eff. Apr. 12, 1977.

Repealed: New Rule entitled "Wine Tastings" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. June 29, 2007; eff. July 19, 2007.

Repealed: New Rule entitled "Correct Brand Labeling; Private Brand Label" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-5-.06 Registration Requirements for Representatives of Manufacturers

(1) Every agent, Representative, salesperson, or employee of any brewer, winery, distillery, Manufacturer, Importer, Shipper, or Broker shipping or causing to be shipped Alcoholic Beverages into or within Georgia shall register with the Department before carrying on any activity involving the selling, promoting, displaying, or advertising of Alcoholic Beverages.

(2) No person shall be a Representative of a Licensee unless:

(a) The employer has notified the Department of the person's appointment as a Representative;

(b) The Representative has, under oath, completed and filed an application for a permit in the form prescribed by the Commissioner;

(c) The Commissioner has issued the permit to such Representative;

1. The permit shall expire upon notice to the Commissioner by the Manufacturer that it no longer employs the Representative.

(3) Representatives registered under this Rule shall be authorized to contact Wholesalers and Retailers and Retail Consumption Dealers for purposes of carrying on business related to Alcoholic Beverages in Georgia.

(4) It shall be a violation of this Regulation for a Representative of a licensed Manufacturer to:

(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency; or

(b) Cause Alcoholic Beverages to be delivered to an unlicensed place of business.

(5) A Representative of a licensed Manufacturer violating these regulations may be cited and required to show cause as to why his or her permit should not be suspended or revoked.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-5-40**,** 48-2-12**.**

HISTORY: Original Rule entitled "Specified Persons Only Allowed Behind Counter" adopted. F. and eff. June 30, 1965.

Repealed: F. Nov. 2, 1977; eff. Nov. 22, 1977.

Amended: New Rule entitled "Sale Limitation; Delivery" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule of same title adopted. F. Aug. 3, 1993; eff. Aug. 23, 1993.

Repealed: F. June 29, 2007; eff. July 19, 2007.

Amended: New Rule entitled "Registration of Representatives" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Registration Requirements for Representatives of Manufacturers." F. May 31, 2023; eff. June 20, 2023.

560-2-5-.07 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.07

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Restrictions on Products for Sale, Display or Offer, Other Than Distilled Spirits; Unbroken Packages" adopted. F. and eff. June 30, 1965.

Amended: F. Nov. 29, 1966; eff. Dec. 18, 1966.

Repealed: New Rule entitled "Restrictions on Other Mercantile Establishments; Products for Sale, Display or Offer Other Than Distilled Spirits" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Apr. 4, 1973; eff. Apr. 24, 1973.

Amended: F. Dec. 26, 1974; eff. Jan. 15, 1975.

Repealed: New Rule of same title adopted. F. May 14, 1975; eff. June 2, 1975.

Repealed: New Rule of same title adopted. F. Aug. 27, 1975; eff. Sept. 16, 1975.

Repealed: New Rule entitled "Products for Sale, Display or Offer Other Than Distilled Spirits" adopted. F. May 25, 1977; eff. June 14, 1977.

Repealed: New Rule entitled "Bonds" adopted. F. May 5, 1982; eff. May 25, 1982.

Amended: F. Apr. 25, 2006; eff. May 15, 2006.

Repealed: New Rule entitled "Manufacturer Representatives Authorization to Contact Wholesalers and Retailers" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Repealed: F. May 31, 2023; eff. June 20, 2023.

560-2-5-.08 Initial Registration by Manufacturer, Shipper, Importer, or Broker; Designation of Wholesalers and Sales Territories

(1) Except where not required by law, every Manufacturer, Shipper, Importer, or Broker shall, at least thirty (30) days in advance of offering any Alcoholic Beverages for sale for the first time in Georgia:

(a) Submit an application for a license through the Georgia Tax Center and:

1. Include one U.S. Alcohol and Tobacco Tax and Trade Beverage approved Brand Label for each Brand and Brand Label of Alcoholic Beverage to be shipped for the first time into, or within, Georgia. The registration of Brands or Brand Labels shall be limited to a maximum of ten (10) Brands and Brand Labels per submission, with unlimited submissions;

2. If such Manufacturer, Shipper, Importer, or Broker is not listed as the applicant on the U.S. Alcohol and Tobacco Tax and Trade Beverage Certification/Exemption of Label/Bottle Approval for such Brand or Brand Label, submit a letter of authorization from such applicant granting such Manufacturer, Shipper, Importer, or Broker the authority to register such Brand or Brand Label in Georgia;

3. Designate, in the application for registration, sales territories for each of its Brands or Brand Labels to be sold for the first time into, or within, Georgia; and

4. Name one licensed Wholesaler in each territory who, shall be the exclusive Wholesaler of such Brand or Brand Label within that territory;

(b) Such designations of Wholesalers or Wholesalers' territories shall be initially approved by the Commissioner and shall not be changed nor initially disapproved except for cause, and the Commissioner shall determine cause after a hearing pursuant to these Regulations.

(c) The registration of Brands and Brand Labels does not require an initial registration fee or annual renewal fee.

(2) Any application for registration of Brands or Brand Labels that tends to create a monopoly or lessen competition with respect to Alcoholic Beverages will not be approved. A proposed change or transfer that will place more than 25% of the case volume of all Distilled Spirits sold in Georgia under one Wholesaler or controlled group is presumed to be an attempt to create a monopoly and lessen competition.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.08

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-152**,** 3-5-31**,** 3-6-22**,** 48-2-12**.**

HISTORY: Original Rule entitled "Cause for Suspension or Revocation of License; Games of Chance" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Apr. 4, 1973; eff. Apr. 24, 1973.

Repealed: F. Mar. 23, 1977; eff. Apr. 12, 1977.

Amended: New Rule entitled "Farm Wineries" adopted. F. Sept. 19, 1983; eff. Oct. 9, 1983.

Repealed: New Rule entitled "Designation of Sales Territories" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Initial Registration by Manufacturer, Shipper, Importer, or Broker; Designation of Wholesalers and Sales Territories." F. May 31, 2023; eff. June 20, 2023.

560-2-5-.09 Registering Additional Brands and Brand Labels for Designation of Wholesalers and Sales Territories; Notice to Previously Designated Wholesaler(s)

(1) After a Manufacturer, Shipper, Importer, or Broker has made any registration pursuant to Rule 560-2-5-.08, such Manufacturer, Shipper, Importer, or Broker may register additional Brands or Brand Labels subject to the following terms:

(a) Such Manufacturer, Shipper, Importer, or Broker shall, at least thirty (30) days in advance of offering such additional Brands or Brand Labels, submit the following through the Georgia Tax Center:

1. One U.S. Alcohol and Tobacco Tax and Trade Beverage approved Brand Label for each such Brand and Brand Label of Alcoholic Beverage to be shipped into, or within, Georgia;

2. If such Manufacturer, Shipper, Importer, or Broker is not listed as the applicant on the U.S. Alcohol and Tobacco Tax and Trade Beverage Certification/Exemption of Label/Bottle Approval for such Brand or Brand Label, submit a letter of authorization from such applicant granting such Manufacturer, Shipper, Importer, or Broker the authority to register such Brand or Brand Label in Georgia;

3. Designate, in the application for registration, sales territories for each Brand or Brand Label to be sold into, or within, Georgia; and

4. Name one Licensed Wholesaler in each territory who shall be the exclusive Wholesaler of such Brand or Brand Label within that territory.

(b) Such designations of Wholesalers or Wholesalers' territories shall be initially approved by the Commissioner and shall not be changed nor initially disapproved except for cause, and the Commissioner shall determine cause after a hearing pursuant to these regulations.

(c) Submit a request through the Georgia Tax Center at least thirty (30) days in advance of offering such Alcoholic Beverages for sale in Georgia. The registration of additional Brands or Brand Labels shall be limited to a maximum of ten (10) Brands and Brand Labels per submission, with unlimited submissions;

(d) Any application for the registration of Brands or Brand Labels that tends to create a monopoly or lessen competition with respect to Alcoholic Beverages will not be approved. A proposed change or transfer that will place more than 25% of the case volume of all Distilled Spirits sold in Georgia under one Wholesaler or controlled group is presumed to be an attempt to create a monopoly and lessen competition.

(2) If any Brands or Brand Labels submitted for registration pursuant to Rule 560-2-5-.08 or this Rule have been previously designated to a different Wholesaler or if such Brands or Brand Labels or any material portions thereof are the same as, or similar to, or such a modification, substitution, upgrade, or extension of, a Brand or Brand Label that has been previously designated to a different Wholesaler, the Manufacturer, Shipper, Importer, or Broker shall:

(a) Notify the previously designated Wholesaler(s) by mailing, via U.S. certified mail, a copy of the request to register such Brands or Brand Labels that designate different Wholesalers or sales territories.

(3) The previously designated Wholesaler(s) shall have thirty (30) days from receipt of the notification in paragraph (2) of this Rule above to file an objection with the Commissioner. If an objection is not filed with the Commissioner within the thirty (30) day period, the right to file such objection shall be waived.

(a) Objections shall state the specific reasons which form the basis of the objection;

(b) Any Brands or Brand Labels previously registered in Georgia and which have subsequently been withdrawn from distribution for a period of less than four (4) years shall be treated in the same manner as registering additional Brands or Brand Labels and are subject to the provisions in this Rule;

(c) Any Brands or Brand Labels previously registered in Georgia which have subsequently been withdrawn from distribution for a period equal to or greater than four (4) years shall be deemed an initial application to register the Brands or Brand Labels pursuant to Rule 560-2-5-.08;

(d) Any previously designated Wholesaler filing an objection after the Brand or Brand Label has been withdrawn for a period equal to or greater than four (4) years and for which an initial application has been deemed filed pursuant to subparagraph (3)(c) above, and Rule 560-2-5-.08, shall only have the right to a hearing if an objection is filed with the Commissioner within six (6) months of the date of registration and a determination is made by the Commissioner that a hearing is warranted;

(e) The objection should include information showing that the last date the Manufacturer shipped Alcoholic Beverages to the Wholesaler was within the previous four (4) years;

(f) Maintaining an inventory of the withdrawn Brand or Brand Label showing subsequent sales of that Brand or Brand Label to Retailers and/or Retail Consumption Dealers shall NOT constitute sufficient grounds for a determination that a hearing is warranted;

(g) A Brand or Brand Label is considered withdrawn as of the date of the letter of withdrawal pursuant to Rule 560-2-5-.10(8), or if sooner, the date the license expires or is relinquished by the Manufacturer, Shipper, Importer, or Broker.

(4) The Commissioner shall set a hearing and provide at least sixty (60) days notice of such hearing via U.S. certified mail to the previously designated Wholesaler(s), the proposed designated Wholesaler(s) for such Brands or Brand Labels, and the Manufacturer, Shipper, Importer or Broker, as provided in subparagraph (a) below:

(a) The Commissioner shall set a hearing as provided in this Rule if any of the following occur:

1. Any objecting party notifies the Commissioner that the Manufacturer, Shipper, Importer, or Broker has failed to provide notice pursuant to paragraph (2) of this Rule above;

2. An objection is filed pursuant to paragraph (3) of this Rule above within the thirty (30) day period;

3. A Wholesaler notifies the Commissioner that it believes such Brands or Brand Labels or any material portions thereof are the same as, or similar to, or such modification, substitution, upgrade or extension of, a Brand or Brand Label which has already been registered; or

4. A motion is filed by the Commissioner.

(b) If it is determined from the evidence adduced at the hearing that the Brand or Brand Label involved, including any material portion thereof, is the same as or similar to or is such a modification, substitution, upgrade or extension of, a Brand or Brand Label which has already been registered by the Manufacturer, Shipper, Importer or Broker (or a predecessor of such Brand or Brand Label) so as to render it unjust or inequitable (without cause being shown) to designate the Brand or Brand Label being so modified, substituted, upgraded or extended; then such request shall be denied or reversed, as the case may be;

(c) Provided however, that nothing in this Regulation shall be construed to prevent the Manufacturer, Shipper, Importer or Broker from treating the matter as a desire to change Wholesalers, and from proceeding under Regulation 560-2-5-.10, either before or after such determination;

(d) Any inventory of the released Brand may no longer be distributed by the Wholesaler as of the date of the letter of release as specified in Rule 560-2-5-.10(7).

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.09

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-152**,** 3-5-31**,** 3-6-22**,** 48-2-12**.**

HISTORY: Original Rule entitled "Place of Sale or Delivery of Goods" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. Mar. 23, 1977; eff. Apr. 12, 1977.

Repealed: New Rule of same title adopted. F. May 25, 1977; eff. June 14, 1977.

Amended: F. Nov. 2, 1977; eff. Nov. 22, 1977.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Farm Winery Retail Sales in Tasting Rooms" adopted. Sept. 19, 1983; eff. Oct. 9, 1983.

Repealed: New Rule entitled "Registering Additional Brand Labels" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Registering Additional Brands and Brand Labels for Designation of Wholesalers and Sales Territories; Notice to Previously Designated Wholesaler(s)." F. May 31, 2023; eff. June 20, 2023.

560-2-5-.10 Changing Brands and Brand Labels Registration, Designation of Wholesalers or Sales Territories

(1) Any Manufacturer, Shipper, Importer, or Broker desiring to change Wholesalers with respect to any Brand or Brand Label or to change the territory of a designated Wholesaler, shall file with the Commissioner, a Notice of Intention containing the following information:

(a) Name of each Brand or Brand Label involved;

(b) Case volume in Georgia for each Brand or Brand Label for the current year and the two previous years;

(c) Name of the Wholesaler currently distributing each such Brand or Brand Label;

(d) Name of the proposed new Wholesaler, the proposed scope of the sales territory, and whether such territory is different from that of the currently designated Wholesaler;

(e) Case volume of all Brands or Brand Labels of the proposed new Wholesaler for the current year and the two preceding years;

(f) Name of all persons, firms or corporations having any financial interest in the proposed new Wholesaler;

(g) If any person, firm or corporation named in subparagraph (f) above has any financial interest in any other business engaged in the sale of Alcoholic Beverages, the Department requires additional information including, but not limited to, the following:

1. Business name and address;

2. Alcohol license number;

3. Ownership interest and/or offices held; and

4. Business relationship or association.

(h) A detailed explanation of the specific business reasons for the request to change Wholesalers or to change the territory of a designated Wholesaler.

(2) Business reasons which may be considered by the Commissioner in determining cause for authorizing a change of Wholesalers or to change the territory of a designated Wholesaler include:

(a) A Wholesaler's bankruptcy or serious financial instability, including its failure consistently to pay its debts timely or its failure to meet or maintain any objective standards of capitalization expressly agreed to between the Wholesaler and the Manufacturer, Shipper, Importer, or Broker, provided such standards are determined by the Commissioner to be reasonable;

(b) A Wholesaler's repeated violation of any provision of federal or state law or regulation whether or not such violation resulted in official action;

(c) A Wholesaler's failure to maintain sales volume of the Brand or Brand Label reasonably consistent with sales volumes of other Wholesalers of that Brand or Brand Label, or a Wholesaler's failure to otherwise promote the product effectively; and

(d) Any other factors relevant to such proposed change that will aid the Commissioner in determining cause.

(3) At the same time that the original Notice of Intention is filed with the Commissioner, a copy shall be served via U.S. certified mail by the Manufacturer, Shipper, Importer, or Broker, upon each Wholesaler who may be affected by the proposed changes and a certificate of such service shall accompany the original Notice of Intention filed with the Commissioner.

(4) Any person, including the Commissioner, may file an objection to the request to change Wholesalers or to change territory designations within thirty (30) days of the date of Notice of Intention. Such written objections shall be filed with the office of the Commissioner. The objecting party shall serve a copy of the objection upon all Wholesalers who may be affected by the proposed change via U.S. certified mail.

(a) Upon the request of any party or upon motion by the Commissioner, the Commissioner shall provide at least sixty (60) days notice via U.S. certified mail to all applicable parties, hold a hearing, for the purpose of determining the truth of any matters of fact alleged by any party and determining whether the proposed changes are based upon sufficient cause and are otherwise consistent with the policies set forth in Rules 560-2-5-.08 and 560-2-5-.09;

(b) Proposed changes will not be approved for the following reasons:

1. Any change that tends to create a monopoly or lessen competition with respect to any type of Alcoholic Beverage. A proposed change or transfer that will place more than 25% of the case volume of all Distilled Spirits sold in Georgia under one Wholesaler or controlled group is presumed to be an attempt to create a monopoly and lessen competition.

2. The failure or refusal of a Wholesaler to comply with any demand or request of a Manufacturer, Shipper, Importer, or Broker which would result in a violation of any provision of federal or state law or regulation.

(c) During the thirty (30) day period as provided in paragraph (4) above, and until the proposed changes have been finally approved by the Commissioner, the party proposing the change shall continue to supply the designated Wholesaler, upon commercially reasonable terms, such reasonable quantities of the Brands or Brand Labels involved as the Wholesaler may require.

(5) If no objection is filed to the Notice of Intention as provided in this Rule, the proposed changes shall stand automatically approved by the Commissioner at the expiration of such thirty (30) day period.

(6) Any Manufacturer, Shipper, Importer, or Broker who obtains or acquires in any manner, the right to sell, ship, or distribute any Brand or Brand Label shall for the purpose of these regulations stand in the place of, and be subject to, all of the rights, privileges, duties and obligations of its predecessor or its predecessors from whom such Brands or Brand Labels were obtained or acquired.

