

The following pages represent a summary of the discussions that took place during the June 22, 2004 NSR Reform Workshop. The workshop was scheduled for two days (June 22 and 23); however discussions were completed on the first day and the second day was not necessary. The opinions from this workshop will be combined with those from future workshops, any formally submitted comments from the workshops, and any comments submitted at the public information sessions and hearings. All of the opinions will be taken in total and will be used in the decision to accept the Federal Rule or in the development of a draft rule to be presented late in 2004. The items below are simply a summary of the discussions that took place; they in no way represent any official opinion of the Georgia EPD.

Summary of Miscellaneous Issues and Criteria for evaluating Options Workshop (June 22, 2004)

General Discussion

- EPD noted that this workshop was originally supposed to cover Non-Attainment NSR. However, EPD did not believe there were any issues with Non-Attainment NSR that had not already been considered in previous discussions.
- EPD reiterated that it has no position on the issues regarding the Federal Rule. EPD's position will be influenced by the NSR Reform Workshops, as well as future public meetings this fall.
- EPD provided a timeline for the remaining activities. After the completion of the technical workshops, a series of statewide public hearings will be held. EPD will provide a brief overview of the Federal Rule, as well as a summary of the input from the technical workshops. Only the key issues will be presented at these public meetings. EPD plans to reconvene the NSR Reform Workshop stakeholders to review the content that will be presented in the public meetings. After the public meetings, the NSR Reform Workshop stakeholders will meet one more time to review the draft rule (Strawman). EPD will then finish out the formal rulemaking process.
- One member noted that it would be difficult to present the information from the technical sessions to the public and receive meaningful input. This member thinks it would be better for EPD to have a draft rule (Strawman) to present to the public.
- EPD noted that, according to the DNR Board's rules, we have to provide the chance for anyone who is interested to give input. EPD also wants to present the results of the technical workshops to the public.
- One member noted that there are people who were not included the technical stakeholder group that want to provide input.
- One member noted that the technical stakeholders could provide better input if they could comment on EPD's position, not just a summary of the key issues.
- One member asked if the public meetings could be after drafting the draft rule (Strawman). EPD stated that might be possible.

- A few members noted that the length of the process – 22 months - was problematic. EPD should present its stance at the public meetings. The biggest unknown is how EPD views any of the technical stakeholder comments submitted after the workshops. EPD’s position won’t be known until the strawman. The fall meetings should be a review of the draft rule (Strawman).
- It was clarified that there will be several public meetings around the state – Savannah, Augusta, Atlanta, maybe more.
- One member noted that EPD has had the opportunity to review the documents, Federal Rule, and stakeholder comments. EPD should put out a draft rule within a few weeks and use it as a starting point in the public meetings. This will accomplish more in the public meetings.
- One member noted that the public meetings are for people and groups not represented in the technical stakeholder’s group. EPD must present the public with information they can understand. Maybe EPD should hold additional public meetings after the strawman is drafted.
- One member stated that presenting a summary of the technical sessions might not be enough. EPD should focus on the parts of the Federal Rule that might need to be changed so that the technical stakeholders would know EPD’s position prior to the strawman. The technical stakeholders could then provide additional comments.
- EPD pointed out that the purpose of the next technical stakeholder meeting was to ensure that the content of the information to be presented at the public meetings would be accurate. EPD does not plan to have a draft rule ready at that time.
- One member asked what key issues would be presented in the public meetings. EPD responded that identifying key issues was the purpose of the next technical stakeholder’s meeting. EPD reiterated that EPD cannot formulate a position until after the public meetings.
- One member noted that since several parts of the 2002 Federal Rule were not in the 1996 draft rule, it is wise for EPD to form an opinion only after all comments are considered. There is no reason to proceed quicker since EPD has until 2006 to compose Georgia’s rule.
- It was suggested that the stakeholders attempt to find where, if any, consensus existed.

Miscellaneous Issues:

- EPD provided several definitions that need slight modification for a variety of reasons, including avoiding circular references, providing consistency with the 1990 CAA, aligning with previous court decisions, and correcting cited references. Also, some clarification of 40 CFR 52.21(w) is needed. The definitions outlined by EPD as potentially needing modification are:

Major Source
 Major Modification
 Potential to Emit and Allowable Emissions
 Baseline Date
 Project

Source Obligation

- One member felt that redefining “Project” might cause problems with EPA’s position on project aggregation. EPA has prioritized this rule and expects a final rule soon.

Criteria for Evaluating Options

- EPD asked for guidance on evaluating options.
- One member pointed back to EPA’s criteria. Does the option:
 - Lead to faster permitting review time?
 - Impede the business?
 - Provide incentives for technological innovation?
 - Provide greater flexibility to respond to market fluxuations?

If the answer to any of these is “no,” then it is a bad option.

- One member said the option should fix the problems of NSR and be approvable by EPA. They did not think that EPA would approve the STAPPA/ALAPCO Menu of Options.
- More criteria:
 - To what extent has the option gone through federal comments?
 - To what extent does the option help and maintain Georgia air quality regulations and NAAQS increments?
 - To what extent does the option promote better controls quicker?
 - Will the option result in more air pollution than the current rule?
 - Will the option streamline and make the permitting process less complex?
 - Is the option consistent with Georgia Air Quality Act?
 - Does the project result in real emissions?
 - Has the option been the subject of exhaustive study?
 - Would the option encourage earlier compliance with air quality rules?
 - What is the economic impact if Georgia’s rule deviates from the federal rule?
 - Is the option fair to all industries?
- One member noted that the original goals of PSD were to prevent significant deterioration of air quality due to facility modifications, not to reduce emissions across the board.
- One member stated criteria as consistency with other Region IV States. Inconsistency has the possibility of chasing away business.
- One member stated criteria as consistency with the 2002 Federal Rule. The baseline should be the Federal Rule. EPA believes that the 2002 Federal Rule is more stringent than the current rule, so EPD should think carefully before changing the 2002 Federal Rule.

- One member stated that Georgia’s rule should be at least as stringent as the STAPPA/ALAPCO Menu of Options.
- One member noted that a combination of the current rule, new rule, and the STAPPA/ALAPCO Menu of Options may be the best option for Georgia.
- EPD noted that enforceability of the rule may need to be improved.

After much discussion, several criteria were considered and many reached consensus as important. Please see “Criteria for Evaluating Options” for a list of these criteria. EPD would like input on the criteria on which the technical stakeholders did not reach consensus. One member noted that EPD’s summary for the public meetings should include the areas of contention and consensus.

-WSWT