

**Responses to Comments Received During the Public Comment Period  
March 27, 2011, through May 10, 2011  
Proposed Revisions to Air Quality Rules, Chapter 391-3-1**

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On March 27, 2011, EPD issued a public notice requesting comments on proposed revisions to the Georgia Rules for Air Quality, Rule 391-3-1-.02(2)(sss) – Multipollutant Control for Electric Utility Steam Generating Units, and Rule 391-3-1-.02(2)(uuu) – SO<sub>2</sub> Emissions from Electric Utility Steam Generating Units. Written comments were received during the public comment period. A public hearing was held at 4:00 p.m. on April 26, 2011, in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Comments received as of May 10, 2011, are summarized in this memo.

Comments were received from Greenlaw on behalf of the Sierra Club, with identical comments being submitted by the Sierra Club of Georgia. A summary of the comments is followed by EPD's response.

Comment

Greenlaw/Sierra Club commented that the rule revisions appear to lack a reasoned basis due to the fact that no specific upcoming Federal regulation is noted for the revisions, and there is no justification for the delay in pollution control installation.

Response

Rule 391-3-1-.02(2)(sss) was originally intended to coordinate the necessary electric utility plant emissions reductions of NO<sub>x</sub>, SO<sub>2</sub>, and mercury of the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR), as well as 8-hour ozone and annual PM<sub>2.5</sub> nonattainment planning needs. Rule (sss) was crafted, with significant stakeholder input, to maximize the multi-pollutant emissions co-benefits of specifying the required technology in the shortest period of time while also considering the limitations on construction resources and scheduled outages. Rule (sss) was also developed in order to ensure that the NO<sub>x</sub>, SO<sub>2</sub>, and mercury reductions required by the interstate trading programs of CAIR and CAMR occurred within Georgia. Rule (sss) itself is not required by any federal regulation and is unique among the approach of all other states.

At this point in time, all of the underlying federal requirements which established the basis for the emission controls required by rule (sss), have changed. The CAIR has been remanded by a federal court, the CAMR has been vacated by a federal court, and all of the 8-hour ozone and PM<sub>2.5</sub> nonattainment areas in the state are meeting the federal air quality standards for which the area was designated nonattainment. Changing the future compliance dates for rules (sss) and (uuu) do not affect EPD's ability to request re-designation of any of these areas to attainment.

## Chapter 391-3-1

## Rules for Air Quality Control

The CAIR will soon be replaced by the new federal Transport Rule, as mandated by Federal Court and proposed on July 6, 2010, which will require significant reductions in NO<sub>x</sub> and SO<sub>2</sub> emissions. Also, the CAMR will be replaced by the federal mercury and air toxics standard for power plants that was proposed on March 16, 2011. The revised compliance dates for Plant Branch Units 3 and 4 will allow Georgia Power to harmonize the compliance plans for Georgia rules (sss) and (uuu) with the federal Transport rule and mercury and air toxics standard as well as the federal coal ash rule, which was proposed on June 21, 2010, once the federal rules are finalized. In order to minimize or eliminate any increase of emissions due to the revised compliance dates for Plant Branch Units 3 and 4, the compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been changed to earlier dates and temporary emission limits are placed on Plant Branch Units 3 and 4 that remain in place until the proposed compliance dates for those units.

### Comment

Greenlaw/Sierra Club commented that Rules (sss) and (uuu) should be made part of the State Implementation Plan (SIP).

### Response

As stated previously, rule (sss) was originally intended to coordinate the requirements of various federal rules by specifying the installation of controls for various electrical generating units. Rule (sss) was not adopted in order to satisfy any federal regulatory requirements. Rule (sss) was not intended to be submitted to EPA for approval into the SIP because it contains state specific provisions that are not required by any federal rule and, therefore, should not be federally enforceable. To meet the specific enforceable SIP requirements of the various affected rules, EPD has EPA SIP-approved Rules 391-3-1-.02(2)(12) and (13) for CAIR and Rule 391-3-1-.02(2)(14) for CAMR (CAMR has since been vacated by a federal court). Rule (uuu) was submitted to EPA for SIP approval on July 20, 2010, and the revisions to rule (uuu) will also be submitted. Any SIP requirements for nonattainment areas that have attained the ambient standards will be addressed in the maintenance plans for those areas.

