

Appendix N

**CAA Section 110(a)(2) Requirements
(SIP Infrastructure Elements):
Communications Dated 7-23-08
and 9-22-08**

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch

4244 International Parkway • Suite 120 • Atlanta • Georgia 30354

404/363-7000 • Fax: 404/363-7100

Noel Holcomb, Commissioner

Carol A. Couch, Ph.D., Director

July 23, 2008

Mr. James I. Palmer, Jr.
Regional Administrator
U.S. EPA, Region IV
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

Re: SIP Elements Under Clean Air Act Sections 110(a)(1) and (2)
Fine Particulate Matter National Ambient Air Quality Standard

Dear Mr. Palmer:

Under Clean Air Act [CAA] sections 110(a)(1) and (2), Georgia is required to submit a plan to provide for the implementation, maintenance, and enforcement of the fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard [standard]. EPA was obligated by Consent Decree to determine whether Georgia had made the required SIP submissions to meet CAA section 110(a)(2)(D)(i) relating to interstate transport by no later than March 15, 2005. The Consent Decree also obligated EPA to make a determination, pursuant to CAA section 110(k)(1)(A), whether Georgia has made submissions necessary to meet the remaining CAA section 110(a)(1) and (2) requirements by October 5, 2008.

CAA Section 110(a)(2)(D)(i) – Interstate Transport Requirements as they relate to the 1997 PM_{2.5} NAAQS

CAA Section 110(a)(1) requires the submittal of a SIP that contains the necessary elements found in Section 110(a)(2). CAA Section 110(a)(2)(D) pertains to *interstate transport* and this section prohibits activities and/or emissions which will (1) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any NAAQS; or (2) interfere with attainment or visibility, and (3) insure compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement). Georgia received full approval of its SIP revision implementing CAA section 110(a)(2)(D)(i) in its entirety on October 9, 2007 [72 FR 57202 – 57207] and the effective date of this SIP revision is November 8, 2007.

With that in mind, Georgia certifies that its existing SIP contains provisions that address the requirements for the 1997 PM_{2.5} NAAQS under CAA Section 110(a)(2)(D)(i).

Mr. Jimmy Palmer, Jr.
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Infrastructure Elements of CAA Sections 110(a)(1) and 110(a)(2)

Many of the required section 110(a)(1) and (2) SIP elements relate to the general information and authorities that constitute the "infrastructure" of the 1997 PM2.5 air quality management program. Georgia has reviewed EPA's memo dated October 2, 2007 and entitled, "Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and PM2.5 National Ambient Air Quality Standards" and its existing SIP. Upon review, Georgia believes that it has an existing air quality management program that satisfies the requirements of CAA Sections 110(a)(1) and the Section 110 SIP elements listed in Attachment A of the October 2, 2007 guidance. Georgia's review is documented in the table enclosed with this letter.

With that in mind, Georgia certifies that its existing SIP contains provisions that address the requirements for the 1997 PM2.5 NAAQS including the CAA Sections 110(a)(1) and 110(a)(2) elements listed in Attachment A of the October 2, 2007 guidance.

Conclusion

If you have any questions or need more information, please contact Jimmy Johnston at (404) 363-7014 or via email at jimmy_johnston@dnr.state.ga.us.

Sincerely,



Carol A. Couch
Director

CAC:SLJ:JK:JJ

c: Dick Schutt, EPA Region IV
Lynorae Benjamin, EPA Region IV
Heather Abrams, Branch Chief, EPD, Air Protection Branch

Enclosure: SIP Submittal Completeness Criteria Checklist -Confirmation of 110(a)(2)(A)-(M) PM2.5 NAAQS Requirements in the Current Georgia SIP

**ATTACHMENT - SIP SUBMITTAL COMPLETENESS CRITERIA CHECKLIST
EPD Response – July 23, 2008**

SIP Submitted by:
Date Submitted:

Subject: Confirmation of 110(a)(2)(A)-(M) PM2.5 NAAQS Requirements in the Current Georgia SIP

