# Georgia Rules and Regulations
# Administrative Bulletin for May 2026

**OFFICE OF SECRETARY OF STATE**
**ADMINISTRATIVE PROCEDURE DIVISION**
5800 Jonesboro Road
Morrow, GA 30260
(404) 909-8909

Final rules filed with the Georgia Secretary of State during the month of *May 2026:*

## Table of Contents


| Department | Rules List | Action | Filed | Effective | Page |
|---|---|---|---|---|---|
| 82. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES | 82-14-1-.01 --- 82-14-1-.14 | adopted | May 15 | June 4, 2026 | 6 |
| 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH | 111-3-11-.01 | amended | May 14 | June 3, 2026 | 21 |
| 140. GEORGIA CRIME INFORMATION CENTER COUNCIL | 140-1-.06 | non-substantive change | May 19 | May 19, 2026 | 23 |
| 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE | 250-1-.04 | amended | May 21 | June 10, 2026 | 24 |
| | 250-4-.03, 250-4-.04 | amended | May 21 | June 10, 2026 | 25 |
| | 250-5-.10, 250-5-.11, 250-5-.12 | amended | May 21 | June 10, 2026 | 27 |
| | 250-6-.01, 250-6-.02, 250-6-.05, 250-6-.06, 250-6-.08, 250-6-.09 | amended | May 21 | June 10, 2026 | 31 |
| | 250-6-.10 | adopted | May 21 | June 10, 2026 | 42 |
| 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD | 360-2-.01 | amended | May 5 | May 25, 2026 | 45 |
| | 360-5-.03, 360-5-.05, 360-5-.07, 360-5-.11, 360-5-.12 | amended | May 5 | May 25, 2026 | 48 |
| | 360-32-.01 --- 360-32-.05 | amended | May 5 | May 25, 2026 | 56 |

| Department | Rules List | Action | Filed | Effective | Page |
|---|---|---|---|---|---|
| | 360-35-.01, 360-35-.05 | amended | May 5 | May 25, 2026 | 64 |
| | 360-39-.03 | amended | May 5 | May 25, 2026 | 66 |
| 375. RULES OF DEPARTMENT OF DRIVER SERVICES | 375-3-1-.07, 375-3-1-.23 | amended | May 28 | June 17, 2026 | 67 |
| 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES | 391-2-4-.19 | amended | May 11 | May 31, 2026 | 69 |
| | 391-3-1-.02, 391-3-1-.03 | amended | May 20 | June 9, 2026 | 74 |
| | 391-4-2-.43, 391-4-2-.45, 391-4-2-.47, 391-4-2-.49, 391-4-2-.50, 391-4-2-.53 | amended | May 11 | May 31, 2026 | 293 |
| 560. RULES OF DEPARTMENT OF REVENUE | 560-1-2-.01, 560-1-2-.02 | amended | May 22 | June 11, 2026 | 302 |
| | 560-6-3-.01 | amended | May 22 | June 11, 2026 | 307 |
| | 560-7-4-.01 | amended | May 22 | June 11, 2026 | 308 |
| | 560-7-8-.34 | amended | May 22 | June 11, 2026 | 311 |
| | 560-8-1-.01 --- 560-8-1-.18 | amended | May 4 | May 24, 2026 | 318 |
| | 560-8-2-.01 | amended | May 4 | May 24, 2026 | 333 |
| | 560-8-2-.02 | amended | May 4 | May 24, 2026 | 333 |
| | 560-8-2-.03 | amended | May 4 | May 24, 2026 | 334 |
| | 560-8-3-.01, 560-8-3-.02 | amended | May 4 | May 24, 2026 | 336 |
| | 560-8-3-.03 | amended | May 4 | May 24, 2026 | 338 |
| | 560-8-3-.04, 560-8-3-.05 | amended | May 4 | May 24, 2026 | 338 |
| | 560-8-3-.06 | amended | May 4 | May 24, 2026 | 340 |
| | 560-8-3-.07 --- 560-8-3-.11 | amended | May 4 | May 24, 2026 | 340 |
| | 560-8-4-.01, 560-8-4-.02 | amended | May 4 | May 24, 2026 | 345 |
| | 560-8-4-.03 | amended | May 4 | May 24, 2026 | 346 |
| | 560-8-4-.04 | amended | May 4 | May 24, 2026 | 347 |
| | 560-8-5-.01 --- 560-8-5-.03 | amended | May 4 | May 24, 2026 | 348 |

| Department | Rules List | Action | Filed | Effective | Page |
|---|---|---|---|---|---|
| | 560-8-6-.03 | amended | May 4 | May 24, 2026 | 351 |
| | 560-8-6-.06 | amended | May 4 | May 24, 2026 | 352 |
| | 560-12-2-.03, 560-12-2-.20, 560-12-2-.62, 560-12-2-.64, 560-12-2-.107 | amended | May 22 | June 11, 2026 | 354 |
| | 560-12-2-.109 | repealed | May 22 | June 11, 2026 | 373 |
| 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE | 700-2-.02 | amended | May 18 | June 7, 2026 | 377 |
| | 700-6-.01 | amended | May 14 | June 3, 2026 | 379 |
| | 700-7-.03, 700-7-.04 | amended | May 14 | June 3, 2026 | 381 |
| | 700-8-.01 | amended | May 18 | June 7, 2026 | 388 |

Final rules filed with the Georgia Secretary of State that became effective *May 2026:*

| Department | Rules List | Action | Filed | Effective |
|---|---|---|---|---|
| 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH | 111-8-7-.07 | amended | Apr. 21, 2026 | May 11 |
| 140. GEORGIA CRIME INFORMATION CENTER COUNCIL | 140-1-.06 | non-substantive change | May 19, 2026 | May 19 |
| 189. RULES OF STATE ETHICS COMMISSION | 189-3-.01 | amended | Apr. 30, 2026 | May 20 |
| | 189-5-.06 | adopted | Apr. 30, 2026 | May 20 |
| 290. RULES OF DEPARTMENT OF HUMAN SERVICES | 290-7-1-.01 | amended | Apr. 15, 2026 | May 5 |
| | 290-7-1-.02 --- 290-7-1-.11 | amended | Apr. 15, 2026 | May 5 |
| | 290-7-1-.12 | amended | Apr. 15, 2026 | May 5 |
| | 290-7-1-.13 --- 290-7-1-.20 | amended | Apr. 15, 2026 | May 5 |
| 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD | 360-2-.01 | amended | May 5, 2026 | May 25 |
| | 360-5-.03, 360-5-.05, 360-5-.07, 360-5-.11, 360-5-.12 | amended | May 5, 2026 | May 25 |
| | 360-32-.01 --- 360-32-.05 | amended | May 5, 2026 | May 25 |
| | 360-35-.01, 360-35-.05 | amended | May 5, 2026 | May 25 |
| | 360-39-.03 | amended | May 5, 2026 | May 25 |
| 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES | 391-2-4-.19 | amended | May 11, 2026 | May 31 |
| | 391-4-2-.43, 391-4-2-.45, 391-4-2-.47, 391-4-2-.49, 391-4-2-.50, 391-4-2-.53 | amended | May 11, 2026 | May 31 |
| 560. RULES OF DEPARTMENT OF REVENUE | 560-8-1-.01 --- 560-8-1-.18 | amended | May 4, 2026 | May 24 |
| | 560-8-2-.01 | amended | May 4, 2026 | May 24 |
| | 560-8-2-.02 | amended | May 4, 2026 | May 24 |
| | 560-8-2-.03 | amended | May 4, 2026 | May 24 |

| Department | Rules List | Action | Filed | Effective |
|---|---|---|---|---|
| | 560-8-3-.01, 560-8-3-.02 | amended | May 4, 2026 | May 24 |
| | 560-8-3-.03 | amended | May 4, 2026 | May 24 |
| | 560-8-3-.04, 560-8-3-.05 | amended | May 4, 2026 | May 24 |
| | 560-8-3-.06 | amended | May 4, 2026 | May 24 |
| | 560-8-3-.07 --- 560-8-3-.11 | amended | May 4, 2026 | May 24 |
| | 560-8-4-.01, 560-8-4-.02 | amended | May 4, 2026 | May 24 |
| | 560-8-4-.03 | amended | May 4, 2026 | May 24 |
| | 560-8-4-.04 | amended | May 4, 2026 | May 24 |
| | 560-8-5-.01 --- 560-8-5-.03 | amended | May 4, 2026 | May 24 |
| | 560-8-6-.03 | amended | May 4, 2026 | May 24 |
| | 560-8-6-.06 | amended | May 4, 2026 | May 24 |
| | 560-8-7-.02 | repealed | Apr. 20, 2026 | May 10 |

# Department 82. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES

# Chapter 82-14. LICENSURE ENFORCEMENT AND SANCTIONS

# Subject 82-14-1. LICENSURE ENFORCEMENT AND SANCTIONS

## 82-14-1-.01 Legal Authority

These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) §§ 26-5-6, 26-5-43, 37-13-2, and 37-3-205.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.01

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Legal Authority" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.02 Title and Purpose

These rules shall be known as the Rules and Regulations for Licensure Enforcement and Sanctions. The purposes of these rules are to provide for general licensing and enforcement actions requirements by the Department with respect to violations of licensing requirements by certain applicants or licensees operating facilities subject to regulation by the Department as set forth under Article 7 of Chapter 3 of Title 37; Chapter 13 of Title 37; and Chapter 5 of Title 26 of the Official Code of Georgia Annotated to provide for licensing, payment of licensing activities fees, surveys, investigations and examinations of such facilities; compliance with corrective action plans; and to provide that certain facilities give notice of violations giving rise to the receipt of notice of the imposition of any sanction under federal or state laws or regulations.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.02

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Title and Purpose" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.03 Definitions

(1) "Administrative action" means the initiation of a contested case as defined in the Georgia Administrative Procedures Act (APA), O.C.G.A. § 50-13-2(2).

(2) "Alter ego" means a person who acts pursuant to the control or influence of another while purporting to act independently.

(3) "Corrective Action Plan" or "CAP" means a plan developed by the facility in response to a violation identified on a written report of survey or investigation that contains the steps or actions that have been taken, or are planned, to address or correct the violation and the anticipated date of the correction.

(4) "Commissioner" means the Commissioner of the Department of Behavioral Health and Developmental Disabilities.

(5) "Department" means the Department of Behavioral Health and Developmental Disabilities, its agents and employees.

(6) "Document" means any book, record, paper, or other information related to initial and continued licensing.

(7) "Facility" means any agency, institution, entity or person subject to regulation by the Department under Article 7 of Chapter 3 of Title 37; Chapter 13 of Title 37; or Chapter 5 of Title 26 of the Official Code of Georgia Annotated.

(8) "Fee" means a payment made to the Department for administrative services associated with licensing.

(9) "Final Adverse Finding" means the finding or findings set forth in or upheld by a report of the Department, order or decision of the Commissioner, agreement between a facility and the Department, or formal order, as of the date of:

(a) the issuance of a ruling by the Superior Court or Commissioner on any appeal from a decision of a state administrative law judge, a hearing officer, or a hearing examiner pursuant to a contested case involving the imposition of a sanction;

(b) the finalization by operation of law of a decision of a state administrative law judge, a hearing officer, or a hearing examiner when no appeal of the ruling is made;

(c) the disposition of a contested case by settlement between the parties; or

(d) the expiration of the time allotted for a facility to contest a sanction imposed by the Department, if the facility does not properly contest the sanction within that time period.

(10) "Fine" means a monetary sanction imposed by the Department for violating a rule.

(11) "Formal Order" means any ruling following an administrative or judicial hearing or an emergency directive issued by the Commissioner as authorized by law related to the initial or continued licensing of a facility which requires the facility to take or refrain from taking specified action. Formal orders include but are not limited necessarily to final administrative hearing decisions and settlement agreements between the Department and facilities. Additionally, formal orders, as defined herein, may include any orders issued by the Commissioner as authorized by law, such as but not limited to O.C.G.A. § 37-2-73 or as authorized by similar statues enacted after the effective date of these rules.

(12) "Imminent and substantial danger" means an immediate threat of serious adverse outcome to a person served in a licensed facility.

(13) "Investigation" means any examination, conducted in response to an allegation or allegations of noncompliance, by the Department or its representative of a facility, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the Department may determine whether a facility has violated any licensing requirement.

(14) "License" means the official authorization granted by the Department pursuant to any of the provisions of law cited in Rule 82-14-1-.01 ("Legal Authority") to operate a facility physically located in Georgia. The term "license" includes any permit, registration, commission, or similar designation reflecting such authorization.

(15) "Licensee" means any person holding a license.

(16) "Licensing requirements" means any provisions of law, rule, regulation, or formal order of the Department which apply to facilities with respect to initial or continued authority to operate.

(17) "Management or Control", for the purpose of imposing the sanction pursuant to Rule 82-14-1-.06(1)(c) ("Sanctions Against Licensees") or 82-14-1-.06(2)(b) ("Sanctions Against Applicants"), means the exercise of or authority to exercise direction, administration, or oversight over a facility's operations by certain persons, including but not limited to owners, directors, or administrators.

(18) "Person" means any individual, agent, representative, governing authority, firm, organization, partnership, agency, association, corporation, facility, or other entity.

(19) "Survey" means any monitoring visit or other inquiry by the Department of Behavioral Health and Developmental Disabilities, or its representatives, of a facility, including but not necessarily limited to the premises, staff, persons in care, and documents pertinent to initial and continued licensing so that the Department may determine whether a facility is operating in compliance with licensing requirements or has violated any licensing requirements. Surveys may be announced or unannounced at the discretion of the Department.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.03

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Definitions" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.04 General Licensing Requirements and Fee Schedules

(1) No facility shall offer or provide services which are required to be licensed under rules enforced by the Department without a current license issued by the Department.

(2) No license shall be issued by the Department unless the facility is substantially in compliance with applicable rules set forth in these rules and specific rules applicable to the particular facility type, and all licensure activity fees due the Department have been paid.

(3) Fees will be assessed to facilities and applicants for licensure for the following licensure activities: processing applications for a new license or a change in ownership, initial license fees, annual licensure activity fees to maintain current license, follow-up visits to periodic surveys, training materials, returned check and mail processing charges and civil monetary penalties.

(4) Application for License. An application for a license to provide regulated services shall be submitted on forms made available by the Department in a format acceptable to the Department. No application shall be acted upon by the Department until the application is determined complete by the Department with all required attachments and applicable fees submitted.

(5) Where the Department denies an initial license for non-payment of fees or any other reason, such action may be taken by the Department prior to an administrative hearing on the denial being held. The applicant whose license has been denied may obtain an administrative hearing, subsequent to the decision to deny the license, as authorized under Georgia law.

(6) Ongoing Licensure Activity Fees. All licenses issued by the Department require payment of ongoing licensure activity fees as calculated by the Department each state fiscal year, including the state fiscal year that these rules take effect. For annual licenses, such licensure activity fees will be due on the anniversary date of the issuance of the previous year's license. For continuing licenses, such ongoing licensing activity fees will be due October 31st of each state fiscal year. The annual fees shall include the base licensure activity fee and any additional fees incurred during the previous year. Such fees are due and payable to the Department within thirty (30) days of receipt of the licensure activity fee invoice. Fees will be calculated by the Department in a manner so as to help defray the direct and indirect costs incurred by the Department in providing such licensure activities for all facilities, but in no event shall exceed such costs.

(7) Effective January 1, 2026, the Department may revoke any license if the facility has failed to pay the annually recurring licensure activity fees within sixty (60) days of receipt of a written invoice from the Department. The revocation action is subject to written notice of the proposed revocation and a right to receive an administrative hearing on the amount past due and owing prior to the revocation action becoming final.

(8) Schedule of Fees. Fees collected by the Department are not refundable, except in extraordinary circumstances as determined by the Department in its sole discretion. The decision of the Department as to whether to refund a

payment is final and may not be appealed. Payment of fees must be in a form of payment accepted by the Department. Some forms of electronic payment may result in an additional convenience charge being added to the licensing fee that is due. Any convenience charge for which the user is responsible must be disclosed to the potential user before completion of the transaction. No cash payments are accepted by the Department. The following schedule of fees applies for the listed licensure activities:

| **Licensure Activity** | **Fee** | **Fee Frequency** |
|---|---|---|
| Application Processing Fee, Change in Ownership, Change in Service Level (requiring on site visit), Name Change - Any Facility | $300 | Upon submission |
| Initial Provisional or Regular License (Same as annual licensure activity fee for each facility type) | Varies by facility | Submitted with application processing fee |
| Involuntary Application Processing Fee subsequent to unlicensed complaint investigation | $550 | |
| Follow-up Visit to Periodic Survey - Any Facility | $250 | License renewal date |
| **Licenses and Certificates** | | |
| Adult Residential Mental Health Programs** | $800 | Annually |
| Community Living Arrangements ** | $350 | Annually |
| Drug Abuse Treatment Education Programs ** | $500 | Annually |
| Narcotic Treatment Programs ** | $1,500 | Annually |
| **Miscellaneous Fees** | | |
| Civil monetary penalties as finally determined | Case-by-case basis | |
| Late Fee: Sixty (60) days past due | $150 | Per instance |
| Lists of Facilities by license type (electronic only) | $25 | Per request |
| Replacement of Lost Permit | $50 | Per request |
| Returned check charge - as assessed by bank | <$50 | Per instance |
| Special handling charges when required (special courier/mailing costs) | Actual cost | Per instance |
| Training materials - cost to reproduce for participant | $.25 per page, $5 per disc | Per participant |
| ** Eligible for a 25% discount if currently accredited by a nationally recognized accreditation organization approved by the Department as having standards comparable to specific state licensure requirements, and complete copy of current decision is submitted to the Department at the time of renewal or is already on file with the Department. | | |

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.04

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "General Licensing Requirements and Fee Schedules" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.05 Enforcement

(1) The Department shall have the authority to impose any one or more of the sanctions enumerated in paragraphs (1), (2) and (3) of Rule 82-14-1-.06 ("Sanctions") upon a finding that an applicant or licensee has:

(a) Knowingly made any verbal or written false statement of material fact either in connection with the application for a license; or on documents submitted to the Department as part of any survey or investigation; or in the falsification or alteration of facility records made or maintained by the facility;

(b) Failed or refused, without legal cause, to provide the Department with access to the premises subject to regulation or information pertinent to the initial and continued licensing of the facility.

(c) Failed to comply with the licensing requirements of this state; or

(d) Failed to comply with the provisions of O.C.G.A. § 37-2-72 or with the provisions of these rules.

(2) The Department's notice of intent to impose an enforcement sanction shall be made within ninety (90) days after an application is submitted or within 90 days of when the grounds for the action are discovered.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.05

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Enforcement" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.06 Sanctions

(1) **Sanctions against Licensees.** When the Department finds that any licensee has violated any provision of Rule 82-14-1-.05 ("Enforcement"), the Department, subject to notice and opportunity for a hearing, may impose any one or more of the sanctions in subparagraphs (a) through (f) below.