### Comment

Greenlaw/Sierra Club commented that the proposed measures to minimize the environmental impact of the delay of emissions reductions are inadequate.

### Response

EPD disagrees. The compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been revised and temporary emission limits have been placed on Plant Branch Units 3 and 4 to minimize or eliminate any temporary increase in emissions resulting in the change of compliance dates for Units 3 and 4. Therefore, the air quality goals the rules were originally intended to achieve are still met.

Comment

Greenlaw/Sierra Club commented that the proposed revisions to Rule (sss) would result in an increase in future potential NOx emissions from Branch Units 3 and 4 and provided emission estimates.

Response

EPD disagrees and notes that the emissions analyses in the comment are flawed. The commenter included emission reductions associated with the retirement of Plant Branch Units 1 and 2 attributed to recent announcements by Georgia Power officials. There are no state or federal requirements that require the permanent closure of Plant Branch Units 1 or 2. Thus, inclusion of emission reductions stemming from the retirement of these units in any regulatory analysis is unfounded. Should Georgia Power elect to permanently retire Plant Branch Units 1 or 2 prior to their rule (sss) and (uuu) compliance dates, it would result in emission reductions beyond what is required by these rules. The compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been revised to make them earlier and temporary emission limits have been placed on Plant Branch Units 3 and 4 to minimize or eliminate any temporary increase in emissions resulting in the change of compliance dates for Units 3 and 4. The ultimate emission requirements on Plant Branch Units 3 and 4 do not change, so there are no increases in future potential emissions from Branch Units 3 and 4. Only the schedule is revised. The proposed revisions to the compliance dates remain consistent with the air quality goals that the rules were intended to achieve even if Plant Branch Units 1 and 2 remain in service.

Comment

Greenlaw/Sierra Club commented that the proposed revisions to rule (uuu) would result in an increase in future potential SO2 emissions from Branch Units 3 and 4.

Response

EPD disagrees. The compliance dates for Plant Branch Units 1 and 2 and Plant Scherer Unit 3 have been revised to make them earlier and temporary emission limits have been placed on Plant Branch Units 3 and 4 to minimize or eliminate any temporary increase in emissions resulting in the change of compliance dates for Units 3 and 4. The ultimate emission requirements on Plant Branch Units 3 and 4 do not change, so there are no increases in future potential emissions from Branch Units 3 and 4. Only the schedule is revised. The commenter's analyses are also flawed by assuming that the retirement of Plant Branch Units 1 and 2 are regulatory requirements.

Comment

Greenlaw/Sierra Club commented that the proposed revisions to Rules (sss) and (uuu) constitute a "change in method of operation" for which the applicability under 40 CFR 52.21 must be evaluated.

Response

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## **Rules for Air Quality Control**

EPD disagrees. Neither the revision to an applicable requirement nor the amendment of a Title V permit constitutes a "change in the method of operation" under 40 CFR 52.21. Thus, applicability under 40 CFR 52.21 need not be evaluated. The commenter makes a statement that the changes to rules (sss) and (uuu) relax NO<sub>x</sub> caps required under the Clean Air Interstate Rule. Provisions of the federal Clean Air Interstate Rule are incorporated into Georgia's Air Quality Rules (and SIP) at paragraphs 391-3-1-.02(12) and (13). Neither paragraphs (12) nor (13) impose facility or unit-specific emission caps.

### Comment

Greenlaw/Sierra Club commented that, if approved, the proposed changes to compliance dates in Rule (uuu) should correspond to the dates for the operation of the FGD units established in the proposed changes to Rule (sss).

### Response

The compliance dates in Rule (uuu) are those dates that were determined necessary to meet certain air quality planning requirements and are separate from the Rule (sss) requirements. It also should be noted that the proposed compliance dates for Plant Branch Units 3 and 4 only differ by one day between Rule (sss) and (uuu).