

May 7, 2026

MEMORANDUM

TO: Board of Natural Resources

FROM: Jeffrey W. Cown, Director
Environmental Protection Division

SUBJECT: Action on Proposed Amendments to the Rules for Air Quality Control,
Subject 391-3-1

JWC

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

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

Rule 391-3-1-.02(2)(vv), "Volatile Organic Liquid Handling and Storage," is being revised to add a definition and correct typographical errors.

Subparagraph (b), "Sulfur Dioxide," of Rule 391-3-1-.02(4), "Ambient Air Standards," is being revised to add the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂) into the Georgia Rules.

Rule 391-3-1-.02(8), "New Source Performance Standards," is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.02(9), "Emission Standards for Hazardous Air Pollutants," is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(6)(b), "Combustion Equipment," is being revised to add language for clarity and to correct a typographical error.

Rule 391-3-1-.03(9), "Permit Fees," is being revised to specify the dollar-per-ton rate, reference the "Procedures for Calculating Air Permit Application & Annual Permit Fees" (Fee Manual) for state fiscal year 2027 fees, and to update nomenclature.

Memorandum
Board of Natural Resources
May 7, 2026

Please find enclosed for your review and consideration:

	Page No.
➤ Synopsis and Statement of Rationale for the proposed amendments to Rules for Air Quality Control;	A-3
➤ Notice of Public Hearing issued March 24, 2026;	A-7
➤ Memorandum summarizing comments on the proposed revisions;	A-10
➤ Memorandum regarding the economic impacts of the proposed amendments on small businesses and the regulated community; and	A-12
➤ A proposed resolution for adopting the amendments to the rules.	A-14

The lengthy ~~strikeout~~/underline copy of the proposed amendments and a copy of the Permit Fee Manual have been provided electronically to conserve paper and postage; we will promptly provide a hard copy by mail for your review prior to the May meeting if that is your preference.

I recommend adoption of the proposed amendments as presented.

JWC:db

Attachments

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

Rule 391-3-1-.02(2)(vv), “Volatile Organic Liquid Handling and Storage,” is being amended.

Purpose: This rule is being revised to add a definition and correct typographical errors.

Main Features: Subparagraph (2)(vv)1. is being revised to change “section” to “subparagraph”, “subsection” to “subparagraph”, and “subsections” to “subparagraphs”. Subparagraph (2)(vv)2. is being revised to change “subsection” to “subparagraph”. Subparagraph (2)(vv)2.(iii) is being added to include the definition “Volatile Organic Liquid (VOL)”. Subparagraphs (2)(vv)3.(ii), (2)(vv)3.(iii), and 2(vv)3.(iv) are being revised to change “subsection” to “subparagraph”.

Subparagraph (b), “Sulfur Dioxide,” of Rule 391-3-1-.02(4)(b), “Ambient Air Standards,” is being amended.

Purpose: This rule is being revised to add the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂) into the Georgia Rules.

Main Features: To be consistent with the Federal Standards, subparagraphs (4)(b)3., (4)(b)3.(i), and (4)(b)3.(ii) are being added.

Rule 391-3-1-.02(8), “New Source Performance Standards,” is being amended.

Purpose: This rule is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Main Features: Subparagraphs (8)(b)1. for General Provisions; (8)(b)75. for Commercial and Industrial Solid Waste Incineration Units; (8)(b)76. 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; (8)(b)84. 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; and (8)(b)90. for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022, are being revised to reflect the latest titles and amendment dates of the incorporated Federal

rules.

Subparagraph (8)(b)102. for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022, is being added.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is being amended.

Purpose: This rule is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Main Features: Subparagraphs (9)(b)15. for General Provisions; (9)(b)26. for Coke Oven Batteries; (9)(b)82. for Hazardous Air Pollutants for Source Categories: Polyether Polyols Production; (9)(b)121. for Coke Ovens: Pushing, Quenching, and Battery Stacks; and (9)(b)124. for Integrated Iron and Steel Manufacturing Facilities are being revised to reflect the latest titles and amendment dates of the incorporated Federal rules.

Rule 391-3-1-.03(6)(b), “Combustion Equipment,” is being amended.

Purpose: This rule is being revised to add additional language for clarity and to correct a typographical error.