110(a)(2)(A)-(M) Requirements Checklist – Georgia

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(A)	<p><i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i></p>	<p>Georgia Rules for Air Quality 391-3-1-.01 – “Definitions. Amended”; Georgia Rules for Air Quality 391-3-1-.02 – “Provisions. Amended”; and Georgia Rules for Air Quality 391-3-1-.03 – “Permits. Amended”.</p> <p>Note: Georgia intends to amend these rules to add the definition of PM2.5 and provisions regarding PM2.5 to the permit rule (391-3-1-.03), where needed.</p>
§110(a)(2)(B)	<p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to-</i></p> <ul style="list-style-type: none"> <i>(i) monitor, compile, and analyze data on ambient air quality, and</i> <i>(ii) upon request, make such data available to the Administrator;</i> 	<p>Performance Partnership Agreement</p> <p>Georgia Rule for Air Quality 391-3-1-.02(4)(c)2. – PM2.5 Note 1: Georgia Rule 391-3-1-.02(4)(c)1 is for PM10. Note 2: Georgia EPD submitted revisions to EPA for Rule 391-3-1-.02(4)(c) on August 15, 2006. Still awaiting SIP approval.</p> <p>Letter from EPA to EPD dated September 26, 2007 – conditionally approving “Ambient Air Monitoring Network Plan”. Requested changes have been made and approval is now final.</p> <p>Letter from EPA to EPD dated December 17, 1993 in which EPA approved Georgia’s PAMS Network (The Georgia SIP for Photochemical Assessment Monitoring Stations)</p> <p>Georgia’s Ambient Monitoring Program is discussed in the following recent SIPs:</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
		<p>*For Atlanta: "Atlanta One-Hour Ozone Nonattainment Redesignation Request and Maintenance Plan" dated February 1, 2005 and approved in 70 FR 35660-34665</p> <p>*For Macon: "Macon 8-Hour Ozone Nonattainment Redesignation Request and Maintenance Plan" dated June 15, 2007 and approved in 72 FR 53432-53436</p> <p>*For Murray County "Georgia's Redesignation Request and Maintenance Plan for Murray County 8-Hour Ozone Nonattainment Area" dated June 15, 2007 and approved in 72 FR 58538-58542</p>
§110(a)(2)(C)	<p><i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Performance Partnership Agreement</p> <p>Georgia Rule for Air Quality 391-3-1-.02(1) – General Requirement</p> <p>Georgia Rule for Air Quality 391-3-1-.02(7) – "Prevention of Significant Deterioration of Air Quality"</p> <p>Georgia Rule for Air Quality 391-3-1-.03 – "Permits. Amended"</p> <p>Georgia Rule for Air Quality 391-3-1-.07 – "Inspections and Investigations. Amended"</p> <p>Georgia Rule for Air Quality 391-3-1-.09 – "Enforcement. Amended"</p> <p>Georgia EPD intends to comply with the recently promulgated NSR rules for PM2.5. Per that rule, for PSD, Georgia EPD has up to 3 years to incorporate such changes, until which time Georgia EPD uses PM10 as a surrogate. For Nonattainment NSR, the federal rule requires that Georgia EPD use PM2.5 effective July 15, 2008 under the authority of 40</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
		CFR Part 51 Appendix S. The federal rule does not allow the use of PM10 as a surrogate for PM2.5 in nonattainment NSR after July 15, 2008.
§110(a)(2)(D)	<p><i>contain adequate provisions—</i></p> <p><i>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</i></p> <p><i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p> <p><i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</i></p> <p><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p>	<p>Approved SIP Revision for the <i>Incorporation of the Requirements of CAA Section 110(a)(2)(D)(i) for 8-hour Ozone and PM2.5 NAAQS</i>: EPA took final action in the <i>Federal Register</i> on October 9, 2007 72 FR 57202-57207 to fully approve this SIP Revision and this full approval became effective on November 8, 2007.</p> <p>Regional Haze SIP will be submitted to EPA in 2008</p>
§110(a)(2)(E)(i)	<p><i>provide</i></p> <p><i>(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Performance Partnership Agreement</p> <p>"Georgia's Title V Plan" dated November 12, 1993, in particular section 8 which addresses "adequate personnel and resources" in accordance with 40 CFR 70.4(b)(8)</p>
§110(a)(2)(E)(ii)	<p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128, and</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality O.C.G.A. Section 12-9, et. Seq.)</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(E)(iii)	<i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i>	SIP is adequate because it does not rely upon local or regional governments.
§110(a)(2)(F)	<p><i>require, as may be prescribed by the Administrator—</i></p> <p><i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Georgia Rule for Air Quality 391-3-1-.02(3) – “Sampling”</p> <p>Georgia Rule for Air Quality 391-3-1-.02(6) – “Source Monitoring”</p> <p>Georgia Rule for Air Quality 391-3-1-.02(11) – “Compliance Assurance Monitoring.”</p> <p>Georgia Rule for Air Quality 391-3-1-.03 – “Permits.Amended”</p>
§110(a)(2)(G)	<i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i>	<p>Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Georgia Rule for Air Quality 391-3-1-.04 – “Air Pollution Episodes.”</p> <p><u>January 1972 SIP</u> “Implementation Plan for Attainment of State and National Ambient Air Standards” – Air Quality Control Branch, Georgia Department of Public Health (primary pages are 169-266)</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(H)	<p><i>provide for revision of such plan—</i></p> <p><i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i></p> <p><i>(iii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Performance Partnership Agreement</p> <p>Note: Electronic link for Georgia Air Quality Act http://www.gaepd.org/Documents/rules_exist.html</p>
§110(a)(2)(I)	<p><i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Georgia Rule for Air Quality 391-3-1-.02 – “Provisions. Amended”</p> <p>Georgia Rule for Air Quality 391-3-1-.03 – “Permits. Amended”</p>
§110(a)(2)(J) (§ 121 consultation)	<p><i>meet the applicable requirements of section 121 (relating to consultation), ...</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Transportation Conformity SIP Revision dated April 7, 2000 and approved in 65 FR 18245</p> <p>Ozone SIP contains equivalent consultation and participation for PM2.5 requirements:</p> <p>*For Atlanta: “Atlanta One-Hour Ozone Nonattainment Redesignation Request and Maintenance Plan” dated February 1, 2005 and approved in 70 FR 35660-34665</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
		<p>*For Macon: "Macon 8-Hour Ozone Nonattainment Redesignation Request and Maintenance Plan" dated June 15, 2007 and approved in 72 FR 53432-53436</p> <p>*For Murray County "Georgia's Redesignation Request and Maintenance Plan for Murray County 8-Hour Ozone Nonattainment Area" dated June 15, 2007 and approved in 72 FR 58538-58542</p>
<p>§110(a)(2)(J) (Section 127 public notification)</p>	<p><i>meet the applicable requirements of section 127 of this title,</i></p>	<p>Adequate provisions.</p>
<p>§110(a)(2)(J) (PSD)</p>	<p><i>meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i></p>	<p>Georgia Rule for Air Quality 391-3-1-.02(1) – "General Requirements"</p> <p>Georgia Rule for Air Quality 391-3-1-.02(7) – "Prevention of Significant Deterioration"</p> <p>Georgia EPD intends to comply with the recently promulgated NSR rules for PM2.5. Per that rule, for PSD, Georgia EPD has up to 3 years to incorporate such changes, until which time Georgia EPD uses PM10 as a surrogate. For Nonattainment NSR, the federal rule requires that Georgia EPD use PM2.5 effective July 15, 2008 un the authority of 40 CFR Part 51 Appendix S. The federal rule does not allow the use of PM10 as a surrogate for PM2.5 in nonattainment NSR after July 15, 2008.</p>

