

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

The Rules of the Department of Natural Resources, Chapter 391-3-1, Air Quality Control are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific Rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed to be deleted. *Bold, italicized text such as this is for descriptive comments on the proposed rule changes and is not part of the proposed change.*]

Rule 391-3-1-.02(2), "Emission Limitations and Standards," paragraph (pp) thereof, relating to "Bulk Gasoline Plants," is being amended by deleting and inserting language in subparagraphs 6.(i) and 6.(ii).

(pp) Bulk Gasoline Plants.

1. After the compliance date specified in paragraph 6. of this subsection, no owner or operator of a bulk gasoline plant may permit the receiving or dispensing of gasoline by its stationary storage tanks unless:
 - (i) Each tank is equipped with a submerged fill pipe, approved by the Director; or
 - (ii) Each tank is equipped with a fill line whose discharge opening is at the tank bottom.
 - (iii) Each tank has a vapor balance system consisting of the following major components:
 - (I) A vapor space connection on the stationary storage tank equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors; and
 - (II) A connecting pipe or hose equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors.

2. After the compliance date specified in paragraph 6. of this subsection, no owner or operator of a bulk gasoline plant, or the owner or operator of a tank truck or trailer may permit the transfer of gasoline between the tank truck or trailer and stationary storage tank unless:
 - (i) The vapor balance system is in good working order and is connected and operating; and
 - (ii) The gasoline transport vehicle is maintained to prevent the escape of fugitive vapors and gasses during loading operations; and
 - (iii) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected; and
 - (iv) The pressure relief valves on storage vessels and tank trucks or trailers are set to release at 0.7 psia or greater unless restricted by state or local fire codes or the National Fire Prevention Association guidelines in which case the pressure relief valve must be set to release at the highest possible pressure allowed by these codes or guidelines.
3. The requirements of this subsection shall not apply to stationary storage tanks of less than 2,000 gallons.
4. Sources and persons affected under this subsection shall comply with the vapor collection and control system requirements of subsection 391-3-1-.02(2)(ss).
5. For the purpose of this subsection, the following definitions shall apply:
 - (i) "Bottom filling" means the filling of a tank truck or stationary storage tank through an opening that is located at the tank bottom.
 - (ii) "Bulk gasoline plant" means a gasoline storage and distribution facility with an average daily throughput of more than 4,000 gallons but less than 20,000 gallons which receives gasoline from bulk terminals by rail and/or trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.
 - (iii) "Bulk gasoline terminal" means a gasoline storage facility which receives gasoline from refineries primarily by pipeline, ship, or barge, and delivers gasoline to bulk gasoline plants or to

commercial or retail accounts primarily by tank truck and has an average daily throughput of more than 20,000 gallons of gasoline.

- (iv) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.
- (v) "Submerged filling" means the filling of a tank truck or stationary tank through a pipe or hose whose discharge opening is not more than six inches from the tank bottom.
- (vi) "Vapor balance system" means a combination of pipes or hoses that create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

6. Compliance Dates.

- (i) All bulk gasoline plants located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.
- (ii) All bulk gasoline plants located in ~~Cherokee and Forsyth~~ Catoosa, Richmond and Walker counties shall be in compliance with this subsection by ~~November 15, 1994~~ May 1, 2006.

7. For the purpose of this subsection "Stationary Storage Tank" means all underground vessels and any aboveground vessels never intended for mobile use.

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.

391-3-1-.02(2), "Emission Limitations and Standards," is being amended by deleting and inserting language in subparagraphs 2.(i), (ii), (iii) and 3.(vii) and 4.

(rr) Gasoline Dispensing Facility - Stage I.