Main Features: Subparagraphs (6)(b)1., (6)(b)2., (6)(b)3., (6)(b)10.(i), (6)(b)10.(ii), and (6)(b)10.(iii) are being revised to add “per unit”. Subparagraph (6)(b)11.(v) is being revised to change “subsection” to “subparagraph”.

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

Purpose: The Permit Fee provision is being revised to specify the dollar-per-ton rate, reference the “Procedures for Calculating Air Permit Application & Annual Permit Fees” (Fee Manual) for state fiscal year 2027 fees, and to update nomenclature.

Main Features: A dollar-per-ton rate and the reference to the Fee Manual for calendar year 2025 fees are being added to subparagraph (9)(b). The dollar-per-ton rates remain the same as the previous year at \$45.37/ton for coal-fired electric generating units and \$43.13/ton for all other sources. Subparagraphs (9)(e) and (9)(f) are being revised to replace the word “Chapter” with “Subject” to reflect the Secretary of State’s naming convention.

STATEMENT OF RATIONALE
Rules for Air Quality Control

Rule 391-3-1-.02(2)(vv) – Volatile Organic Liquid Handling and Storage.

The basis of this rule is to specify requirements for organic liquid handling and storage facilities. The purpose of this revision is to add a definition and to correct typographical errors.

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

The basis of this rule is to adopt ambient air standards for Georgia that are consistent with the National Ambient Air Quality Standards. The purpose of this revision is to include the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂) into the Georgia rules.

Rule 391-3-1-.02(8) – New Source Performance Standards.

The basis of this rule is to adopt the Federal New Source Performance Standards (NSPS) by reference. The purpose of this revision is to include the latest amendment dates and all associated changes into the Georgia rules.

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

The basis of this rule is to adopt the National Emission Standards for Hazardous Air Pollutants (NESHAP) by reference. The purpose of this revision is to include the latest amendment dates and all associated changes into the Georgia rules.

Rule 391-3-1-.03(6)(b) – Combustion Equipment.

The basis of this rule is to provide a list of combustion equipment categories that are exempt from SIP permitting. The purpose of this revision is to add additional language for clarity and to correct a typographical error.

The proposed rule revisions listed above are required to comply with federal requirements or are administrative in nature. They are in no way any more restrictive than the federal requirements. They do not incur any additional costs to the regulated industry, local government, or public other than those required to meet the federal rule.

Rule 391-3-1-.03(9) – Permit Fees.

The basis of this rule is to specify the permit fee rate; the procedures for determining, reporting, and submitting permit fees; and other permit fee-related requirements.

The purpose of this revision is to specify the dollar-per-ton permit fee rate, reference a new Fee Manual for state fiscal year 2027 permit fees, and to update nomenclature. Annual emissions fees based on emissions from calendar year 2025 will be due beginning September 1, 2026, and will

fund state fiscal year 2027 permit-related activities. The annual maintenance fee for Title V sources will be collected September 1, 2026.

Annual permit fee rates and thresholds remain unchanged. Costs to the regulated community should be similar to the previous year. This rule does not directly impact the public.

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION

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

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that, pursuant to the authority set forth below, the Environmental Protection Division (hereinafter, "EPD") of the Georgia Department of Natural Resources proposes Amendments to Georgia's Rules for Air Quality Control, Subject 391-3-1 (hereinafter, "the proposed Air Rule Amendments"). The Director of EPD certifies that the amendments to rule 391-3-1-.02 are required to comply with Sections 110(a), 111(c)(1), and 112(l) of the Federal Clean Air Act (CAA) and to exercise authority approved and/or delegated by the U.S. Environmental Protection Agency to implement Section 110 of the CAA, and the amendments to rule 391-3-1-.03 are required to comply with Sections 161, 172, and 502(b)(3) of the CAA. The proposed Air Rule Amendments are described below:

Rule 391-3-1-.02(2)(vv), "Volatile Organic Liquid Handling and Storage," is being revised to add a definition and correct typographical errors. Rule 391-3-1-.02(2)(vv) will be submitted as a State Implementation Plan (SIP) revision to EPA.

Subparagraph (b), "Sulfur Dioxide," of Rule 391-3-1-.02(4), "Ambient Air Standards," is being revised to add the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂) into the Georgia Rules. Rule 391-3-1-.02(4)(b) will be submitted as a SIP revision to EPA.