(a) **Administer a Public Reprimand.** If the sanction of public reprimand is finally imposed, as defined by a final adverse finding, the public reprimand shall consist of a notice prepared by the Department that the facility has been reprimanded; such notice shall include a written report of the Department's findings along with the facility's response and corrective action plan.

1. **Location of Notice.** The facility shall post the public reprimand in places readily accessible and continuously visible to persons in care and their representatives. Additionally, if the facility maintains a website, it shall post a web link in a prominent location on the main page of the website that provides access to a copy of the public reprimand.

2. **Timing of Notice.** The facility shall post the public reprimand on the day the public reprimand is received by the facility and such reprimand shall remain posted for a period of ninety (90) days.

3. **Notice for Service Inquiries.** During any period that the reprimand is required to be posted, the facility shall advise persons seeking services and representatives of persons seeking services of the reprimand. In response to a notice by the Department of the imposition of a public reprimand, a facility may request that the Department not require the facility to advise persons seeking services and representatives of persons seeking services of the reprimand if such requirement would compromise its ability to provide services and is not feasible given the facility's range of services and the ways its services are provided. Such request must be made within ten (10) calendar days from receipt of the notice from the Department. The Department upon such a convincing showing, as well as a showing that the correction of the violation has been achieved and will be sustained by the facility, may elect not to enforce this requirement. If the Department elects to enforce the requirement and the facility appeals the imposition of the sanction, the issue of this requirement may become an issue for consideration by the hearing examiner at any hearing held on the sanction, unless waived by the facility.

(b) **Suspend any License.** The Department may suspend for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license.

1. The Department may impose the sanction of suspension for a definite period calculated by it as the period necessary for the facility to implement long-term corrective measures and for the facility to be deterred from lapsing into noncompliance in the future. As an alternative to suspending a license for a definite period, the Department may suspend the license for an indefinite period in connection with the imposition of any condition or conditions reasonably calculated to elicit long-term compliance with licensing requirements which the facility must meet and demonstrate before it may regain its license.

2. If the sanction of license suspension is finally imposed, as defined by a final adverse finding, the Department shall effectuate it by requiring the facility to return its license to the Department. Upon the expiration of any period of suspension, and upon a showing by the facility that it has achieved compliance with licensing requirements, the Department shall reissue the facility a license. Where the license was suspended for an indefinite period in connection with conditions for the re-issuance of a license, once the facility can show that any and all conditions imposed by the Department have been met, the Department shall reissue the facility a license.

3. The official notice of the suspension action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided to current and prospective clients and to their representatives and family units, as applicable.

(i) The facility shall post the official notice at the facility location in an area that is visible to the clients and to the clients' representatives and family units.

(ii) The facility shall ensure that the notice continues to the visible to the clients and to their representatives and family units throughout the suspension action, including during any appeals.

(iii) The facility shall have readily visible to the clients and to their representatives and family units any survey reports that are prepared by the Department during the pendency of a suspension action.

(iv) It shall be a violation of these rules for the facility to permit the removal or obliteration of any notices required by this rule during the pendency of any suspension.

(v) The Department may share any notice of the suspension and any information pertaining thereto with any other agencies that may have an interest in the welfare of the clients in care at the facility.

(c) **Prohibit Persons in Management or Control.** The Department may prohibit a licensee from allowing a person who previously was involved in the management or control of any facility which has had its license revoked or application denied within the past twelve (12) months to be involved in the management or control of such facility. Any such person found by the Department to have acted diligently and in good faith to ensure correction of violations in a facility which has had its license revoked or denied, however, shall not be subject to this prohibition if that person became involved in the management or control of the facility after the facility was notified by the Department of violations of licensing requirements giving rise to a revocation or denial action. This subparagraph shall not be construed to require the Department to obtain any information that is not readily available to it regarding any person's involvement with a facility. For the purpose of this Rule, the twelve (12) month period will begin to run from the date of any final adverse finding or the date that any stay of enforcement ceased, whichever first occurs.

(d) **Revoke any License.** The Department may revoke any license. If the sanction of license revocation is finally imposed, as defined by a final adverse finding, the Department shall effectuate it by requiring the facility to return its license to the Department.

1. The official notice of the revocation action and any final resolution, together with the Department's complaint intake phone number and website address, shall be provided to current and prospective clients and to their representatives and family units, as applicable.

2. The facility shall post the official notice at the facility location in an area that is visible to the clients and to the clients' representatives and family units.

3. The facility shall ensure that the notice continues to the visible to the clients and to their representatives and family units throughout the revocation action, including during any appeals.

4. The facility shall have readily visible to the clients and to their representatives and family units any survey reports that are prepared by the Department during the pendency of a revocation action.

5. It shall be a violation of these rules for the facility to permit the removal or obliteration of any notices required by this rule during the pendency of any revocation.

6. The Department may share any notice of the revocation action and any information pertaining thereto with any other agencies that may have an interest in the welfare of the clients in care at the facility.

(e) **Impose a Civil Penalty Fine.** The Department may impose a civil penalty fine of up to $2,000 per day for each violation of a law, rule, regulation, or formal order related to the initial or continued licensing of a facility; provided, however, that no such fines shall exceed $40,000 for violations found during the same survey. If a violation is found on two (2) consecutive surveys, there shall exist a rebuttable presumption that the violation continued throughout the period of time between each survey.

1. **Categories of Violations.** Violations shall be assigned a severity category based upon the following criteria:

(i) **Critical Risk** ($1,201-$2,000 fine per violation per day): A violation or combination of violations of licensing requirements which has caused death or serious physical or emotional harm to a person or persons in care or poses an imminent and serious threat or hazard to the physical or emotional health and safety of one or more persons in care;

(ii) **High Risk** ($601-$1,200 fine per violation per day): A violation or combination of violations of licensing requirements which has direct adverse effect on the physical or emotional health and safety of a person or persons in care; and

(iii) **Moderate Risk** ($300-$600 fine per violation per day): A violation or combination of violations of licensing requirements which indirectly or over a period of time has or has the potential to result in an adverse effect on the physical or emotional health and safety of a person or persons in care, or a violation or violations of administrative, reporting, or notice requirements.

(iv) **Low Risk** (no fine): A violation that has little to no impact to individuals served.

2. **Fine Amounts.** The specific amount of the fine for each violation in each category shall be determined based upon whether and when the particular or similar rule, law, or order, or the act, omission, incident, circumstance, or conduct giving rise to the violation of the same regulatory requirement, or one substantially similar thereto, has been cited by the Department previously, and the scope of the violation.

(i) **Initial Violation.** If the same or a substantially similar violation has not been cited previously by the Department within the past twenty-four (24) months against the facility, it shall be considered to be an initial violation. The fine amount for initial violations shall be the bottom figure in the appropriate category.

(ii) **Second Violation.** If the present violation or a substantially similar violation had been found and cited by the Department as the result of the last survey of the facility, or as the result of any one other survey during the previous twenty-four (24) months, the violations shall be considered to be a second violation. The fine amount for second violations shall be in the range between the top and bottom figures of the appropriate category and other factors, such as the existence of mitigating or aggravating circumstances, shall be considered in determining the fine amount within the range.

(iii) **Repeated Violation.** If the present violation or a substantially similar violation also had been found and cited any two (2) other times during the past twenty-four (24) months, it shall be considered to be a repeated violation. The fine amount for repeated violations shall be the top figure in the category.

3. **Limitation of Fines.**

(i) A single act, omission, incident, circumstance, or conduct shall not give rise to the imposition of more than one fine even though such act, omission, incident, circumstance, or conduct may have violated more than one licensing requirement. In such a case, the fine shall be based upon the highest category in which any one violation resulting from the same act, omission, incident, circumstance, or conduct falls.

(ii) Correction by the facility of cited violations tolls the continuation of the assessment of the daily fine, provided, however, that the Department shall confirm that such cited violations were corrected.

(iii) In no case shall a facility be sanctioned for a violation characterized as a subsequent or repeat violation unless the time frame identified in the acceptable corrective action plan has passed and the facility nonetheless has failed to attain or maintain correction.

4. **Financial Hardships.** In response to a notice by the Department of the imposition a fine, a facility may request that the Department reduce the fine amount if the fine would cause significant financial hardship that would compromise its ability to provide care or services in compliance with licensing requirements. The Department, in its discretion, upon such a convincing showing as well as a showing that correction of the violation has been achieved and will be sustained by the facility, may reduce the amount of the fine. If the Department proceeds with the imposition of the fine as proposed, the issue of significant financial hardship may become an issue for consideration by the hearing examiner at any hearing held on the sanction, unless waived by the facility.

(f) **Limit or Restrict any License.** The Department may limit or restrict any license as the Department deems necessary for the protection of the public (a provisional or temporary time-limited license granted by the Department shall not be considered to be a limited or restricted license).

1. Limitation or restriction of a license may occur to:

(i) prohibit the provision of a particular service or services when a facility is unable or unwilling to render or perform the service or services in compliance with licensing requirements;

(ii) restrict the authorized number of persons cared for by a facility when the facility is unable or unwilling to render care in compliance with licensing requirements; and/or

(iii) prohibit a facility from caring for persons with specific types or degrees of needs that the facility is not capable of meeting in compliance with licensing requirements.

2. If the sanction of license limitation or restriction is finally imposed, as defined by a final adverse finding, the Department shall effectuate it by sending the facility a restricted or limited license. Upon receipt of the restricted or limited license, the facility shall return to the Department its original license. Upon expiration of the restriction or limitation period, and upon proof by the facility that it has taken effective corrective action and has sustained that action during the period of the sanction, the Department shall fully restore the facility's license. The Department shall take any steps it deems necessary to verify compliance prior to the expiration of the sanction period so that a compliant facility is restored its license without delay.

(2) **Sanctions against Applicants.** When the Department finds that any applicant for a license has violated any provision of Rule 82-14-1-.05 ("Enforcement"), the Department, subject to notice and opportunity for a hearing, may impose any one or more of the following sanctions in subparagraphs (a) through (c) below.

(a) **Refuse to Grant License.** The Department may refuse to grant (deny) a license; provided, however, that the Department may refuse to grant an initial license without holding a hearing prior to taking such action.

1. The Department may deny an application for a license where the facility has failed to demonstrate compliance with licensing requirements. Additionally, the Department may deny an application for a license where the applicant or alter ego of the applicant has had a license denied, revoked, or suspended within one year of the date of an application, or where the applicant has surrendered the license or transferred ownership or governing authority of a

facility within one year of the date of a new application when such surrender or transfer was made in order to avert denial, revocation, or suspension of a license or payment of fines.

2. For the purpose of determining the one-year denial period, the period shall begin to run from the date of the final adverse finding, or the date any stay of enforcement ceased, whichever first occurs.

3. In further determining whether to grant or deny a license, the Department may consider the applicant's overall record of compliance with licensing requirements.

(b) **Prohibit Persons in Management or Control.** The Department may prohibit an applicant from allowing a person who previously was involved in the management or control of any facility which has had its license revoked or application denied within the past twelve (12) months to be involved in the management or control of such facility. Any such person found by the Department to have acted diligently and in good faith to ensure correction of violations in a facility which has had its license revoked or denied, however, shall not be subject to this prohibition if that person became involved in the management or control of the facility after the facility was notified by the Department of violations of licensing requirements giving rise to denial action. This subparagraph shall not be construed to require the Department to obtain any information that is not readily available to it regarding any person's involvement with a facility. For the purpose of this rule, the twelve (12) month period will begin to run from the date of any final adverse finding or the date that any stay of enforcement ceased, whichever first occurs.

(c) **Limit or Restrict any License.** The Department may limit or restrict any license as it deems necessary for the protection of the public (a provisional or temporary time-limited license granted by the Department shall not be considered to be a limited or restricted license).

1. Limitations or restrictions of a license may include any or all of the following as determined necessary by the Department:

(i) prohibiting the provision of a particular service or services when a facility is unable or unwilling to render or perform the service or services in compliance with licensing requirements;

(ii) restricting the authorized number of persons cared for by a facility when the facility is unable or unwilling to render care in compliance with licensing requirements; and

(iii) prohibiting a facility from caring for persons with specific types or degrees of needs that the facility is not capable of meeting in compliance with licensing requirements.

2. The Department may restrict a license where any applicant or alter ego of the applicant has had a license denied, revoked, or suspended within one (1) year of the date of an application, or where the applicant has surrendered the license or transferred ownership of governing authority of a facility within one (1) year of the date of a new application when such surrender or transfer was made in order to avert denial, revocation, suspension of a license, or payment of fines. For the purpose of determining the one (1) year denial period, the period shall begin to run from the date of the final adverse finding or the date any stay of enforcement ceased, whichever occurs first.

3. If the sanction of license limitation or restriction is finally imposed, as defined by a final adverse finding, the Department shall effectuate it by sending the facility a restricted or limited license. Upon receipt of the restricted or limited license, the facility shall return to the Department its original license if one was granted. Upon expiration of the restriction or limitation period, and upon proof by the facility that it has taken effective corrective action and has sustained that action during the period of the sanction, the Department may issue the facility a license. The Department shall take any steps it deems necessary to verify compliance prior to the expiration of the sanction period so that a compliant facility may be issued a license without delay.

(3) **Extraordinary Sanctions Where Imminent and Substantial Danger.** Where the Commissioner of the Department determines that the patients or residents in the care of an adult residential mental health program (ARMH), drug abuse treatment and education program (DATEP), narcotic treatment program (NTP), or community living arrangement (CLA) subject to licensure by the Department are subject to an imminent and substantial danger, the Commissioner may order any of the extraordinary sanctions listed in subsections (b), (c), (d) and (e), of this rule,

82-14-1-.06(3) ("Extraordinary Sanctions Where Imminent and Substantial Danger"), to take effect immediately unless otherwise specified in the order, without notice and opportunity for hearing prior to the order taking effect.

(a) **Content of the Order.** The order shall contain the following:

1. the scope of the order;

2. reasons for the issuance of the order;

3. effective date of the order if other than the date the order is issued;

4. person to whom questions concerning the order are to be addressed; and

5. notice of the right to obtain after the issuance of the order, a preliminary hearing and an administrative hearing regarding the emergency order as a contested case.

(b) **Emergency Relocation.** The Commissioner may order emergency relocation of the patients or residents of any facility to the nearest appropriate facility of the same type. Prior to issuing an emergency order, the Commissioner or his/her designee may consult with persons knowledgeable in the field of medical care and a representative of the facility to determine if there is a potential for greater adverse effects on patient or resident care as a result of the proposed issuance of an emergency order. The Commissioner shall provide for notice to the patient or resident, his or her next of kin or guardian and his or her physician of the emergency relocation and the reasons therefore; relocation to the nearest appropriate facility of the same type and other protection designed to ensure the welfare and, when possible, the desires of the patient or resident.

1. When provided with the notice of the execution of the emergency relocation order, the facility shall make patient/resident information available to the Department in usable formats.

2. The facility that is the subject of the emergency relocation order shall not impede in any way the Department's communications with the patients/residents, next of kin or guardians of the patients/residents and attending physicians.

3. The facility shall continue to provide care and services to the patients/residents and shall prepare records required by the receiving facility which are necessary to facilitate continuity of patient/resident care for the patients/residents to be relocated.

4. The facility shall make any personal property, such as but not limited to patient/resident funds, available to the receiving facility at the time of transfer.

(c) **Emergency Placement of Monitor.** The Commissioner may order the emergency placement of a monitor in a facility subject to licensure when conditions at the facility require immediate oversight for the safety of the patients or residents.

1. **Conditions.** The placement of a monitor may be required when one or more of the following circumstances are present:

(i) the facility is operating without a permit or license;

(ii) the Department has denied the application for a permit or a license or has initiated an action to revoke the existing permit or license of the facility;

(iii) the facility is closing or plans to close and adequate arrangement for the relocation of the patients or residents have not been made at thirty (30) days before the date of closure; or

(iv) the health, safety, security, rights or welfare of the patients or residents cannot be adequately assured by the facility. For example, the Department is informed that essential service vendors (electricity, gas, water, food or

pharmacy) have not been paid and anticipate discontinuing service and the facility does not have a signed contract with another vendor establishing that there will be no disruption in service.

2. **Role of Monitor.** The monitor may be placed in the facility for no more than ten (10) days, during which time the monitor shall observe conditions and compliance with remedial action recommended by the Department. The monitor shall not assume any administrative responsibility for the facility, nor shall the monitor be liable for any of the actions of the facility.

3. **Cost of Monitor.** The facility shall pay the costs associated with the placement of the monitor unless the Commissioner's order placing the monitor is determined to be invalid in a contested case proceeding under the Georgia Administrative Procedure Act, Chapter 13 of Title 50.

(d) **Emergency Prohibition of Admissions.** The Commissioner may order the emergency prohibition of admissions to a facility when such facility has failed to correct a violation of Departmental permit rules within a reasonable period of time, as specified in the Department's corrective order, and the violation could either jeopardize the health and safety of the residents/patients if allowed to remain uncorrected or is a repeat violation over a twelve (12) month period, which is intentional or due to gross negligence.

(e) **Emergency Suspension of Admissions.** The Commissioner may order that admissions to a facility be suspended until the Department has determined that the violation has been corrected or until the Department has determined that the facility has undertaken the action necessary to effect correction of the violation.

(f) **Preliminary Hearing.** The facility affected by the Commissioner's emergency order may request that the Department hold a preliminary hearing within the Department on the validity of the order and the need for its continuation. Such hearing shall occur within ten (10) days following the request.

1. A request for a preliminary hearing shall be made in writing to the representative of the Department designated in the emergency order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative review of the record, written evidence submitted by the institution affected, and a preliminary written argument in support of its contentions.

2. If a request is made to appear in person at the preliminary hearing, the following information shall be included in the request, or provided prior to the hearing:

(i) the name and address of person or persons, if any, who will be representing the facility in the preliminary hearing;

(ii) the names and titles of all other persons who will attend the preliminary hearing; and

(iii) any additional evidence the facility wishes to submit for consideration at the hearing.

3. Upon receipt of a request for a preliminary hearing, the Department shall set and give notice of the date, time, and location of the preliminary hearing. The preliminary hearing shall be held within ten (10) calendar days of receipt of the request.

4. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record; any additional evidence introduced at the hearing; and any arguments made. A sound recording shall be made of the hearing.

5. Within seven (7) calendar days of the close of the preliminary hearing, the Department shall render a written decision. The decision shall be divided as follows:

(i) description of additional evidence submitted by the affected facility;

(ii) summary of the arguments and/or brief submitted by the facility in support of its contention that the emergency order is invalid;

(iii) a statement as to whether the emergency order issued by the Department is found valid and the reasons therefore; and

(iv) notice of the affected facility's right to obtain an administrative hearing regarding the Commissioner's emergency order pursuant to O.C.G.A. § 50-13-13, if the emergency order is found valid as a result of the Department's preliminary hearing.

6. Pending final appeal of the validity of any emergency order issued as provided herein through the administrative hearing process, such emergency order shall remain in full effect until vacated or rescinded by the Commissioner.

(g) **Cumulative Remedy.** The Department is not limited to a single emergency action under these rules, nor is the Department precluded from other actions permitted by other law or regulations during the time an emergency order is in force.