(7) When a Brand or Brand Label is voluntarily released by a Georgia Wholesaler from distribution in Georgia, the Wholesaler must mail a letter of release via U.S. certified mail to the Manufacturer, Shipper, Importer, or Broker on company letterhead. Wholesaler shall provide a copy of the letter of release to the Alcohol and Tobacco Division of the Department within thirty (30) days of the date of the letter of release.

(a) The date of the letter of release will be considered the date upon which the Brand was withdrawn from distribution;

(b) Letters of release received by the Department after the thirty (30) day requirement will not be considered valid, and a new letter of release must be provided pursuant to the requirements in this Rule;

(c) Any inventory of the released Brand or Brand Label may no longer be distributed by the Wholesaler as of the date of the letter of release.

(8) When a Brand or Brand Label is voluntarily withdrawn from distribution in Georgia, the Manufacturer, Shipper, Importer, or Broker must mail a letter of withdrawal to the Wholesaler on company letterhead. The Manufacturer, Shipper, Importer, or Broker shall provide a copy of the letter of withdrawal to the Alcohol and Tobacco Division of the Department within thirty (30) days of the date of the letter of withdrawal.

(a) The date of the letter of withdrawal will be considered the date upon which the Brand or Brand Label is withdrawn from distribution;

(b) Letters of withdrawal received after the thirty (30) day requirement will not be considered valid, and a new letter of withdrawal must be provided pursuant to the requirements in this Rule;

(c) Any inventory of the withdrawn Brand or Brand Label may still be distributed after receipt of the letter of withdrawal by the Wholesaler.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.10

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-152**,** 3-5-31**,** 3-6-22**,** 48-2-12**.**

HISTORY: Original Rule entitled "Restriction to Retailers: Business Hours" was filed and effective on June 30, 1965.

Amended: Filed August 18, 1965; effective September 6, 1965.

Amended: Rule repealed and a new Rule of the same title adopted. Filed June 29, 1972; effective July 19, 1972.

Amended: Rule repealed and a new Rule of the same title adopted. Filed April 4, 1973; effective April 24, 1973. (This amendment was not printed because a new Rule repealing said amendment was filed a day prior to the effective date of said amendment).

Amended: Rule repealed and a new Rule o the same title adopted. Filed April 23, 1973; effective May 13, 1973.

Amended. Rule repealed and a new Rule entitled "Restriction to Retailer Business Hours: Exception: Restrictions on Other Mercantile Establishments: Manner of Operation" adopted. Filed May 25, 1977; effective June 14, 1977.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: Rule entitled "Farm Winery as Wholesaler" adopted. Filed September 19, 1983; effective October 9, 1983.

Repealed: New Rule entitled "Changing Brand or Territory Designations" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Changing Brands and Brand Labels Registration, Designation of Wholesalers or Sales Territories." F. May 31, 2023; eff. June 20, 2023.

560-2-5-.11 Allocation of Designated Brand Labels for Wine

(1) Any Manufacturer, Shipper, Importer, or Broker of Wine from a source producing less than 2,500 cases annually may designate Brand Labels for distribution by its designated Wholesaler in the applicable sales territories to select Wine Retailers for consumption on premises locations only, but shall not provide more than fifty (50) cases to any Retail Consumption Dealer during a calendar year.

(2) Upon registering any such Brand Label pursuant to Rule 560-2-5-.08 or 560-2-5-.09, the Manufacturer, Shipper, Importer, or Broker must provide an affidavit certifying the total annual production of that Brand Label.

Cite as Ga. Comp. R. & Regs. R. 560-2-5-.11

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-21.1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Restriction to Retailer's Employees" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule of the same title adopted. Filed October 23, 1969; effective November 1, 1969, as specified by the Agency.

Amended: Rule repealed and a new Rule of the same title adopted. Filed June 29, 1972; effective July 1, 1972, p. 193.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended. Rule entitled "Records of Produce Grown or Received. Including Affidavit Regarding Georgia Products" adopted. Filed September 19, 1983; effective October 9, 1983.

Repealed: New Rule entitled "Allocation of Designated Brand Labels for Wine" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-6. DISTILLED SPIRITS

560-2-6-.01 Specification of Premises

(1) Licenses for Retailers and Retail Consumption Dealers shall be displayed at each Premises.

(a) On-Premises outlets where it cannot be determined as one identifiable place of business shall require additional licenses regardless of whether the establishments have the same trade name, ownership, or management;

(b) Nothing shall require additional licenses for service bars, or portable bars used exclusively for the purpose of mixing or preparing Alcoholic Beverage drinks when these bars are accessible only to employees of the licensed establishment and from which Alcoholic Beverage drinks are prepared to be served on the licensed Premises.

Cite as Ga. Comp. R. & Regs. R. 560-2-6-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Qualifications for Licensing of Wholesalers or Retailers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Qualifications for Licensing of Wholesalers, Retailers and Consumption on Premises Licensees" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Apr. 4, 1973; eff. Apr. 24, 1973.

Amended: F. May 13, 1975; eff. June 2, 1975.

Amended: F. Mar. 23, 1977; eff. Apr. 12, 1977.

Repealed: New Rule of same title adopted. F. Nov. 2, 1977; eff. Nov. 22, 1977.

Amended: F. June 23, 1978; eff. July 13, 1978.

Repealed: New Rule entitled "Definitions" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Specification of Premises" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-6-.02 Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time All Records Must Be Maintained; Separation of Georgia Products

(1) Licensed Manufacturers shall maintain a record of all materials received on the licensed Premises for use in the production of Distilled Spirits, showing:

(a) The date of receipt;

(b) The name of the Person from whom received; and

(c) The kind and quantity of each material received.

(2) Where the licensed Manufacturer claims that the materials used are Georgia products, the record required in this Rule shall also include:

(a) An affidavit of the Person from whom the products were received that they are in fact Georgia products;

1. Where commercial invoices, bills of lading, or prescribed forms contain the required information, a separate record will not be required.

(b) The records, commercial invoices, or bills of lading shall be kept available for inspection by the Commissioner at all times during regular business hours.

(3) All materials which are Georgia products shall be kept separate from materials which are not Georgia products.

(4) Distilled Spirits manufactured from Georgia products shall be kept separate from Distilled Spirits manufactured from products that are not from Georgia.

(5) The records required by this Rule and all other records required of licensed Manufacturers shall be kept and maintained for a period of seven (7) years unless upon written application the Commissioner has authorized otherwise.

Cite as Ga. Comp. R. & Regs. R. 560-2-6-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Residence Requirements for Licensing of Wholesalers of Retailers" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Residence Requirements for Licensing of Wholesalers, Retailers and Consumption on Premises Licensees" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Residence Requirements for Licensing of Retailers, Consumption on Premises Licensees; Wholesalers" adopted. F. Apr. 5, 1976; eff. Apr. 25, 1976.

Repealed: New Rule entitled "Residence Requirements for Licensing of Wholesalers, Retailers, or Consumption on Premises Licensees" adopted. F. Mar. 23, 1977; eff. Apr. 12, 1977.

Amended: F. Nov. 28, 1977; eff. Dec. 18, 1977.

Repealed: New Rule entitled "Jurisdiction Over Territory Ceded to United States" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time all Records Must be Maintained; Separation of Georgia Products" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time All Records Must Be Maintained; Separation of Georgia Products." F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-7. MALT BEVERAGES

560-2-7-.02 Additional Reports Prohibited; Authority of Commissioner

(1) No other reports may be required of a Wholesaler except reports as provided for in these regulations.

(2) The Commissioner shall enforce the provisions of these regulations pursuant to Georgia Law, and shall:

(a) Examine all reports submitted by licensed Wholesalers;

(b) Compare the total transactions by the Wholesaler as reported by the Wholesaler in the Georgia Tax Center (GTC) or on Form ATT-123 with the sum of all reports submitted to municipalities and counties on Form ATT-122 to ensure that all municipalities and/or counties are receiving the proper tax specified;

(c) Ensure that thorough, complete, and continuing audits are conducted by auditors of the Department to verify that all local Malt Beverage taxes are collected and remitted to the proper local taxing jurisdiction;

1. Such audits shall also verify that all applicable state taxes have been paid.

2. Any discrepancy discovered during the audit shall immediately be investigated and the taxing jurisdiction concerned shall be promptly notified of such findings.

Cite as Ga. Comp. R. & Regs. R. 560-2-7-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-5-84**,** 48-2-12**.**

HISTORY: Original Rule entitled "Posting of Quantity Prices" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "When Prices Are Effective" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule of same title adopted. F. Nov. 27, 1979; eff. Dec. 17, 1979.

Repealed: New Rule entitled "Beverage Alcohol License Application. Form ATT-4" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Beverage Alcohol Retail Dealer or Retail Consumption Dealer License Application. Form CRF-009" adopted. F. July 7, 1994; eff. July 27, 1994.

Repealed: New Rule entitled "Additional Reports; Markings, Stamps Prohibited; Authority of Commissioner" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Additional Reports Prohibited; Authority of Commissioner." F. May 31, 2023; eff. June 20, 2023.

560-2-7-.03 Regulatory Agencies; Business Relations Prohibited; Conflicts of Interest

(1) No person licensed to sell Malt Beverages in Georgia shall enter into any agreement, or participate in any scheme or device with the governing authority or regulatory agency of any municipality or county, which results in such municipality or county receiving less than the total sum of Malt Beverage taxes due it as required by law.

(2) No Licensee shall permit any municipality, county or other regulatory agency to hold any pecuniary interest in such Licensee's business, nor shall any Licensee pay any governing authority rent or remuneration for its business premises above the fair market value of such premises.

(a) No Licensee shall pay any governing authority a percentage of sales or profits as a license fee or charge, or as rent for its business premises, for the purposes of evading the provisions of the Uniform Local Malt Beverage Tax.

(3) No Licensee shall employ or compensate any agent or employee of any municipality, county, or other governing authority in any manner whereby such compensation or payment of employment is based upon or related to the volume of Malt Beverages sold.

(4) No Licensee shall accept from any municipality, county, or other governing authority any rebate of any excise taxes imposed on Malt Beverages by such governing authority.

(5) No person licensed to sell Malt Beverages by the package for carryout purposes shall sell the Alcoholic Beverages at a price less than such Licensee paid for such Malt Beverages.

(a) A retail Licensee shall not pay less than the Wholesaler's price as published on its price list plus the local excise tax imposed.

(6) Violation of this Rule by any Licensee shall be grounds for suspension or revocation of the license.

Cite as Ga. Comp. R. & Regs. R. 560-2-7-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-4**,** 48-2-12**.**

HISTORY: Original Rule entitled "Wholesaler Obliged to Sell at Posted Price; Not Allowed to Refuse Sale at Posted Price" adopted. F. and eff. June 30, 1965.

Repealed: New Rule entitled "Wholesalers Obligated to Sell at Posted Price; Not Allowed to Refuse Sale at Posted Price" adopted. F. Oct. 23, 1969; eff. Nov. 1, 1969, as specified by the Agency.

Repealed: New Rule entitled "Supplement - Initial Liquor Application. Form ATT-4 Supplement" adopted. F. May 5, 1982; eff. May 25, 1982.

Repealed: New Rule entitled "Beverage Alcohol Wholesale Dealer, Importer, Broker or Manufacturer License Application. Form CRF-009-A" adopted. F. July 7, 1994; eff. July 27, 1994.

Repealed: New Rule entitled "Beverage Alcohol Wholesale Dealer, Importer, Broker or Manufacturer License Application. Form ATT-6" adopted. F. Nov. 8, 2006; eff. Nov. 28, 2006.

Repealed: New Rule entitled "Regulatory Agencies; Business Relations Prohibited; Conflicts of Interest" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-8. BREWPUBS

560-2-8-.01 Brewpubs

Upon application through the Georgia Tax Center as prescribed in Rule 560-2-2-.02, and as provided for under O.C.G.A. § 3-5-36, the Commissioner may issue a brewpub license to any brewpub in compliance with the requirements of this Act.

Cite as Ga. Comp. R. & Regs. R. 560-2-8-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-5-36**,** 3-5-37**,** 48-2-12**.**

HISTORY: Original Rule entitled "Signs inside and Outside Retail Stores; Floor Displays; Advertising on Surrounding Premises" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule of the same title adopted. Filed October 23, 1969; effective November 1, 1969, as specified by the Agency.

Amended: Filed January 7, 1976; effective January 27, 1976.

Amended: Rule repealed and a new Rule of the same title adopted. Filed July 19, 1976; effective August 8, 1976.

Amended: Filed March 23, 1977; effective April 12, 1977.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Hotel in-Room Service" adopted. Filed July 28, 1986; effective August 17, 1986.

Repealed: New Rule entitled "Brewpubs" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-8-.02 Brewpub Bonds

(1) Brewpubs are required to post with the Commissioner in the amount of $5,000.00, either:

(a) An annual or multiyear bond secured by a surety company authorized to do business in Georgia; or

(b) An irrevocable bank letter of credit, issued by a bank located in Georgia, conditioned upon prompt payment of all sums which may become due as required by all laws, rules, and regulations governing the production of Malt Beverages in Georgia.

Cite as Ga. Comp. R. & Regs. R. 560-2-8-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-5-36**,** 3-5-37**,** 48-2-12**.**

HISTORY: Original Rule entitled "Wholesaler Sign Requirement; Wholesaler Liquor Dealer" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed July 19, 1976; effective August 8, 1976.

Amended: New Rule entitled "Brewpub Bonds" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-8-.03 Monthly Report; Remittance of Taxes by Brewpubs

(1) Every licensed brewpub located within Georgia shall file a monthly report with the Commissioner on Form ATT-103, or on such other forms or through the Georgia Tax Center as the Commissioner may prescribe, setting forth all Malt Beverage produced during a specific calendar month, setting forth beginning and ending inventories for that month, providing copies of all reports filed with the United States Department of Treasury, and providing other information as the Commissioner may require to describe the completed transactions.

(2) Brewpubs shall file the monthly report no later than the fifteenth (15th) day of the next calendar month following the month of the transactions.

(3) The proper tax remittance for all production shall be included with the report.

Cite as Ga. Comp. R. & Regs. R. 560-2-8-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-5-37**,** 48-2-12**.**

HISTORY: Original Rule entitled "Licensed (Domestic) Producer Sign Requirements; Registered Distillery" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed July 19, 1976; effective August 8, 1976.

Amended: New Rule entitled "Monthly Report; Remittance of Taxes by Brewpubs" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-9. WINE

560-2-9-.01 Wine Tasting

(1) A Person conducting a Wine tasting shall have a valid Wine license issued by the Department in accordance with Rule 560-2-2-.02.

(2) Any Person without a valid Wine license issued by the Department that seeks to conduct a Wine tasting shall file Form ATT-4SP with the Department, or complete the corresponding application through the Georgia Tax Center, along with any other appropriate forms as reasonably prescribed by the Commissioner, at least ten (10) business days prior to the Wine tasting.

(a) Any nonprofit civic organization that seeks to conduct a Wine tasting and is not licensed by the Department shall also comply with the requirements set forth in O.C.G.A. § 3-9-3;

(b) Any for-profit organization that seeks to conduct a Wine tasting and is not licensed by the Department shall also comply with the requirements set forth in O.C.G.A. § 3-6-20.

(3) A Person who conducts a Wine tasting shall comply with these regulations, the Code, and the laws of the jurisdiction where the Wine tasting is being held.

(4) This permit issued under this Rule allows for the sale of Wine to be consumed on the premises where the Wine tasting is conducted as well as the sale of Packaged Wine for consumption off-premises.

Cite as Ga. Comp. R. & Regs. R. 560-2-9-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-2-6**,** 3-15-2**,** 3-15-3**,** 3-6-20**,** 3-9-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Exception for Territory Ceded to United States" adopted. F. and eff. June 30, 1965.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Applicability of These Rules" adopted. F. June 4, 1987; eff. June 24, 1987.

Amended: Rule retitled "Applicability of Rules". F. Mar. 10, 2008; eff. Mar. 30, 2008.

Repealed: New Rule entitled "Wine Tasting" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-9-.02 Wine Special Order Shipper

(1) An applicant for a Wine Special Order Shipping License shall have an approved Federal Basic Permit prior to submitting its application to the Department.

(2) The Wine Special Order Shipping License will allow a Wine manufacturer to ship Wines into Georgia directly to consumers that are:

(a) "Dessert and Table" Wines as defined by the Act;

(b) Manufactured by the applicant;

(c) Registered with the Department prior to shipping; and

(d) Unassigned or are Brands already assigned to a Wine Wholesaler.

(3) A licensee acting under this Rule shall ensure that:

(a) The shipping package is marked according to the Act;

(b) The age of the party ordering the Wine is verified by the appropriate documentation as specified in the Act;

(c) The licensee is registered with the state for a sales tax number, and the licensee is collecting and remitting all required state and local tax in accordance with the Code and these Regulations;

(d) The licensee files all appropriate forms as prescribed by the Commissioner and state law; and

(e) The licensee maintains a copy of all invoices for Wine shipped to Georgia consumers for three (3) years from the date of invoice.

Cite as Ga. Comp. R. & Regs. R. 560-2-9-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-6-1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Non-Taxation of Federal Instrumentalities; Rights and Jurisdiction Over Distilled Spirits" adopted. F. and eff. June 30, 1965.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Persons Authorized to Hold Hearings; Authority of Hearing Officer" adopted. F. June 4, 1987; eff. June 24, 1987.