- 1. After the compliance date specified in paragraph 2. of this subsection, no person may transfer or cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank subject to this subsection, unless:
 - (i) The tank is equipped with all of the following:
 - (l) A submerged fill pipe; and

- (II) A Division approved Stage I vapor recovery system that shall remain in good working condition, such as keeping the vapor return opening free of liquid or solid obstructions, and that also shall be leak tight as determined by tests conducted in accordance with test procedures as approved by the Division; and
 - (III) Vents that shall be at least 12 feet in height from the ground and shall have a Pressure/Vacuum vent valve with minimum settings of 8 ounces of pressure and 1/2 ounce of vacuum unless the facility has a CARB certified Stage II vapor recovery system where the CARB executive order explicitly states the settings for the vent valve; and
- (ii) The vapors displaced from the storage tank during filling are controlled by one of the following:
- (I) A vapor-tight vapor return line from the stationary gasoline storage tank(s) to the delivery vessel for each product delivery line that is connected from the delivery vessel to the storage tank(s) and a system that will ensure the vapor line(s) is connected before gasoline can be transferred into the tank(s); or
 - (II) If a manifold connects all stationary gasoline storage tanks vent lines, a vapor tight vapor return line from a tank being filled to the delivery vessel with sufficient return capacity to control vapors from all tanks being filled at the time and to prevent release of said vapors from the vent line(s) or other tank openings; or
 - (III) A refrigeration-condensation system or a carbon adsorption system is utilized and recovers at least 90 percent by weight of the organic compounds in the displaced vapor.

2. Compliance Dates.

- (i) All gasoline dispensing facilities located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.

- (ii) All gasoline dispensing facilities located in ~~Cherokee and Forsyth~~Catoosa, Richmond and Walker counties that dispense more than 50,000 gallons of gasoline per month shall be in compliance with this subsection by ~~November 15, 1994~~May 1, 2006.
 - (iii) All gasoline dispensing facilities located in ~~Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale~~ counties shall be in compliance with Chapter 391-3-1-.02(2)(rr)1.(i) and (ii) by April 1, 1995 Catoosa, Richmond and Walker counties that dispense 50,000 gallons or less of gasoline per month shall be in compliance with this subsection by May 1, 2007.
3. For the purpose of this subsection, the following definitions shall apply:
- (i) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.
 - (ii) "Delivery vessel" means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.
 - (iii) "Submerged fill pipe" means any fill pipe with a discharge opening which is within a nominal distance of 6 inches from the tank bottom.
 - (iv) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.
 - (v) "Stationary storage tank" means all underground vessels and any aboveground vessels never intended for mobile use.
 - (vi) "CARB" means the California Air Resources Board.
 - (vii) "Division approved" means any Stage I gasoline vapor recovery system properly certified under the CARB vapor recovery certification procedures effective on or before March 31, 2001, excepting the coaxial drop tube requirement exempted by paragraph 6., or any Stage I gasoline vapor recovery system properly certified under the CARB enhanced vapor recovery certification procedures effective April 1, 2001, or any Stage I gasoline vapor recovery system whose design has been submitted to the Division, has passed any required certification

tests, and has received a written approval from the Division. The submitted design shall include but may not be limited to drawings detailing all components of the system and a written narrative describing the components and their use. Mixing of equipment components certified under separate ~~CARB~~ certification procedures ~~will not~~ may be allowed when supported by manufacturer or independent third-party certification that the configuration meets or exceeds the applicable performance standards and has received prior written approval from the Division.

4. The requirements contained in this subsection shall apply to all stationary storage tanks with capacities of 2,000 gallons or more which were in place before January 1, 1979, and stationary storage tanks with capacities of 250 gallons or more which were in place after December 31, 1978, located at gasoline dispensing facilities located in those counties of Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, and Rockdale and Walker.
5. The requirements of this subsection shall not apply to stationary storage tanks of less than 550 gallons capacity used exclusively for the fueling of implements of husbandry or to gasoline dispensing facilities that dispense no more than 10,000 gallons of gasoline per month, provided the tanks are equipped with submerged fill pipes.
6. Stage I gasoline vapor recovery systems installed prior to January 1, 1993 that currently utilize a co-axial Stage I vapor recovery system in which the gasoline tanks are not manifolded in any manner and that are utilized at a facility that is not required to have a Stage II vapor recovery system shall be exempted from installing a co-axial poppetted drop tube.
7. All Stage I vapor recovery systems at gasoline dispensing facilities shall be certified by the equipment owner as being properly installed and properly functioning. Certification testing shall be conducted by a qualified technician who has a thorough knowledge of the system. Tests shall be conducted in accordance with test procedures as approved by the Division. The fill cap and vapor cap must be removed when performing certification testing.
8. Testing may be conducted by the Division or by an installation or testing company that meets the minimum criteria established by the Division for conducting such tests. In the case where a party other than the Division will be conducting the testing, the owner or operator shall notify the Division at least five days in advance as to when the testing will occur and what party will conduct the testing.