(4) **Standards for Taking Sanctions.** In taking any of the actions pursuant to subparagraphs (1), (2) or (3) of this rule, the Department shall consider the seriousness of the violation or violations, including the circumstances, extent, and gravity of the prohibited act or acts or failure to act, and the hazard or potential hazard created to the physical or emotional health and safety of the public.

(5) **Non-Compliance with Sanctions.** Failure on the part of any facility to abide by any sanction, including payment of a fine, which is finally imposed against it, shall constitute grounds for the imposition of additional sanctions, including revocation.

(6) **Settlements.** With regard to any contested case instituted by the Department pursuant to this Chapter or other provisions of law or regulation which may now or hereafter authorize remedial or disciplinary grounds and action, the Department may, in its discretion, dispose of the action so instituted by settlement. In such cases, the Department, the facility, and those persons deemed by the Department to be successors in interest to any settlement agreement, shall be bound by the terms specified therein. Violation thereof by any applicant or licensee, their agents, employees, or others acting on their behalf, shall constitute grounds for the imposition of any sanctions enumerated in this Chapter, including revocation.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.06

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-2-73**,** 37-3-205**,** 37-3-211**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Sanctions" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.07 Surveys, Investigations and Corrective Action Plans

(1) **Authority to Inspect.** The Department is authorized to conduct an survey to determine whether a facility is operating in compliance with licensing requirements or has violated any licensing requirements. Such surveys may be initiated at any time, in the discretion of the Department, and may continue during the pendency of any action initiated by the Department.

(2) **Authority to Investigate.** Where the Department determines that a rule violation related to a complaint or a reportable incident may have occurred, the Department may initiate an investigation. Such investigations may be initiated at any time, in the discretion of the Department, and may continue during the pendency of any action initiated by the Department.

(3) **Consent to Entry and Access.** An application for a license or the issuance of the same by the Department constitutes consent by the applicant or licensee and the owner of the premises for the Department's representatives, after displaying identification to any facility staff, to enter the facility for the purpose of conducting an investigation or an survey. Department representatives shall be allowed, without delay, reasonable and meaningful access to the facility's premises, and information pertinent to licensure including staff and persons in care. The Department shall

have the authority to require the production of any documents related to the initial and continued licensing of any facility.

(4) **Cooperation with Survey.** Facility staff shall cooperate with any survey or investigation conducted by the Department and shall provide, without unreasonable delay, any documents which the Department is entitled hereunder.

(5) **Assessment of Expenses.** Pursuant to the survey, investigation, and enforcement powers given to the Department by O.C.G.A. § 37-2-72 and other applicable laws, and the provisions of this Chapter, the Department may assess against a facility reasonable and necessary expenses incurred by the Department pursuant to any administrative or legal actions required by the failure of a facility to fully comply with licensing requirements. Such expenses may be assessed only pursuant to the initiation of sanction actions under this Chapter and may only be collected if such actions result in final adverse findings. A facility shall be notified of the Department's action to assess expenses when the Department sends a facility a notice of the sanction. If the sanction is appealed, the assessment may become an issue for consideration by the hearing examiner at any hearing held on the sanction.

(a) **Reasonable and Necessary Expenses.** Reasonable and necessary expenses, as used in this subparagraph, shall include, but not necessarily be limited to: hourly compensation of Department representatives, commuting expenses (including mileage at the current state reimbursement rate), and lodging and meal expenses (at the rate approved for reimbursement by the state) associated with overnight out-of-town travel; and other similar costs. Assessments shall not include attorney's fees and expenses of litigation, shall not exceed actual expenses, and shall be made only if surveys, investigations, or enforcement actions result in final adverse findings.

(b) **Payment of Assessed Expenses.** Expenses assessed against a facility shall be paid within thirty (30) days of receipt of a statement of expenses. In response to an assessment, a facility may request that the Department reduce the assessment or agree to a payment plan if full payment within thirty (30) days would cause significant financial hardship that would compromise its ability to provide care or services in compliance with licensing requirements. The issue of significant financial hardship caused by the assessment may become an issue for consideration by the hearing examiner at any hearing held on the sanction.

(6) **Violations Report.** The outcome of the investigation/survey shall be provided by the Department to the facility after the investigation/survey is completed; provided however, that the names and identifying information regarding the complainants are classified as confidential. Nothing in this rule shall be construed to require the Department to release the name or identifying information regarding a complainant without first obtaining proper authorization from such complainant. Nor shall this rule be construed to require the Department to release any other confidential or privileged information without first obtaining proper authorization.

(7) **Corrective Action Plan**. The facility shall develop a corrective action plan within fifteen (15) days of a written report of violations.

(a) If the initial corrective action plan is unacceptable to the Department, the facility will be provided with at least one (1) opportunity to revise the unacceptable corrective action plan.

(b) The facility shall comply with the corrective action plan accepted by the Department.

(c) Where the Department determines that the facility either has not filed an acceptable corrective action plan or has not complied with the accepted corrective action plan, the Department may initiate one or more sanctions as described in Rule 82-14-.06 ("Sanctions).

(d) The Department may require the provider to develop an "internal corrective action plan" which does not need to be submitted to the Department, except at the request of the Department. The "internal corrective action plan" must meet all other requirements of a corrective action plan.

(8) **Violations Dispute.** The facility may offer an explanation for or dispute the Department's findings of a violation s of licensing rules within ten (10) days of an survey or investigation report showing such finding(s). When the Department transmits the survey or investigation report to the facility, the Department shall include instructions for

how such an explanation or dispute can be made, and the facility must make such explanation or dispute as directed in those instructions. At a minimum, the instructions must include directions on how the facility can initiate an administrative action (as defined in Rule 82-14-1-.03, "Definitions"); provided, however, that the Department may (but is not required to) provide for a prior process of administrative review by the Department before the matter is ripe for administrative action before agencies or courts outside the Department.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.07

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Surveys, Investigations and Corrective Action Plans" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.08 Immunity

For any action taken or any proceeding held under this Chapter or under color of law, except for gross negligence or willful or wanton misconduct, the Department, when acting in its official capacity, shall be immune from liability and suit to the same extent that any judge of any court of general jurisdiction in this state would be immune.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.08

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Immunity" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.09 Exemptions

In an administrative or legal proceeding under this Chapter, a person claiming an exemption or an exception granted by law, rule, regulation, or formal order has the burden of proving this exemption or exception.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.09

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Exemptions" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.10 Applicability of Administrative Procedures Act

This Chapter and all sanction actions resulting from its provisions shall be administered in accordance with Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the Georgia Administrative Procedure Act. Any request for hearing in response to any sanction action undertaken pursuant to this Chapter shall be in writing and shall be submitted to the Department no later than 10 calendar days from the date of receipt of any notice of intent by the Department to impose a sanction setting forth the proposed sanction or sanctions and the basis therefore.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.10

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Applicability of Administrative Procedures Act" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.11 Applicability of Other Laws

The provisions of this Chapter shall be supplemental to and shall not operate to prohibit the Department from acting pursuant to those provisions of law which may now or hereafter authorize remedial or disciplinary grounds and

action for the Department. In cases where those other provisions of law so authorize other disciplinary grounds and actions, but this Chapter limits such grounds or actions, those other provisions shall apply.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.11

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Applicability of Other Laws" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.12 Survey Warrants

In addition to the enforcement actions authorized by this Chapter with respect to refusal to provide the Department with access to a facility, the Department may make application to a court of competent jurisdiction for an survey warrant if its representatives are denied meaningful access to the premises, staff, persons in care, and documents or other information of a licensed facility or of a facility which the Department believes is required to have a license but which does not have one. Upon the grant of such a warrant, the Department may gain entry and meaningful access to such facility, its staff, and persons in care therein, facility documents, and other information deemed pertinent by the Department to making a compliance determination, unless the warrant specifically limits the entry or access allowed to Department representatives. This rule shall not be construed to require the Department to seek entry and be denied the same before it may apply for a survey warrant.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.12

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-1-70 **et seq.,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Survey Warrants" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.13 Injunctive Relief

The Department may, without regard to the availability of other remedies, including the remedies set forth in this Chapter, seek an injunction against the continued operation of a facility without a license. The Department likewise may seek injunctive relief against the continued operation of a facility in violation of licensing requirements.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.13

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-1-90**,** 37-2-72**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Injunctive Relief" adopted. F. May 15, 2026; eff. June 4, 2026.

## 82-14-1-.14 Severability

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect as if such rule or portions thereof so determined, declared or adjudicated invalid or unconstitutional were not originally part of these rules.

**Cite as** Ga. Comp. R. & Regs. R. 82-14-1-.14

**AUTHORITY: O.C.G.A. §§** 26-5-6**,** 26-5-43**,** 37-3-205**,** 37-13-2**.**

**HISTORY:** Original rule entitled "Severability" adopted. F. May 15, 2026; eff. June 4, 2026.

# Department 111. RULES OF DEPARTMENT OF COMMUNITY HEALTH

# Chapter 111-3. MEDICAL ASSISTANCE

# Subject 111-3-11. HOSPITAL DIRECTED PAYMENT PROGRAM

## 111-3-11-.01 Definitions

As used in this Chapter 111-3-11:

(1) "Board" means the Board of Community Health, the body created under O.C.G.A. § 31-2-3, appointed by the Governor, that establishes the general policy to be followed by the Department of Community Health.

(2) "Care Management Organization" means a managed care organization defined in 42 CFR § 438.2 and O.C.G.A. § 33-21A-2(1).

(3) "Department" means the Department of Community Health established under O.C.G.A. § 31-2-3.

(4) "Directed Payment" means any payment made to hospitals by Care Management Organizations pursuant to their Medicaid managed care contracts with the Department as authorized under 42 CFR § 438.6(c).

(5) "Hospital" means an institution license pursuant to Chapter 7 of Title 31, which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. Such term includes public, private, rehabilitative, geriatric, osteopathic, and other specialty hospitals but shall not include psychiatric hospitals, which shall have the same meaning as facilities as defined in paragraph (7) of O.C.G.A. § 37-3-1, critical access hospitals as defined in paragraph (3) of O.C.G.A. § 33-21A-2, or any state owned or state operated hospitals.

(6) "Non-Governmental Hospital" means a subclass of Hospitals, authorized to be defined by the Board pursuant to paragraph (a) of O.C.G.A. § 31-8-179.2, that shall not include public, long term acute care, rehabilitative, geriatric, osteopathic, and psychiatric hospitals which shall have the same meaning as facilities as defined in paragraph (7) of O.C.G.A. § 31-8-179.2, critical access hospitals as defined in paragraph (3) of O.C.G.A. § 33-21A-2, or any state-owned or state-operated hospitals.

(7) "Provider Payment" means a payment assessed by the Department pursuant to this chapter for the privilege of operating a Non-Governmental Hospital.

(8) "Segregated Account" means an account for the dedication and deposit of Provider Payments which is established within the Trust Fund.

(9) "Trust Fund" means the Indigent Care Trust Fund created by Article 6 of Chapter 8 of Title 31.

(10) "Waiver" means a waiver of the requirements for permissible health care related taxes, as provided for in 42 C.F.R. § 433.68.

**Cite as** Ga. Comp. R. & Regs. R. 111-3-11-.01

**AUTHORITY: O.C.G.A. § 31-8-179.1, et seq.**

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 20, 2022; eff. Aug. 9, 2022.

**Amended:** F. May 14, 2026; eff. June 3, 2026.

# Department 140. GEORGIA CRIME INFORMATION CENTER COUNCIL

# Chapter 140-1. ORGANIZATION

## 140-1-.06 Repealed

**Cite as** Ga. Comp. R. & Regs. R. 140-1-.06

**AUTHORITY: O.C.G.A. § 35-3-37.**

**HISTORY:** Original Rule entitled "Contested Cases Governed by Express Statutory Provisions" adopted. F. Feb. 25, 1976; eff. Mar. 16, 1976.

**Repealed:** New Rule of same title adopted. F. Jan. 7, 1983; eff. Feb. 1, 1983, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Sept. 6, 1984; eff. Oct. 8, 1984, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. July 2, 1986; eff. July 22, 1986.

**Repealed:** New Rule of same title adopted. F. Nov. 7, 1990; eff. Nov. 27, 1990.

**Repealed:** New Rule of same title adopted. F. Mar. 4, 1998; eff. Mar. 24, 1998.

**Repealed:** New Rule of same title adopted. F. Sept. 25, 2007; eff. Oct. 15, 2007.

**Repealed:** F. Jan. 23, 2026; eff. Feb. 12, 2026.

**Note:** Correction of administrative error in Rule History on Rules and Regulations website, "Amended: F. Jan. 23, 2026; eff. Feb. 12, 2026." corrected to "Repealed: F. Jan. 23, 2026; eff. Feb. 12, 2026." Effective May 19, 2026.

# Department 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE

# Chapter 250-1. ORGANIZATION

## 250-1-.04 [Effective 6/10/2026] Restrictions on Board Members' Activities

(1) No Board member shall participate in the deliberation or the vote on licensure or registration of any applicant who is employed by, was previously employed by, or is being hired by that Board member.

(2) No Board member shall participate in the deliberation or the vote on licensure or registration of any applicant:

(a) who is known to be a relative of that Board member; or

(b) with whom that Board member has a personal relationship which could affect the Board member's judgment.

(3) No Board member shall participate in the deliberation or the vote on licensure for any establishment, organic human reduction facility, or crematory in which the member has an ownership or management interest.

(a) For purposes of administering this rule, "ownership" is determined by whether the Board member has authority and responsibility for making decisions concerning the operations of the organization as a whole. "Ownership" does not include holding an insignificant equity ownership, such as in common stocks and bonds; and

(b) For purposes of administering this rule, "management interest" is determined by whether the Board member has direct management responsibilities for the establishment involved in the vote or deliberation.

**Cite as** Ga. Comp. R. & Regs. R. 250-1-.04

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-18-23**.**

**HISTORY:** Original Rule entitled "Restrictions on Board Members' Activities" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Repealed:** New Rule of same title adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

# Department 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE

# Chapter 250-4. APPRENTICESHIP

## 250-4-.03 [Effective 6/10/2026] Serving of Apprenticeship

(1) Hours and Duration. An apprenticeship period consists of 3,120 hours served in a time period of no less than eighteen (18) months as defined in O.C.G.A. § 43-18-50(c).

(a) This period shall be measured from the date the application is approved by the Board.

(b) The (18) eighteen-month minimum is in addition to the time required to graduate from a college of funeral service accredited by the American Board of Funeral Service Education or other college specifically approved by the Board.

(c) An apprentice shall be allowed to serve a maximum of four (4) hours per day for credit towards completion of the apprenticeship period while enrolled in college.

(2) Business Hours. For purposes of apprenticeship, regular business hours are the hours between 8:00 A.M. and 10:00 P.M.

(3) Sleeping. An apprentice shall not count hours spent sleeping in a funeral establishment toward the hours of requirement, even if the time spent sleeping occurs during the regular business hours as defined in Rule 250-4-.03(2).

(4) Reports. Every six (6) months, each apprentice shall furnish to the Board the details of the hours spent in employment as an apprentice on forms approved by the Board. After completing the 3,120 hours for apprenticeship within the specified period, the apprentice shall send the last report to the Board regardless of the date. The information contained in the report shall be certified as correct by the funeral director in full and continuous charge and by the supervising funeral director and embalmer. The report will specify the number of bodies which the apprentice has assisted with embalming and the number of funerals in which the apprentice has assisted. This report shall be kept current and made available for inspection upon request.

**Cite as** Ga. Comp. R. & Regs. R. 250-4-.03

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-25**,** 43-18-23**,** 43-18-50**,** 43-18-51**,** 43-18-54**.**

**HISTORY:** Original Rule entitled "Full-Time Apprenticeship" adopted. F. May 3, 1973; eff. May 23, 1973.

**Repealed:** New Rule entitled "Fees and Renewal" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Repealed:** New Rule entitled "Serving of Apprenticeship" adopted. F. Mar. 22, 1993; eff. Apr. 11, 1993.

**Amended:** F. Feb. 17, 1999; eff. Mar. 9, 1999.

**Amended:** F. Aug. 16, 2002; eff. Sept. 5, 2002.

**Repealed:** New Rule with same title adopted. F. July 24, 2012; eff. August 13, 2012.

**Amended:** F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

## 250-4-.04 [Effective 6/10/2026] Apprentice Fees and Renewal

(1) Each apprenticeship registration expires on March 31 of even-numbered years.

(2) Renewal. An apprenticeship registration may be renewed for a two-year period and requires submission of an application and fee (see fee schedule), due and payable by March 31 of even-numbered years.

(3) Late Renewal with Penalty. An expired apprentice registration may be renewed between April 1 and April 30 of the renewal year with submission of a renewal form and a penalty fee in addition to the regular renewal fee. The applicant for renewal may not practice as an apprentice during the late renewal period, nor will any hours be credited during the late renewal period.

(4) Revocation. A registration that is not renewed prior to May 1 of the renewal year shall result in revocation of the registration. Hours served after revocation and prior to reinstatement may not be counted toward the 3,120 hour requirement for an apprenticeship.

(5) Reinstatement. An apprentice whose registration has been revoked for failure to renew a registration, within one (1) year of the registration expiration date, may apply for reregistration with submission of an application, renewal fee, and penalty fee. The Board reserves the right to refuse to reinstate a registration and shall not reinstate a registration more than twice.

**Cite as** Ga. Comp. R. & Regs. R. 250-4-.04

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-25**,** 43-18-23**,** 43-18-50**,** 43-18-51**,** 43-18-54**.**

**HISTORY:** Original Rule entitled "Part-Time Apprenticeship" adopted. F. May 3, 1973; eff. May 23, 1973.

**Repealed:** New Rule entitled "Board-Approved Supervisor" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Repealed:** New Rule entitled "Fees and Renewal" adopted. F. Mar. 22, 1993; eff. Apr. 11, 1993.

**Amended:** F. May 1, 1998; eff. May 21, 1998.

**Amended:** F. Feb. 17, 1999; eff. Mar. 9, 1999.

**Repealed:** New Rule of same title adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** New title "Apprentice Fees and Renewal." F. Oct. 18, 2018; eff. Nov. 7, 2018.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

# Department 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE

# Chapter 250-5. PERSONAL LICENSURE

## 250-5-.10 [Effective 6/10/2026] Revocation and Reinstatement - Embalmer; Funeral Director

(1) Failure to renew an embalmer or funeral director license prior to May 1 of the renewal year shall have the same effect as revocation. Any consideration for license reinstatement shall be at the discretion of the Board and shall require submission of a reinstatement application and reinstatement fee.

(2) The Board in its discretion may reinstate a funeral director license upon receipt of an application, evidence of completion of twelve (12) hours of approved continuing education for any applicant who is under 65 years of age and appropriate fees as noted on the Fee Schedule. Additionally, a person applying for reinstatement more than two (2) years after the expiration date of the license shall be required to retake and pass the Board-approved Jurisprudence Examination on Georgia law regarding funeral directing.