Repealed: New Rule entitled "Wine Special Order Shipper" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-9-.03 Records

(1) Each Manufacturer, Shipper, Importer, Broker, Wholesaler, Distributor, Retailer, or Retail Consumption Dealer shall retain complete and accurate records of all Alcoholic Beverages manufactured, produced, purchased and sold.

(2) The records shall be kept in a form prescribed by the Commissioner.

(3) No Manufacturer, Shipper, Importer, Broker, Wholesaler, Distributor, Retailer, or Retail Consumption Dealer shall store any record concerning the shipping, invoicing, sale, payment, or storage of Alcoholic Beverages at any other location than which a license has been issued, except upon the written approval of the Commissioner.

(4) A Manufacturer, Shipper, Importer, Broker, Wholesaler, Distributor, Retailer, or Retail Consumption Dealer may be required to appear before the Commissioner to show cause as to why the Shipper's license to ship into or within Georgia should not be revoked or suspended, have its bond forfeited, or both for failure to comply with this Rule.

Cite as Ga. Comp. R. & Regs. R. 560-2-9-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Federal Instrumentality as First Purchaser" adopted. F. and eff. June 30, 1965.

Repealed: F. May 5, 1982; eff. May 25, 1982.

Amended: New Rule entitled "Nature of the Proceeding; Hearing Procedure; Burden of Proof" adopted. F. June 4, 1987; eff. June 24, 1987.

Amended: F. Mar. 10, 2008; eff. Mar. 30, 2008.

Repealed: New Rule entitled "Records" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-9-.04 Mead or Honey Wine; Manufacture, Distribution, Transportation, Sale

(1) A proprietor shall first obtain federal approval of its formula and the process by which the Mead or Honey Wine is manufactured before applying with the Department for a license.

(2) The sale, manufacture, transportation, and distribution of Mead or Honey Wine shall be governed by the same regulations promulgated for Wine as established by the Act, unless specifically stated to the contrary.

Cite as Ga. Comp. R. & Regs. R. 560-2-9-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 48-2-12**.**

HISTORY: Original Rule entitled "Military Establishment Acting as Federal Instrumentalities" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: A new Rule entitled "Evidence; Official Notice" was filed on June 4, 1987; effective June 24, 1987.

Repealed: New Rule entitled "Mead or Honey Wine; Manufacture, Distribution, Transportation, Sale" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-10. FARM WINERIES

560-2-10-.01 Farm Wineries

(1) Farm wineries, as defined by this Title, may be licensed by application on forms provided by the Commissioner or through the Georgia Tax Center upon compliance with the following requirements:

(a) Approval of an application to the Commissioner;

(b) Payment of the proper license fee; and

(c) Compliance with all applicable Federal, State, and local government laws and regulations.

(2) A farm winery license shall authorize the farm winery to operate a tasting room on the Premises of the winery and to sell its products at retail at the winery.

(3) Farm winery Licensees may be licensed to sell their products at wholesale or retail in accordance with Rules 560-2-10-.02 and 560-2-10-.03.

Cite as Ga. Comp. R. & Regs. R. 560-2-10-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-6-21.1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Correct Labeling" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Correct Labeling; Private Labeling" adopted. Filed July 19, 1976; effective August 8, 1976.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: Rule entitled "Beverage Alcohol Catering Events; Authorized" adopted. F. Apr. 14, 1993; eff. May 4, 1993.

Repealed: New Rule entitled "Farm Wineries" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-10-.02 Farm Winery Retail Sales in Tasting Rooms

(1) Farm wineries may, upon approval of the Commissioner, sell Wine in closed Packages at retail for consumption off the premises in tasting rooms exclusively owned and operated by the winery at no more than five (5) locations other than the Premises of the farm winery.

(2) All other locations must be independently licensed as a Retailer for the sale of Wine as provided by this Title and these regulations.

Cite as Ga. Comp. R. & Regs. R. 560-2-10-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-6-21.2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Case Markings" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: Rule entitled "Qualifications of Beverage Alcohol Catering Licensees" adopted. F. Apr. 14, 1993; eff. May 4, 1993.

Repealed: New Rule entitled "Farm Winery Retail Sales in Tasting Rooms" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-10-.03 Farm Winery as Wholesaler

(1) A farm winery may only be licensed as a Wholesaler after receiving written notice from a licensed Wholesaler that the Wholesaler is rejecting the winery's offer to sell its Wine.

(a) The offer and the rejection shall be in writing on company letterhead;

(b) The letters shall be submitted along with the winery's application for a Wholesaler license.

(2) Upon application to the Commissioner pursuant to Rule 560-2-10-.01 a farm winery may be issued a Wine Wholesaler license provided that:

(a) The application shall be in the same name as that of the farm winery;

(b) The license fee is paid; and

(c) A surety bond in an amount equal to the tax value in excess of $5,000.00 has been provided.

Cite as Ga. Comp. R. & Regs. R. 560-2-10-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**,** 3-6-21.1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Through-Shipment Permit" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: Rule entitled "Miscellaneous Requirements, Restrictions on Sales; Prohibitions" adopted. F. Apr. 14, 1993; eff. May 4, 1993.

Repealed: New Rule entitled "Farm Winery as Wholesaler" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-10-.04 Records of Agricultural Products; Affidavit for Georgia Products

(1) Licensed farm wineries shall maintain a record of all produce grown on the licensed Premises for use in the production of Wine, showing:

(a) The date of harvest;

(b) Quantity by weight; and

(c) Definition of produce by type.

(2) Licensed farm wineries shall maintain a record of all berries, fruits, grapes, or bulk Wines received on the licensed Premises for use in the production of Wine, showing the date of receipt, quantity, description, and the name and address of the person from whom received.

(3) Where the licensed farm winery claims that the berries, fruits, or grapes are Georgia-grown products, the records shall include an affidavit of the person from whom the berries, fruits or grapes were received, stating that they are in fact Georgia-grown products.

(a) Where commercial invoices, bills of lading, or prescribed forms contain the required information, an affidavit will not be required.

Cite as Ga. Comp. R. & Regs. R. 560-2-10-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-6-21.1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Through-Shipment Regulations" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed May 5, 1932; effective May 25, 1982.

Amended: Rule entitled "Transportation and Delivery of Catered Beverages adopted. F. Apr. 14, 1993; eff. May 4, 1993.

Repealed: New Rule entitled "Records of Produce; Affidavit for Georgia Products" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Records of Agricultural Products; Affidavit for Georgia Products." F. May 31, 2023; eff. June 20, 2023.

560-2-10-.05 Wine In Bulk; Separation of Wine

(1) Farm wineries are authorized to sell, deliver, and ship Wine in bulk to other farm winery Licensees inside Georgia and are further authorized to acquire and receive deliveries and shipments of Wine made within Georgia by farm winery Licensees inside Georgia.

(2) Wines contained or stored in bulk shall be identified as such and include:

(a) The origin of the berries, fruits, or grapes used in the production of Wine; and

(b) The percentage of the bulk Wine made from Georgia grown berries, fruits, or grapes.

(3) Dessert and table Wines shall be stored separately.

(4) Table Wines produced from at least forty percent (40%) Georgia-grown berries, fruits, or grapes shall be stored separately from table Wines produced from less than forty percent (40%) Georgia-grown berries, fruits, or grapes.

Cite as Ga. Comp. R. & Regs. R. 560-2-10-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-6-21.1**,** 48-2-12**.**

HISTORY: Original Rule entitled "Lost or Stolen Goods; Notification" was filed and effective on June 30, 1965.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: Rule entitled "Advertising of Catered Beverages" adopted. F. Apr. 14, 1993; eff. May 4, 1993.

Repealed F Mar. 10, 1997; eff. Mar. 30, 1997.

Amended: New Rule entitled "Wine In Bulk; Separation of Wine" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-10-.06 Monthly Reports of Production

(1) Licensed farm wineries shall file a monthly report of production with the Commissioner on such forms or through the Georgia Tax Center as the Commissioner may prescribe.

(2) Exact copies of each report sent to the United States Treasury and any other such documents that the Commissioner may require shall be attached to the monthly report submitted to the Department.

Cite as Ga. Comp. R. & Regs. R. 560-2-10-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Loss or Destruction of Tax Paid Goods; Refund" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Mutilated Tax Stamps" adopted. Filed October 23, 1969; effective November 1, 1969, as specified by the Agency.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: Rule entitled "Violations" adopted. F. Apr. 14, 1993. eff. May 4, 1993.

Repealed: New Rule entitled "Monthly Reports of Production" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-12. LIMOUSINE

560-2-12-.01 Definitions

(1) As used in these regulations:

(a) "Carrier" shall mean a limousine as defined in O.C.G.A. § 40-1-151 and:

1. Has been issued a certificate in accordance with Article 3 of Chapter 1 of Title 40;

2. Has its vehicles registered with the Department; and

3. Is authorized by the Department to sell Alcoholic Beverages.

(b) "Contracting Customer" shall mean the person who:

1. Is the contracting party retaining the services of the Carrier;

2. Is liable for payment of the services; and

3. Is a passenger in the Registered Vehicle for the duration of the contracted time period.

(c) "Limousine" shall mean a vehicle as defined in O.C.G.A. § 40-1-151;

(d) "Permitted Employee" shall mean a Carrier's employees or agents or contractors who have been:

1. Retained by the Carrier to drive its Registered Vehicles;

2. Issued an approved chauffeur certificate in accordance with O.C.G.A. § 40-16-2; and

3. Listed by the Carrier with the Department as a driver of the Carrier's Registered Vehicles.

(e) "Registered Vehicle" shall mean a limousine that:

1. Is owned or leased by a Carrier;

2. Has been registered by the Carrier with the Department to allow for the sale of Alcoholic Beverages; and

3. Has been posted with the Department's sticker and all other required signage under these regulations.

Cite as Ga. Comp. R. & Regs. R. 560-2-12-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-9-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "License Application Form 63/600" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "License Application Form ATT-16" adopted. Filed November 22, 1972; effective December 12, 1972.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Definitions" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-12-.02 Limousine Carrier License Application for the Sale of Alcoholic Beverages

(1) An applicant for a Limousine Carrier Alcoholic Beverage License shall:

(a) Submit a completed application to the Department in the form and manner prescribed by the Department.

(b) The application must include:

(i) A list of Carrier's vehicles that will be selling Alcoholic Beverages including:

I. Year, make and model;

II. Vehicle Identification Number (VIN); and

III. License plate number.

(ii) A list of all drivers, agents, or contractors who may drive a Registered Vehicle, including:

I. Name and residential address;

II. Date of birth; and

III. Georgia Driver's License Number.

(iii) Copy of each driver's Chauffeur's Permit issued by the Department of Driver Services;

(iv) Copy of the certificate issued pursuant to Article 3 of Chapter 1 of Title 40;

(v) A license fee of $50.00 with application; and

(vi) A registration fee of $15.00 for each vehicle operated by the Carrier that will sell Alcoholic Beverages.

Cite as Ga. Comp. R. & Regs. R. 560-2-12-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-9-6**,** 40-1-162**,** 40-16-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Personnel Statement Form 59-600A" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Personnel Statement Form ATT-17" adopted. Filed November 22, 1972; effective December 12, 1972.

Amended: Rule repealed and a new Rule of the same title adopted. Filed April 4, 1973; effective April 24, 1973.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "License Application for Sale of Alcoholic Beverages" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Limousine Carrier License Application for the Sale of Alcoholic Beverages." F. May 31, 2023; eff. June 20, 2023.

560-2-12-.03 Alcoholic Beverage License

(1) Upon the Department's approval of a Carrier's application, the Department shall issue a nontransferable license for a term of one (1) calendar year with an expiration date of December 31 to the Carrier and the appropriate Department sticker for each Registered Vehicle.

(a) Application and renewal for the license shall be made prior to November 1 for the succeeding calendar year.

(2) A Registered Vehicle shall be subject to inspection by the Commissioner or the Commissioner's agents for the purpose of inspecting the Premises and enforcing applicable laws and regulations.

(3) A Carrier shall:

(a) Comply with all applicable local laws, state laws, and regulations concerning the sale of Alcoholic Beverages by a Retail Consumption Dealer;

(b) Post the signs required by O.C.G.A. §§ 3-1-5 and 3-3-24.2 in each Registered Vehicle of the Carrier so that the signs are readily visible to all occupants of the Registered Vehicle;

(c) Maintain a current limousine carrier certificate as required by the Code; and

(d) Register all vehicles in which Alcoholic Beverages will be sold and affix the required Department sticker.

1. The sticker shall be affixed in the bottom left portion of the rear windshield so as to be visible from the outside.

2. The sticker issued to the Carrier shall not be transferable to another vehicle or owner.

(4) Annually a Carrier shall:

(a) Submit a renewal application and remit a license fee of $50.00; and

(b) Remit a renewal registration fee of $15.00 for each vehicle operated by the Carrier that will sell Alcoholic Beverages.

(5) A Carrier is authorized to obtain and purchase Alcoholic Beverages only from a Georgia licensed retail Alcoholic Beverage dealer.

(6) Failure to meet all requirements of this Regulation may result in suspension or revocation of the Carrier's Alcoholic Beverage license.

Cite as Ga. Comp. R. & Regs. R. 560-2-12-.03

AUTHORITY: O.C.G.A. §§ 3-1-5**,** 3-2-2**,** 3-9-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Bond Form AT-59-604" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Bond Form ATT-59-604" adopted. Filed November 22, 1972; effective December 12, 1972.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Alcoholic Beverage License" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-12-.04 Duties of Carrier

(1) All Carriers selling Alcoholic Beverages shall:

(a) Notify the Department within fifteen (15) calendar days of employment of new employees who may operate a Registered Vehicle or existing employees who may be selected to operate a Registered Vehicle, in each case also providing the information required for new employees under Rule 560-2-12-.02(1)(b)(ii); and

(b) Store all stocked Alcoholic Beverages in an enclosed, locked, tamper-proof container permanently attached to the inside of the Registered Vehicle.

1. The container shall be in a fixed location not accessible to the operator of the Registered Vehicle.

(2) All Distilled Spirits stocked by the Carrier shall:

(a) Be in unbroken Packages; and

(b) Be sold in fifty (50) milliliter bottles only.

(3) All Carriers shall maintain a copy of:

(a) The Carrier's license to sell Alcoholic Beverages in each Registered Vehicle; and

(b) Each driver's Chauffeur's Permit issued pursuant to O.C.G.A. § 40-16-2.

(4) A copy of the signed and dated contract for limousine service between the Contracting Passenger and the Carrier shall be kept with the alcohol receipts of sales to that Passenger.

(5) A Licensee shall maintain for three (3) years from the date of purchase of the Alcoholic Beverages separate records relating to the purchase and sale of Alcoholic Beverage for the Carrier's Registered Vehicles as specified in O.C.G.A. § 3-3-6 and these Regulations.

(6) Upon the first violation of these Regulations, a Carrier shall be subject to revocation of registration of the vehicle involved in the violation for one (1) year and the offending driver shall be removed from the Carrier's list of Permitted Employees.

(7) A subsequent violation within three (3) years of any prior violation of these Regulations by a Carrier for the sale of Alcoholic Beverages from an unregistered vehicle or the sale of Alcoholic Beverages by a non-Permitted Employee of the Carrier shall result in revocation or suspension of the Carrier's license to sell Alcoholic Beverages in any of the Carrier's vehicles for a minimum of one (1) year.

Cite as Ga. Comp. R. & Regs. R. 560-2-12-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-3-6**,** 3-9-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Resident Representative Application Form 64-304" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Resident Representative Application Form ATT-25" adopted. Filed November 22, 1972; effective December 12, 1972.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Duties of Carrier" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-12-.05 Driver's Duties

(1) An employee not permitted with the Department shall not operate any Registered Vehicle when Alcoholic Beverages are stocked in the vehicle.

(2) The Permitted Employee of the Registered Vehicle shall:

(a) Not serve any Alcoholic Beverage to any passenger;

(b) Verify before any passengers are allowed to enter the vehicle that the Contracting Customer is of legal drinking age and will be a passenger in the vehicle during the entire contract period;

(c) Upon verification of the Contracting Customer's legal drinking age, provide the Contracting Customer with access to the secure container where the Alcoholic Beverages are stored;

(d) Be responsible for ensuring that all partially consumed Alcoholic Beverages left in the Registered Vehicle are delivered to the Carrier's main facility for disposal;

(e) Maintain a copy in the Registered Vehicle of the driver's Chauffeur's Permit issued pursuant to O.C.G.A. § 40-16-2; and

(f) Maintain a copy in the Registered Vehicle of the certificate issued to Carrier pursuant to Article 3 of Chapter 1 of Title 40.

(3) No passenger shall be permitted to remove any stocked or partially consumed Alcoholic Beverage from the Registered Vehicle.

(4) When Alcoholic Beverages have been ordered by any passenger(s), the sale shall be evidenced by a signed receipt indicating:

(a) Which passenger(s) ordered Alcoholic Beverages;

(b) The identity of the Alcoholic Beverages sold; and

(c) The quantity of the Alcoholic Beverages that were sold.

Cite as Ga. Comp. R. & Regs. R. 560-2-12-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-9-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Application for Registration of Producer Form 64-302-1" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Application of Registration of Producer Form ATT-24" adopted. Filed November 22, 1972; effective December 12, 1972.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Driver's Duties" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-12-.06 Contracting Customer

(1) If the Contracting Customer is a legal entity other than a natural person, then any natural person who is an authorized agent of the legal entity may assume the role of Contracting Customer upon presentation of documentation establishing such person as an authorized agent.