9. Certification and recertification testing and compliance reporting.
 - (i) For those gasoline dispensing facilities subject to Chapter 391-3-1-.02(2)(zz) Gasoline Dispensing Facilities - Stage II, no additional certification or recertification testing or compliance reporting will be required under paragraph 7.
 - (ii) Certification and recertification testing and compliance reporting for all other Stage I systems shall be required according to the following schedule:
 - (I) Certification testing will be required on or before December 31, 2002 for all existing Stage I systems, or within 30 days of system installation for new systems.
 - (II) Recertification testing will be required every five years following the initial certification.
 - (III) Compliance reporting shall be required within 30 days of the certification or recertification test. This report shall be submitted to the Division and shall include results of either:
 - I. A vapor tightness test as required by the Division; or
 - II. A procedure or procedures equivalent to 1. above as approved by the Division.
10. Facilities equipped with Stage I vapor controls shall be subject to annual compliance inspections and functional testing by the Environmental Protection Division personnel which include but are not limited to the following:
 - (i) Verification that all equipment is present and maintains a certified system configuration.
 - (ii) Inspection of all Stage I related files to ensure that the facility has complied with maintenance requirements and other record keeping requirements such as inspection, compliance and volume reports.
 - (iii) Observation of the use of equipment by facility operators and product suppliers.

- (iv) Verification that the facility has complied with the vapor recovery testing requirements.
11. The owner or operator shall maintain the Stage I vapor recovery system in proper operating condition as specified by the manufacturer and free of defects that could impair the effectiveness of the system. For the purposes of this paragraph, the following is a list of equipment defects in Stage I vapor recovery systems that substantially impair the effectiveness of the systems in reducing gasoline bulk transfer vapor emissions:
- (i) Absence or disconnection of any component that is a part of the approved system;
 - (ii) Pressure/vacuum relief valves or dry breaks that are inoperative;
 - (iii) Any visible product leaks.
12. Upon identification of any of the defects as described above, the owner or operator shall immediately schedule and implement repair, replacement or adjustment by the company's repair representative as necessary.
13. The following records shall be maintained on-site for two years:
- (i) Maintenance records including any repaired or replacement parts and a description of the problems.
 - (ii) Compliance records including warnings or notices of violation issued by the Division.
 - (iii) Gasoline throughput records which will allow the average monthly gasoline throughput rate to be continuously determined.
14. Record disposal may be approved by the Division upon a written request by the owner or operator of the facility. Approval may be granted on a case-by-case basis considering volume of records, number of times the records have been inspected by the Division; and the value of maintaining the records. In no case, shall the time be extended beyond the requirements of this subsection.

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.

Rule 391-3-1-.02(2), "Emission Limitations and Standards," paragraph (ss) thereof, relating to "Gasoline Transport Vehicles and Vapor Collection Systems," is being amended by deleting and inserting language in subparagraphs 3.(i) and 3.(ii).

(ss) Gasoline Transport Vehicles and Vapor Collection Systems.

1. After the compliance date specified in paragraph 3. of this subsection, no person shall cause, let, permit, suffer, or allow the loading or unloading of gasoline from a gasoline transport vehicle of any size capacity unless:
 - (i) The tank sustains a pressure change of not more than 3 inches of water in 5 minutes when pressurized to 18 inches of water and evacuated to 6 inches of water as tested at least once per year in accordance with test procedures specified by the Division;
 - (ii) Displays a marking on the right front (passenger) side of the tank, in characters at least 2 inches high, which reads either P/V TEST DATE or EPA27 and the date on which the gasoline transport tank was last tested;
 - (iii) The tank has no visible liquid leaks and no gasoline vapor leaks as measured by a combustible gas detector;
 - (iv) The owner or operator of the gasoline transport vehicle has submitted to the Division within 30 days of the test date a data sheet in the format specified by the Division containing at a minimum the following information: name of person(s) or company that conducted the test, date of test, test results including a list of any repairs made to the transport vehicle to bring it into compliance and the manufacturer's vehicle identification number (VIN) of the tank truck or frame number of a trailer-mounted tank; and
 - (v) The transport vehicle has been equipped with fittings which are vapor tight and will automatically and immediately close upon disconnection so as to prevent release of gasoline or gasoline vapors, with a vapor return line and hatch seal designed to prevent the escape of gasoline or gasoline vapors while loading.
2. The owner or operator of a vapor collection or control system shall:
 - (i) Design and operate the vapor collection and control system and the gasoline loading equipment in a manner that prevents:

- (I) Gauge pressure from exceeding 18 inches of water and vacuum from exceeding 6 inches of water in the gasoline tank truck;
 - (II) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 1 inch from all points on the perimeter of a potential leak source when measured (in accordance with test procedures specified by the Division) during loading or unloading operations at gasoline dispensing facilities, bulk gasoline plants and bulk gasoline terminals; and
 - (III) Avoidable visible liquid leaks during loading and unloading operations at gasoline dispensing facilities, bulk gasoline plants and bulk gasoline terminals.
- (ii) Within 15 days, repair and retest a vapor collection or control system that exceeds the limits in (i) above.
3. Compliance Dates.
- (i) All gasoline transport vehicles and vapor collection systems ~~located~~operating in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties shall be in compliance.
 - (ii) All gasoline transport vehicles and vapor collection systems ~~located~~operating in ~~Cherokee and Forsyth~~ Catoosa, Richmond and Walker counties shall be in compliance with this subsection by ~~November 15, 1994~~May 1, 2006.
4. The Division may require a pressure/vacuum retest or leak check for any transport vehicle or vapor collection or control system subject to this subsection.
- (i) A transport vehicle or vapor collection or control system for which the Division has required a pressure/vacuum retest or leak check shall:
 - (I) Cease loading and unloading operations within fourteen (14) days of the date of the initial retest or leak check request unless the retest or leak check has been completed to the satisfaction of the Division;
 - (II) Provide written advance notification to the Division of the scheduled time and place of the test in order to

provide the Division an opportunity to have an observer present; and

- (III) Supply a copy of the results of all such tests to the Division within 30 days of the test date.

5. For the purpose of this subsection, the following definitions shall apply:
- (i) “Combustible Gas Detector” means a portable VOC gas analyzer with a minimum range of 0-100 percent of the LEL as propane.
 - (ii) “Gasoline Transport Vehicle” means any mobile storage vessel including tank trucks and trailers used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities, bulk gasoline plants or bulk gasoline terminals.
 - (iii) “Gasoline Vapor Leak” means a reading of 100 percent or greater of the Lower Explosive Limit (LEL) of gasoline when measured as propane at a distance of one inch.
 - (iv) “Vapor Collection System” means a vapor transport system, including any piping, hoses and devices, which uses direct displacement by the gasoline being transferred to force vapors from the vessel being loaded into either a vessel being unloaded or vapor control system or vapor holding tank.
 - (v) “Vapor Control System” means a system, including any piping, hoses, equipment and devices, that is designed to control the release of volatile organic compounds displaced from a vessel during transfer of gasoline.
6. The requirements of this subsection shall apply only to those transport vehicles which load or unload gasoline at bulk gasoline terminals, bulk gasoline plants, and gasoline dispensing facilities subject to VOC vapor control requirements contained in other subsections of this Rule.

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.

391-3-1-.02(5), “Open Burning,” is being amended by adding new subparagraph (b)3. and renumbering existing subparagraph (b)3. as (b)4., deleting and inserting language in subparagraph (e), and by inserting new subparagraph (f).

- (5) Open Burning.

- (a) No person shall cause, suffer, allow, or permit open burning in any area of the State except as follows:
1. Reduction of leaves on the premises on which they fall by the person in control of the premises, unless prohibited by local ordinance and/or regulation.
 2. Carrying out recognized agricultural procedures necessary for production or harvesting of crops.
 3. The “prescribed burning” of any forest land by the owners or the owner’s designee.
 4. The “slash burning” of any forest land by the owners or the owner’s designee.
 5. For recreational purposes or cooking food for immediate human consumption.
 6. Fires set for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity.
 7. Acquired structure burns provided that an Authorization to Burn certificate has been issued by the Division.
 8. Disposal of vegetative debris from storm damage.
 9. For weed abatement, disease, and pest prevention.
 10. Operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment.
 11. Open burning for the purpose of land clearing or construction or right-of-way maintenance provided the following conditions are met:
 - (i) Prevailing winds at the time of the burning are away from the major portion of the area's population;
 - (ii) The location of the burning is at least 1,000 feet from any occupied structure, or lesser distance if approved by the Division;
 - (iii) The amount of dirt on or in the material being burned is minimized;