Section 110(a) element	Summary of element	How Addressed in Submittal
§110(a)(2)(K)	<p><i>provide for:</i></p> <p><i>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i></p> <p><i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<p>Regional Haze Modeling as part of VISTAS</p> <p>ASIP and GA EPD developed 2002 meteorology (MM5) and 2002/2009 emissions (SMOKE) as inputs into the CMAQ air quality model. Annual CMAQ simulations were performed for 2002 and 2009 and relative response factors (RRFs) were calculated to project the 2009 future design values (DVs) at all monitors in Georgia. The DVs were compared to the NAAQS standard for annual PM2.5.</p> <p>PM2.5 modeling protocol to be included in PM2.5 SIPs to be submitted to EPA in 2008.</p> <p>Georgia Air Quality Act 12-9-6(b)(2)</p>
§110(a)(2)(L)	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—</i></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i></p>	<p>*391-3-1-.03(9) – “Permit Fees”</p> <p>*Rule 391-3-1-.03(9) to compute fees for calendar year 2002 was submitted as a SIP revision on June 25, 2003 – appears to be SIP approved.</p> <p>*Rule 391-3-1-.03(9) to compute fees for calendar years 2003, 2004, and 2005 where submitted as part of one SIP submittal in July 2006.</p> <p>*Rule 391-3-1-.03(9) to compute fees for calendar year 2006 – was submitted as a SIP revision on August 22, 2007</p>
§110(a)(2)(M)	<p><i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p>The Georgia Air Quality Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. Seq.)</p> <p>Transportation Conformity SIP Revision dated April 7, 2000 and approved in 65 FR 18245</p> <p>Ozone SIP contains equivalent consultation and participation for PM2.5</p>