(2) A Contracting Customer, who is a natural person may, prior to the use of the Registered Vehicle, designate another natural person of legal age for purchasing of Alcoholic Beverages to be the Contracting Customer, provided both parties notify the Carrier in writing about their agreement.

(a) Upon presentation of the written agreement to the Carrier, the designated natural person shall assume all responsibility of the Contracting Customer for the purchase of Alcoholic Beverages.

Cite as Ga. Comp. R. & Regs. R. 560-2-12-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-9-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Application for Joint Registration Form 64-302-2" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule entitled "Application for Joint Registration Form ATT-27" adopted. Filed November 22, 1972; effective December 12, 1972.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Contracting Customer" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-13. ALCOHOLIC BEVERAGE CATERING

560-2-13-.01 Alcoholic Beverage Catering; Qualifications

(1) Any establishment which obtains and holds all the required licenses and permits and otherwise complies with the provisions contained in these regulations shall be authorized to sell, transport, deliver, and dispense Alcoholic Beverages for which a license was obtained.

(2) In order to qualify as an Alcoholic Beverage caterer, the caterer must satisfy the following requirements:

(a) The caterer must be the holder of either:

1. A valid state Retailer of Distilled Spirits license;

2. A valid state Retail Consumption Dealer license;

3. A valid state Retailer of Malt Beverages license; or

4. A valid state Retailer of Wine license.

(b) The caterer must also be the holder of:

1. A valid local Alcoholic Beverage license; and

2. A valid local catering event permit issued by the local governing authority in the jurisdiction where the event is to be held, except where catering events are authorized in that local jurisdiction but the local governing authority does not issue such permits.

(3) The caterer may only sell the types of Alcoholic Beverages for which the caterer has obtained a state license.

Cite as Ga. Comp. R. & Regs. R. 560-2-13-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-11-2**,** 3-11-3**,** 3-11-5**,** 48-2-12**.**

HISTORY: Original Rule entitled "Airline and Railway Passenger Carriers; Authorization to Sell and Distribute: Container Size; Annual Authorization; Fee; Payment of Excise Taxes; Reports; Remittance" was filed on January 30, 1975; effective February 19, 1975.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Alcoholic Beverage Catering; Qualifications" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-13-.02 Requirements; Restrictions; Prohibitions

(1) All sales of Alcoholic Beverages in connection with an authorized catered event shall be paid for in cash.

(a) All other Alcoholic Beverage sales will be subject to restrictions and requirements imposed by other Department regulations; and

(b) The acceptance of checks, debit cards, and credit cards shall be deemed the same as cash and are subject to the requirements and restrictions imposed by other Department regulations.

(2) No Distilled Spirits which exceed ten percent (10%) alcohol by volume may be sold in containers smaller than 750 milliliters in connection with an authorized catered event.

(3) All sales are final and in no case will broken Packages of Alcoholic Beverages be removed or returned by the licensed Alcoholic Beverage caterer from the site of the authorized catered event to his or her place of business or any other location.

(a) All returns of unbroken Packages must be documented on the Quantity-Destination report;

(b) Return of unbroken Packages of Alcoholic Beverages shall be handled as a "no sale"; and

(c) Leftover broken Packages of Alcoholic Beverages shall be the property of the event sponsor.

(4) The licensed Alcoholic Beverage caterer must provide all personnel needed to handle the Alcoholic Beverages at the authorized catered event.

(a) The handling of Alcoholic Beverages shall include, but is not limited to:

1. Bartending services;

2. Dispensing;

3. Serving; and

4. Providing or furnishing Alcoholic Beverages.

(b) Employees of a licensed Alcoholic Beverage caterer must be twenty-one (21) years of age or older in order to dispense, serve, sell, or handle Alcoholic Beverages at any authorized catered event.

(5) The sale of Alcoholic Beverages shall only be allowed on Sunday by an Alcoholic Beverage caterer if the sale is authorized on Sunday by Georgia Laws and local ordinances.

(6) It shall be a violation of these regulations for a licensed Alcoholic Beverage caterer to violate a local ordinance with respect to the sale or transportation of Alcoholic Beverages in connection with an authorized catered event.

(a) Except as provided for in this Subject 560-2-13, there shall be no other transportation of Alcoholic Beverages by Retailers or Retail Consumption Dealers.

(7) The licensed Alcoholic Beverage caterer shall notify the Commissioner in writing of the site of the authorized catered event.

(a) The notification shall also contain any other information as the Commissioner may require; and

(b) The notification must be received by the Department at least five (5) business days prior to the authorized catered event.

(8) The licensed Alcoholic Beverage caterer shall keep on file at his place of business for no less than three (3) years:

(a) All Beverage Alcohol Quantity/Destination Reports on Form ATT-CA-1;

(b) Local catering event permits;

(c) The names and identification information of all personnel assigned to work each function; and

(d) All other documents, records, and reports required by Georgia law and Department regulations.

(9) The licensed Alcoholic Beverage caterer is required to notify sponsors of authorized catered events of the authority of the Commissioner or his agents to enter upon the premises of an authorized catered event for the purpose of inspection and enforcement of these regulations and all other laws and regulations pertaining to the sale, possession, dispossession, and distribution of Alcoholic Beverages.

Cite as Ga. Comp. R. & Regs. R. 560-2-13-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-11-5**,** 48-2-12**.**

HISTORY: Original Rule entitled "Authority, of Agents; Availability of Records; Inspection of Records" was filed on January 30, 1975; effective February 19, 1975.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Requirements; Restrictions; Prohibitions" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-13-.03 Transportation and Delivery

(1) The transportation and delivery of Alcoholic Beverages by a licensed Alcoholic Beverage caterer is subject to the following requirements and restrictions:

(a) Delivery of Alcoholic Beverages by a licensed Alcoholic Beverage caterer shall be made only in connection with a permitted catered event;

(b) Deliveries not meeting the requirements as set forth in these regulations shall be a violation of these regulations and other Department regulations governing the transportation of Alcoholic Beverages by Retailers and Retail Consumption Dealers;

(c) Violation of these regulations shall be cause for the suspension or revocation of Licensee's Alcoholic Beverage licenses and/or forfeiture of Licensee's bond by the Commissioner;

(d) All Alcoholic Beverages transported in violation of these regulations shall be declared contraband and subject to seizure by the Commissioner or the Commissioner's agents;

(e) The transportation and delivery of Alcoholic Beverages shall be made in unbroken Packages only to the permitted event site by the Licensee of an Alcoholic Beverage catering establishment or employees of the Licensee who are twenty-one (21) years of age or older;

(f) Vehicles used by a licensed Alcoholic Beverage caterer for the transportation and delivery of Alcoholic Beverages in connection with a permitted catered event shall be marked only with the state license number;

1. The lettering shall be two (2) inches high and one (1) inch wide on each side of the vehicle.

2. No other wording or advertisements relating to the catering service shall be allowed.

(g) While transporting and delivering Alcoholic Beverages in connection with an authorized catered event, the licensee or the employee of the licensed Alcoholic Beverage caterer shall have in his or her possession all of the following items:

1. A copy of the caterer's valid state Alcoholic Beverage license.

2. A copy of the caterer's valid local Alcoholic Beverage catering event permit from the local governing authority in the jurisdiction where the event is being held.

3. The Alcohol Beverage Catering Quantity/ Destination Report.

(h) Delivery of all Alcoholic Beverages by a Licensee to an authorized catered event must be made in unbroken containers; and

(i) The serving of all Alcoholic Beverages at the authorized catered event must be by the drink.

Cite as Ga. Comp. R. & Regs. R. 560-2-13-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-11-5**,** 48-2-12.

HISTORY: Original Rule entitled "Sale and Distribution Subject to Laws and Regulations: Regulation by Commissioner" was filed on January 30, 1975; effective February 19, 1975.

Amended: Rule repealed. Filed May 5, 1982; effective May 25, 1982.

Amended: New Rule entitled "Transportation and Delivery" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-13-.04 Violations

Any violation of these regulations will be considered a violation of the Licensee's state Alcoholic Beverage license and shall be sufficient cause for the suspension or revocation of the license and/or the forfeiture of the Licensee's bond.

Cite as Ga. Comp. R. & Regs. R. 560-2-13-.04

AUTHORITY: O.C.G.A. §§ 3-2-3**,** 3-3-1**,** 3-3-2**,** 3-4-22**,** 3-5-25.1**,** 3-6-21**,** 3-11-5**,** 48-2-12**.**

HISTORY: Original Rule entitled "Violations" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-14. NON-BEVERAGE ALCOHOL

560-2-14-.01 Manufacturing and Importing Ethyl Alcohol

(1) Manufacture or importation of ethyl alcohol is to be used exclusively for the uses enumerated herein as necessary and appropriate to ensure that such ethyl alcohol is not directed to be used as a beverage or as a Distilled Spirit in contravention of law and evasion of federal, state, and local excise taxes and license fees. Enumerated purposes are:

(a) Non-beverage scientific;

(b) Chemical;

(c) Mechanical;

(d) Industrial;

(e) Medicinal; or

(f) Culinary purposes.

(2) Every Person, firm, corporation or organization who desires to import or manufacture non-beverage ethyl alcohol exclusively for any of the uses enumerated in paragraph (1) above shall first obtain a license from the Department by completing an application through the Georgia Tax Center (GTC) for a non-beverage distillery, manufacture, or importer license.

(a) Each application for a non-beverage manufacturer's, distiller's, or importer's license shall also include:

1. A personnel statement and a set of fingerprint cards, as prescribed by the Department, for each owner or owners and for principal employees such as manager, foreman, superintendent, etc.;

2. An accurate and precise description of the exact location where any non-beverage manufacturing or importing facility is to be located;

3. A copy of a valid Operating Permit or other proper authorization issued to the applicant by the U.S. Alcohol and Tobacco Tax and Trade Bureau; and

4. A copy of approval from all applicable local governing authorities for the construction and operation of the non-beverage manufacturing or importing facility.

(3) When all of the requirements of paragraph (2) of this Rule and all other legal requirements are met, a license for the non-beverage manufacture or importation of ethyl alcohol solely for non-beverage use shall be issued by the Commissioner at no cost to the applicant.

(4) Licensees under this Rule must renew the license by applying for renewal each year through GTC. Any non-beverage alcohol license issued or renewed by the Commissioner is valid for the remainder of the calendar year in which it is issued. The Commissioner may authorize Licensees who have filed an application for renewal to operate until the license has been renewed or denied.

(5) Each non-beverage manufacturing or importing facility issued a non-beverage alcohol license pursuant to this Regulation shall be subject to inspection by federal, state, and local law enforcement officers at all times.

(6) Each Licensee shall maintain all invoices, bills of lading, reports, books, papers, or documents of whatever nature involving all transactions relating to the purchase, sale, distribution, storage, manufacture, importation, or handling of ethyl alcohol in any manner.

(a) The records and documents shall be maintained at the Licensee's place of business for a period of three (3) years unless permission for disposal of such records prior to the expiration of three (3) years is obtained in writing from the Commissioner.

(7) Each Licensee manufacturing or importing ethyl alcohol for use as fuel shall be properly registered with the Motor Fuel Tax Section of the Department.

(8) All license applications shall be a permanent record, and all Licensees shall comply with and be subject to the provisions of Rule 560-2-6-.01 of these regulations.

(9) The Commissioner may deny a license to any applicant who has been convicted of any crime involving the illegal sale or manufacture of Alcoholic Beverages.

(10) The failure of any Person, firm, corporation, or organization holding such license under these regulations to meet any obligations imposed by any tax laws of Georgia or to otherwise comply with any requirements of law shall be grounds for suspension or revocation of the license.

Cite as Ga. Comp. R. & Regs. R. 560-2-14-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-4-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Sunday Sales Authorized-Certain Cities; Restrictions" was filed on July 19, 1976; effective August 8, 1976.

Amended: Rule repealed. Filed September 25, 1978; effective October 15, 1978.

Amended: New Rule entitled "Alcohol; Ethyl Alcohol; License Required; Inspection; Records; Motor Fuel Registration; Applications Permanent Record" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Manufacturing and Importing Ethyl Alcohol." F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-15. MILITARY & CONSULS

560-2-15-.01 Jurisdiction Over Territory Ceded to United States - Military & Consuls

The Commissioner asserts the right to regulate and control the manufacture, sale, and transportation of Alcoholic Beverages within Georgia, including over any territory within the historical boundaries of the State of Georgia but ceded to the United States.

Cite as Ga. Comp. R. & Regs. R. 560-2-15-.01

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Bingo Law; Regulations; Obligations" was filed as Emergency Rule 560-2-15-0.3-.01 on December 27, 1978, having become effective December 22, 1978, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 560-2-15-0.3-.01. Filed February 23, 1979; effective March 15, 1979.

Amended: Rule repealed. Filed August 22, 1980; effective September 11, 1980.

Amended: New Rule entitled "Jurisdiction over Territory Cede to United States - Military & Consuls" adopted F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: New title, "Jurisdiction Over Territory Ceded to United States - Military & Consuls." F. May 31, 2023; eff. June 20, 2023.

560-2-15-.02 Federal Instrumentality as First Purchaser

(1) The tax imposed by the Act is an excise tax levied upon the first sale, use, or possession of Alcoholic Beverages in Georgia, and where a federal instrumentality is the first purchaser, the transaction is not taxable.

(2) Federal instrumentalities who wish to sell Alcoholic Beverages to authorized patrons in quantities in excess of those authorized by O.C.G.A. § 3-3-8 for use and consumption outside the boundaries of the federal instrumentality are authorized to purchase tax-paid Alcoholic Beverages from licensed Georgia Wholesalers; however, no refund of the tax may be made on such transactions.

Cite as Ga. Comp. R. & Regs. R. 560-2-15-.02

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Definitions" was filed as Emergency Rule 560-2-15-0.3-.02 on December 27, 1978, having become effective December 22, 1978, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 560-2-15-0.3-.02. Filed February 23, 1979; effective March 15, 1979.

Amended: Rule repealed. Filed August 22, 1980; effective September 11, 1980.

Amended: New Rule entitled "Federal Instrumentality as First Purchaser" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-15-.03 Military Purchases

(1) (a) Military reservations acting as federal instrumentalities are hereby authorized to purchase tax-free Distilled Spirits from licensed Georgia Wholesalers, and the Wholesalers are authorized to sell and deliver Distilled Spirits to authorized purchasers from stock on hand subject to the following procedures:

1. Purchase orders submitted by federal instrumentalities must be maintained on file at the Wholesaler's Place of Business for auditing and inspection by the Department.

(i) No credits to Wholesalers for tax-free Distilled Spirits sold to federal instrumentalities shall be given unless required documents to substantiate the sale and delivery are available upon audit or inspection at the Wholesaler's Place of Business.

2. The Wholesaler shall deliver the Distilled Spirits only to the federal instrumentality through an authorized military officer, who shall sign for the Distilled Spirits received and who shall obligate the federal instrumentality for payment in full for the order.

(i) The sales invoice signed by the authorized receiving officer shall be returned and filed at the Wholesaler's Place of Business.

(2) Malt Beverages.

(a) Manufacturers, Brokers, Importers, and Shippers of Malt Beverages are authorized to ship Military Beer to Georgia licensed Wholesalers for distribution and sale to authorized military installations.

(b) No brewer, Manufacturer, Importer or Broker of Malt Beverages, or Representatives shall sell, offer to sell, ship, or cause to be shipped, or solicit for shipment or sale any Military Beer within or into Georgia except to a licensed Wholesaler and in accordance with the rules and regulations of the Commissioner.

(3) Wine.

(a) Purchase orders for tax-free Wines shall be transmitted through a licensed Wholesaler and that Wholesaler is authorized to sell and deliver the Wines to authorized purchasers from stock on hand subject to the following procedures:

1. Purchase orders submitted by federal instrumentalities must be maintained on file at the Wholesaler's Place of Business for audit and inspection by the Department.

2. The Wholesaler shall deliver the ordered Wines only to a military officer authorized to receive the Wines, and the receiving officer shall sign for the Wines received.

(i) The sales invoice signed by the authorized receiving officer shall be returned and filed at the Wholesaler's Place of Business.

3. No credits to the Wholesaler for tax-free Wines sold to federal instrumentalities shall be given unless required documents to substantiate the sale are available upon audit or inspection at the Wholesaler's Place of Business.

Cite as Ga. Comp. R. & Regs. R. 560-2-15-.03

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Operation of Bingo Games; License Required" was filed as Emergency Rule 560-2-15-0.3-.03 on December 27, 1978, having become effective December 22, 1978, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 560-2-15-0.3-.03. Filed February 23, 1979; effective March 15, 1979.

Amended: Rule repealed. Filed August 22, 1980; effective September 11, 1980.

Amended: New Rule entitled "Military Purchases" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-15-.04 Tax-Paid Alcoholic Beverages

(1) Licensed Alcoholic Beverage Wholesalers may sell tax-paid Alcoholic Beverages to military reservations authorized to purchase Alcoholic Beverages.

(2) No credit or refund of the tax shall be made to Alcoholic Beverage Wholesalers for the sale of tax-paid Alcoholic Beverages to military reservations.

Cite as Ga. Comp. R. & Regs. R. 560-2-15-.04

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "Registration; Licensing Requirements" was filed as Emergency Rule 560-2-15-0.3-.04 on December 27, 1978, having become effective December 22, 1978, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 560-2-15-0.3-.04. Filed February 23, 1979; effective March 15, 1979.

