

March 12, 2026

MEMORANDUM

TO: Board of Natural Resources

FROM: Jeffrey W. Cown, Director
Environmental Protection Division

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

JWC

The purpose of this briefing memo is to coordinate with the Environmental Protection Committee and seek input from all members of the Board on EPD's proposed amendments to the Rules for Air Quality Control, Subject 391-3-1.

In order for EPD to retain primacy for air quality programs, periodic updates of the Rules for Air Quality Control, Subject 391-3-1, are necessary to reflect new regulations published by the U.S. Environmental Protection Agency (EPA). Also, EPD is required by Section 502 of the federal Clean Air Act and Section 12-9-10(h) of the Georgia Air Quality Act to collect annual fees sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements. Accordingly, EPD proposes to amend Rules 391-3-1-.02 and 391-3-1-.03 to address Miscellaneous updates.

The proposed Miscellaneous amendments include:

- updates to Volatile Organic Liquid Handling and Storage requirements;
- updates to the Ambient Air Standards to add the 2024 annual ambient air quality secondary standards for oxides of sulfur (SO₂);
- updates to certain New Source Performance Standards (NSPS), which are technology-based standards that limit criteria air pollutant emissions from new sources in specific source categories;
- updates to certain Emission Standards for Hazardous Air Pollutants, which are control technology requirements for sources in specific source categories;
- updates to Combustion Equipment exemptions to provide clarity; and
- updates to specify the dollar-per-ton rate for annual emissions fees and reference the Fee Manual for state fiscal year 2027.

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The Division will solicit public input and hold a public hearing and expects to present the above amendments to the Board for action at the May 2026 Board meeting.

Please find enclosed for your review and consideration:

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➤ Synopsis and Statement of Rationale for the proposed amendments to the Rules for Air Quality Control	A-3

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 March meeting if that is your preference.

Thank you for your attention to these proposed rule changes.

JWC:db:lh

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.