Rule 391-3-1-.02(8), "New Source Performance Standards," is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.02(9), "Emission Standards for Hazardous Air Pollutants," is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(6)(b), "Combustion Equipment," is being revised to add additional language for clarity and to correct a typographical error. With the exception of 391-3-1-.03(6)(b)16., rule 391-3-1-.03(6)(b) will be submitted as a SIP revision to EPA.

Rule 391-3-1-.03(9), "Permit Fees," is being revised to specify the dollar-per-ton rate, reference the "Procedures for Calculating Air Permit Application & Annual Permit Fees" (Fee Manual) for state fiscal year 2027 fees, and to update nomenclature. Rule 391-3-1-.03(9) will be submitted as a Part 70 Permit Program revision to EPA.

This notice, together with an exact copy of the proposed Air Rule Amendments, a synopsis, and a

statement of rationale of the rule revisions, is being provided to all persons who have requested in writing that they be placed on a notification list. These documents may be viewed at <https://epd.georgia.gov/subject-391-3-1-air-quality-control> or by appointment only at the Georgia Environmental Protection Division, Air Protection Branch, 4244 International Parkway, Suite 104, Atlanta, Georgia 30354. To set an appointment, email askepd@dnr.ga.gov with your name, email and phone number and an associate will reach out to you. Copies may also be requested by contacting Elisabeth Munsey, Elisabeth.Munsey@dnr.ga.gov, Anna Aponte, Anna.Aponte1@dnr.ga.gov, or the Environmental Protection Division Director's Office at askepd@dnr.ga.gov.

To provide the public an opportunity to comment upon and provide input into the proposed Air Rule Amendments, a public hearing will be held at 11:00 a.m. on April 24, 2026. EPD will be hosting this public hearing via Zoom. Zoom is a free web conferencing platform that also allows participation by phone.

To log into the public hearing on your computer, please click this link or copy and paste it into your browser to join the meeting:

<https://gaepd.zoom.us/j/96273415819?pwd=sVvamSlhgar4ftX81Onr8qKDXJRYsJ.1>

To ensure that you are ready to participate when the meeting begins, we recommend that you download Zoom in advance. Zoom can be found here: <https://zoom.us>

To dial in by phone, please call this number: 888-788-0099 (Toll free). When prompted, enter the Meeting ID and/or Passcode shown below.

The meeting ID is 962 7341 5819

Passcode: 563181

Please note that if you choose to participate by phone, your phone number may be visible to other meeting attendees.

During the hearing, anyone may present data, make a statement, comment, or offer a viewpoint or argument either orally or in writing. Oral statements should be concise. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted in writing for the official record.

Written comments are welcomed. To ensure their inclusion in EPD's package for the Board of Natural Resources, written comments must be received by 4:30 PM on April 24, 2026. Written comments may be emailed to Air-General.Comments@dnr.ga.gov or sent via regular mail addressed to: Branch Chief, Air Protection Branch, 4244 International Parkway, Suite 120, Atlanta, Georgia, 30354.

The proposed Air Rule Amendments will be considered for adoption by the Board of Natural Resources at its meeting at 9:00 a.m. on Tuesday, May 19, 2026. The meeting will be open to the public and held at the DNR Board Room located at 2 Martin Luther King Jr. Drive, SE, Suite 1252 East, Atlanta, GA 30334.

The proposed Air Rule Amendments are proposed for adoption pursuant to authority contained in the Georgia Air Quality Act (O.C.G.A. Section 12-9-1 et. seq.). For further information, contact Anna Aponte, (470) 251-2942 at the Air Protection Branch.

April 30, 2026

MEMORANDUM

To: Jeffrey W. Cown, Director
Environmental Protection Division

From: James Boylan, Chief
Air Protection Branch

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

On March 24, 2026, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Air Quality Control, Subject 391-3-1. The proposed changes included the following rules:

- **Rule 391-3-1-.02(2)(vv), “Volatile Organic Liquid Handling and Storage,”** is being revised to add a definition and correct typographical errors.
- **Subparagraph (b), “Sulfur Dioxide,” of Rule 391-3-1-.02(4), “Ambient Air Standards,”** is being revised to add the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂) into the Georgia Rules.
- **Rule 391-3-1-.02(8), “New Source Performance Standards,”** is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.
- **Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,”** is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.
- **Rule 391-3-1-.03(6)(b), “Combustion Equipment,”** is being revised to add language for clarity and to correct a typographical error.
- **Rule 391-3-1-.03(9), “Permit Fees,”** is being revised to specify the dollar-per-ton rate, reference the “Procedures for Calculating Air Permit Application & Annual Permit Fees” (Fee Manual) for state fiscal year 2027 fees, and to update nomenclature.