Amended: Rule repealed. Filed August 22, 1980; effective September 11, 1980.

Amended: New Rule entitled "Tax-Paid Alcoholic Beverages" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-15-.05 Restrictions to Military Reservations

(1) Military Liquors, Military Beer, and Military Wine purchased pursuant to Subject 560-2-15 shall be sold or purchased on military reservations only by persons authorized to sell or purchase Alcoholic Beverages.

(2) The possession of Military Liquors, Beer, or Wine purchased pursuant to Subject 560-2-15 off the military reservation in quantities in excess of those authorized by O.C.G.A. § 3-3-8 shall constitute the possession of non-tax paid Alcoholic Beverages subject to all laws and regulations relating to non-tax paid Alcoholic Beverages.

Cite as Ga. Comp. R. & Regs. R. 560-2-15-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 48-2-12**.**

HISTORY: Original Rule entitled "License Expiration; Renewals" was filed as Emergency Rule 560-2-15-0.3-.05 on December 27, 1978, having become effective December 22, 1978, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 560-2-15-0.3-.05. Filed February 23, 1979; effective March 15, 1979.

Amended: Rule repealed. Filed August 22, 1980; effective September 11, 1980.

Amended: New Rule entitled "Restrictions to Military Reservations" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-2-15-.06 Consuls

(1) This Rule is promulgated pursuant to the Vienna Convention on Consular Relations of April 24, 1963, 21 U.S.T. 77, T.I.A.S. 6820, and other treaties in force between the United States of America and foreign states on the subject of consular relations.

(a) The purpose of this Regulation is to provide a procedure for extending certain exemptions guaranteed by these treaties to Consular Officers located in Georgia.

(2) The tax imposed by the Act is an excise tax levied upon the first purchase or sale of Alcoholic Beverages imported into Georgia.

(a) Where a Consular Officer imports Alcoholic Beverages directly from abroad or from a federally bonded warehouse for the official use of the Consular Post or for the personal use of the Consular Officer or members of his family forming part of his household, the transaction is exempt from Georgia Alcoholic Beverages excise tax under the multilateral consular convention referred to in paragraph (1) of this Rule if the Consular Officer's sending state is a party to the convention or another treaty with the United States of similar import.

(3) Consular Officers are authorized to purchase and import directly from abroad and from federally bonded warehouses located in the United States Alcoholic Beverages free from Georgia Alcoholic Beverages excise tax under the procedures and subject to the restrictions set forth in this Rule.

(a) Consular Officers may purchase tax-free Alcoholic Beverages directly from abroad by notifying the Department of the proposed importation on a form provided by the Department;

(b) Consular Officers may purchase tax-free Alcoholic Beverages from a federally bonded warehouse by submitting purchase orders to the Alcohol and Tobacco Division, on a form provided by the Department, executed by the head of the Consular Post making the purchase;

1. Upon approval of the order by the Department, the Department shall forward the order to the designated federally bonded warehouse with authorization for shipment of the Alcoholic Beverages directly to the Consular Post.

(c) Shipment by the federally bonded warehouse shall be only to the consular premises and shall be accomplished in such manner and under such documentation as the Department may require.

(4) The Commissioner exercises the plenary regulatory power over Alcoholic Beverages granted to the State of Georgia by the Twenty-First Amendment to the Constitution of the United States, and the authority of Consular Officers to import tax-free Alcoholic Beverages is expressly conditioned upon compliance with the requirements of this Rule, including following the requirements that the Alcoholic Beverages which may be imported tax free under this Rule must be intended for consumption only and shall not exceed the quantity necessary for direct use by the persons concerned.

(5) In the event the Alcoholic Beverage product desired to be purchased is available from a Georgia licensed Wholesaler and is one in which excise taxes are collected and paid by a reporting system, the Commissioner may authorize tax-free purchases from such licensed Georgia Wholesalers.

Cite as Ga. Comp. R. & Regs. R. 560-2-15-.06

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-6**,** 48-2-12**.**

HISTORY: Original Rule entitled "Rental Agreements concerning Premises Used fur Bingo Operations; Other Payments" was filed as Emergency Rule 560-2-15-0.3-.06 on December 27, 1978, having become effective on December 22, 1978, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule superseding this Emergency Rule, as specified by the Agency.

Amended: Permanent Rule of the same title adopted superseding Emergency Rule 560-2-15-0.3-.06. Filed February 23, 1979; effective March 15, 1979.

Amended: Rule repealed. Filed August 22, 1980; effective September 11, 1980.

Amended: New Rule entitled "Consuls" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Note: Correction of typographical error in Rule History, in accordance with Rule History published in Official Compilation Rules and Regulations of the State of Georgia, **"Amended:** New Rule entitled "Consuls - Military & Consuls" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010." corrected to" **Amended:** New Rule entitled "Consuls" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010." Effective June 20, 2023.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-16. ADMINISTRATIVE HEARINGS

560-2-16-.05 Intra-Agency Appeal Procedure; Post Hearing Motions

(1) The following two-step appeal procedure shall be the exclusive administrative remedy for appealing decisions entered pursuant to these regulations.

(a) Step One - **Request for Reconsideration**:

1. Prior to an Executive Order becoming final, the Hearing Officer may reconsider his or her decision to correct errors or omissions of fact or law.

2. A licensee or applicant who is aggrieved by the Executive Order entered by the Hearing Officer may appeal by filing a Request for Reconsideration with the Hearing Officer who heard the case no later than ten (10) days after service.

3. The Hearing Officer shall review the request and either deny the request or modify the initial Executive Order by an Order on Reconsideration.

(b) Step Two - **Motion for Review**:

1. Provided a timely Request for Reconsideration was filed with the initial Hearing Officer, a licensee or applicant shall have ten (10) days from the date of receipt of the Hearing Officer's Order on Reconsideration (or denial of request), to file with the Commissioner, a written Motion for Review.

2. The motion shall set forth a concise statement of the basis upon which the appeal is made together with supporting arguments setting forth an enumeration of erroneous conclusions of law or determinations.

3. On review, the Commissioner may consider the whole record or such portions of it as may be cited by the parties. No evidence outside the record shall be considered.

4. After due consideration and as soon as practicable, the Commissioner or his/her designee shall either grant or deny the Motion for Review.

5. If the Motion is denied, the Hearing Officer's Executive Order shall automatically become the Final Decision of the Department.

6. If the Motion is granted, the Commissioner will either remand the case to the Hearing Officer for additional proceedings or issue a Final Order either modifying or upholding the Executive Order.

7. With the exception of an Order remanding the case to the Hearing Officer, either the Commissioner's Order denying a Motion for Review or the Commissioner's Final Order entered pursuant to this procedure shall constitute final Department action, and the matter shall not be further appealable within the Department.

(2) **Application to Stay Execution of Order:** The filing of a Request for Reconsideration or Motion for Review does not automatically, of itself, stay the execution and enforcement of any Order of the Hearing Officer or Commissioner.

(a) A request to stay the execution and enforcement of any Order may be made with the Request for Reconsideration or Motion for Review and the Hearing Officer or Commissioner may grant such request to stay upon appropriate terms for good cause shown.

(3) **Waiver of Administrative Appeal:** The failure to follow the intra-agency appeal procedure as outlined in this Regulation shall constitute a waiver of Department appeal rights. Absent the initiation of the intra-agency appeal procedure, the Hearing Officer's Executive Order shall automatically become the Final Decision of the Department ten (10) days after service.

Cite as Ga. Comp. R. & Regs. R. 560-2-16-.05

AUTHORITY: O.C.G.A. §§ 3-2-2**,** 3-2-3**.**

HISTORY: Original Rule entitled "Intra-Agency Appeal Procedures; Post Hearing Motions" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

Amended: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-2. ALCOHOL AND TOBACCO DIVISION

Subject 560-2-17. REPEALED

560-2-17-.05 [Repealed]

Cite as Ga. Comp. R. & Regs. R. 560-2-17-.05

AUTHORITY: O.C.G.A. § 48-2-12**.**

HISTORY: Original Rule entitled "Application Requirements" adopted F. Oct. 21, 1996; eff. Nov. 10, 1996.

Amended: F. Nov. 14, 2005; eff. Dec. 4, 2005.

Repealed: F. Oct. 1, 2010; eff. Oct. 21, 2010.

Adopted: New rule entitled "Application for Alcohol License." F. Oct. 24, 2012; eff. Nov. 13, 2012.

Repealed: F. May 31, 2023; eff. June 20, 2023.

Department 560. RULES OF DEPARTMENT OF REVENUE

Chapter 560-7. INCOME TAX DIVISION

Subject 560-7-8. RETURNS AND COLLECTIONS

560-7-8-.47 Qualified Education Expense Credit

(1) **Purpose.** The purpose of this regulation is to provide guidance concerning the administration of O.C.G.A. § 48-7-29.16, which provides a credit for qualified education expenses. Other provisions and conditions regarding student scholarship organizations and the qualified education expense credit are set forth in O.C.G.A. § 48-7-29.16 and Chapter 2A of Title 20.

(2) **Definitions.**

(a) "Qualified Education Expense Credit" means the credit allowed pursuant to O.C.G.A. § 48-7-29.16.

(b) "Fiscal Year" means the taxable year of the SSO.

(c) "Calendar Year Report" means the annual informational report that must be prepared on a calendar year basis and submitted to the Department of Revenue.

(d) "Audit Report" means the annual audit report that is prepared by an independent certified public accountant after completing the annual audit that is required by O.C.G.A. § 20-2A-2.

(e) "SSO" means a student scholarship organization as defined in O.C.G.A. § 20-2A-1.

(f) "Expenditure of Funds" means the expenditure of lawful money of the United States and does not include other intangible assets such as stocks, bonds, etc.

(g) "Federal Poverty Level" means the poverty guidelines issued each year in the Federal Register by the Department of Health and Human Services.

(h) "Form 990" means the annual information returns and electronic notices of the Federal Form 990 series filed with the Internal Revenue Service including Form 990, Form 990-EZ, and Form 990-N.

(i) "Business Enterprise" means an insurance company or the headquarters of an insurance company as defined in O.C.G.A. § 48-7-29.16.

(3) **Coordination of Agencies.**

(a) Each SSO must annually submit notice to the Department of Education, in accordance with the Department of Education's guidelines, concerning their participation as an SSO.

(b) The Department of Education will maintain on its website a current list of all SSOs that have provided notice.

(c) The Office of Commissioner of Insurance and Safety Fire is the state agency that administers the gross premium tax.

(4) **Audit Report.**

(a) O.C.G.A. § 20-2A-2 requires that an audit be conducted annually by an independent certified public accountant in accordance with generally accepted auditing standards. The audit shall be completed and the audit report issued within 120 days after the end of the SSO's fiscal year.

(b) The audit report must verify that the SSO has complied with all requirements of O.C.G.A. § 20-2A-2.

(c) As is required by O.C.G.A. § 20-2A-3, the audit report shall be submitted to the Department of Revenue within sixty days following completion of the audit report.

(d) Each SSO shall submit with the audit report a signed declaration certifying that it has complied with and is in compliance with all legal and regulatory requirements imposed by state or federal law. The signed declaration shall be signed by the SSO's president, chief executive officer, or authorized representative.

(5) **Form 990.** Each SSO must submit a copy of its most recent Form 990 to the Department of Revenue through the Georgia Tax Center.

(6) **Calendar Year Report.**

(a) The calendar year report shall be submitted by the SSO by January 12 of the year following the immediately preceding calendar year, subject to the time limits provided for in O.C.G.A. § 20-2A-2 and paragraph (4) of this regulation. See paragraph (7) for examples on the timing of reports. Form "IT-QEE-SSO2" shall be used to submit the report. The report shall be submitted electronically in the manner specified by the Department.

(b) The calendar year report shall be prepared on a calendar-year basis, regardless of the fiscal year of the SSO.

(c) The calendar year report shall include the following:

1. The total number and dollar value of individual contributions and qualified education expense credits preapproved - individual contributions include contributions made by those filing income tax returns as single, head of household, married filing separate, and married filing joint;

2. The total number and dollar value of corporate, trust, S-corporation, and partnership contributions and qualified education expense credits preapproved;

3. The total number and dollar value of scholarships awarded to eligible students;

4. The total number of scholarship recipients whose families' adjusted gross income falls:

(i) Under 125% of the federal poverty level;

(ii) At or above 125% and below or at 250% of the federal poverty level;

(iii) Above 250% and below or at 400% of the federal poverty level; and

(iv) Above 400% of the federal poverty level;

5. The total number of scholarship recipients and the average scholarship dollar amount by each county within which any scholarship recipient resides;

6. The average scholarship dollar amount by adjusted gross income category as provided in subparagraph (c)4. of this paragraph. For scholarships awarded in a particular calendar year, the SSO shall use that calendar year's federal poverty level. The SSO shall consider the number of persons in the scholarship recipient's family when making the determination under subparagraph (c)4. of this paragraph;

7. A list of donors (which includes each donor's name and address), including the dollar value of each donation and the dollar value of each preapproved qualified education expense credit;

8. A copy of the last audit report as required under subparagraph (4)(c); and

9. The amount of the fees or assessments retained by the SSO during the calendar year.

(d) The Department of Revenue shall post on its website the information received from each SSO under subparagraphs (c)1. through (c)6. and (c)8. of this paragraph, except for any confidential taxpayer information received pursuant to subparagraph (c)8. of this paragraph and paragraph (4) of this regulation.

(7) **Examples of the Timing of Reports.**

(a) An SSO's first year begins on January 1, 2023, and ends on December 31, 2023. By January 12, 2024, the SSO must submit the required calendar year report for the calendar year that ended December 31, 2023. No audit report will need to be submitted for this first year since the due date for completing the audit report falls after the deadline of January 12, 2024. The SSO must complete the audit by April 29, 2024 and submit the audit report and signed declaration within sixty days of completion of the audit. The audit report submitted on or before January 12, 2025, will include the results of the audit for the year ending December 31, 2023.

(b) An SSO's first fiscal year begins on May 1, 2023, and ends on April 30, 2024. By January 12, 2024, the SSO must submit the required calendar year report for the calendar year that ended December 31, 2023. No audit report will need to be submitted for this first year since the due date for completing the audit report falls after the deadline of January 12, 2024. The SSO must complete the audit by August 28, 2024 and submit the audit report and signed declaration within sixty days of completion of the audit. The audit report submitted on or before January 12, 2025, will include the results of the audit for the fiscal year ending April 30, 2024.

(c) An SSO's first fiscal year begins on December 1, 2023, and ends on November 30, 2024. By January 12, 2024, the SSO must submit the required calendar year report for the calendar year that ended December 31, 2023. No audit report will need to be submitted for this first year since the due date for completing the audit report falls after the deadline of January 12, 2024. By January 12, 2025, they must submit the required calendar year report for the calendar year that ended December 31, 2024. No audit report will need to be submitted for this second year since the due date for completing the audit report falls after the deadline of January 12, 2025. The SSO must complete the audit by March 30, 2025 and submit the audit report and signed declaration within sixty days of completion of the audit. The audit report submitted on or before January 12, 2026, will include the results of the audit for the fiscal year ending November 30, 2024.

(8) **Failure of the Audit Report to Verify or Failure to Submit the Audit Report as Required under O.C.G.A. § 20-2A-2.** Notwithstanding O.C.G.A. §§ 20-2A-7, 48-2-15, 48-7-60, 48-7-61 and paragraph (9) of this regulation, if the audit report submitted by the SSO fails to verify: that the SSO obligated its annual revenue received from donations for scholarships or tuition grants, including any interest earned on deposits and investments of such funds, as required under O.C.G.A. § 20-2A-2; that obligated revenues were designated for specific student recipients within the time frame required under O.C.G.A. § 20-2A-2; and that all obligated and designated revenue distributed to a qualified school or program for the funding of multiyear scholarships or tuition grants complied with this regulation; then the Department shall post on its website the details of such failure to verify. If the audit report is not submitted by the required time, the SSO shall be deemed to have failed all three requirements. Until the noncompliant SSO submits an amended audit (or the required audit report in the case of a failure to submit the audit report by the required time), which to the satisfaction of the Department contains the verifications required under O.C.G.A. § 20-2A-2, the Department shall not preapprove any contributions to the noncompliant SSO.

(9) **Failure to Report and Confidentiality.** Any SSO that does not submit the audit report or calendar year report as required under this regulation or receives a qualified opinion or a disclaimer on their audit report from an independent certified public accountant or otherwise fails to comply with the requirements of Chapter 2A of Title 20 shall be given written notice of their failure and shall have ninety days from receipt of such notice to correct all deficiencies.

(a) If the SSO fails to correct all deficiencies within ninety days of receipt of notice from the Department, such SSO shall:

1. Be immediately removed from the Department of Education's list of approved SSOs.

2. Be required to cease all operations as an SSO and transfer all scholarship account funds to a properly operating SSO within thirty calendar days of receipt of notice from the Department of removal from the approved list; and

3. Have all applications for preapproval of tax credits under O.C.G.A. § 48-7-29.16 rejected by the Department on or after the date that the Department of Education removes the SSO from its list of approved SSOs.

(b) Except for the audit report information posted under subparagraph (d) of paragraph (6), information reported under subparagraphs (c)1. through (c)6. of paragraph (6) of this regulation, and details of any failure to report and verify under paragraph (8) of this regulation, all information or reports provided by SSOs to the Department shall be confidential taxpayer information, governed by O.C.G.A. §§ 48-2-15, 48-7-60, and 48-7-61.