- (iv) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth are not being burned; and
 - (v) No more than one pile 60 feet by 60 feet, or equivalent, is being burned within a 9-acre area at one time.
12. Disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor Safety Regulations.
13. Open burning of vegetative material for the purpose of land clearing using an air curtain destructor provided the following conditions are met:
- (i) Authorization for such open burning is received from the fire department, if required, having local jurisdiction over the open burning location prior to initiation of any open burning at such location;
 - (ii) The location of the air curtain destructor is at least 300 feet from any occupied structure or public road. Air curtain destructors used solely for utility line clearing or road clearing may be located at a lesser distance upon approval by the Division;
 - (iii) No more than one air curtain destructor is operated within a ten (10) acre area at one time or there must be at least 1000 feet between any two air curtain destructors;
 - (iv) Only wood waste consisting of trees, logs, large brush and stumps which are relatively free of soil are burned in the air curtain destructor;
 - (v) Tires or other rubber products, plastics, heavy oils or asphaltic based or impregnated materials are not used to start or maintain the operation of the air curtain destructor;
 - (vi) The air curtain destructor is constructed, installed and operated in a manner consistent with good air pollution control practice for minimizing emissions of fly ash and smoke;
 - (vii) The cleaning out of the air curtain destructor pit is performed in a manner to prevent fugitive dust; and
 - (viii) The air curtain destructor cannot be fired before 10:00 a.m. and the fire must be completely extinguished, using water or by covering with dirt, at least one hour before sunset.

(b) Specific County Restrictions.

1. In the counties of Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 2, 5, 6, 10 and 12 under subsection (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset.
2. In the counties of Banks, Barrow, Butts, Chattooga, Clarke, Dawson, Floyd, Gordon, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Troup and Upson, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 2, 3, 5, 6, 10 and 12 under subsection (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset.
3. In the counties of Bibb, Catoosa, Columbia, Crawford, Houston, Peach, Richmond, Twiggs, and Walker, the only legal exceptions to the general prohibition against open burning during the months of May, June, July, August and September shall be exceptions numbers 2, 3, 4, 5, 6, 10 and 12 under subsection (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset.
- ~~34.~~ Except as noted in subsections ~~1 and 2~~, 2, and 3 above, in the counties whose total population, as listed in the latest census, exceeds 65,000, the only legal exceptions to the general prohibition against open burning shall be exceptions numbers 1, 2, 3, 4, 5, 6, 7, 10, 12, and 13 under subsection (a) above, provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset and does not cause air pollution in quantities or characteristics or of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the state as is affected thereby.

- (c) Except for a reasonable period to get a fire started, no smoke the opacity of which is equal to or greater than 40 percent shall be emitted from any source of open burning listed in subsections (a) and (b) above, except as follows. Prescribed burning, slash burning, agricultural burning and acquired structure burning are not subject to the 40 percent opacity standard in this paragraph.

(d) The Director may allow open burning prohibited under paragraphs (a) and (b), upon a determination that such open burning is necessary to protect the public health, safety or welfare of the people of the state of Georgia, or there are no reasonable alternatives to the open burning.

~~(e) Definitions.~~

- ~~1. "Prescribed burning" is a fire set under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.~~
- ~~2. "Slash burning" is a fire used as a forest management practice and set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.~~
- ~~3. "Acquired structure burn" is the burning of a house, building or structure for the exclusive purpose of providing training to fire fighting personnel or arson investigators.~~

~~(e) Prescribed burning and slash burning of forest land conducted under subparagraph (b)2 and (b)3 is subject to authorization by the Georgia Forestry Commission to include burning restrictions during air pollution episodes or periods when weather conditions are conducive to formation of air pollution episodes.~~

~~(f) Definitions.~~

- ~~1. "Prescribed burning" is a fire set under controlled conditions to burn forest understory and used as a forest management practice to establish favorable seedbeds, remove competing underbrush, accelerate nutrient cycling, control tree pests, enhance wildlife habitat, and contribute to ecological benefits.~~
- ~~2. "Slash burning" is a fire used as a forest management practice and set to remove trunks, stumps, branches, residue, and other wastes left on land after the removal of timber.~~
- ~~3. "Acquired structure burn" is the burning of a house, building or structure for the exclusive purpose of providing training to fire fighting personnel or arson investigators.~~

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.