A public hearing was held at 11:00 a.m. on April 24, 2026, via Zoom. Zoom is a free web conferencing platform that also allows participation by phone. The public comment period ended April 24, 2026. No comments were received for this rule revision.

JB:db

April 30, 2026

MEMORANDUM

TO: Jeffrey W. Cown, Director
Environmental Protection Division

FROM: James Boylan, Chief
Air Protection Branch

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

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

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

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

Rule 391-3-1-.02(2)(vv), “Volatile Organic Liquid Handling and Storage,” is being revised to add a definition and correct typographical errors.

Subparagraph (b), “Sulfur Dioxide,” of Rule 391-3-1-.02(4), “Ambient Air Standards,” is being revised to add the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂) into the Georgia Rules.

Rule 391-3-1-.02(8), “New Source Performance Standards,” is being revised to adopt the Federal Performance Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.02(9), “Emission Standards for Hazardous Air Pollutants,” is being revised to adopt the Federal Emission Standards into the Georgia Rules by reference to ensure consistency between the State and Federal programs.

Rule 391-3-1-.03(6)(b), “Combustion Equipment,” is being revised to add language for clarity and to correct a typographical error.

Rule 391-3-1-.03(9), “Permit Fees,” is being revised to specify the dollar-per-ton rate, reference the “Procedures for Calculating Air Permit Application & Annual Permit Fees” (Fee Manual) for state fiscal year 2027 fees, and to update nomenclature.

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

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

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

The proposed rules are required to comply with federal requirements or are administrative in nature. The Permit Fees proposed rule specifies the annual emissions fee rate. It also specifies the procedures for determining, reporting, and submitting annual emission permit fees and the permit application fees as well as other permit fee-related requirements. Existing permit rules language allows small businesses to ask for an exemption from permit application fees due to financial hardship. Therefore, the proposed rules do not impose excessive regulatory costs on any regulated person or entity, which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

A RESOLUTION

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

WHEREAS, the Board adopted, under the authority of The Georgia Air Quality Act, O.C.G.A. 12-9-1, et seq., the Rules for Air Quality Control, Subject 391-3-1, which became effective on September 26, 1973, and were last amended effective on July 15, 2025; and

WHEREAS, the United States Environmental Protection Agency (EPA) requires that the various Rules for Air Quality Control, Subject 391-3-1, be modified, as to their coverage and requirements, in order for Georgia to retain Federal approval under the Clean Air Act (CAA); and

WHEREAS, the proposal for the amendments to the Rules for Air Quality Control, Subject 391-3-1, has been prepared by staff of the Environmental Protection Division and presented to this Board; and

WHEREAS, amendments to the Rules for Air Quality Control, Subject 391-3-1, will revise various portions of Rule 391-3-1-.02, “Provisions. Amended” and Rule 391-3-1-.03, “Permits. Amended”; and

WHEREAS, on March 24, 2026, a public notice for the proposed rule amendments was posted on EPD’s website and sent to individuals on EPD’s mailing list and to Govdelivery.com subscribers, which invited public comment, announced a public hearing to be held on April 24, 2026, and informed the public of the scheduled date for consideration of the proposed amendments by the Board; and

WHEREAS, no public comments were received in response to the notice or the hearing; and

WHEREAS, the impact of the adoption of these proposed rule amendments on small businesses in the State has been considered and found to be either minimal or if greater than minimal, unavoidable due to federal requirements and appropriately minimized; and

WHEREAS, the cost of adoption of the proposed rule amendments upon the regulated community has been considered and found not to impose excessive regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the Georgia Air Quality Act.

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

Adopted this 19th day of May 2026.

Respectfully submitted by:

ATTEST:

Patrick Denney, Chairman
Georgia Board of Natural Resources

Dan Garcia, Secretary
Georgia Board of Natural Resources