(10) **Credit Limitations for Individuals and Corporations.** The amount of qualified education expense credit granted to a taxpayer shall not exceed:

(a) For an individual taxpayer, except as otherwise provided in this paragraph, the credit is limited to the lesser of the actual amount expended or the dollar amount provided in O.C.G.A. § 48-7-29.16.

(b) For an individual taxpayer filing a married filing separate return, the credit is limited to the lesser of the actual amount expended or $2,500.00 per tax year.

(c) For an individual taxpayer who is a member of a limited liability company duly formed under state law (including a member who owns a single-member limited liability company that is disregarded for income tax purposes), a shareholder of a Subchapter 'S' corporation, or a partner in a partnership, the credit is limited to the lesser of the actual amount expended or $25,000 per tax year, whichever is less; provided, however, that the tax credits shall only be allowed for the Georgia income on which such tax was actually paid by such member of a limited liability company, shareholder of a Subchapter 'S' corporation, or partner of a partnership. In determining such Georgia income, the shareholder, partner, or member shall exclude any income that was subtracted on their individual Georgia return because the entity paid tax at the pass-through entity level in Georgia as provided in Regulation 560-7-3-.03. If the individual taxpayer is a member, partner, or shareholder in more than one pass-through entity, the total credit allowed cannot exceed $25,000; the individual taxpayer decides which pass-through entities to include when computing Georgia income for purposes of the qualified education expense credit. All Georgia income, loss, and expense from the taxpayer's selected pass-through entities will be combined to determine Georgia income for purposes of the qualified education expense credit. Such combined Georgia income shall be multiplied by the applicable marginal tax rate to determine the tax that was actually paid. If the taxpayer is filing a joint return, the taxpayer's spouse may also claim a credit for their ownership interests and shall separately be eligible for a credit as provided in this subparagraph. If the taxpayer(s) chooses to be preapproved pursuant to this subparagraph, for all purposes of claiming the credit, they shall be subject to the provisions of this subparagraph and shall not be entitled to claim any other amounts provided in O.C.G.A. § 48-7-29.16 and this regulation. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated as allowed when the return is filed, the excess amount cannot be claimed by the taxpayer and cannot be carried forward.

1. Example: Taxpayer, an individual taxpayer, is the sole shareholder of A, Inc., an S corporation. Taxpayer is also a 50% partner in BC Company, a partnership, and Taxpayer is also a 20% member of a limited liability company, XYZ Company, which is taxed as a partnership. Taxpayer requests preapproval for the qualified education expense credit for calendar year 2023 by submitting Form IT-QEE-TP1. On Form IT-QEE-TP1, Taxpayer estimates that Taxpayer's Georgia income from A, Inc. is $300,000, and that Taxpayer's share of Georgia income from BC Company is $150,000. Taxpayer chooses not to include any income from XYZ Company when estimating Georgia income for purposes of the qualified education expense credit; therefore, the Department preapproves Taxpayer for $25,000 qualified education expense credit (since $25,000 is less than $25,875 (5.75% of $450,000)). The applicable marginal tax rate for 2023 is 5.75%. Taxpayer makes a $25,000 donation to the SSO within sixty days of receiving preapproval from the Department and before the end of 2023. When Taxpayer files Taxpayer's 2023 Georgia income tax return, Taxpayer received a salary from A, Inc. of $100,000 and A, Inc.'s actual Georgia income is $100,000. Taxpayer's actual share of Georgia income from BC Company is $100,000 and Taxpayer received a guaranteed payment from BC Company of $45,000. Taxpayer's actual share of Georgia income from XYZ Company is $5,000 (Taxpayer can choose to include this company even though it was not considered at the time of preapproval). Taxpayer can only claim $20,125 qualified education expense credit (which is 5.75% of the $350,000

actual income from Taxpayer's selected pass-through entities), and the extra $4,875 cannot be claimed by Taxpayer and cannot be carried forward. Any amount of the $20,125 qualified education expense credit claimed but not used on the taxpayer's 2023 Georgia income tax return shall be allowed to be carried forward to apply to Taxpayer's succeeding five years' tax liability.

(d) For a corporate taxpayer, fiduciary taxpayer, an S corporation that makes the election to pay tax at the entity level under O.C.G.A. § 48-7-21, or a partnership that makes the election to pay tax at the entity level under O.C.G.A. § 48-7-23, the credit is limited to the lesser of the actual amount expended or 75 percent of the corporation's, fiduciary's, electing S corporation's, or electing partnership's income tax liability. S corporations and partnerships that elect to pay taxes at the entity level cannot pass the credit through to their shareholders or partners. Fiduciary entities cannot pass the credit through to their beneficiaries.

1. Example: Taxpayer, a Corporation, requests preapproval for the qualified education expense credit for calendar year 2023 by submitting Form IT-QEE-TP1. On Form IT-QEE-TP1, Taxpayer estimates its income tax liability for the 2023 tax year to be $100,000; therefore, the Department preapproves Taxpayer for $75,000 qualified education expense credit for calendar year 2023. Taxpayer makes a $75,000 donation to the SSO within sixty days of receiving preapproval from the Department and before the end of 2023. When Taxpayer files its 2023 Georgia income tax return, Taxpayer's income tax liability for tax year 2023 is $80,000. Taxpayer can only claim $60,000 of qualified education expense credit (which is 75% of its actual income tax liability for tax year 2023), and the extra $15,000 cannot be claimed by Taxpayer and cannot be carried forward. Any amount of the $60,000 qualified education expense credit claimed but not used on the taxpayer's 2023 Georgia income tax return shall be allowed to be carried forward to apply to the taxpayer's succeeding five years' tax liability.

2. Example: Taxpayer, a S Corporation electing to pay tax at the entity level, requests preapproval for the qualified education expense credit for calendar year 2023 by submitting Form IT-QEE-TP1. On Form IT-QEE-TP1, Taxpayer estimates its income tax liability for the 2023 tax year to be $100,000; therefore, the Department preapproves Taxpayer for $75,000 qualified education expense credit for calendar year 2023. Taxpayer makes a $75,000 donation to the SSO within sixty days of receiving preapproval from the Department and before the end of 2023. When Taxpayer files its 2023 Georgia income tax return, Taxpayer's income tax liability for tax year 2023 is $80,000. Taxpayer can only claim $60,000 of qualified education expense credit (which is 75% of its actual income tax liability for tax year 2023), and the extra $15,000 cannot be claimed by Taxpayer and cannot be carried forward. Any amount of the $60,000 qualified education expense credit claimed but not used on the taxpayer's 2023 Georgia income tax return shall be allowed to be carried forward to apply to the taxpayer's succeeding five years' tax liability but shall not be allowed to be passed through to and used by the shareholders.

(e) Except as provided in subparagraph (10)(d) of this regulation, when the taxpayer is a pass-through entity which has no income tax liability of its own, the tax credits will be considered earned by its members, shareholders, or partners based on their profit/loss percentage at the end of the year and the limitations of subparagraph (10)(c) of this regulation. The expenditure is made by the pass-through entity but all credit forms (preapproval, claiming, and reporting) will be filed in the name of its members, shareholders, or partners and the credit can only be applied against the shareholders', members', or partners' tax liability on their income tax returns. The pass-through entity shall provide all necessary information to the student scholarship organization so that the preapproval, claiming, and reporting forms can be filed in the name of its members, shareholders, or partners.

(11) **Credit and Credit Limitations Specific to Business Enterprises.** The amount of qualified education expense credit granted to a business enterprise against its gross premium tax liability owed pursuant to O.C.G.A. § 33-8-4 is limited to the lesser of the actual amount expended or 75 percent of the business enterprise's gross premium tax liability. Such credit shall not exceed one million dollars.

(12) **Credit Cap.** In no event shall the total amount of tax credits allowed under O.C.G.A. § 48-7-29.16 exceed:

(a) One hundred million dollars per year for calendar years beginning on or after January 1, 2019, and ending on or before December 31, 2022; and

(b) One hundred twenty million dollars per year for calendar years beginning on or after January 1, 2023.

(c) In no event shall the aggregate amount of tax credits allowed under this paragraph to all business enterprises for gross premium tax liability owed exceed six million dollars.

(13) **Reporting the Availability of the Credit.** The Department shall post on its website the current amount of qualified education expense credits available.

(14) **Preapproval of the Contribution.**

(a) The taxpayer must electronically submit Form IT-QEE-TP1 through the Georgia Tax Center to request preapproval of the qualified education expense credit from the Department of Revenue. The Department will not preapprove any qualified education expense credit where the Form IT-QEE-TP1 is submitted or filed in any other manner. Each SSO shall be registered with the Department to facilitate the web-based preapproval process for Form IT-QEE-TP1.

(b) The contributor should not submit Form IT-QEE-TP1 to the Department of Revenue until the contributor's recipient SSO is listed on the Department of Education's website. If the contributor's recipient SSO is not listed on the website at the time that the Department of Revenue attempts to verify the SSO's listing, the Department of Revenue shall deny the request. If at a later date the contributor's recipient SSO becomes listed, it will be necessary for a new Form IT-QEE-TP1 to be submitted by the contributor to the Department of Revenue.

(c) The electronic Form "IT-QEE-TP1" shall include the following information:

1. The name of the SSO listed on the Department of Education's website to which the contribution will be made. The SSO should be listed on the Department of Education's website before the Form "IT-QEE-TP1" is filed with the Department of Revenue;

2. The taxpayer identification number of the SSO to which the contribution will be made;

3. The name, address and taxpayer identification number of the contributor;

4. The type of taxpayer;

5. If the contributor is an individual, the filing status;

6. If the contributor is an individual filing a joint return, the name and identification number of the joint filer;

7. The intended contribution amount;

8. If the contributor is a corporation, fiduciary, electing S corporation, or electing partnership, 75% of the estimated income tax liability the corporation, fiduciary, electing S corporation, or electing partnership expects for the tax year of the corporation, fiduciary, S corporation, or partnership in which the contribution will be made;

9. If the contributor is a business enterprise requesting preapproval for credit against its gross premium tax liability, 75% of the estimated gross premium tax liability the business enterprise expects for the tax year of the business enterprise in which the contribution will be made;

10. Tax year end of the contributor;

11. Calendar year in which the contribution will be made;

12. Any other information the Commissioner of the Department of Revenue may require; and

13. Certification that all information contained on the Form "IT-QEE-TP1" is true to his/her best knowledge and belief and is submitted for the purpose of obtaining preapproval from the Commissioner.

(d) The qualified education expense credit shall be allowed on a first-come, first-served basis. The date the Form IT-QEE-TP1 is electronically submitted shall be used to determine such first-come, first-served basis.

(e) The Department will notify each taxpayer and the taxpayer's selected SSO of the tax credits preapproved and allocated to such taxpayer within thirty days from the date the Form IT-QEE-TP1 was received.

(f) On the day any Form IT-QEE-TP1 is received for a calendar year that causes the calendar year limit in paragraph (12) of this regulation to be reached, the remaining tax credits shall be allocated among the applicants who submitted the Form IT-QEE-TP1 on the day the calendar year limit was exceeded on a pro rata basis based upon the amounts otherwise allowed by O.C.G.A. § 48-7-29.16 and this regulation. Only credit amounts on Form IT-QEE-TP1(s) received on the day the calendar year limit was exceeded shall be allocated on a pro rata basis.

(g) The contribution must be made by the taxpayer within sixty days of the date of the preapproval notice received from the Department and within the calendar year in which it was preapproved.

(h) In the event it is determined that the contributor has not met all the requirements of O.C.G.A. § 48-7-29.16, then the amount of the qualified education expense credit shall not be preapproved or the preapproved qualified education expense credit shall be retroactively denied. With respect to such denied credit, tax, interest, and penalties shall be due if the qualified education expense credit has already been claimed.

(i) Notwithstanding any laws to the contrary, the Department shall not take any adverse action against donors to SSOs if the Commissioner preapproved a donation for a tax credit prior to the date the SSO is removed from the Department of Education list pursuant to O.C.G.A. § 20-2A-7, and all such donations shall remain as preapproved tax credits subject only to the donor's compliance with O.C.G.A. § 48-7-29.16(f)(3).

(j) Once the calendar year limit is reached for a calendar year, taxpayers shall no longer be eligible for a credit pursuant to O.C.G.A. § 48-7-29.16 for such calendar year. If any Form IT-QEE-TP1 is received after the calendar year limit has been reached, then it shall be denied and not be reconsidered for preapproval at any later date.

(15) **Letter of Confirmation.** Form IT-QEE-SSO1 shall be provided by the SSO to the taxpayer to confirm the contribution.

(16) **Claiming the Credit.** A taxpayer claiming the qualified education expense credit, unless indicated otherwise by the Commissioner, must submit Form IT-QEE-TP2 with the taxpayer's Georgia tax return when the qualified education expense credit is claimed. A software program's Form IT-QEE-TP2 that is electronically filed with the Georgia income tax return in the manner specified by the Department satisfies this requirement.

(a) A business enterprise claiming the qualified education expense credit against its gross premium tax liability must claim the credit in the manner required by the Office of Commissioner of Insurance and Safety Fire.

(17) **E-filing Attachment Requirements.** If a taxpayer claiming the credit electronically files their tax return, the Form IT-QEE-SSO1 shall be required to be attached to the return only if the Internal Revenue Service allows such attachments when the data is transmitted to the Department. In the event the taxpayer files an electronic return and such information is not attached because the Internal Revenue Service does not, at the time of such electronic filing, allow electronic attachments to the Georgia return, such information shall be maintained by the taxpayer and made available upon request by the Commissioner.

(18) **Carry Forward.** Any credit which is claimed but not used in a taxable year shall be allowed to be carried forward to apply to the taxpayer's succeeding five years' tax liability. However, any amount in excess of the credit amount limits in paragraphs (10) and (11) of this regulation shall not be eligible for carryforward to the taxpayer's succeeding years' tax liability nor shall such excess amount be claimed by or reallocated to any other taxpayer.

(19) **Taxpayer Must Add Back Portion of Federal Deduction on State Return if Taxpayer Takes State Credit.** O.C.G.A. § 48-7-29.16(h)(1) provides that no qualified education expense credit shall be allowed under O.C.G.A. § 48-7-29.16 with respect to any amount deducted from taxable net income by the taxpayer as a charitable contribution to a bona fide charitable organization qualified under Section 501(c)(3) of the Internal Revenue Code.

If the taxpayer is allowed the state income tax deduction in place of the charitable contribution deduction as allowed by the Internal Revenue Service, for purposes of this paragraph such deduction shall be considered a charitable contribution to the extent such deduction is allowed federally. Accordingly, the taxpayer must add back to Georgia taxable income that part of any federal deduction taken on a federal return for which a Georgia qualified education expense credit is allowed under O.C.G.A. § 48-7-29.16.

(a) If a taxpayer's itemized deductions are limited federally (and therefore limited for Georgia purposes) because their Federal Adjusted Gross Income exceeds a certain amount, the taxpayer is only required to add back to Georgia taxable income that portion of the federal charitable deduction that was actually deducted pursuant to the following formula. The federal charitable deduction that must be added back to Georgia taxable income shall be the amount of the federal charitable contribution relating to the qualified education expense credit multiplied by the following ratio. The numerator is the amount of the itemized deductions subject to limitation and allowed as itemized deductions after the limitation is applied. The denominator is the total itemized deductions that are subject to limitation before the limitation is applied.

1. For example. A taxpayer has a $2,500 charitable contribution relating to the qualified education expense credit and has property taxes of $1,500 both of which are subject to limitation. The taxpayer also has mortgage interest expense of $10,000 (which is not limited). Accordingly, the taxpayer's total itemized deductions before limitation are $14,000. After applying the federal limitation, the taxpayer is allowed $13,000 in itemized deductions. As such only $3,000 ($13,000 less the $10,000 mortgage interest expense which is not limited) of the original $4,000 charitable deduction and property taxes are allowed to be deducted. Applying the ratio from the subparagraph above, the taxpayer must add back $1,875 of the charitable contribution to their Georgia taxable income ($2,500) X ($3,000 / $4,000)).

(20) **Scholarships.**

(a) For all scholarships, including multi-year scholarships, the SSO shall either:

1. Deliver the scholarship check directly to the qualified school or program selected as a result of the private choice of the parent or guardian of the child to whom the scholarship was awarded. The parent or guardian shall come to such qualified school or program and restrictively endorse the check to such qualified school or program; or

2. Cause such scholarship to be restrictively endorsed electronically in a secure manner by the parent or guardian to the school or program. The applicable financial institution providing for the secure electronic endorsement and transfer of funds shall provide a signed statement to the SSO attesting to the fact that the electronic restrictive endorsement has the same legal effect as a physically endorsed check.

(b) The qualified school or program shall not be allowed to endorse the scholarship award over to a different qualified school or program.

(c) In the event an SSO awards a multi-year scholarship, the SSO may disburse the entire scholarship at the time the scholarship is awarded.

(d) For all scholarships, including multi-year scholarships, the qualified school or program shall separately account for each scholarship awarded. Additionally, the income earned on the portion of the scholarship which has not yet been applied to tuition shall be separately accounted for and used to provide tuition for such eligible student. The scholarship shall be applied to tuition on the same due dates as the general population of students of such school.