**Cite as** Ga. Comp. R. & Regs. R. 250-5-.10

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-22**,** 43-1-25**,** 43-18-23**,** 43-18-48**,** 43-18-49**,** 43-18-55**,** 43-18-56**.**

**HISTORY:** Original Rule entitled "Revocation and Reinstatement" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Amended:** F. Apr. 25, 1996; eff. May 15, 1996.

**Amended:** F. May 13, 1997; eff. June 2, 1997.

**Amended:** Rule repealed and a new Rule of same title adopted. F. May 16, 2001; eff. June 5, 2001.

**Amended:** F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. New title "Revocation and Reinstatement - Embalmer; Funeral Director." Oct. 25, 2018; eff. Nov. 14, 2018.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

## 250-5-.11 [Effective 6/10/2026] Inactive Status

A person must hold a current Georgia funeral director or embalmer license to apply for inactive status; and

(a) A funeral director or embalmer who holds a current license and who will not practice funeral directing or embalming in Georgia may apply for inactive status by completing an Application for Inactive Status and submitting the appropriate fee (see Fee Schedule) to the Board. Once the license is in Inactive Status, an embalmer or funeral director shall not practice embalming or funeral directing in the State of Georgia while that license is on Inactive Status; and

(b) To request that a license be placed on Inactive Status, the license must be in good standing and the licensee must show that they have attained the continuing education hours which will be required at their next renewal; and

(c) A funeral director or embalmer who wishes to reactivate an Inactive Status license must submit to the Board an Application to Reactivate, appropriate fee, and documentation of continuing education:

1. If the request to reactivate is received more than two (2) years but less than four (4) years from the date on which Inactive Status was approved, the licensee must document twelve (12) continuing education hours;

2. If the request to reactivate is received four (4) or more years after the date on which Inactive Status was approved, the licensee must document twenty-four (24) continuing education hours and take and pass the State Laws and Rules Examination, notwithstanding the fact that they may have passed the Laws and Rules Examination on a prior date.

**Cite as** Ga. Comp. R. & Regs. R. 250-5-.11

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-22**,** 43-1-25**,** 43-18-23**,** 43-18-46**,** 43-18-55**, 43-18-56.**

**HISTORY:** Original Rule entitled "Inactive Status" adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Nov. 6, 2018; eff. Nov. 26, 2018.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

## 250-5-.12 [Effective 6/10/2026] Continuing Education Requirements; Provider Approval

(1) Twelve (12) hours of continuing education are required biennially (every two (2) years) to renew an embalmer or funeral director license. At the time of renewal, each licensee shall submit an Application for License Renewal and a report in writing, under oath, noting the number of hours of continuing education completed during the two (2) years preceding the renewal.

At least six (6) hours of the total twelve (12) hours required must be obtained in-person or via live webinar that is instructor led with student interaction, where student participation is monitored and verified. At least one (1) hour of the total twelve (12) hours must be in Funeral Service Ethics, and at least one (1) hour of the total twelve (12) hours must be in Cremation/Alkaline Hydrolysis/Natural Organic Reduction.

(a) Continuing education shall be in any or all of the following subject areas:

1. FTC Funeral Rule Compliance

2. Embalming and Restorative Arts

3. Leadership and Development

4. Cremation/Alkaline Hydrolysis/Natural Organic Reduction

5. OSHA Requirements

6. Advertising/Social Media/Technology

7. Funeral Directing/Aftercare

8. Funeral Service Ethics

(2) All licensees must obtain twelve (12) hours whether they hold an embalmer license and/or funeral director license.

(3) Funeral directors or embalmers who are licensed by the Board within the second year of the renewal cycle (after April 1 of the odd numbered year) will not be required to submit continuing education hours for their first license renewal.

(4) Hardship, Disability and Age Requirement. The continuing education requirement shall be waived for persons who hold an Inactive Status license or for licensed individuals age 65 or older; and

(a) The Board may waive the continuing education requirement in cases of hardship, disability, illness, or under such circumstances as the Board deems appropriate. The waiver must be requested in writing to the Board and must be accompanied by acceptable documentation.

(5) The Board shall be authorized to approve courses offered by educational institutions, specialty societies, professional or other organizations, or government agencies upon submission of an application and non-refundable fee. For the purpose of this rule, 'government agencies' means federal, state or local government agencies, public school systems and licensed hospitals.

(6) The Board may, in its discretion, accept continuing education hours that are approved in another state. The Board may require the licensee to submit information concerning the course(s), and proof of successful completion.

(7) Board Approved Providers. Continuing education hours may be obtained by participating in activities sponsored by Board-Approved Providers. Board-Approved Providers shall offer programs only in the topic areas for which they have been approved. The provider shall certify the number of clock hours of educational content in each continuing education activity.

(a) To qualify for initial approval, to renew approval or to qualify for approval in additional topic areas, a provider must submit to the Board:

1. a Funeral Service Board-Approved Continuing Education Provider Application and non-refundable fee (See fee schedule); and

2. a description of the topic areas in which the provider plans to sponsor continuing education activities; and

3. the names of all instructors currently offering continuing education activities, a description of the topic areas in which the instructor is qualified to teach along with a resume or other evidence demonstrating that each instructor is qualified in the identified topic area; and

4. program outlines, including instructors, objectives, schedules and instructional material.

(b) Board-Approved Provider status shall expire March 31 of even numbered years. The Provider must submit a new application and non-refundable application fee for the next renewal cycle. The Board retains the right to monitor continuing education programs sponsored by Board-Approved Providers and will withdraw approval from providers who do not maintain Board standard.

(8) Board Approved Instructors. Continuing Education Instructors must meet minimum qualifications for instructor certification.

(a) In order to qualify for initial Board approval or to renew Board approval, a provider must submit the following to the Board:

1. a Funeral Service Board Approved Instructor Application and non-refundable fee (see fee schedule); and

2. a description of the topic areas in which the instructor is qualified to teach along with a resume or other evidence demonstrating that each instructor is qualified in the identified topic area; and

3. evidence of a minimum of five (5) years supervisory experience in the Funeral Service Profession; or

4. evidence of any other experience or education which may qualify applicant for certification upon the discretion of the Board.

(b) Board-approved instructor status shall expire March 31 of even-numbered years. The instructor must submit a new application and non-refundable fee for the next renewal cycle.

(9) Reporting and Documentation. Each licensee shall maintain documentation of their continuing education activities.

(a) Each licensee shall attest, on the biennial license renewal application, that the licensee has satisfied the continuing education requirements. Documentation of these activities shall be retained for three (3) years by the licensee and shall be provided to the Board only upon the Board's request. False attestation of satisfaction of the continuing education requirements on a renewal application may subject the licensee to disciplinary action, including license revocation; and

(b) The Board will audit a fixed percentage of the renewal applications. Licensees whose applications are audited will be required to provide documentation of having met the continuing education requirements; and

(c) An audited licensee who fails to provide the Board with acceptable documentation of the hours attested to in the renewal application shall not have their license renewed. In the event the person seeks a new license, the Board may in its discretion review and take into consideration all files, including investigative files and/or reports, related to the person and/or establishment.

**Cite as** Ga. Comp. R. & Regs. R. 250-5-.12

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-18-23**,** 43-18-46**,** 43-18-55**,** 43-18-56**.**

**HISTORY:** Original Rule entitled "Continuing Education Requirements" adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** New title "Continuing Education Requirements; Provider Approval." F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 25, 2018; eff. Nov. 14, 2018.

**Amended:** F. Feb. 10, 2023; eff. Mar. 2, 2023.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

# Department 250. RULES OF GEORGIA STATE BOARD OF FUNERAL SERVICE

# Chapter 250-6. ESTABLISHMENT/CREMATORY/ORGANIC HUMAN REDUCTION FACILITY LICENSURE AND REGULATIONS

## 250-6-.01 [Effective 6/10/2026] Funeral Establishment / Crematory / Organic Human Reduction Facility Licensure Requirements

(1) A funeral establishment, organic human reduction facility or crematory may be operated only if it possesses a license valid for that establishment, organic human reduction facility or crematory. Application to the Board for licensure shall be made on a Board-approved form and shall require submission of the proper fee. The application must be complete in its entirety and must be received at least fifteen (15) days prior to the Board meeting at which it will be considered. The Board shall accept or reject each application by majority vote.

(2) A license for a funeral establishment, organic human reduction facility or crematory is issued to that particular establishment, organic human reduction facility or crematory under a specified name, at a specified location, and under a specified funeral director in full and continuous charge.

(3) An establishment shall operate only under the name in which the license was issued.

(4) A license may be issued to a funeral establishment, organic human reduction facility or crematory only if the business has a licensed Funeral Director in Full and Continuous Charge. See O.C.G.A. § 43-18-71 and Rule 250-6-.08 for the requirements concerning the Funeral Director in Full and Continuous Charge.

(5) An inspection of a funeral home, organic human reduction facility or crematory shall be made by a Board Inspector prior to licensure. Inspection must be completed after the application has been administratively reviewed, is determined to have no deficiencies, and prior to Board meeting at which it will be considered. Requirements of inspection for funeral establishment, organic human reduction facility and crematories are listed in Rule 250-6-.06, Rule 250-6-.07, and Rule 250-6-.10. If reinspection is required, an additional fee shall be payable prior to reinspection. Refer to Fee Schedule.

(6) A crematory or organic human reduction facility may be operated only if it possesses a separate license for such purpose.

(7) An applicant for a crematory must disclose to the Board the number and type of cremation devices at that establishment, and may not operate any other cremation devices without first notifying the Board and submitting proof to the Board of completion of Board approved training relevant to the operation of the cremation device. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee which will operate the cremation device.

(8) An applicant for an organic human reduction facility must disclose to the Board the number and type of organic human reduction containers at that establishment, and may not use any other organic human reduction containers without first notifying the Board. All organic human reduction containers must be designed to promote aerobic reduction and minimize odors and vectors. The Funeral Director in Full and Continuous Charge for the organic human reduction facility, and any other employee which will operate the organic human reduction facility, must submit proof to the Board of completion of Board approved training relevant to the operation of the organic human reduction facility.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.01

**AUTHORITY: O.C.G.A. §§** 43-18-23**,** 43-18-71**,** 43-18-72**.**

**HISTORY:** Original Rule entitled "Reciprocity for Funeral Director License" adopted F. Jan. 21, 1977; eff. Feb. 10, 1977.

**Amended:** F. Dec. 29, 1978; eff. Jan. 18, 1979.

**Repealed:** New Rule of same title adopted. F. Nov. 7, 1983; eff. Nov. 27, 1983.

**Repealed:** New Rule entitled "Reciprocity for Embalmer License" adopted. F. July 18, 1986; eff. August 7, 1986.

**Repealed:** New Rule entitled "Licensure Requirements" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Amended:** F. Oct. 20, 1995; eff. Nov. 9, 1995.

**Amended:** F. Aug. 16, 2002; eff. Sept. 5, 2002.

**Amended:** New title "Funeral Establishment / Crematory Licensure Requirements." F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** F. Aug. 24, 2022; eff. Sep. 13, 2022.

**Amended:** New title, "Funeral Establishment / Crematory / Organic Human Reduction Facility Licensure Requirements." F. May 21, 2026; eff. June 10, 2026.

## 250-6-.02 [Effective 6/10/2026] Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device or Organic Human Reduction Container

(1) Name. A change in the name of a funeral establishment, organic human reduction facility, or crematory shall require submission of an application and appropriate fee to the Board. Upon Board approval, a new license number shall be issued.

(2) Address or Location. A change in the address and/or location of a funeral establishment, organic human reduction facility, or crematory shall require submission of an application and appropriate fee to the Board. Upon Board approval, a new license number shall be issued.

(3) Ownership. A change of ownership of a funeral establishment, organic human reduction facility, or crematory shall require submission of an application and appropriate fee to the Board within fifteen (15) days of the change in ownership of the said funeral establishment, organic human reduction facility, or crematory. The notification must be signed by both the seller and the purchaser, and the signatures must be notarized.

(4) Funeral Director in Full and Continuous Charge.

(a) Any change in the Funeral Director in Full and Continuous Charge must be reported to the Board in writing within five (5) days. The Board shall request the new Funeral Director in Full and Continuous Charge and the owner(s) and/or corporate officer(s) of the establishment, organic human reduction facility, or crematory to appear before the Board to determine if the requirements for a Funeral Director in Full and Continuous Charge have been met. If the owner(s) and/or corporate officer(s) are not able to appear before the Board, they may appoint a representative through written authorization on company letterhead signed by the owner and/or corporate officer to represent them before the Board for the Funeral Director in Full and Continuous Charge interview. In the event the Funeral Director in Full and Continuous Charge applicant is also an owner of that funeral or crematory establishment or organic human reduction facility, the requirement to appear before the Board may be waived; and

(b) A funeral establishment, organic human reduction facility, or crematory temporarily without a Funeral Director in Full and Continuous Charge shall notify the Board in writing within five (5) days following the last day of the funeral director's service, requesting a 90-day grace period before the establishment, organic human reduction facility, or crematory license is revoked or terminated. The Board at its discretion may grant one additional 90-day grace period upon proof of good cause, but grace periods may not total over 180 days in any two-year period starting from the first day of the first grace period. A grace period shall be terminated upon approval by the Board of a Funeral Director in Full and Continuous Charge.

(5) Destruction. A funeral establishment, organic human reduction facility or crematory temporarily destroyed by fire, flood or other natural catastrophe, shall notify the Board in writing within (5) five days following the catastrophe, requesting a 90-day grace period to use a temporary location while reconstructing the previous location, provided the establishment, organic human reduction facility, or crematory meets the requirements of the Code and Rules of the Board. The Board, at its discretion, may grant additional 90-day grace periods, upon proof of good cause. All services provided to the public during any grace period shall be provided by or under the supervision of a licensed funeral director.

(6) A licensed crematory that seeks to add a cremation device to the facility must notify the Board in writing, and may not operate any new cremation devices before passing an inspection by a representative of the Professional Licensing Boards Division and submitting proof to the Board of completion of Board approved training relevant to the operation of the cremation device. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee who may operate the cremation device.

(7) A licensed organic human reduction facility that seeks to add an organic human reduction container to the facility must notify the Board in writing, and may not use any new organic human reduction containers before passing an inspection by a representative of the Professional Licensing Boards Division and submitting proof to the Board of completion of Board approved training relevant to the use of the organic human reduction container. This training must be completed by the Funeral Director in Full and Continuous Charge, and any other employee who may perform organic human reduction.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.02

**AUTHORITY: O.C.G.A. §§** 43-18-23**,** 43-18-71**,** 43-18-72**.**

**HISTORY:** Original Rule entitled "Reciprocity for Embalmer License" was filed on January 21, 1977; effective February 10, 1977.

**Amended:** Filed December 29, 1978; effective January 18, 1979.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed November 7, 1983; effective November 27, 1983.

**Amended:** Rule repealed and a new Rule entitled "Reciprocity for Funeral Director License" adopted. Filed July 18, 1986; effective August 7, 1986.

**Repealed:** New Rule entitled "Changes for Status Which Must be Reported" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Amended:** F. May 13, 1997; eff. June 2, 1997.

**Repealed:** New Rule of same title adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** New title "Change in Name, Address, Location or Ownership." F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** New title, "Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device." F. Aug. 24, 2022; eff. Sep. 13, 2022.

**Amended:** New title, "Change in Name, Address, Location, Ownership, and/or Addition of Cremation Device or Organic Human Reduction Container." F. May 21, 2026; eff. June 10, 2026.

## 250-6-.05 [Effective 6/10/2026] Renewal: Funeral Establishment / Crematory / Organic Human Reduction Facility

(1) Each funeral establishment, organic human reduction facility, or crematory license expires on March 31 of even-numbered years. A license may be renewed with the submission of an application plus renewal fee prior to expiration.

(2) During the period between April 1 and April 30 immediately following the expiration of a license, the license may be renewed upon submission of an application and a late renewal fee in addition to the regular renewal fee. After April 1 and before April 30 the Board staff will notify the Funeral Director in Full and Continuous Charge in writing, at the address on file with the Board, of their failure to renew.

(3) Failure to renew a funeral establishment, organic human reduction facility, or crematory license prior to May 1 following the late renewal period shall have the same effect as revocation. Thereafter, the owner must submit a new application, the establishment must pass an inspection, and the owner and Funeral Director in Full and Continuous Charge, at the Board's discretion, may be required to appear before the Board to gain licensure. Any establishment, organic human reduction facility, or crematory failing to renew prior to May 1 will be subject to fines and disciplinary action by the Board.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.05

**AUTHORITY: O.C.G.A. §§** 43-1-4, 43-1-19, 43-1-23, 43-1-25, 43-18-43, 43-18-46, 43-18-49, 43-18-73, 43-18-75.

**HISTORY:** Original Rule entitled "Crematory Inspections" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Amended:** Rule renumbered from 250-6-.03 to 250-6-.05. F. Jan. 30, 1996; eff. Feb. 19, 1996.

**Amended:** F. May 13, 1997; eff. June 2, 1997.

**Amended:** F. May 1, 1998; eff. May 21, 1998.

**Amended:** New title "Renewal: Funeral Establishment / Crematory." F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** New title, "Renewal: Funeral Establishment / Crematory / Organic Human Reduction Facility." F. May 21, 2026; eff. June 10, 2026.

## 250-6-.06 [Effective 6/10/2026] Funeral Establishment Inspections; Fines

(1) A representative of the Board shall regularly inspect establishments between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, with the exception of State government-mandated holidays. Although the funeral director in full and continuous charge need not be present for the inspections, the establishment must be available during these hours for inspection. Upon finding a funeral establishment unavailable during an inspection attempt, the Board representative shall contact the establishment at the telephone number of record with the Board, or an alternative telephone number conspicuously posted at the establishment. If the establishment is not made available for an inspection by an establishment employee within sixty (60) minutes of the telephone contact, or if telephone contact is unsuccessful, the Board representative shall issue a written warning notifying that an inspection attempt

was made. Any funeral establishment not inspected during a calendar year may have the establishment license suspended, revoked, or put on probation, or fines may be imposed by the Board.

(2) Any violation under this section shall be deemed a violation of minimum standards and threat to the health, safety, and welfare of the public. A funeral establishment licensed by the Board shall be required to pay a fine to the Board for each violation of this section. At the time of inspection, a citation shall be issued by an inspector or representative of the Board which shall list each violation. Following the issuance of the citation, the licensee shall either remit the amount of the fine to the Board or submit a written request for an appearance before the Board. A request for an appearance before the Board must be received by the Board within thirty (30) days after issuance of the citation. Failure to either pay the fine or request an appearance before the Board within thirty (30) days from the issuance of the citation shall cause further disciplinary proceedings to be instituted against the licensee. The requirements for inspections and the fines for violations under this section are as follows:

(a) all outside openings must be screened where left open for ventilation. The fine for a violation of this subsection shall be $50.00.