§ 110(a) element	Summary of element	How Addressed in Submittal
		<p>requirements:</p> <p>*For Atlanta – “Atlanta One-Hour Ozone Nonattainment Redesignation Request and Maintenance Plan” dated February 1, 2005 and approved in 70 FR 35660-34665</p> <p>*For Macon: “Macon 8-Hour Ozone Nonattainment Redesignation Request and Maintenance Plan” dated June 15, 2007 and approved in 72 FR 53432-53436</p> <p>*For Murray County “Georgia’s Redesignation Request and Maintenance Plan for Murray County 8-Hour Ozone Nonattainment Area” dated June 15, 2007 and approved in 72 FR 58538-58542</p>
§§110(a)(2)(C) & 110(a)(2)(J)	Part C Permit program: <i>§110(a)(2)(J) meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection);</i> <i>§110(a)(2)(C) ... regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i> 40 CFR 51.166: Amend PSD regulations as required by the November 29, 2005 final rule (70 FR 71612 at 71699-71700). See also 70 FR 71671-71684.	<u>Not sure why this row exists in this table.</u>

Georgia Department of Natural Resources

Environmental Protection Division • Air Protection Branch
4244 International Parkway • Suite 120 • Atlanta • Georgia 30354

404/363-7000 • Fax: 404/363-7100

Noel Holcomb, Commissioner
Carol A. Couch, Ph.D., Director

September 22, 2008

Mr. James I. Palmer, Jr.
Regional Administrator, EPA Region 4
Atlanta Federal Center
61 Forsythe Street, S.W.
Atlanta, Georgia 30303-8960

RE: SIP Element Under Clean Air Act Section 110(a)(2)(G)
Fine Particulate Matter National Ambient Air Quality Standard

Dear Mr. Palmer:

EPA Region 4 contacted the Georgia Environmental Protection Division (EPD) on September 18, 2008 via telephone regarding Georgia EPD's letter to EPA Region 4 dated July 23, 2008.¹ The telephone conversation pertained to CAA section 110(a)(2)(G), whether Georgia EPD would be required to submit an emergency episode plan for PM_{2.5}, and whether Georgia would have existing authority to administer such a plan. The federal requirement is based on a priority region classification². EPA Region 4 acknowledged that the agency has not yet proposed a PM_{2.5} classification scheme. EPA Region 4 informed Georgia EPD that EPA Headquarters is considering an ambient concentration threshold of 140.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) on a 24-hour basis as the threshold for requiring the development of an emergency episode plan for PM_{2.5} (i.e., regions in the state would be classified as Priority III if such an ambient threshold was not exceeded during the most recent three years worth of ambient data)³. Based on such criteria, air quality control regions in Georgia would be classified as Priority III (based on calendar years 2005, 2006, and 2007) if EPA proposed and promulgated such an ambient concentration classification scheme. This classification would exempt Georgia EPD from adopting an Emergency Episode Plan for PM_{2.5} and Georgia EPD's State Implementation Plan would fulfill the CAA section 110(a)(2)(G) requirements for PM_{2.5}.

Pursuant to Georgia Rule for Air Quality Control Act: Article I: Air Quality (O.C.G.A. Section 12-9, et. seq.) Georgia EPD is authorized to implement emergency air pollution episode measures.

If you have any questions, please contact Jimmy Johnston at 404-363-7014 or via e-mail at jimmy.johnston@dnr.state.ga.us.

¹ Letter from Dr. Carol Couch (GA EPD) to Mr. Jimmy Palmer, Jr. (EPA Region 4) regarding *SIP Elements Under Clean Air Act Sections 110(a)(1) and (2) – Fine Particulate Matter National Ambient Air Quality Standard*.

² Implementing regulation for CAA section 110(a)(2)(G) is 40 CFR Part 51 Subpart H.

³ A PM_{2.5} ambient concentration of 140.5 mg/m³ on a 24-hour basis would correspond to an AQI Category of "Unhealthy" or Code Red based on ; however, the agency issued a paper for discussion on February 12, 2007 that addressed EPA's "initial thoughts" about possible revisions to the Air Quality Index (AQI) and Significant Harm Level (SHL) for PM_{2.5}.

Jimmy Palmer, Jr.
September 22, 2008
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Carol A. Couch". The signature is written in a cursive style with a large initial "C".

Carol A. Couch
Director

CAC:JJ:JK:sj

c: Dick Schutt, EPA Region IV
Lynorae Benjamin, EPA Region IV
Chuck Mueller
Susan Jenkins