(e) In making a multi-year distribution to a qualified school or program, the SSO shall require that if the designated student becomes ineligible or for any other reason the qualified school or program elects not to continue disbursement of the multi-year scholarship or tuition grant to the designated student for all the projected years, then the qualified school or program shall immediately return the remaining funds and the income earned on such portion to the SSO. Upon receipt of such returned scholarship, such SSO shall allocate and obligate such money for scholarships or tuition grants on or before the end of the following calendar year; 100% of such returned money (including the remaining funds and the income earned on such portion) shall be allocated and obligated. Once a

qualified school or program receives such returned money and such income earned on such returned money, 100% of such amounts received shall be used for an eligible student.

1. Once the student scholarship organization designates obligated revenues for specific student recipients, in the case of multiyear scholarships or tuition grants for which the student scholarship organization distributes the obligated and designated revenues to a qualified school or program annually rather than the entire amount, if the designated student becomes ineligible or for any other reason the student scholarship organization elects not to continue disbursement for all years, then the student scholarship organization shall designate any remaining previously obligated revenues for a new specific student recipient on or before the end of the following calendar year.

(21) **Designation of Contributions.** The tax credit shall not be allowed if the taxpayer directly or indirectly designates the taxpayer's qualified education expense for the direct benefit of any particular individual, whether or not such individual is a dependent of the taxpayer.

(a) In soliciting contributions, an SSO shall not represent, or direct a qualified school or program to represent, that in exchange for contributing to the SSO, a taxpayer shall receive a scholarship for the direct benefit of any particular individual, whether or not such individual is a dependent of the taxpayer. Their status as an SSO shall be revoked for any such organization which violates this subparagraph and as such the SSO shall be removed from the Department of Education's list of approved SSOs. The Department shall not preapprove any contributions to such SSO.

(22) **Effective Date.** This rule is applicable to years beginning on or after January 1, 2023. Years beginning before January 1, 2023 will be governed by the regulations of Chapter 560-7 as they existed before January 1, 2023 in the same manner as if the amendments thereto set forth in this regulation had not been promulgated.

Cite as Ga. Comp. R. & Regs. R. 560-7-8-.47

AUTHORITY: O.C.G.A. §§ 48-2-12**,** 48-7-29.16**.**

HISTORY: Original Rule entitled "Qualified Education Expense Credit" adopted. F. Sept. 4, 2009; eff. Sept. 24, 2009.

Amended: F. Apr. 27, 2010; eff. May 17, 2010.

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Amended: F. Nov. 21, 2019; eff. Dec. 11, 2019.

Note: Correction of non-substantive typographical errors in subparagraph (10)(c)1., "Inc" and "Inc's" corrected to "Inc." and "Inc.'s" respectively. Effective December 11, 2019.

Amended: F. Dec. 7, 2021; eff. Dec. 27, 2021.

Amended: F. May 31, 2023; eff. June 20, 2023.

560-7-8-.56 Historic Rehabilitation Tax Credit

(1) **Purpose.** This regulation provides guidance concerning the implementation and administration of the tax credits under O.C.G.A. § 48-7-29.8.

(2) **Coordination of Agencies.** The Georgia Department of Community Affairs is the state agency responsible for certifying that the rehabilitation meets the requirements of O.C.G.A. § 48-7-29.8.

(3) **Definitions.** As used in this regulation, the terms "certified rehabilitation", "certified structure", "historic home", "qualified rehabilitation expenditure", "substantial rehabilitation", and "target area" shall have the same meaning as in O.C.G.A. § 48-7-29.8. As used in this regulation, the terms "full-time employee" and "full-time permanent job" means a person who works a job that requires 30 or more hours per week.

(4) **Historic Rehabilitation Tax Credit for a Historic Home.** A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of a historic home in the taxable year in which the certified rehabilitation is placed in service; except that in the case of a historic home located within a target area, an additional credit equal to 5 percent of the qualified rehabilitation expenditures shall be allowed.

(a) Credit cap. In no event shall the aggregate amount allowed for historic homes exceed the maximum aggregate limit in paragraph (5) for calendar year 2022 and $5 million per year for calendar years 2023 and 2024. No credit shall be issued for historic homes completed on or after January 1, 2025.

(b) Credit limitation. The amount of historic rehabilitation tax credit for a historic home shall not exceed $100,000 in any 120-month period.

(c) Preapproval for Historic Homes. Any taxpayer seeking preapproval to claim the historic rehabilitation tax credit for a historic home completed on or after January 1, 2022 must electronically submit Form IT-RHC-AP and their precertification from the Georgia Department of Community Affairs through the Georgia Tax Center. The taxpayer must estimate their credit amounts on Form IT-RHC-AP if the certified rehabilitation has not been completed. The amount of tax credit claimed on the taxpayer's applicable Georgia income tax return must be based on the actual amount of the qualified rehabilitation expenditures. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated using the actual amount of the qualified rehabilitation expenditures when the return is filed, the excess preapproved amount cannot be claimed by the taxpayer, nor shall the excess preapproved amount be claimed by, reallocated to, assigned to, transferred to, or sold to any other taxpayer. If the taxpayer is a disregarded entity, then such information should be submitted in the name of the owner of the disregarded entity.

(d) Notification. The Department will notify each taxpayer of the tax credits preapproved and allocated to such taxpayer within thirty (30) days from the date the fully completed Form IT-RHC-AP and all required supporting documentation were submitted through the Georgia Tax Center.

(e) Allocation of Tax Credit. For any taxpayer seeking preapproval to claim the tax credits for a historic home completed on or after January 1, 2022, the Commissioner shall allow the tax credit on a first-come, first-served basis. The date the fully completed Form IT-RHC-AP is electronically submitted shall be used to determine such first-come, first-served basis.

(f) Applications received on the day the maximum credit amount is reached. In the event that the credit amounts on applications received by the Commissioner for historic homes completed on or after January 1, 2022 exceed the maximum aggregate limit in paragraphs (4) and (5) of this regulation, then the tax credits shall be allocated among the taxpayers who submitted Form IT-RHC-AP on the day the maximum aggregate limit was exceeded on a pro rata basis based upon amounts otherwise allowed under O.C.G.A. § 48-7-29.8 and this regulation. Such proration shall include all applications received on the day the maximum aggregate limit was exceeded, regardless of whether it is for the credit cap year at issue or for an earlier year where the credit cap has been reached. Only credit amounts for applications received on the day the maximum aggregate limit was exceeded will be allocated on a pro rata basis.

(g) For historic homes, priority for prorated applications and applications submitted after a calendar year cap is reached. Any application for the 2022 calendar year credit that is prorated because the 2022 calendar year credit cap is reached and any application for the 2022 calendar year credit that is submitted after the 2022 calendar year credit cap is reached shall not be approved for a subsequent calendar year whose credit cap has not been reached and shall not have priority over any applications with a later submission date. Any other application that is prorated because a calendar-year credit cap is reached and any other application that is submitted after a calendar-year credit cap is reached shall be approved for a subsequent calendar year whose credit cap has not been reached and shall have

priority over any applications with a later submission date. In such cases, the taxpayer shall claim the credit in the taxable year that begins in such subsequent preapproved calendar year or as provided in paragraph (7) of this regulation. If the calendar-year credit cap for all subsequent calendar years has been reached, then the application shall be denied.

1. Example: Taxpayer submits the electronic Form IT-RHC-AP through the Georgia Tax Center on April 25, 2022 seeking preapproval to claim the 2022 historic rehabilitation tax credit for a historic home. On April 25, 2022, the 2022 calendar-year credit cap for historic homes was reached, and Taxpayer received an allocation of the 2022 historic rehabilitation tax credit on a pro rata basis. Taxpayer's preapproval application will not be approved for a subsequent calendar year and will not receive priority over applications with a later submission date.

2. Example: Taxpayer submits the electronic Form IT-RHC-AP through the Georgia Tax Center in 2023 seeking preapproval to claim the 2023 historic rehabilitation tax credit for a historic home. On the day that Taxpayer submits Form IT-RHC-AP, the 2023 calendar-year credit cap for historic homes was reached, and Taxpayer received an allocation of the 2023 historic rehabilitation tax credit on a pro rata basis. Taxpayer's preapproval application will be approved for the 2024 calendar year if the 2024 credit cap has not been reached and will receive priority over applications with a later submission date.

(h) Claiming the Historic Rehabilitation Tax Credit for a Historic Home. For a taxpayer to claim the historic rehabilitation tax credit for a historic home, the taxpayer must submit with the taxpayer's Georgia income tax return Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs.

(i) In the event it is determined that a taxpayer has not met all the requirements of O.C.G.A. § 48-7-29.8 and this regulation, then the credits shall not be approved or the approved credits shall be retroactively denied. The taxpayer shall file amended returns for the taxable year the credit was claimed, reducing the credit. With respect to such denied credits, tax, interest, and penalties shall be due if the credits have already been used by the taxpayer or have been sold or transferred, regardless of whether the transferee has used the credit or not.

(j) Carry Forward. Any unused historic rehabilitation tax credit for a historic home may be carried forward for ten years after the close of the taxable year in which the certified rehabilitation was completed.

(k) Sale of the Historic Home. Except as provided in subparagraph (4)(l) of this regulation, in the event a historic rehabilitation tax credit for a historic home is claimed and allowed to the taxpayer, upon the sale or transfer of the historic home, the taxpayer shall be authorized to transfer the remaining unused amount of such historic rehabilitation tax credit to the purchaser of such historic home. If a historic home for which a certified rehabilitation has been completed by a nonprofit corporation is sold or transferred, the full amount of the credit to which the nonprofit corporation would be entitled if taxable shall be transferred to the purchaser or transferee at the time of the sale or transfer.

1. Such purchaser shall be subject to the limitations of this paragraph and O.C.G.A. § 48-7-29.8 and shall file with the purchaser's tax return a copy of the final certification from the Georgia Department of Community Affairs and a copy of the form evidencing the transfer of the tax credit.

2. Such purchaser shall be entitled to rely in good faith on the information contained in and used in connection with obtaining the final certification of the credit including, without limitation, the amount of the qualified rehabilitation expenditures.

(l) Recapture of the Historic Rehabilitation Tax Credit for a Historic Home. If an owner other than a nonprofit corporation sells a historic home within three years of receiving the credit, the seller shall recapture the credit to the Department 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.

(m) Exception to Recapture Provision. The recapture provisions in subparagraph (4)(l) of this regulation shall not apply to a sale resulting from the death of the owner.

(5) **Credit cap for 2022 for Historic Homes and for Any Other Certified Structure earning $300,000 or less.** In no event shall the aggregate amount allowed for historic homes completed on or after January 1, 2022 and any other certified structures earning $300,000 or less, together, exceed $5 million for calendar year 2022.

(6) **Historic Rehabilitation Tax Credit for Any Other Certified Structure.** A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of any other certified structure, other than a historic home, in the taxable year in which the certified rehabilitation is placed in service, except as provided in subparagraph (6)(j) of this regulation and paragraph (7) of this regulation.

(a) Credit limitations. For certified rehabilitations completed before January 1, 2017, the historic rehabilitation tax credit for any other certified structure shall not exceed $300,000 in any 120-month period.

(b) For certified rehabilitations completed on or after January 1, 2017, the maximum credit for any other individual certified structure shall be $5 million per taxable year; except that in the case of a project that creates 200 or more full-time permanent jobs or $5 million in annual payroll within two years of the placed in service date, the maximum credit amount is $10 million for any other individual certified structure. For purposes of this regulation, a full-time permanent job means a person who works a job that requires 30 or more hours per week.

(c) For certified rehabilitations completed on or after January 1, 2017, in no event shall more than one application for any individual certified structure be approved in any 120-month period, but a taxpayer is allowed to submit an additional electronic Form IT-RHC-AP if it is the same project. Such additional electronic Form IT-RHC-AP is subject to the requirements of this regulation and shall not be given priority over applications with an application date that is earlier than the additional preapproval application date.

(d) Credit Carry Forward. For certified rehabilitations completed before January 1, 2017, any unused historic rehabilitation tax credit for any other certified structure may be carried forward for ten years after the close of the taxable year in which the certified rehabilitation was completed. For certified rehabilitations completed on or after January 1, 2017, no unused historic rehabilitation tax credit for any other certified structure shall be allowed to the taxpayer or the transferee against succeeding years' tax liability.

(e) Credit cap for any other certified structure. For certified rehabilitations completed on or after January 1, 2017, in no event shall historic rehabilitation tax credits for any other certified structure earning more than $300,000 in historic rehabilitation tax credits under subparagraph (6)(b) of this regulation exceed $25 million per calendar year for calendar years ending on or before December 31, 2022. For calendar year 2022, in no event shall historic rehabilitation tax credits for any other certified structure earning $300,000 or less in historic rehabilitation tax credits exceed the maximum aggregate limit in paragraph (5). For calendar years beginning on or after January 1, 2023, and ending on or before December 31, 2027, in no event shall historic rehabilitation tax credits issued for any other certified structure other than a historic home, regardless of the amount of credits earned, exceed $30 million per calendar year.

(f) Preapproval. For certified rehabilitations earning $300,000 or less that were completed on or after January 1, 2022 and for all other certified rehabilitations completed on or after January 1, 2017, any taxpayer seeking preapproval to claim the tax credits must electronically submit Form IT-RHC-AP, including the information required by subparagraph (6)(f)1. of this regulation, and their precertification from the Georgia Department of Community Affairs through the Georgia Tax Center. For a certified rehabilitation earning $300,000 or less that was expected to be completed in 2021 or before and that has preapproval for such year, the taxpayer is not required to request another preapproval but must complete the project within the two-year period as provided in paragraph (7)

of this regulation. The taxpayer must estimate their credit amounts on Form IT-RHC-AP if the certified rehabilitation has not been completed. The amount of tax credit claimed on the taxpayer's applicable Georgia income tax return must be based on the actual amount of the qualified rehabilitation expenditures. If the taxpayer is preapproved for an amount that exceeds the amount that is calculated using the actual amount of the qualified rehabilitation expenditures when the return is filed, the excess preapproved amount cannot be claimed by the taxpayer, nor shall the excess preapproved amount be claimed by, reallocated to, assigned to, transferred to, or sold to any other taxpayer. If the taxpayer is a disregarded entity, then such information should be submitted in the name of the owner of the disregarded entity.

1. The following information must be submitted with Form IT-RHC-AP:

(i) Documentation to show one of the following:

(I) If the certified structure was purchased by the applicant, a copy of the warranty deed indicating the applicant as the owner of the property; or

(II) If the certified structure is leased by the applicant, documentation showing that the applicant leases the property and showing that the qualified rehabilitation expenditures would not be disqualified by Internal Revenue Code Section 47(c)(2)(B), which disallows expenditures, if, on the date the rehabilitation is completed, the remaining term of the lease is less than the building's recovery period. This documentation must include a copy of the lease and documentation showing whether the property is residential rental property with a recovery period of 27.5 years or nonresidential real property with a recovery period of 39 years;

(ii) The ownership and/or membership of the applicant entity. This documentation must include information regarding each owner or member of the applicant and, if any owner or member is itself a pass-through entity, information regarding its ownership and/or membership. Such information must include the name, federal identification number, ownership percentage, whether or not they are a tax-exempt entity, and whether they control the applicant entity;

(iii) Which entities or members of a pass-through entity intend to claim the credit and in what percentage(s);

(iv) The percentage of the subject property that will be used for non-profit purposes, if any;

(v) Whether the applicant or another entity intends to sublease the property to other entities, which entities they intend to sublease to, and if such entities are tax-exempt entities;

(vi) If the property is being leased, whether or not the owner of the property is a tax-exempt entity;

(vii) Whether or not the project qualifies for the Federal Rehabilitation Credit allowed under Internal Revenue Code Section 47; and

(viii) Any other information requested by the Department.

(g) Notification. The Department will notify each taxpayer of the tax credits preapproved and allocated to such taxpayer within thirty (30) days from the date the fully completed Form IT-RHC-AP and all required supporting documentation were submitted through the Georgia Tax Center.

(h) Allocation of Tax Credit. For any taxpayer seeking preapproval to claim the tax credits for any other certified structure, the Commissioner shall allow the tax credit on a first-come, first-served basis. The date the fully completed Form IT-RHC-AP is electronically submitted shall be used to determine such first-come, first-served basis.

(i) Applications received on the day the maximum credit amount is reached for any other certified structure. In the event that the credit amounts on applications received by the Commissioner exceed the maximum aggregate limit in subparagraph (6)(e) of this regulation, then the tax credits shall be allocated among the taxpayers who submitted Form IT-RHC-AP on the day the maximum aggregate limit was exceeded on a pro rata basis based upon amounts

otherwise allowed under O.C.G.A. § 48-7-29.8 and this regulation. Such proration shall include all applications received on the day the maximum aggregate limit was exceeded, regardless of whether it is for the credit cap year at issue or for an earlier year where the credit cap has been reached. Only credit amounts for applications received on the day the maximum aggregate limit was exceeded will be allocated on a pro rata basis.

(j) For any other certified structure, priority for pro-rated applications and applications submitted after a calendar year cap is reached. Any application for the 2022 calendar year credit that is prorated because the 2022 calendar year credit cap is reached and any application for the 2022 calendar year credit that is submitted after the 2022 calendar year credit cap is reached shall not be approved for a subsequent calendar year whose credit cap has not been reached and shall not have priority over any applications with a later submission date. Any other application that is prorated because a calendar-year credit cap is reached and any application that is submitted after a calendar-year credit cap is reached shall be approved for a subsequent calendar year whose credit cap has not been reached and shall have priority over any applications with a later submission date. In such cases, the taxpayer shall claim the credit in the taxable year that begins in such subsequent preapproved calendar year or as provided in paragraph (7) of this regulation. If the calendar-year credit cap for all subsequent calendar years has been reached, then the application shall be denied.