(b) all embalming rooms shall be equipped with the following:

1. hot and cold running water; the fine for a violation under this subsection shall be $200.00;

2. non-absorbent sanitary floor and walls; the fine for a violation under this subsection shall be $200.00;

3. permanently installed ventilation; the fine for a violation under this subsection shall be $200.00;

4. a non-absorbent preparation table; the fine for a violation of this subsection shall be $200.00;

5. preparation table equipped with receptacle and a non-porous sanitary cover or dedicated drain directly connecting into a sewerage or septic tank; the fine for a violation under this subsection shall be $200.00;

(c) each embalming room shall be equipped with a sink for disinfecting of hands and a separate sink or other Board-approved method for disinfecting of instruments. The fine for a violation under this subsection shall be $50.00;

(d) Each embalming room, including all instruments and tables, shall be kept in a sanitary and clean condition at all times. The fine for a violation of this subsection shall be $200.00;

(e) Each embalming room shall contain instruments and supplies for the preparation and embalming of dead bodies. Instruments and equipment must consist of the following:

1. at least one scalpel; the fine for a violation of this subsection shall be $50.00;

2. at least two aneurysm needles; the fine for a violation of this subsection shall be $50.00;

3. at least two cannulas; the fine for a violation of this subsection shall be $50.00;

4. embalming machine, or gravity bottle or bulb or hand pump; the fine for a violation of this subsection shall be $50.00;

5. 24 bottles arterial fluid and 24 bottles cavity fluid; the fine for a violation of this subsection shall be $50.00;

6. suture; the fine for a violation of this subsection shall be $50.00;

7. 1 suture needle; the fine for a violation of this subsection shall be $50.00;

8. trocar; the fine for a violation of this subsection shall be $50.00;

9. hydro aspirator or electric aspirator; the fine for a violation of this subsection shall be $50.00; and

10. a permanently installed back flow preventer for the hydro aspirator; the fine for a violation of this subsection shall be $50.00.

(f) The embalming room of an establishment shall be used only for the purpose of embalming of dead human bodies. The fine for a violation of this subsection shall be $200.00;

(g) An establishment must maintain on the premises a display room containing actual adult caskets, or models, mockups, or sections of caskets if all such caskets are available and in stock for purchase at the establishment or can be delivered within twenty-four (24) hours. Each funeral establishment shall maintain on the premises at each of its locations an adequate stock of funeral caskets which shall not be less than eight (8) and which shall meet other criteria as necessary to protect the public; The fine for a violation under this subsection shall be $100.00 per casket short of the minimum;

(h) The establishment shall have a room with adequate seating for a minimum of thirty (30) people in which funeral services may be conducted. The fine for a violation under this subsection shall be $100.00;

(i) One (1) operable motor hearse or combination hearse/ambulance with current Georgia registration for the transportation of casketed human remains must be maintained at each establishment. The fine for a violation under this subsection shall be $100.00;

(j) One (1) church truck. The fine for a violation of this subsection shall be $50.00;

(k) A funeral establishment shall not be located in the same facility as public cafes, restaurants or any place where food is prepared and sold for public consumption. The fine for a violation of this subsection shall be $500.00;

(l) A funeral establishment whose funeral director resides in the funeral establishment in order to satisfy the requirements of funeral director in full and continuous charge must include in his or her living quarters furnished sleeping quarters, cooking, refrigerating, and bathing facilities. The fine for a violation of this subsection shall be $200.00;

(m) An establishment must have at least one sanitary rest room facility for public use. The fine for a violation of this subsection shall be $200.00;

(n) A new establishment must submit proof of having met zoning requirements and public health standards of its local municipalities;

(o) An establishment must be maintained in a state of clean, sound, safe, and acceptable repair and condition at all times;

(p) A funeral home shall have a card or brochure in each casket stating the price of the casket. When the client has decided on the type of service desired, the funeral director must provide, at the time the arrangements are completed and prior to the time of rendering the service or providing the merchandise, a written statement that has been signed and certified by a licensed funeral director showing:

1. the price of the service that the person or persons has selected and what is included therein;

2. the price of each of the supplemental items of service and merchandise requested; and

3. the amount involved for each of the items for which the funeral home will advance monies as an accommodation to the family.

4. The fine for failure to comply fully with the requirements of this subsection shall be $200.00.

(q) A current license for the establishment, embalmer, funeral director and any apprentices must be conspicuously displayed in the establishment. The Funeral Director in Full and Continuous Charge for each funeral establishment,

organic human reduction facility, and crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices. The fine for a violation of this subsection shall be $100.00.

(r) For purposes of identification of the body or remains of a deceased person for tagging purposes as required by O.C.G.A. 43-18-8, tags or labels must be attached to the deceased human body in the funeral establishment at the time the body is placed in the casket or shipping container, or prior to leaving the funeral establishment to go to the crematory or organic human reduction facility. The fine for failure to comply fully with the requirements of this subsection shall be $100 per occurrence; and

(s) The Board may issue a Cease and Desist order and, at the Board's discretion, a monetary penalty for unsanitary conditions.

(3) The Board shall require funeral establishments to pass an inspection of the establishment prior to the closure of an establishment. The Board shall be notified of the establishment's intent to close fifteen (15) days prior to the intended closure. The inspection shall verify:

(a) the status of any preneed contracts;

(b) that cremains/remains/organically reduced remains, biohazards, and any items detrimental to the public or the environment have been removed from the establishment;

(c) that all signs and indications of the establishment have been removed;

(d) that the establishment has notified their local County Coroner/Medical Examiner and Vital Records registrar that establishment intends to close;

(e) that all death certificates and SSA-721 forms have been filed; and

(f) that all known personal property of all deceased have been returned to the family or individual(s) authorized to direct disposition.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.06

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-25**,** 43-18-2**,** 43-18-10**,** 43-18-23**,** 43-18-46**,** 43-18-70**,** 43-18-71**,** 43-18-75**,** 43-18-76**.**

**HISTORY:** Original Rule entitled "Determination of Funeral Director in Full and Continuous Charge" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Amended:** Rule renumbered from 250-6-.04 to 250-6-.06. F. Jan. 30, 1996; eff. Feb. 13, 1996.

**Amended:** F. May 1, 1998; eff. May 21, 1998.

**Repealed:** New Rule of same title adopted. F. Sept. 22, 2003; eff. Oct. 12, 2003.

**Repealed:** New Rule of same title adopted. F. Mar. 15, 2007; eff. Apr. 4, 2007.

**Amended:** F. May 9, 2007; eff. May 29, 2007.

**Amended:** F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** F. Dec. 4, 2015; eff. Dec. 24, 2015.

**Amended:** F. July 19, 2017; eff. August 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** F. Nov. 20, 2023; eff. Dec. 10, 2023.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

## 250-6-.08 [Effective 6/10/2026] Determination of Funeral Director in Full and Continuous Charge

(1) The Board shall have the authority to evaluate each application for a funeral establishment, organic human reduction facility, or crematory license to determine whether the funeral director has the ability to be accessible and available to the community if the funeral director does not spend a minimum of forty (40) hours per week in the employ and operation of the establishment. The Board may then approve an application where the funeral director does not satisfy the specific requirement to spend a minimum of forty (40) hours per week in the employ and operation of the establishment, organic human reduction facility, or crematory if the Board is satisfied that the funeral director will be accessible and available to the community.

(2) The individual approved by the Board to serve as the Funeral Director in Full and Continuous Charge may only serve in this capacity at one (1) funeral establishment, but may also serve as the Funeral Director in Full and Continuous Charge at an organic human reduction facility and/or crematory if the organic human reduction facility and/or crematory is located at the same physical address as the approved funeral establishment, provided that the funeral establishment and organic human reduction facility and/or crematory are licensed under the same ownership. If the organic human reduction facility and/or crematory offers their services directly to the public, a different Funeral Director in Full and Continuous Charge would be required. In determining whether the funeral director possesses the ability to be accessible and available to the community, the Board will consider;

(a) the proximity of the funeral director's other employment and/or residence to the funeral establishment;

(b) the funeral director's ability to obtain leave from his/her other job in order to attend to the affairs of the funeral establishment; and

(c) any other information which relates to the ability of the funeral director to adequately supervise the operation of the funeral establishment.

(3) A funeral director may not serve as Funeral Director in Full and Continuous Charge if they are currently serving criminal probation for any felony or crime of moral turpitude, unless the funeral director is the owner of the establishment where they serve or plan to serve as Funeral Director in Full and Continuous Charge. Additionally, a funeral director may not serve as Funeral Director in Full and Continuous Charge if they have been disciplined or sanctioned by any licensing authority in any state, including Georgia, without first appearing before the Board, and such discipline or sanction may be a basis for denial of the application to serve as Funeral Director in Full and Continuous Charge.

(4) A funeral director may not be approved as Funeral Director in Full and Continuous Charge until they have been employed as a licensed funeral director for a minimum of three (3) years. Individuals who are in a position of ownership at the funeral establishment, organic human reduction facility, or crematory where they are seeking to be approved as the Funeral Director in Full and Continuous Charge are exempt from this requirement.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.08

**AUTHORITY: O.C.G.A. §§** 43-18-23**,** 43-18-71**.**

**HISTORY:** Original Rule entitled "Determination of Funeral Director in Full and Continuous Charge" was renumbered from 250-6-.06 to 250-6-.08. F. Jan. 30, 1996; eff. Feb. 19, 1996.

**Amended:** F. July 19, 2017; eff. Aug. 8, 2017.

**Amended:** F. Oct. 16, 2018; eff. Nov. 5, 2018.

**Amended:** F. Dec. 9, 2022; eff. Dec. 29, 2022.

**Amended:** F. July 20, 2023; eff. Aug. 9, 2023.

**Amended:** F. Jan. 5, 2025; eff. Jan. 25, 2025.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

## 250-6-.09 [Effective 6/10/2026] Responsibilities of the Funeral Director in Full and Continuous Charge

(1) The Funeral Director in Full & Continuous Charge shall:

(a) Ensure that the establishment is licensed properly with the Board and maintains the license in active status at all times, as required by O.C.G.A. §§ 43-18-5(a), 43-18-46(25), & 43-18-73.

(b) Ensure that the funeral establishment complies with the provisions of O.C.G.A. § 43-18-70 and Rule 250-6-.06.

(c) Ensure that the crematory complies with the provisions of O.C.G.A. § 43-18-72 and Rule 250-6-.07.

(d) Ensure that every individual who will serve as embalmer, director, or apprentice is licensed properly with the Board and maintains the appropriate license at all times while they are in the employ of the establishment, as required by O.C.G.A. §§ 43-18-5(a) & 43-18-46(18), (25).

(e) Ensure that no one employed by or representing the establishment gives or contracts to give any person or business entity anything of value to induce such person or entity to persuade someone to use the services of the establishment or any embalmer or director employed by the establishment. Such practice is prohibited by O.C.G.A. §§ 43-18-5(d) & 43-18-46(7).

(f) Ensure that no one employed by or representing the establishment accepts anything of value to influence, persuade, or suggest to family members as to where a body should or should not be buried. Such practice is prohibited by O.C.G.A. § 43-18-5(e).

(g) Ensure that all deceased human bodies are released to the legally authorized person upon request of that person, in accordance with O.C.G.A. §§ 43-18-5(f) & 43-18-46(16).

(h) Ensure that every deceased body serviced by the establishment is properly tagged prior to interment, organic human reduction or cremation and that all cremated remains and organically reduced remains are labeled in accordance with the provisions of O.C.G.A. § 43-18-8(a).

(i) Ensure that the certificate of cremation or organic human reduction is completed with notarized signature and presented to the legally authorized person at the time of delivery or release, in accordance with O.C.G.A. § 43-18-8(b).

(j) Ensure that the licenses or wall certificates issued by the Board to the establishment and all licensed people employed by the establishment are posted in a conspicuous place in the establishment, as required by O.C.G.A. § 43-18-44.

(k) Ensure that the name of the proper embalmer and funeral director is listed on all death certificates. If the name of the embalmer and/or funeral director is signed on the death certificate, it must be the actual signature of the person, in accordance with O.C.G.A. § 43-18-46(4), (9).

(l) Ensure that charges for merchandise and services rendered are in compliance with the General Price List, casket price list, outer burial container list, or the funeral services contract price list, as required by 16 CFR 453.2 & O.C.G.A. § 43-18-46(17).

(m) Ensure that the General Price List is provided upon request, regardless of the reason for the request, as required by 16 CFR 453.2.

(n) Ensure that a written, signed contract is provided to every customer upon completion of the contract negotiation and is available at the establishment for a period of 3 years.

(o) Ensure compliance with the terms of the funeral services contract, as required by O.C.G.A. § 43-18-46(12).

(p) Ensure that all statements made regarding services, merchandise, and legal requirements are accurate, in accordance with O.C.G.A. § 43-18-46(11), (23). The FDFCC must ensure that all employees are educated regarding services, merchandise, and legal requirements so as to provide accurate information and to avoid misleading the public.

(q) Safeguard the decedent's dignity, right to privacy, or right to confidentiality, unless compelled by law to do otherwise, in accordance with O.C.G.A. § 43-18-46(13).

(r) Ensure that assigned benefits in excess of the charges incurred are remitted to the assignee of the deceased within 10 working days of the receipt of the assigned funds, as required by O.C.G.A. § 43-18-46(15), (26).

(s) Ensure that the establishment refrains from involvement in burial societies, burial associations, burial certificate plans, or burial membership plans, which are prohibited by O.C.G.A. § 43-18-46(19).

(t) Ensure that all employees and agents of the establishment refrain from soliciting as defined in O.C.G.A. § 43-18-1(21). Soliciting is prohibited by O.C.G.A. § 43-18-46(20).

(u) Ensure that all apprenticeship service reports and affidavits of embalming and directing for apprentices of the establishment are accurate and signed by the appropriate supervisor(s), in accordance with O.C.G.A. §§ 43-18-46(21) & 43-18-52.

(v) Ensure that apprentices of the establishment work under the direct supervision of the supervisor(s) on record with the Board, in accordance with O.C.G.A. § 43-18-50. It is mandatory that the FDFCC ensure that any changes in the supervision of apprentices are reported on the application provided by the Board and are approved by the Board prior to the apprentices working under the new supervisor(s).

(w) Ensure that the Board is notified upon the termination of an apprentice employed by the establishment.

(x) Ensure that the establishment complies with all federal, state, and local regulations as listed in O.C.G.A. § 43-18-46(22).

(y) Ensure that discrimination, as described in O.C.G.A. § 43-18-46(24), is not tolerated in the establishment.

(z) Ensure that all personal properties obtained from dead human remains are safeguarded and disposed of as directed by the legally authorized person, in accordance with O.C.G.A. § 43-18-46(25).

(aa) Ensure that all employees of the establishment conduct themselves in a professional, moral, ethical manner, and report any misconduct to the Board promptly with an explanation of any disciplinary action taken, as required by O.C.G.A. § 43-18-46(14), (27).

(bb) Ensure that the prohibition of activities by a funeral director who is also a coroner or minister, found in O.C.G.A. § 43-18-46(28), is adhered to by employees of the establishment with such dual roles.

(cc) Ensure that all embalmers and funeral directors employed by the establishment comply with the provisions of O.C.G.A. § 43-18-55 and 43-18-56, regarding continuing education.

(dd) Ensure that the FDFCC complies with the responsibilities detailed in O.C.G.A. § 43-18-71 by assuming full responsibility for the supervision and operation of the funeral establishment, acting as FDFCC only for the establishment for which the FDFCC was approved, and spending a minimum of 40 hours per week in the employ and operation of the establishment and being accessible and available to the community. The FDFCC for each funeral establishment, organic human reduction facility, and/or crematory establishment shall conspicuously display his/her name and current active license in all designated arrangement offices.

(ee) Ensure that the Board is notified within 5 days of the FDFCC's separation from the establishment, as required by O.C.G.A. § 43-18-71(b).

(ff) Ensure that the Board is notified within 15 days prior to a change of ownership in the establishment, as required by O.C.G.A. § 43-18-73(b).

(gg) Ensure that the Board is notified within 5 days of the destruction of the establishment by fire, flood, or other natural cause, in accordance with O.C.G.A. § 43-18-78. If the establishment wishes to operate from a temporary location, the FDFCC must ensure that a letter requesting a 90-day grace period is submitted to the Board. The FDFCC will be responsible to update the Board within 90 days on the status of rebuilding efforts and to request subsequent 90-day grace periods if necessary to continue operating from the temporary site approved by the Board.

(hh) Ensure that the establishment is made available for inspection by representatives of the Professional Licensing Boards Division, as required by O.C.G.A. § 43-18-75(a) & Rule 250-6-.06.

(ii) Ensure that violations found by inspectors are corrected promptly and fines levied resulting from violations are paid or appealed to the Board in writing within 30 days as stated on the citation report.

(jj) Ensure that cremated remains and organically reduced remains are disposed of in accordance with the provisions of O.C.G.A. § 43-18-80.

(kk) Notify the Board within 5 days of an inspection by the manufacturer or authorized repair company indicating less than satisfactory results, and ensure that necessary repairs are made immediately, not to exceed 30 days without approval by the Board.

(ll) Ensure that any employee who operates a cremation device is certified as a crematory operator from a course approved by the Board prior to operating such cremation device.

(mm) Ensure that the organic human reduction facility complies with the provisions of O.C.G.A. § 43-18-72.1 and Rule 250-6-.10.

(nn) Ensure that any employee who performs organic human reduction holds a natural organic reduction operations certification from a course approved by the Board prior to performing organic human reduction.

(2) Revocation of funeral director in full and continuous charge appointment may be considered for any funeral establishment violation(s), especially repeat and/or habitual violations.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.09

**AUTHORITY: O.C.G.A. §§** 43-18-71**.**

**HISTORY:** Original Rule entitled "Responsibilities of the Funeral Director in Full & Continuous Charge" adopted. F. Dec. 10, 2009; eff. Dec. 30, 2009.

**Amended:** F. Dec. 13, 2012; eff. Jan. 2, 2013.

**Amended:** F. Dec. 4, 2015; eff. Dec. 24, 2015.

**Amended:** F. Aug. 24, 2022; eff. Sep. 13, 2022.

**Amended:** F. May 21, 2026; eff. June 10, 2026.

## 250-6-.10 [Effective 6/10/2026] Organic Human Reduction Facility Inspections

(1) A representative of the Board shall regularly inspect organic human reduction facilities no less frequently than annually between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday. The funeral director in full and continuous charge need not be present for the inspection, but the organic human reduction facility must be open during these hours for inspection. Requirements of inspections are as follows:

(a) A room with seating for a minimum of thirty (30) people in which funeral services may be conducted; the fine for a violation under this subsection shall be $100.00;

(b) A display room containing an adequate supply of urns; the fine for a violation under this subsection shall be $50.00;

(c) One (1) operable motor hearse with current Georgia registration for the transportation of human remains which must be either owned or leased by said firm; the fine for a violation under this subsection shall be $100.00;

(d) At least one (1) operable organic human reduction container; the fine for a violation of this subsection shall be $200.00;

(e) At least one (1) operable processing station for grinding of organically reduced remains; the fine for a violation of this subsection shall be $200.00;

(f) At least one (1) church truck; the fine for a violation of this subsection shall be $50.00;

(g) A current license for the organic human reduction facility and funeral director, which must be conspicuously displayed; the fine for a violation of this subsection shall be $100.00;

(h) The provisions of paragraphs (a), (b), and (f) of this Rule shall not apply to organic human reduction facilities which provide organic human reduction services only to funeral establishments; and

(i) The Funeral Director in Full and Continuous Charge for each organic human reduction facility shall conspicuously display their name and valid license in all designated arrangement rooms; the fine for a violation of this subsection shall be $100.00.