**SYNOPSIS OF
THE PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES,
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RELATING TO
AIR QUALITY CONTROL, CHAPTER 391-3-1**

Rule 391-3-1-.02(2), “Emission Limitations and Standards,” paragraph (pp) thereof, relating to “Bulk Gasoline Plants,” is being amended by deleting and inserting language in subparagraphs 6.(i) and 6.(ii).

Purpose: Amendments to subparagraphs 6.(i) and 6.(ii) expand the covered counties in order to align the rule with changes in Rule 391-3-1-.02(2)(rr) and establish a compliance date.

Main Features: Subparagraphs 6.(i) and 6.(ii) expand the covered counties to encompass both the Georgia and Tennessee Early Action Compact counties that are opting-in to the Georgia Stage I vapor recovery program and establish a compliance date for covered facilities.

Rule 391-3-1-.02(2), “Emission Limitations and Standards,” paragraph (rr) thereof, relating to “Gasoline Dispensing Facility – Stage I,” is being amended by deleting and inserting language in subparagraphs 2.(i), 2.(ii), 2.(iii), 3.(vii) and 4.

Purpose: Amendments to subparagraphs 2.(i), 2.(ii), 2.(iii) and 4. expand the covered counties in order to satisfy Early Action Compact requirements and provide phase-in dates based on average monthly gasoline throughput. Amendments to subparagraph 3.(vii) further clarifies the requirements for mixing of equipment certified under differing certification procedures.

Main Features: Subparagraphs 2.(i), 2.(ii), 2.(iii) and 4. expand the covered counties to encompass both the Georgia and Tennessee Early Action Compact counties that are opting-in to the Georgia Stage I vapor recovery program and establish compliance dates for covered facilities. Mixing of Stage I equipment certified under separate certification procedures may be allowed under prescribed conditions.

Rule 391-3-1-.02(2), “Emission Limitations and Standards,” paragraph (ss) thereof, relating to “Gasoline Transport Vehicles and Vapor Collection Systems,” is being amended by deleting and inserting language in subparagraphs 3.(i) and 3.(ii).

Purpose: Amendments to subparagraphs 3.(i) and 3.(ii) expand the covered counties in order to align the rule with changes in Rule 391-3-1-.02(2)(rr) and establish a compliance date.

Main Features: Subparagraphs 3.(i) and 3.(ii) expand the covered counties to encompass both the Georgia and Tennessee Early Action Compact counties that are opting-in to the Georgia Stage I vapor recovery program and establish compliance dates for covered parties.

Rule 391-3-1-.02(5), relating to “Open Burning,” is being amended by adding new paragraph (b)3 that specifies the allowable open burning activities during the summer ozone season for activities for nine additional counties.

Purpose: As a means of addressing actual or potential non-attainment with the 8-hour ozone standard in the Chattanooga, Macon and Augusta metropolitan areas, the requirements of this existing rule (already applicable to 13 Atlanta non-attainment counties and 32 counties surrounding the Atlanta non-attainment area) are proposed to be extended to additional counties. This rule bans open burning of materials, agricultural wastes and land-clearing debris during the months of May through September, with certain exceptions as specified in the rule.

Main Features: Under new paragraph (b)3 of the rule, the only exceptions to the ban on open burning from May 1 through September 30 in the counties of Bibb, Catoosa, Columbia, Crawford, Houston, Peach, Richmond, Twiggs and Walker would be: carrying out recognized agricultural procedures necessary for production or harvesting of crops; the “prescribed burning” of any forest land by the owner or the owner’s designee; “slash burning” of any forest land by the owners or the owner’s designee; for recreational purposes or cooking food for immediate human consumption; for purposes of training fire-fighting personnel when authorized by the appropriate governmental entity; operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment; and disposal of all packaging materials previously containing explosives, in accordance with U.S. Department of Labor safety regulations. Burn permits for prescribed or slash burning of forest land will not be issued by the Georgia Forestry Commission for days that are conducive to formation of air pollution.