1. Example: Taxpayer submits the electronic Form IT-RHC-AP through the Georgia Tax Center on January 4, 2022 seeking preapproval to claim the 2022 historic rehabilitation tax credit for a certified structure other than a historic home. On January 4, 2022, the 2022 calendar year credit cap for certified structures other than historic homes was reached, and Taxpayer received an allocation of the 2022 historic rehabilitation tax credit on a pro rata basis. Taxpayer's preapproval application will not be approved for a subsequent calendar year and will not receive priority over applications with a later submission date.

2. Example: Taxpayer submits the electronic Form IT-RHC-AP through the Georgia Tax Center in 2023 seeking preapproval to claim the 2023 historic rehabilitation tax credit for a certified structure other than a historic home. On the day that Taxpayer submits the Form IT-RHC-AP, the 2023 calendar year credit cap for certified structures other than historic homes was reached, and Taxpayer received an allocation of the 2023 historic rehabilitation tax credit on a pro rata basis. Taxpayer's preapproval application will be approved for the 2024 calendar year if the 2024 credit cap has not been reached and will receive priority over applications with a later submission date.

(k) Preapproval for Calendar Year 2022 for any other certified structure earning more than $300,000 in historic rehabilitation tax credits. Taxpayers that were prorated or denied the any other certified structure credit for a project earning more than $300,000 because the credit cap was met for 2017, 2018, 2019, 2020, or 2021 may submit the electronic Form IT-RHC-AP for 2022 for additional credit amounts so long as it is the same project, and they will have priority as provided in this regulation. Taxpayers that meet the requirements for any other certified structure for a credit amount of more than $300,000 and choose to apply for the noncapped credit for any other certified structure (for a credit amount of $300,000 or less) for 2017, 2018, 2019, 2020, or 2021 may submit an electronic Form IT-RHC-AP for 2022 for any other certified structure earning more than $300,000 for additional credit amounts so long as it is the same project and they will have priority as provided in this regulation.

(l) Change of Ownership. If ownership of the other certified structure subsequently changes after historic rehabilitation tax credits were preapproved and allocated to the initial owners and no rehabilitation has begun, then the new owners must contact the Department to request reallocation of the preapproved credits to the new owners. Along with their request, the new owners must submit the amended precertification from the Georgia Department of Community Affairs and the information required by subparagraph (6)(f)1 of this regulation. Once the credits are reallocated to the new owners, the initial owners cannot claim, sell, or transfer the credits.

(m) Claiming the Historic Rehabilitation Tax Credit for Any Other Certified Structure. A taxpayer claiming the tax credits under subparagraph (6)(a) of this regulation shall attach to its Georgia income tax return, for each year the credit is claimed on Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs. A taxpayer claiming the tax credits under subparagraph (6)(b) of this regulation must attach to its Georgia income tax return, for each year the credit is claimed, an approved Form IT-RHC-AP, Form IT-RHC, the property tax bill for the year immediately before the beginning of the 24 month (or 60 month) period, the property tax bill for the year

immediately after the beginning of the 24 month (or 60 month) period, and their completed final certification from the Georgia Department of Community Affairs.

(n) In the event it is determined that the taxpayer has not met all the requirements of O.C.G.A. § 48-7-29.8 and this regulation, then the amount of credits shall not be approved or the approved credits shall be retroactively denied. The taxpayer shall file amended returns for the taxable year the credit was claimed, reducing the credit. With respect to such denied credits, tax, interest, and penalties shall be due if the credits have already been used by the taxpayer or have been sold or transferred, regardless of whether the transferee has used the credit or not.

(o) Pass-through entities. When the taxpayer is a pass-through entity and has no income tax liability of its own, the historic rehabilitation tax credit for any other certified structure shall be allocated to the partners, members, or shareholders of that entity in accordance with the provisions of any agreement among the partners, members, or shareholders of that entity and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax. The credit forms will initially be filed with the tax return of the pass-through entity to establish the amount of the credit available for pass through. The credit will then pass through to its shareholders, members, or partners to be applied against the tax liability on their income tax returns. The credits are available for use as a credit by the shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example: A partnership earns the credit for its tax year ending January 31, 2017. The partnership passes the credit to a calendar-year partner. The credit is available for use by the individual partner beginning with the calendar 2017 tax year.

(p) Selling or Transferring the Historic Rehabilitation Tax Credit for Any Other Certified Structure. The taxpayer may sell or transfer in whole or in part any historic rehabilitation tax credit for any other certified structure earned under subparagraph (6)(b) of this regulation that was previously claimed but not used by such taxpayer against its income tax to another Georgia taxpayer subject to the following conditions:

1. The taxpayer may only make a one-time sale or transfer of historic rehabilitation tax credits for any other certified structure earned in each taxable year. However, the sale or transfer may involve more than one transferee. For example, taxpayer 1 earns a $100,000 credit in year 1. In year 2, they sell $75,000 of the credit to taxpayer 2. In year 3, they are allowed to sell the remaining $25,000 of the credit to taxpayer 3. However, both taxpayer 2 and taxpayer 3 are not allowed to resell the credit since the credit can only be sold once.

2. The historic rehabilitation tax credits for any other certified structure may be transferred before the tax return is filed by the taxpayer, provided the historic rehabilitation tax credits have been earned. However, the amount transferred cannot exceed the amount of the credit which will be claimed and not used on the income tax return of the transferor. The credit is considered earned when the credit has been preapproved by the Department, the certified rehabilitation has been completed, and the taxpayer has received their completed final certification from the Georgia Department of Community Affairs. Preapproval of the credits by itself does not qualify as earning the credit.

3. The taxpayer must file Form IT-TRANS, "Notice of Tax Credit Transfer," with the Department of Revenue within 30 days of the transfer or sale of the historic rehabilitation tax credit for any other certified structure. Form IT-TRANS must be submitted electronically to the Department of Revenue through the Georgia Tax Center, or alternatively, as provided in subparagraph (6)(p)3.(i) of this regulation. The Department of Revenue will not process any Form IT-TRANS submitted or filed in any other manner. If the taxpayer is a disregarded entity, then Form IT-TRANS should be filed in the name of the owner of the disregarded entity, but Form IT-RHC should be in the name of the disregarded entity and attached to the owner's Georgia income tax return.

(i) The web-based portal on the Georgia Tax Center. The taxpayer may provide selective information to a representative for the purpose of allowing the representative to submit Form IT-TRANS on their behalf on the Georgia Tax Center outside of a login. The provision of such information shall authorize the representative to submit such Form IT-TRANS. The representative must provide all information required by the web-based portal on the Georgia Tax Center to submit Form IT-TRANS.

4. The taxpayer must provide all required historic rehabilitation tax credit for any other certified structure detail and transfer information to the Department of Revenue. Failure to do so will result in the historic rehabilitation tax credit for any other certified structure being disallowed until the taxpayer complies with such requirements.

5. The carryforward period of the historic rehabilitation tax credit for any other certified structure for the transferee will be the same as it was for the taxpayer. For certified rehabilitations completed on or after January 1, 2017, no unused historic rehabilitation tax credit for any other certified structure shall be allowed to be carried forward.

(i) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 and was placed in service in the taxpayer's calendar 2017 tax year. The transferee is a calendar-year taxpayer. The credit may be claimed by the transferee on the calendar 2017 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized in tax year 2017.

6. A transferee shall have only such rights to claim and use the historic rehabilitation tax credit for any other certified structure that were available to the taxpayer at the time of the transfer. Thus, a transferee shall not have the right to subsequently transfer such credit since that right has been utilized by the transferor.

7. Only the taxpayer who earned the historic rehabilitation tax credit for any other certified structure and no subsequent good faith transferee shall be responsible in the event of a recapture, reduction, disallowance, or other failure related to such credit, provided the credit was properly claimed by the taxpayer.

(q) How to Sell or Transfer the Historic Rehabilitation Tax Credit for Any Other Certified Structure. The taxpayer may sell or transfer the historic rehabilitation tax credit for any other certified structure directly to a Georgia taxpayer (or multiple Georgia taxpayers, as provided in subparagraph (6)(p)1. of this rule). A pass-through entity may make an election to sell or transfer the unused historic rehabilitation tax credit for any other certified structure earned in a taxable year at the entity level. If the pass-through entity makes the election to sell the historic rehabilitation tax credit for any other certified structure at the entity level, the credit does not pass through to the shareholders, members, or partners. In all cases, the effect of the sale of the credit on the income of the seller and buyer of the credit will be the same as provided in the Internal Revenue Code.

1. Pass-Through Entity. The taxpayer may be structured as a pass-through entity. If a pass-through entity does not make an election to sell or transfer the tax credit at the entity level as provided in subparagraph (6)(q) of this rule, the tax credit will pass through to the shareholders, partners, or members of the entity based on any agreement among the partners, members, or shareholders of that entity without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified structure, provided that the entity or person that claims the credit must be subject to Georgia tax. The shareholders, members, or partners may then sell their respective historic rehabilitation tax credit for any other certified structure to a Georgia taxpayer.

2. Transferee Pass-Through Entity. The taxpayer or its shareholders, members, or partners may sell or transfer the tax credit to a pass-through entity. If the pass-through entity has no income tax liability of its own, it may then pass the credit through to its shareholders, members, or partners based on any agreement among the partners, members, or shareholders of that entity without regard to the ownership interest of the partners, members, or shareholders in the pass-through entity, provided that the entity or person that claims the credit must be subject to Georgia tax. For example, if a calendar-year partnership buys the credit earned by a taxpayer in calendar year 2017 and the credit was preapproved by the Department for calendar year 2017, then all the partners receiving the credit must have been a partner in the partnership no later than the end of the 2017 tax year of the partnership. The credits are available for use as a credit by the shareholders, members, or partners for their tax year in which the income tax year of the pass-through entity ends. For example, a taxpayer that received preapproval for calendar year 2017 and placed in service the certified rehabilitation for any other certified structure in July of 2017 sells the credit to a pass-through entity in August of 2017, and the generating taxpayer claims the credit on their calendar year 2017 income tax return. The pass-through entity is entitled to use the credits on its calendar year 2017 tax return. The pass-through entity has two partners. The first partner is a calendar-year partner. This credit can only be utilized on the calendar tax year 2017 return and cannot be carried forward by the partner. The second partner is a corporation with a fiscal year ending June 30, 2018. This credit can only be utilized on the fiscal year ending June 30, 2018 and cannot be carried forward by the partner.

3. The credits are available for use by the transferee, provided the time has not expired for filing a claim for refund of a tax or fee erroneously or illegally assessed and collected under O.C.G.A. § 48-2-35 in the transferee's tax year in which the income tax year of the taxpayer who claims the historic rehabilitation tax credit for any other certified structure for the certified rehabilitation associated with the credit being sold ends.

(i) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 and was placed in service on or after January 1, 2017 and within the generating taxpayer's fiscal tax year ending June 30, 2017. The transferee is a calendar-year taxpayer. The credit may be claimed by the transferee on the calendar 2017 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized in tax year 2017 by the transferee.

(ii) Example: Taxpayer sells the historic rehabilitation tax credit for any other certified structure on March 15, 2018. This credit is from a certified rehabilitation that received preapproval from the Department for calendar year 2017 (on their Form IT-RHC-AP, the completion calendar year was 2017 and the credit was awarded for such year) and was placed in service on December 31, 2019. As provided in paragraph (7), the taxpayer chooses to claim the credit on their tax year ending June 30, 2020 tax return. The transferee is a calendar-year taxpayer. The credit must be claimed by the transferee on the calendar 2020 tax year return. This credit cannot be carried forward by the taxpayer or the transferee. This credit can only be utilized on the transferee's calendar 2020 tax year return.

(r) Required reporting. Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, the Department shall furnish a report to the chairperson of the House Committee on Ways and Means and the chairperson of the Senate Finance Committee by June 30 of each year. Such report shall contain the total sales tax collected in the prior calendar year, the average number of full-time employees at the certified structure, and the total value of credits claimed for each taxpayer claiming credits under subparagraph (6)(b).

1. For certified rehabilitations completed on or after January 1, 2017, any taxpayer that generates and claims the tax credit under subparagraph (6)(b) of this regulation must electronically report to the Department through the Georgia Tax Center, using Form IT-RHC-RPT, the monthly average full-time employees employed at the certified structure, the total sales tax collected, and the credits claimed. Such reports must be submitted to the Department for five calendar years following the calendar year in which the credit is claimed by the taxpayer. Such report shall be due by the February 28th date that follows the calendar year that is being reported.

2. For purposes of this subparagraph, in the event that the taxpayer that generates and claims the tax credit under subparagraph (6)(b) of this regulation leases such other certified structure, all total sales tax receipts from the certified structure and all total full-time employees at the certified structure shall be aggregated.

3. For certified rehabilitations completed on or after January 1, 2017, where the maximum credit amount exceeds $5 million for any other individual certified structure, the taxpayer shall report using Form IT-RHC-RPT whether or not they created 200 or more full-time permanent jobs or had $5 million in annual payroll within two years of the placed-in-service date. Such report shall be due no later than 60 days following the end of such two-year period.

(7) **Completion of the Project for Preapproved Projects.**

(a) For certified rehabilitations of any other certified structure under subparagraph (6)(b) of this regulation completed on or after January 1, 2017 and historic homes preapproved on or after January 1, 2022, the project must be placed in service within two years after the completion calendar year listed in the taxpayer's Form IT-RHC-AP (the year for which the credit was originally reserved). If the taxpayer has a fiscal year, such completion calendar year shall, for purposes of this paragraph, be the tax year that begins in such completion calendar year. If this requirement is met, the taxpayer claims the credit in the year listed in the taxpayer's preapproval letter from the Department of Revenue; or the taxpayer may claim the credit in the tax year in which the project is placed in service, provided the project is placed in service within two years after the completion calendar year listed in their Form IT-RHC-AP and provided such placed-in-service year ends later than the end of the year listed in the taxpayer's preapproval letter from the Department of Revenue. If the project is not placed in service within such time period, the credit is lost and cannot be claimed, sold, or transferred unless the taxpayer reapplies for the credit

and receives preapproval for such other time period. Unless the Department has evidence to the contrary, the date of completion listed in the final certification authorized by the Georgia Department of Community Affairs shall be used to determine when the project was placed in service. This paragraph shall apply even if the taxpayer is given priority under subparagraph (6)(j) of this regulation and is preapproved for a subsequent calendar year.

1. Example 1. The taxpayer lists 2017 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2017. The taxpayer is a calendar-year taxpayer. The taxpayer must place the project in service on or before December 31, 2019. This taxpayer places the project in service on November 15, 2019. The taxpayer may claim the credit on their taxable year end December 31, 2017 Georgia income tax return or their taxable year end December 31, 2019 Georgia income tax return.

2. Example 2. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2018. The taxpayer is a fiscal year filer with a February 28 taxable year end. The taxpayer must place the project in service on or before February 28, 2021. This taxpayer places the project in service on March 31, 2019. The taxpayer may claim the credit on their taxable year end February 28, 2019 Georgia income tax return or their taxable year end February 28, 2020 Georgia income tax return.

(b) The following examples illustrate how the credit is claimed if the taxpayer is preapproved for the credit in a subsequent year, as provided by subparagraph (6)(j):

1. Example 3. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2019. The taxpayer is a calendar-year taxpayer. This taxpayer places the project in service on November 15, 2020. The taxpayer may claim the credit on their taxable year end December 31, 2019 Georgia income tax return or their taxable year end December 31, 2020 Georgia income tax return.

2. Example 4. The taxpayer lists 2018 in their Form IT-RHC-AP as the completion calendar year and is preapproved to claim the credit for 2019. The taxpayer is a fiscal year filer with a February 28 taxable year end. This taxpayer places the project in service on January 31, 2021. The taxpayer may claim the credit on their taxable year end February 28, 2020 Georgia income tax return or their taxable year end February 28, 2021 Georgia income tax return.

(c) For historic homes estimated to be completed before January 1, 2022 and which are not actually completed before January 1, 2022, the project must be placed in service within two years after the estimated completion year listed on the precertification from the Georgia Department of Community Affairs. If this two-year requirement is met, the taxpayer claims the credit in the estimated completion year listed on the precertification from the Georgia Department of Community Affairs, and the taxpayer does not need to apply for preapproval for the historic home. If the project is not placed in service within such time period, the credit is lost and cannot be claimed, sold, or transferred unless the taxpayer reapplies for the credit and receives preapproval for such other time period. Unless the Department has evidence to the contrary, the date of completion listed in the final certification authorized by the Georgia Department of Community Affairs shall be used to determine when the project was placed in service.

(d) A project that is delayed beyond two years may submit an application for a later year, subject to all the other requirements of this regulation.

(8) **Qualified Rehabilitation Expenditures Only Counted Once.** Qualified rehabilitation expenditures can only be counted once in determining the amount of the tax credit available, and more than one entity may not utilize the historic rehabilitation tax credit for the same qualified expenditures.

(9) **Sunset Date.** O.C.G.A. § 48-7-29.8, the historic rehabilitation tax credit, shall be repealed on December 31, 2027. As such, projects completed on or after January 1, 2028 are not eligible except as allowed by paragraph (7) of this regulation.

(10) **Effective Date.** This regulation shall be applicable to certified rehabilitations completed on or after January 1, 2017, regardless of when the certified rehabilitation was started.

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AUTHORITY: O.C.G.A. §§ 48-2-12**,** 48-7-29.8**.**

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