(j) An organic human reduction facility shall:

1. Collect material samples for analysis that are representative of each instance of organic human reduction using a sampling method such as described in the U.S. Composting Council 2002 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E;

2. Analyze each instance of organically reduced remains for physical contaminants. Reduced remains must have less than 0.01 mg/kg dry weight of physical contaminants which include, but are not limited to, intact bone, dental fillings, and medical implants;

3. Analyze, using a third-party laboratory, the organic human reduction facility's organically reduced remains according to the following schedule:

(i) The organic human reduction facility's initial 20 instances of organically reduced remains for the parameters identified in Table 500-A, and any additional instances of organically reduced remains necessary to achieve 20 organically reduced remains meeting the limits identified in Table 500-A;

(ii) Following 20 organically reduced remains meeting limits outlined in Table 500-A, analyze, at minimum, 25 percent of a facility's monthly instances of organically reduced remains (not to be less than one) for the parameters identified in Table 500-A;

(iii) The Board may require tests for additional parameters under 2 and 3 of this subsection;

4. Not release any human remains that exceed the limits identified in Table 500-A;

5. Prepare, maintain, and provide upon request by the Board, an annual report each calendar year. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of organically reduced remains;

(iv) Results of any laboratory analyses of organically reduced remains; and

(v) Any additional information required by the Board; and

6. Test for arsenic, cadmium, lead, mercury, and selenium, and either fecal coliform or salmonella in organically reduced remains to meet the testing parameters and limits identified in Table 500-A.

**Table 500-A**

**Testing Parameters**

| Metals and other testing parameters | Limit (mg/kg dry weight), unless otherwise specified |
|---|---|
| Fecal coliform | < 1,000 Most probable number per gram of total solids (dry weight) |
| or | |
| Salmonella | < 3 Most probable number per 4 grams of total solids (dry weight) |
| and | |
| Arsenic | <= 20 ppm |
| Cadmium | <= 10 ppm |
| Lead | <= 150 ppm |
| Mercury | <= 8 ppm |
| Selenium | <= 18 ppm |

(2) A representative of the Board shall be authorized to obtain information on the organic human reduction container(s) used by the establishment for organic human reduction. The information shall include, but not be limited to:

(a) Manufacturer's name and description of each container;

(b) Year installed;

(c) Date of most recent manufacturer's inspection;

(d) Copy of most recent inspection report from manufacturer; and

(e) Documentation regarding necessary repairs to the facility.

(3) The Board shall require organic human reduction facilities to have inspections of all organic human reduction containers once every five years by the manufacturer or other authorized repair company to ensure proper operations. The Funeral Director in Full and Continuous Charge shall notify the Board within 5 (five) days of the inspection of a less than satisfactory report by presenting the Board with a copy of the inspection report. The Board shall require organic human reduction facilities to make necessary repairs to the organic human reduction containers immediately, not to exceed thirty (30) days without approval by the Board. Any organic human reduction facility that does not make the necessary repairs noted on the manufacturer's inspection within the time allowed by the Board shall be subject to immediate suspension of licensure until the Board is satisfied that proper repairs have been made.

(4) The Board shall require the Funeral Director in Full and Continuous Charge to hold a natural organic reduction operations certification from a course approved by the Board.

(5) The Board shall require organic human reduction facilities to pass an inspection of the facility prior to the closure of the facility. The Board shall be notified of the organic human reduction facility's intent to close fifteen (15) days prior to the intended closure. The inspection shall verify:

(a) the status of any preneed contracts;

(b) that organically reduced remains, biohazards, and any items detrimental to the public or the environment have been removed from the facility;

(c) that all signs and indications of the facility have been removed;

(d) that the facility has notified their local County Coroner/Medical Examiner and Vital Records registrar that facility intends to close;

(e) that all death certificates and SSA-721 forms have been filed; and

(f) that all known personal property of all deceased have been returned to the family or individual(s) authorized to direct disposition.

**Cite as** Ga. Comp. R. & Regs. R. 250-6-.10

**AUTHORITY: O.C.G.A. §§** 43-1-2**,** 43-1-19**,** 43-18-23**,** 43-18-46**,** 43-18-47**.**

**HISTORY:** Original Rule entitled "Organic Human Reduction Facility Inspections" adopted. F. May 21, 2026; eff. June 10, 2026.

# Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

# Chapter 360-2. LICENSE REQUIREMENTS

## 360-2-.01 Requirements for Licensure

(1) An applicant for a medical license must provide:

(a) An affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(b) An application that is complete, including all required documentation, signatures, seals, and fees. An application shall expire one year from the date of receipt. Any subsequent application must be accompanied by submission of appropriate documentation and application fee.

(c) Evidence of good moral character. Any applicant as a health care professional or as an expedited physician licensee shall have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. The board shall, in the course of verifying eligibility, perform a criminal background check of an applicant, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with the exception of federal employees who have suitability determination in accordance with U.S. C.F.R. §731.202.

(d) A completed affidavit of applicant.

(e) Federation Credentials Verification Service (FCVS) report which shall include the following:

1. Verification of licensure from every state in which the applicant has ever held any type of medical license.

2. Verification of a passing score on one of the following examinations approved by the Board:

(i) Steps 1, 2 and 3 of the United States Medical Licensing Examination (USMLE)

(ii) Federation Licensing Examination (FLEX taken on or before June 1, 1985) (combined scores from different FLEX administrations between January 1, 1978, and January 1,1985 are not accepted)

(iii) FLEX Components I and II (FLEX taken after June 1, 1985)

(iv) National Board of Medical Examiners (NBME)

(v) State Medical Board of Examinations taken before June 30, 1973

(vi) Medical Council of Canada Qualifying Examination (MCCQE) for graduates of Canadian medical schools who completed post-graduate training in Canada

(vii) National Board of Osteopathic Medical Examiners (NBOME)

(viii) Comprehensive Osteopathic Medical Licensing Examination (COMLEX)

(ix) The certifying examination of the Puerto Rico Medical Board, for graduates of Puerto Rican medical schools who completed post-graduate training in Puerto Rico.

3. Verification of medical education by submitting an official transcript of all medical education directly to the Board from the school where such education was taken. If the transcript is in a foreign language, a certified English translation must be furnished. The transcript shall include the dates the applicant attended the school and the grades received in all courses taken to fulfill the requirements of the degree granted. At the Board's discretion, the medical school transcript requirement may be waived and the results of the Federation of State Medical Boards (FSMB) verification service may be accepted if the applicant adequately demonstrates that all diligent efforts have been made to secure transcripts from the school. In such a case, the Board may require the applicant to appear for a personal interview before the Physician Licensure Committee of the Board.

(i) Medical schools in the United States, Puerto Rico and Canada must require a minimum of two years of pre-medical education and be approved by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association Commission on Osteopathic College accreditation (AOA COCA), or the Committee on Accreditation of Canadian Medical Schools (CACMS).

(ii) A medical school located outside the United States, Puerto Rico and Canada and Fifth Pathway programs must have a program of education in the art and science of medicine leading to a medical doctor degree or the medical doctor equivalent that requires a minimum of two (2) years of pre-medical education and includes at least 130 weeks of instruction. Applicants must have official transcripts that include at least 130 weeks of instruction.

4. Verification of post-graduate/residency training as follows:

(i) Graduates of approved medical schools must show completion of one year of postgraduate training in a program approved by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA) or the Royal College of Physicians and Surgeons of Canada (RCPSC) or the College of Family Physicians of Canada (CFPC). The Board may consider current certification of any applicant by a member board of the American Board of Medical Specialties (ABMS) as evidence that such applicant's postgraduate medical training has satisfied the requirements of this paragraph. Approved Medical Schools are those located in the United States, Puerto Rico, and Canada, those listed on the Medical Schools Recognized by the Medical Board of California (effective February 4, 2010, adopted by reference), and schools that have been approved by a regional accreditation authority with standards equivalent to LCME and approved by the National Committee on Foreign Medical Education and Accreditation (NCFMEA).

(ii) Graduates of medical schools not approved by the Board must show completion of three years of postgraduate training in a program approved by the Accreditation Council for Graduate Medical Education (ACGME), the American Osteopathic Association (AOA), the Royal College of Physicians and Surgeons of Canada (RCPSC), or the College of Family Physicians of Canada (CFPC). The Board may consider current certification of any applicant by a member board of the American Board of Medical Specialties (ABMS) as evidence that such applicant's postgraduate medical training has satisfied the requirements of this paragraph.

(iii) Applicants who were licensed in another State on or before July 1, 1967 are not required to supply proof of any postgraduate/residency training.

5. Graduates of foreign medical schools outside of Canada must provide proof of certification by the Educational Commission for Foreign Medical Graduates (ECFMG) unless they were licensed by another state before March 1, 1958. This requirement does not apply to foreign-trained students who furnish proof of the following:

(i) successful completion of AMA approved Fifth Pathway program, and

(ii) passing the ECFMG qualifying medical component examination with a score of 75 or above.

(f) National Practitioner Database (NPDB) Self-Query report.

(g) Verification of residence in the United States for one year, except for graduates of Canadian medical schools, if the applicant is an alien.

(2) The Board in its discretion may require an applicant for licensure to take and pass the Special Purposes Examination (SPEX) prepared by the Federation of State Medical Boards of the United States, or other Board-approved competency assessment. The circumstances under which the Board may require a competency examination include, but are not limited to applicants for licensure who have been the subject of disciplinary action in another state; or who would be subject to disciplinary action or corrective action in this state based upon their conduct or condition; or who have previously engaged in the practice of medicine and who have not practiced for a period greater than thirty (30) consecutive months.

(3) Nothing in this rule shall be construed to prevent the Board from denying or conditionally granting an application for licensure.

**Cite as** Ga. Comp. R. & Regs. R. 360-2-.01

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-32**,** 43-34-5**,** 43-34-8**,** 43-34-13**,** 43-34-21**,** 43-34-26**,** 43-34-27**.**

**HISTORY:** Original Rule entitled "Application for Licensure" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule of same title adopted. F. Oct. 2, 1970; eff. Oct. 22, 1970.

**Repealed:** New Rule of same title adopted. F. Jan. 26, 1976; eff. Feb. 15, 1976.

**Repealed:** New Rule of same title adopted. F. Dec. 15, 1982; eff. Jan. 4, 1983.

**Amended:** F. June 17, 1985; eff. July 7, 1985.

**Amended:** F. Apr. 9, 1990; eff. Apr. 29, 1990.

**Amended:** F. Aug. 9, 1993; eff. Aug. 29, 1993.

**Amended:** F. June 11, 2001; eff. July 1, 2001.

**Repealed:** New Rule entitled "Requirements to Take the USMLE III" adopted. F. Jan. 24, 2002; eff. Feb. 13, 2002.

**Amended:** F. Nov. 18, 2002; eff. Dec. 8, 2002.

**Amended:** F. Feb. 18, 2004; eff. Mar. 9, 2004.

**Amended:** F. Oct. 28, 2004; eff. Nov. 17, 2004.

**Repealed:** New Rule entitled "Requirements for Licensure" adopted. F. May 11, 2012; eff. May 31, 2012.

**Repealed:** New Rule of the same title adopted. F. Jan. 10, 2020; eff. Jan. 30, 2020.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

# Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

# Chapter 360-5. PHYSICIAN'S ASSISTANTS

## 360-5-.03 Application for Physician Utilization of a Physician Assistant

(1) In order to obtain approval to supervise a physician assistant, the physician who will be responsible for the performance of the Physician Assistant shall submit an application to the Board. The application shall be made upon forms supplied by the Board and must be approved by the Board before the supervising physician(s) may delegate health care tasks to the physician assistant.

(a) The board shall have the authority to approve or deny any primary or alternate supervising physicians.

(2) The supervising physician(s) must certify that he/she has read and is familiar with the Medical Practice Act, Physician Assistant Act, and Board rules and regulations by signing the statement on the application.

(3) The application must include:

(a) The name of the primary supervising physician.

(b) Alternate supervising physicians, as designated by the primary supervising physician, if applicable.

1. Unlimited alternate supervising physicians may be added to the approved list by submission of the appropriate form signed by the primary supervising physician, and each alternate to the Board.

2. An alternate supervising physician must have the following relationships with the primary supervising physician:

(i) a similar scope of practice; and

(ii) an affiliation with the primary supervisory physician's medical practice; or

(iii) An established formal call agreement.

(c) The name and location of the medical school from which the primary supervising physician graduated and the date the degree was received.

(d) The type of practice in which the physician assistant is to provide services.

(e) A Georgia business address for the practice.

(f) A current Georgia medical license number.

(g) Evidence that the physician assistant is licensed in Georgia.

(h) A fee as required by the Board. No fee will be required if the physician assistant will be providing medical services as an employee of the state or of a county government. and

(i) A job description meeting the requirements of law and rules.

(4) Applications submitted to the Board must be completed in every detail. In order for the Board to complete disposition of the application, the Board, at its discretion, may request additional information which shall be submitted in writing by the applicant.

(5) If a primary supervising physician has a board approved job description on file for a Physician Assistant and submits an application for utilization of a new Physician Assistant in the same practice, the job description shall, upon submission, be automatically deemed approved by the board. Provided, however, this does not preclude the board from terminating such approval upon review of application.

(6) At the discretion of the Board, the physician assistant and the applying supervising physician(s) may be required to appear before the Board for a personal interview.

(7) The primary supervising physician shall at all times maintain on file, readily available for inspection, documentation from the Board evidencing current approval for supervision of the physician assistant, current license status of both parties, and a copy of the applicable approved job description.

(8) After receipt of required documents, the board shall provide notification of approval or disapproval of the physician's application for utilization of a Physician Assistant.

(9) All applications for Board approval should be completed and on file with the Board at least ten (10) days prior to the committee meeting, in order to be considered by the Physician Assistant Advisory Committee and the Board at the next meeting.

(10) Upon termination of a physician/physician assistant relationship, the physician assistant and supervising physician are required to give notice and date of termination to the board by certified mail or appropriate verifiable method, and in order to continue practicing, the physician assistant must submit an application to the Board for a new supervising physician.

(a) An alternate supervising physician may not assume the primary supervising physician's role but must submit the appropriate form to the Board and receive its approval before delegating medical tasks to the physician assistant. Failure to notify the Board immediately may result in disciplinary action against the physician assistant and/or the physician(s). Failure to renew the license because of expiration will not be considered an exception to the requirements of this paragraph.

**Cite as** Ga. Comp. R. & Regs. R. 360-5-.03

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-34-5**,** 43-34-8**,** 43-34-24**,** 43-34-102**,** 43-34-103**,** 43-34-104**,** 43-34-108**.**

**HISTORY:** Original Rule entitled "Requirements for Board Approval of Physician's Assistant" adopted. F. Sept. 11, 1972; eff. Oct. 1, 1972.

**Amended:** F. Feb. 20, 1973; eff. Mar. 12, 1973.

**Amended:** F. July 17, 1974; eff. August 6, 1974.

**Amended:** F. Apr. 7, 1975; eff. Apr. 27, 1975.

**Amended:** F. Oct. 3, 1975; eff. Oct. 23, 1975.

**Amended:** F. Jan. 26, 1976; eff. Feb. 15, 1976.

**Repealed:** New Rule of same title adopted. F. Dec. 4, 1981; eff. Jan. 1, 1982, as specified by the Agency.

**Amended:** F. Sept. 6, 1985; eff. Sept. 26, 1985.

**Amended:** F. July 15, 1988; eff. August 4, 1988.

**Amended:** F. Aug. 9, 1993; eff. Aug. 29, 1993.

**Amended:** F. Mar. 18, 1998; Apr. 7, 1998.

**Amended:** F. June 23, 2008; eff. July 13, 2008.

**Repealed:** New Rule entitled "Application for Physician Utilization of a Physician Assistant" adopted. F. Jan. 18, 2011; eff. Feb. 7, 2011.

**Repealed:** New Rule with same title adopted. F. Jan. 13, 2012; eff. Feb. 2, 2012.

**Repealed:** New Rule with same title adopted. F. June 16, 2021; eff. July 6, 2021.

**Amended:** F. Apr. 17, 2023; eff. May 7, 2023.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-5-.05 Limitations on Physician Assistant Practice

(1) No person shall practice as a physician assistant without a license or temporary permit from the Board, Board approval of a supervising physician, and Board approval of his/her job description.

(2) A physician solely employed by the Department of Community Health, an institution thereof or by a local health department, whose duties are administrative and do not normally include providing health care to patients, shall not be authorized to supervise a physician assistant.

(3) A physician may not be an employee of the physician assistant who he/she is required to supervise unless the arrangement was approved by the Board prior to July 1, 2009.

(4) A physician may serve as primary supervising physician to no more than the combined equivalent of eight advanced practice registered nurses or physician assistants at a time. A physician may be an alternate supervising physician for any number of physician assistants.

(5) A physician may serve as a primary supervising physician for no more than eight physician assistants who have completed a board approved anesthesiologist assistant program licensed to him or her at a time. A physician may be an alternate supervising physician for any number of anesthesiologist assistants.

(6) When acting as a Primary or Alternate supervising physician, a physician may supervise as many as (4) four physician assistants who have completed a board approved anesthesiologist assistant program at one time, who are working within the scope of practice of the Supervising Physician.

When acting as a Primary or Alternate supervising physician, a physician may supervise no more than the combined equivalent of eight advanced practice registered nurses or physician assistants at one time, who are working within the scope of practice of the Supervising Physician.

This limitation shall not apply to a Physician Assistant who is practicing:

(a) In a hospital licensed under Title 31;

(b) In any college or university as defined in Code Section 20-8-1;

(c) In the Department of Public Health;

(d) In any county board of health;

(e) In any community service board;

(f) In any free health clinic;

(g) In a birthing center;

(h) In any entity:

(i) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or indigent Medicaid and Medicare patients; or

(ii) Which has been established under the authority of or is receiving funds pursuant to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act; or

(i) In a health maintenance organization that has an exclusive contract with a medical group practice and arranges for the provision of substantially all physician services to enrollees in health benefits of the health maintenance organization.

(7) A physician assistant may not perform an abortion or administer, prescribe or issue a drug order that is intended to cause an abortion to occur pharmacologically.

(8) A physician assistant may not be utilized to perform the duties of a pharmacist licensed under Title 26, Chapter 4 of the Official Code of Georgia Annotated, relating to pharmacists, as now or hereafter amended.

(9) A physician assistant may not issue a written prescription for a Schedule II controlled substance except as authorized pursuant to O.C.G.A. § 43-34-103(e.1)(1)(B). Provided, however, this does not preclude:

(a) a physician assistant from preparing such a prescription for administration of a Schedule II controlled substance for signature by the primary or alternate supervising physician on the date that the prescription is issued to the patient. Such prescriptions may not be pre-signed.

(b) A physician assistant from issuing a written or verbal order for a Schedule II controlled substance within a health care setting. The supervising or an alternate supervising physician must co-sign such orders in compliance with any provisions required by the location where the physician assistant is practicing.

(10) A physician assistant does not have the authority to assign a percentage of a disability rating.

**Cite as** Ga. Comp. R. & Regs. R. 360-5-.05

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-34-5**,** 43-34-8**,** 43-34-23**,** 43-34-102**,** 43-34-103**,** 43-34-104**,** 43-34-108**,** 43-34-109**,** 43-34-110**.**

**HISTORY:** Original Rule entitled "Time Limits for Applications" adopted. F. Sept. 11, 1972; eff. Oct. 1, 1972.

**Repealed:** New Rule of same title adopted. F. Dec. 4, 1981; eff. Jan. 1, 1982, as specified by the Agency.

**Amended:** F. Sept. 19, 2007; eff. Oct. 9, 2007.

**Repealed:** New Rule entitled "Limitations on Physician Assistant Practice" adopted. F. Jan. 18, 2011; eff. Feb. 7, 2011.

**Repealed:** New Rule with same title adopted. F. Jan. 13, 2012; eff. Feb. 2, 2012.

**Repealed:** New Rule with same title adopted. F. June 16, 2021; eff. July 6, 2021.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-5-.07 Continuing Education Requirements

(1) Physician assistants licensed to practice pursuant to O.C.G.A. 43-34-103 shall complete Board approved continuing medical education of not less than forty (40) hours biennially.

(a) At least ten (10) hours shall be directly related to the specialty of the Board approved primary supervising physician.

(b) Physician assistants who are authorized to issue prescription drug orders shall be required as a part of the biennial number of hours of continuing education required herein, to complete a minimum of three (3) hours in practice specific pharmaceuticals in which the physician assistant has prescription order privileges.

(c) Physician assistants who are authorized to issue prescription drug orders for hydrocodone, oxycodone, or compounds there of shall be required to complete one (1) additional hour of continuing medical education every renewal period in the appropriate ordering and use of hydrocodone, oxycodone, or compounds thereof.

(d) Physician assistants who are authorized to sign death certificates shall be required to complete one (1) additional hour of continuing medical education every renewal period in the recognition and documentation of the causes of death and appropriate execution of death certificates.

(e) Physician assistants who are initially licensed by the Board and who have not renewed their license for the first time shall not be required to complete the 40 hours of continuing education during their first renewal, but physician assistants who have to issue prescriptive drug orders shall be required to complete the 3 hours of continuing education in practice specific pharmaceuticals in which the physician assistant has prescription order privileges.

(f) Physician assistants whose licenses are not active, such as those who are inactive or revoked, are not required to complete the continuing education until such time as they are seeking reactivation or reinstatement.

(g) Except for the continuing education hours listed in paragraphs (b), (c), and (d), of this subsection, the Board is authorized to waive the continuing education required for renewal in cases of hardship, disability, illness, service in the United States Congress or Georgia General Assembly, military service or other circumstances as the Board deems appropriate if supported by adequate documentation acceptable to the Board.

1. Physician assistants seeking such an exemption must submit a written request and documentation to support their eligibility for such an exemption.

2. Said request for an exemption shall be submitted to the Board not less than 60 days prior to the expiration of the license to receive a determination from the Board as to whether an exemption would be granted.

(2) The Board accepts the A.M.A. (American Medical Association) Category 1, the A.O.A. (American Osteopathic Association) Category 1, A.A.A.A. (American Academy of Anesthesiologist's Assistants) Category 1, AAFP (American Academy of Family Physicians) Category I, and the A.A.P.A. (American Academy of Physician Assistants) Category 1 credit as meeting its requirement for Board approval. It is the responsibility of the physician assistant to verify approval with the source of the program, not with the Board, and the physician assistant shall verify approval before taking the course.

(3) Each licensed physician assistant must maintain records of attendance and supporting documents for continuing education for a period of 5 years from the date of attendance. At a minimum, the following must be kept:

(a) Name of Provider;

(b) Date of completion;

(c) Evidence of A.M.A. Category 1 credit; A.O.A. Category 1 credit; A.A.P.A, AAFP, Category 1 credit; or A.A.A.A. Category 1 credit.

(4) The Board will audit a fixed percentage of randomly selected renewal applications to monitor compliance with the continuing education requirements. Any licensee so audited shall be required to furnish documentation of

compliance as provided in paragraph (4) of this rule. Any licensee so audited who has been found to be out of compliance with the Board's continuing requirements may be subject to disciplinary action.

(5) If the licensee has not complied with the continuing education requirement by the expiration of the license, his/her license shall not be renewed and the licensee shall not practice as a physician assistant. A licensee may late renew during the three (3) months following the expiration date of his or her license by presenting satisfactory evidence to the Board of completion of the requisite number of hours of Board approved continuing education and the late renewal fee. Licenses that are not renewed within three (3) months following the expiration date of the license shall be revoked for failure to renew. In order to obtain a valid license after revocation for failure to renew, an applicant must apply for reinstatement.

(6) Continuing education hours that are used to satisfy a deficiency for the previous biennial renewal may not be used for purposes of renewal for the next biennium.

**Cite as** Ga. Comp. R. & Regs. R. 360-5-.07

**AUTHORITY: O.C.G.A. §§.** 43-34-5, 43-34-8, 43-34-11, 43-34-26.1, 43-34-102, 43-34-103, 43-34-107, 43-34-108.

**HISTORY:** Original Rule entitled "Limitations Upon Use of Physician's Assistant" adopted. F. Sept. 11, 1972; eff. Oct. 1, 1972.

**Amended:** F. Dec. 5, 1974; eff. Dec. 25, 1974.

**Amended:** F. Feb. 14, 1977; eff. Mar. 6, 1977.

**Repealed:** New Rule of same title adopted. F. Dec. 4, 1981; eff. Jan. 1, 1982, as specified by the Agency.

**Amended:** F. Sept. 6, 1985; eff. Sept. 26, 1985.

**Amended:** F. Aug. 11, 1986; eff. Aug. 31, 1986.

**Amended:** Rule retitled "Limitations Upon Use of Physician's Assistants; Ordering of Dangerous Drugs, Controlled Substances, Medical Treatments and Diagnostic Studies by Physician's Assistant, Dispensing of Dangerous Drugs by Physician's Assistant in Public Health Settings" adopted. F. Feb. 11, 1991; eff. Mar. 3, 1991.

**Amended:** F. Dec. 17, 2001; eff. Jan. 6, 2002.

**Repealed:** New Rule entitled "Continuing Education Requirements" adopted. F. Jan. 18, 2011; eff. Feb. 7, 2011.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-5-.11 Standards for Physician Assistant Practice

(1) The physician assistant is not required to be in the presence of the physician to provide medical services, including the evaluation and treatment of new or established patients.

(2) A physician assistant may make house calls, nursing home visits, perform hospital duties, serve as an ambulance attendant or perform other functions he is qualified to perform.

(3) The physician assistant may issue a prescription drug order, and/or order and initiate medical treatment or diagnostic studies in any health care setting, as authorized by his or her supervising physician.

(4) Any physician, clinic or hospital utilizing physician assistants must post a notice to that effect in a prominent place.

(5) While engaged in medical practice, a physician assistant must clearly identify himself as such. He/she must also wear a clearly legible identification name tag with the words "Physician Assistant" or "Anesthesiologist Assistant" on it. A Physician Assistant is to be addressed as Mr., Mrs., Ms., or Miss.

(6) A physician who has been approved for supervision of a physician assistant is responsible for medical acts performed by that physician assistant.

(7) A physician assistant may pronounce death and certify such pronouncement in the same manner as a physician if he is delegated this by his supervising physician, including signing death certificates.

**Cite as** Ga. Comp. R. & Regs. R. 360-5-.11

**AUTHORITY: O.C.G.A. §§** 43-34-3**,** 43-34-5**,** 43-34-8**,** 43-34-23**,** 43-34-102**,** 43-34-103**,** 43-34-105**,** 43-34-106**,** 43-34-108**.**

**HISTORY:** Original Rule entitled "Compliance" adopted. F. Apr. 6, 1992; eff. Apr. 26, 1992.

**Repealed:** New Rule entitled "Standards for Physician Assistant Practice" adopted. F. Jan. 18, 2011; eff. Feb. 7, 2011.

**Repealed:** New Rule with same title adopted. F. Jan. 13, 2012; eff. Feb. 2, 2012.

**Repealed:** New Rule of same title adopted. F. Mar. 14, 2013; eff. Apr. 3, 2013.

**Repealed:** New Rule with same title adopted. F. June 16, 2021; eff. July 6, 2021.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-5-.12 Guidelines concerning Prescriptive Authority

(1) If authorized by his/her job description, a physician assistant may issue a prescription drug order for any medical device as defined by Code Section 26-4-5, any dangerous drug as defined in Code Section 16-13-71, any Schedule III, IV, or V controlled substance as defined in Code Section 16-13-21, or hydrocodone, oxycodone, or compounds thereof in emergency situations pursuant to the requirements set forth in O.C.G.A. § 43-34-103(e.1)(1)(B).

(2) Any physician assistant who has been authorized to issue a prescription drug order for controlled substances must register with the federal Drug Enforcement Administration ("DEA").

(3) A Physician assistant who has been issued a DEA number, regardless of prescribing habits, must register with the Georgia PDMP (prescription drug monitoring program) within 30 days of obtaining a DEA registration number.

(4) A prescription drug or device order form issued by an authorized physician assistant shall, at a minimum, contain the name, address and telephone number of the primary or alternate supervising physician, the patient's name and address, the drug or device ordered, the directions to the patient for taking the medication, the dosage, the number of refills allowed, the name and DEA number (if applicable) of the physician assistant, and the signature of the physician assistant.

(5) The prescription drug order may be transmitted orally, by telephone, on paper, electronically or via facsimile. Any electronic prescription drug order must comply with the provision of O.C.G.A. Title 16, Chapter 13 and Title 26, Chapter 4. A record of the prescription must be maintained in the patient's medical record.

(6) A physician assistant may authorize refills of any drug or device for up to 12 months from the date of the original prescription unless otherwise provided by law. Scheduled III, IV or V controlled substances may not be refilled more than six months from date of original prescription.

(7) The primary or alternate supervising physician shall evaluate or examine patients receiving controlled substances at least every three months.

(8) The supervising physician shall periodically review patient records. This review may be achieved with a sampling of such records as determined by the supervising physician.

(9) If authorized by the job description, a physician assistant may request, receive, sign for and distribute professional samples. Professional samples means complimentary doses of a drug, medication vouchers or medical devices provided by the manufacturer for use in patient care. If the professional samples are controlled substances, the physician assistant must also be registered with the federal Drug Enforcement Administration and the Georgia PDMP (prescription drug monitoring program).

(a) The office where the physician assistant practices must maintain a general list of all professional samples that the supervising physician has approved the physician assistant to request, receive, sign for and distribute. Such samples must be consistent with the specialty of the supervising physician.

(b) A complete list of the specific drugs or devices provided to a patient by a physician assistant must be noted in the patient's medical record.

**Cite as** Ga. Comp. R. & Regs. R. 360-5-.12

**AUTHORITY: O.C.G.A. §§** 16-13-41**,** 16-13-74**,** 26-4-80**,** 43-34-5**,** 43-34-8**,** 43-34-23**,** 43-34-102**,** 43-34-103**,** 43-34-107**,** 43-34-108**.**

**HISTORY:** Original Rule entitled "Carrying Out a Prescription Drug or Device Order" adopted. F. Sept. 11, 1995; eff. Oct. 1, 1995.

**Repealed:** New Rule entitled "Guidelines concerning Prescriptive Authority" adopted. F. Jan. 18, 2011; eff. Feb. 7, 2011.

**Repealed:** New Rule with same title adopted. F. Jan. 13, 2012; eff. Feb. 2, 2012.

**Repealed:** New Rule with same title adopted. F. June 16, 2021; eff. July 6, 2021.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

# Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

# Chapter 360-32. NURSE PROTOCOL AGREEMENTS PURSUANT TO O.C.G.A. SECTION 43-34-25

## 360-32-.01 Definitions

As used in this Chapter the term

(1) "Advanced practice registered nurse," (hereinafter referred to as "APRN"), means a registered professional nurse licensed under Title 43, Chapter 25 of the Official Code of Georgia Annotated, who is recognized by the Georgia Board of Nursing as having met the requirements established by the Georgia Board of Nursing to engage in advanced nursing practice and who holds a master's degree or other graduate degree approved by the Georgia Board of Nursing and national board certification in his or her area of specialty, or a person who is recognized as an advanced practice registered nurse by the Georgia Board of Nursing on or before June 30, 2006.

(2) "Designated Physician" means a physician who:

(a) practices medicine in this state; and

(b) whose scope of practice is the same as that of the "Delegating Physician;" and

(c) who has concurred in writing with the terms of the nurse protocol agreement and has agreed in writing to provide consultation in the absence of the Delegating Physician.

(3) "Board" means the Georgia Composite Medical Board.

(4) "Controlled substance" means any controlled substance as defined in Code Section 16-13-21 but shall not include any Schedule I controlled substance included in Code Section 16-13-25 or any Schedule II controlled substance included in Code Section 16-13-26, except as authorized pursuant to O.C.G.A. § 43-34-25(d.1).

(5) "Dangerous drug" means any dangerous drug as defined in Code Section 16-13-71.

(6) "Drug" means any dangerous drug or controlled substance.

(7) "Medical imaging" means CT Scans, MRI Scans, PET Scans, or Nuclear Medicine Scans.

(8) "Immediate consultation" means that the delegating physician shall be available for direct communication or by telephone or other telecommunications.

(9) "Nurse Protocol Agreement" means a written document, mutually agreed upon and signed by an APRN and a physician, by which the physician delegates to that APRN the authority to perform certain medical acts pursuant to Code Section 43-34-25, which may include without being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic studies, x-rays, ultrasounds or medical imaging.

(10) "Order" means to prescribe pursuant to a protocol agreement, as authorized by Code Section 43-34-25, which drug, medical device, medical treatment, diagnostic study, x-rays, ultrasounds, or medical imaging is appropriate for a patient and to communicate the same in writing, orally, via facsimile, or electronically.

(11) "Physician" means a person licensed to practice medicine pursuant to Article 2, Chapter 34 of Title 43; and

(a) Whose principal place of practice is within this state; or

(b) Whose principal place of practice is outside this state but is within 50 miles from the location where the nurse protocol agreement is being utilized.

(12) "Delegating Physician" means a physician who

(a) practices medicine in this State; and

(b) authorizes an APRN to perform certain delegated medical acts pursuant to a nurse protocol agreement.

**Cite as** Ga. Comp. R. & Regs. R. 360-32-.01

**AUTHORITY: O.C.G.A. §§** 43-34-5**,** 43-34-24**,** 43-34-25**, 43-34-26.3.**

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Amended:** F. Mar. 12, 2007; eff. Apr. 1, 2007.

**Repealed:** New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

**Repealed:** New Rule of same title adopted. F. Nov. 16, 2017; eff. Dec. 6, 2017.

**Repealed:** New Rule of same title adopted. F. Aug. 25, 2021; eff. Sep. 14, 2021.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-32-.02 Requirements for Nurse Protocol Agreements Pursuant to Code Section 43-34-25

(1) A physician entering into a nurse protocol agreement with an APRN pursuant to Code Section 43-34-25 shall include the following general data in the protocol agreement:

(a) Names, addresses, telephone numbers, license numbers, and DEA registration number for all parties to the nurse protocol agreement, including any designated physicians that will be utilized if the delegating physician is not available;

1. The delegating physician must provide the APRN's DEA number to the Board within 30 days of issuance.

(b) Description of practice and number of locations, including primary and proposed satellite site(s);

(c) Dates of initiation and amendments. Any amendments made to the protocol agreement shall be filed with the Board for review within 30 days of execution; and

(d) Information regarding the specialty area or field of the APRN.

(2) The agreement shall contain a provision for immediate consultation between the APRN and the delegating physician.

(3) If the delegating physician is not available for consultation, the delegating physician may designate another physician who concurs with the terms of the nurse protocol agreement.

The designation of another physician must also meet the following terms:

(a) Such designation by the delegating physician shall be in writing and attached to the nurse protocol agreement;

(b) Such designation must be to a physician whose scope of practice is the same as that of the delegating physician; and

(c) Such designation must include the printed name, license number and signature of the designated physician with an affirmation from the designated physician that he or she has agreed to serve as a designated physician, has reviewed the nurse protocol agreement, and concurs with the terms of the agreement.

(4) The nurse protocol agreement shall outline and identify the applicable standard of care and shall be specific to the patient population seen.

(5) The nurse protocol agreement shall identify the parameters under which the delegated act may be performed by the APRN, including but not limited to:

(a) Drugs, devices, medical treatments, diagnostic studies that may be ordered and implemented by the APRN.

1. Nothing in this Rule shall be construed to authorize an APRN to issue a prescription drug order for a Schedule I or II controlled substance, except as authorized pursuant to O.C.G.A. § 43-34-25(d.1).

2. A delegating physician may authorize the APRN, if he/she qualifies, to issue prescription drug orders for hydrocodone, oxycodone, and compounds thereof in emergency situations pursuant to the requirements set forth in O.C.G.A. § 43-34-25(d.1).

(b) Circumstances under which a prescription drug order or device may be executed;

(c) Number of refills which may be ordered. Nothing in this Rule shall be construed to authorize refills of any drug for more than 12 months from the date of the original order except in the case of oral contraceptives, hormone replacement therapy, or prenatal vitamins which may be refilled for a period of 24 months as provided in O.C.G.A. 43-34-25.

(d) Provide that a patient who receives a prescription drug order for any controlled substance pursuant to a nurse protocol agreement shall be evaluated or examined by the delegating physician or a designated physician on at least a quarterly basis or at a more frequent interval as consistent with the minimum acceptable standards of the practice of medicine as determined by the Board.

(e) Extent to which medical imaging may be ordered;

(f) A predetermined plan for emergency services;

(g) If the delegating physician authorizes the APRN to order an X-ray, ultrasound or medical imaging, the nurse protocol agreement shall contain provisions whereby such tests shall be read and interpreted by a physician who is trained in reading and interpretation of such tests and provide that a copy of such report shall be forwarded to the delegating physician. However, such provision for an ultrasound shall not be required for an APRN acting within his or her scope of practice as authorized by Code Sections 43-26-3 and 43-26-5. Orders for medical imaging should include the indication for testing as well as the name, address, and telephone number of the delegating physician;

(h) A section that details specific patient conditions and circumstances that require direct, on-site evaluation or consultation by the delegating physician; and

(i) If the protocol agreement delegates to the APRN the authority to prescribe/order prescription drugs, then a section that specifically provides that such delegation does not include the authority to prescribe/order or administer prescription drugs intended to cause an abortion to occur pharmacologically.

(j) A physician may delegate to an advanced practice registered nurse, in accordance with a nurse protocol agreement, the authority to pronounce death and to certify such pronouncement in the same manner as a physician, including the authority to sign death certificates.

(6) The nurse protocol agreement shall require documentation by the APRN of those acts performed by the APRN that are specific to the medical acts authorized by the delegating physician and provide that, if the APRN has prescribing pursuant to the protocol agreement, each prescription shall be noted in the patient's medical record.

(a) If the protocol agreement delegates to the APRN the authority to prescribe/order prescription drugs or devices, a copy of the prescription drug or device order delivered to the patient shall be maintained in the patient's medical file. For purposes of this paragraph a copy shall mean a duplicate prescription or a photocopy or electronic equivalent.

(b) If the protocol agreement delegates to the APRN the authority to prescribe/order prescription drugs or devices, the protocol shall provide that the prescription/order shall be issued on a form which contains the following:

1. The name, address and telephone number of the delegating physician, the name of the APRN, the APRN's DEA number, if applicable, and the name and address of the patient, the drug or device prescribed, the number of refills and directions to the patient with regard to taking and dosage of the drug; and

2. The prescription shall be signed by the APRN and shall be on a form which shall include the names of the APRN and delegating physician who are parties to the nurse protocol agreement.

(7) (a) Unless the physician meets the requirements of paragraph (b), the nurse protocol agreement shall include a schedule for periodic review of patient records. The Board has determined that the minimum accepted standards of medical practice require the following:

1. In as much as O.C.G.A. 43-34-25 requires that a delegating physician or designated physician evaluate or examine all patients who receive any controlled substance prescription pursuant to a nurse protocol agreement, a delegating physician or designated physician must review and sign 100% of patient records for patients receiving prescriptions for controlled substances to comply with the law. Such review shall occur at least quarterly after issuance of the controlled substance prescription.

2. The delegating physician or designated physician review and sign 100% of patient records in which an adverse outcome has occurred. Such review shall occur no more than 30 days after the discovery of an adverse outcome.

3. The delegating physician or designated physician review and sign 10% of all other patient records. Such review shall occur at least annually.

(b) Pursuant to O.C.G.A. Section 43-34-25(g.1), a physician at a location that maintains evidence-based clinical practice guidelines and is accredited by an accrediting body approved by the Board such as Joint Commission may enter into a nurse protocol agreement or job description with not more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time and supervise not more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time. At those locations, such protocol must include the following:

1. The delegating physician must document and maintain a record of review of at least 10 percent of the advanced practice registered nurses' medical records to monitor the quality of care being provided to patients, which may be conducted electronically or onsite;

2. The delegating physician and the advanced practice registered nurse must participate in and maintain documentation of quarterly clinical collaboration meetings, either by telephone, in person, or onsite, for the purposes of monitoring care being provided to patients, and

3. The delegating physician's name, contact information, and record of the visit must be provided to the patient's primary care provider of choice with the patient's consent within 24 hours of the visit.

(8) The nurse protocol agreement shall indicate whether the APRN is authorized under the nurse protocol agreement to request, receive, sign for and distribute professional samples.

(a) If the nurse protocol agreement provides this, the APRN shall comply with O.C.G.A. 43-34-25 which states: An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received and dispensed. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.

(9) Copies of the nurse protocol agreement shall be available at each practice site where the APRN is authorized to perform the delegated acts and shall be made available upon written request by the Board to the physician at the appropriate practice site.

(10) The nurse protocol agreement shall be dated and signed by the delegating physician, designated physician, if applicable, and the APRN.

(11) A nurse protocol agreement between a physician and an advanced practice registered nurse shall be reviewed, revised, or updated annually by the delegating physician and the advanced practice registered nurse.

**Cite as** Ga. Comp. R. & Regs. R. 360-32-.02

**AUTHORITY: O.C.G.A. §§** 43-26-3**;** 43-26-5**,** 43-34-5**,** 43-34-23**,** 43-34-25**.**

**HISTORY:** Original Rule entitled "Requirements for Nurse Protocol Agreements Pursuant to Code Section 43-34-26.3" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Repealed:** New Rule of same title adopted. F. Mar. 12, 2007; eff. Apr. 1, 2007.

**Amended:** F. June 23, 2008; eff. July 13, 2008.

**Amended:** F. Sept. 16, 2008; eff. Oct. 6, 2008.

**Repealed:** New Rule entitled "Requirements for Nurse Protocol Agreements Pursuant to Code Section 43-34-25" adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

**Repealed:** New Rule of same title adopted. F. Dec. 20, 2015; eff. Jan. 9, 2016.

**Repealed:** New Rule of same title adopted. F. Feb. 15, 2019; eff. Mar. 7, 2019.

**Repealed:** New Rule of same title adopted. F. Aug. 25, 2021; eff. Sep. 14, 2021.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-32-.03 Filing of Nurse Protocol Agreement with the Board

(1) The delegating physician shall file the nurse protocol agreement and a Board approved form with the Board for review and submits the requisite fee for review established in the Board's fee schedule. Fees are non-refundable.

(2) In addition to submitting the nurse protocol agreement to the Board for review, the delegating physician shall obtain from the APRN and submit to the Board current verification from the Georgia Board of Nursing that the APRN is approved to practice as an APRN and whether the APRN has had any disciplinary action taken against him or her by the Georgia Board of Nursing.

(3) If a delegating physician has a board approved nurse protocol agreement on file for an APRN and submits a nurse protocol agreement for a new APRN that is substantially similar, the new nurse protocol agreement shall, upon

submission, be automatically deemed valid by the board. Provided, however, this does not preclude the board from rescinding such validity status upon review of application.

(4) If, after review, the Board determines that the nurse protocol agreement fails to meet accepted standards of medical practice, the delegating physician will be so notified and be required to amend the agreement in order to comply with such accepted standards.

(5) The delegating physician shall file with the Board amendments to nurse protocol agreements previously reviewed by the Board within 30 days of the date the amendment was executed.

(6) Nurse protocol agreements must be received by the Board within 30 days from the date of execution of the agreement.

(7) Incomplete protocols that have been on file with the Board for more than three months shall be deemed invalid. No further action will take place on the protocol requests that have been incomplete for more than three months and a new protocol and fee will be required.

**Cite as** Ga. Comp. R. & Regs. R. 360-32-.03

**AUTHORITY: O.C.G.A. Sections** 43-1-7**,** 43-34-5**,** 43-34-21**, and** 43-34-25**.**

**HISTORY:** Original Rule entitled "Filing of Nurse Protocol Agreements with the Board" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Amended:** F. Mar. 12, 2007; eff. Apr. 1, 2007.

**Amended:** F. Jan. 13, 2014; eff. Feb. 2, 2014.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-32-.04 Limitations

(1) A physician whose medical license is restricted shall not enter into a nurse protocol agreement, unless the physician has received prior written approval from the Board.

(2) No physician shall delegate to an individual pursuant to the provisions of Code Section 43-34-25, unless the individual is fully approved by the Georgia Board of Nursing to practice as an APRN.

(3) No physician may enter into a nurse protocol agreement with an APRN whose specialty area or field is not comparable to the physician's specialty area or field.

(4) Unless specifically exempted by paragraph (g) of Code Section 43-34-25, a delegating physician may not enter into a nurse protocol agreement or job description with more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time and may not supervise more than the combined equivalent of eight advanced practice registered nurses or physician assistants at any one time.

(5) Except for practice settings identified in paragraph (7) of subsection (g) of Code Section 43-34-25, a physician shall not be an employee of an APRN, alone or in combination with others, if the physician delegates to and/or is required to supervise the employing APRN.

(6) No delegating physician shall delegate to an APRN the ability to prescribe controlled substances for the delegating physician, for the members of the delegating physician's immediate family, for the APRN himself or herself, or for the APRN's immediate family. For purposes of this rule, "immediate family" shall include spouses, children, siblings and parents.

**Cite as** Ga. Comp. R. & Regs. R. 360-32-.04

**AUTHORITY: O.C.G.A. §§** 43-34-5**,** 43-34-25**.**

**HISTORY:** Original Rule entitled "Limitations" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Amended:** F. Mar. 12, 2007; eff. Apr. 1, 2007.

**Amended:** F. Apr. 3, 2009; eff. Apr. 23, 2009.

**Repealed:** New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

**Repealed:** New Rule of same title adopted. F. Feb. 15, 2019; eff. Mar. 7, 2019.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-32-.05 Additional Requirements Regarding Physician Delegation to an APRN

(1) The delegating physician shall be available for immediate consultation with the advanced practice registered nurse. If the delegating physician is not available, then a designated physician must be available, if one has signed on to the protocol agreement.

(2) The delegating physician shall document and maintain a record of direct onsite observation of the practice of the APRN, conducted at least once annually, except for physicians with protocols that qualify under O.C.G.A. § 43-34-25(g.1). Additionally, the delegating physician shall conduct a review of medical records on a quarterly basis; this review may be conducted via telecommunications to monitor quality of care being provided to the patients.

(3) The delegating physician shall make certain that the medical acts provided by the APRN pursuant to the protocol agreement are:

(a) Commensurate with the education, training, experience, and competence of the APRN:

1. A delegating physician shall ensure that an APRN to whom he/she delegates prescriptive authority receives pharmacology training appropriate to the delegating physician's scope of practice at least annually. Documentation of such training shall be maintained by the physician and provided to the Board upon request.

2. A delegating physician shall ensure that an APRN to whom he/she delegates prescriptive authority pursuant to O.C.G.A. § 43-34-25(d.1) completes one hour of continuing education biennially in the appropriate ordering and use of hydrocodone, oxycodone, and compounds thereof.

3. A delegating physician shall ensure that an APRN to whom he/she delegates the authority to sign death certificates completes one hour of continuing education biennially regarding the recognition and documentation of the causes of death and appropriate execution of death certificates.

4. A delegating physician who fails to comply with subparagraph (3)(a)1., 2., or 3. of this rule by delegating authority to an APRN who has not received the appropriate training is subject to disciplinary action.

(b) Within the scope of practice, specialty area or field and certification of the APRN;

(c) Within the comparable specialty area or field of the delegating physician; and

(d) Well documented in accurately maintained patient specific medical records.

(4) The delegating physician is responsible for all the medical acts performed by the APRN.

(5) A delegating physician shall notify the Board within ten (10) working days of the date of termination of a nurse protocol agreement with the delegating physician and APRN.

(6) In the event of the death or departure of a delegating physician, an APRN must notify the Board within 7 days. If a designated physician is available according to an approved protocol agreement, he or she may serve as the delegating physician for up to 60 days (from the date of death or departure) until a new protocol agreement is approved by the Board. In the event that there is no designated physician, the APRN will not have prescriptive authority until a new signed protocol agreement is submitted to the Board.

(7) The Board may request at any time to review the nurse protocol agreement and any supporting documentation. Failure to provide this written information to the Board within 30 days shall be a basis for and may result in disciplinary action. The Board may require changes in these documents if the Board determines that they do not comply with O.C.G.A. 43-34-25 and/or accepted standards of medical practice.

**Cite as** Ga. Comp. R. & Regs. R. 360-32-.05

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-25**,** 43-34-5**,** 43-34-23**,** 43-34-25**.**

**HISTORY:** Original Rule entitled "Additional Requirements Regarding Physician Delegation to an APRN" adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Amended:** F. Mar. 12, 2007; eff. Apr. 1, 2007.

**Repealed:** New Rule of same title adopted. F. Oct. 6, 2009; eff. Oct. 26, 2009.

**Repealed:** New Rule of the same title adopted. F. Dec. 13, 2019; eff. Jan. 2, 2020.

**Amended:** F. Mar. 19, 2024; eff. Apr. 8, 2024.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

# Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

# Chapter 360-35. LASERS

## 360-35-.01 Definitions

For purposes of this Chapter, the following definitions apply:

(1) "Assistant Laser Practitioner" means a person who is licensed by the Board to practice as a cosmetic laser practitioner under the supervision of a senior laser practitioner or physician.

(2) "Board" means the Georgia Composite Medical Board.

(3) "Continuing medical education (CME) educator" or "continuing education (CE) educator" means an individual who teaches courses approved by the Accreditation Council for Continuing Medical Education (ACCME).

(4) "Cosmetic laser practitioner" means a person licensed by the Board to provide cosmetic laser services and whose license is in good standing.

(5) "Cosmetic laser services" means nonablative elective cosmetic light-based skin care, photo rejuvenation, or hair removal using lasers or pulsed light devices approved by the United States Food and Drug Administration for noninvasive procedures and includes energy based medical procedures using an ultrasound, cryolipolysis, microwave, or radio frequency device that is not expected or intended to remove, burn, or vaporize the live epidermal surface of the skin, but may damage underlying tissue if used inappropriately.

(6) "Cosmetologist" means a person who is registered to practice the occupation of cosmetologist by the State Board of Cosmetology and Barbers pursuant to Chapter 10, Title 43 of the O.C.G.A.

(7) "Esthetician" means a person who is registered to engage in the occupation of an esthetician by the State Board of Cosmetology and Barbers pursuant to Chapter 10, Title 43 of the O.C.G.A.

(8) "Facility" means any location, place, area, structure, office, institution, or business or a part thereof in which is performed or provided cosmetic laser services regardless of whether a fee is charged for such services.

(9) "Lasers" means light-based devices that are prescription devices, the sale of which are regulated by the U.S. Food and Drug Administration, (FDA), that can be sold only to licensed practitioners with prescriptive authority. It does not include devices which are not light based such as radio frequency devices, ultrasound devices, thermal devices and lasers not regulated by the FDA.

(10) "Medical Practitioner" means a nurse, physician assistant or physician.

(11) "Nurse" means a person who is licensed to practice as a registered professional nurse or who is authorized by the Georgia Board of Nursing to engage in advanced nursing practice pursuant to Article 1, Chapter 26, Title 43 of the O.C.G.A.

(12) "Offices" shall mean a facility offering cosmetic laser services which serves as the principal place of practice at which a physician regularly sees patients for the general and usual care rendered and administered by a physician.

(13) "Physician" means one who is licensed by the Board to practice medicine.

(14) "Physician Assistant" means a person who is licensed by the Board as a physician assistant.

(15) "Senior Laser Practitioner" means a physician assistant or a nurse who has been licensed to practice the occupation of a cosmetic laser practitioner and who practices pursuant to the protocols of a consulting physician.

**Cite as** Ga. Comp. R. & Regs. R. 360-35-.01

**AUTHORITY: O.C.G.A. §§** 43-34-5**,** 43-34-242**,** 43-34-244**,** 43-34-248**,** 43-34-249.1**.**

**HISTORY:** Original Rule entitled "Definitions" adopted. F. Sep. 14, 2015; eff. Oct. 4, 2015.

**Repealed:** New Rule of same title adopted. F. Nov. 16, 2017; eff. Dec. 6, 2017.

**Amended:** F. Dec. 20, 2022; eff. Jan. 9, 2023.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

## 360-35-.05 Practice

(1) Assistant Laser Practitioners may practice as follows:

(a) May perform cosmetic laser services under the supervision of a physician licensed by the Board or a licensed senior laser practitioner.

(b) Shall have patients examined by a consulting physician, or a physician assistant who is a licensed cosmetic laser practitioner or advanced registered practice nurse who is a licensed cosmetic laser practitioner prior to service.

(c) On-site supervision and an examination prior to treatment as described herein are not required for the performance of laser hair removal and pulsed light treatments.

(2) Senior Laser Practitioners may practice as follows

(a) May perform cosmetic laser services.

(b) May supervise assistant laser practitioners in the performance of cosmetic laser services as defined in the law.

**Cite as** Ga. Comp. R. & Regs. R. 360-35-.05

**AUTHORITY: O.C.G.A. §§** 43-34-5**,** 43-34-242**,** 43-34-244**,** 43-34-248**.**

**HISTORY:** Original Rule entitled "Practice" adopted. F. Sep. 14, 2015; eff. Oct. 4, 2015.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

# Department 360. RULES OF GEORGIA COMPOSITE MEDICAL BOARD

# Chapter 360-39. GENETIC COUNSELORS

## 360-39-.03 Temporary License

A temporary license may be issued to an individual who has made application to the board, has submitted evidence to the board of admission to examination for licensure, has met all of the requirements for licensure in accordance with this Code section, except for the examination requirement, and has met any other condition established by rule. The holder of a temporary license shall practice only under the supervision of a qualified supervisor and may not have the authority to order genetic tests. Nothing in this subsection shall prohibit an applicant from reapplying for a temporary license if he or she meets the qualifications of this subsection. The Temporary license is only valid for 12 months. If the temporary licensee has not obtained certification by the end of the 12-month temporary license period, the applicant may apply for a temporary license renewal of another 12 months. The fee for renewal shall be designated in the fee schedule. For renewal consideration, the licensee must complete the application and submit a written recommendation by a qualified supervisor who has supervised applicant within the past 12 months. The applicant can continue to renew the 12-month temporary license until he or she is no longer eligible for active candidate status with ABGC or ABMG.

**Cite as** Ga. Comp. R. & Regs. R. 360-39-.03

**AUTHORITY: O.C.G.A. §§** 43-34-5**,** 43-34-312**.**

**HISTORY:** Original Rule entitled "Temporary License" adopted. F. Dec. 9, 2020; eff. Dec. 29, 2020.

**Amended:** F. Apr. 20, 2023; eff. May 10, 2023.

**Amended:** F. May 5, 2026; eff. May 25, 2026.

# Department 375. RULES OF DEPARTMENT OF DRIVER SERVICES

# Chapter 375-3. DRIVER LICENSE SERVICES

# Subject 375-3-1. GENERAL PROVISIONS

## 375-3-1-.07 [Effective 6/17/2026] Knowledge Tests

(1) Applicants for all classes of licenses and non-commercial instruction permits must receive a grade of at least 75 points out of a possible 100 on the appropriate test examining their understanding of official traffic control devices, knowledge of safe driving practices and the traffic laws of Georgia. The applicant will be considered to have failed the examination for cheating on any portion of the tests.

(2) For motorcycle permits (MP), the knowledge test score shall be valid for one (1) calendar year.

(3) The MP is valid for six (6) months from the date of issuance and is limited to one renewal.

**Cite as** Ga. Comp. R. & Regs. R. 375-3-1-.07

**AUTHORITY: O.C.G.A. §§** 40-5-4**,** 40-5-24(c)**.**

**HISTORY:** Original Rule entitled "Knowledge Texts" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

**Amended:** F. Jan. 28, 2026; eff. Feb. 17, 2026.

**Amended:** F. May 28, 2026; eff. June 17, 2026.

## 375-3-1-.23 [Effective 6/17/2026] Application for Personal Identification Cards

(1) Georgia identification cards are available to Georgia residents only. Any Georgia resident, as defined in O.C.G.A. § 40-5-1, applying for an identification card shall provide to the Department the information as specified in O.C.G.A. § 40-5-100.

(2) (a) Individuals with out-of-state driver's licenses may not obtain a Georgia identification card and maintain the out-of-state license. In order for these individuals to obtain a Georgia identification card, they must either obtain a Georgia driver's license prior to the issuance of the identification card or surrender the out-of-state license to the examiner at the time the identification card is issued.

(b) In order for these customers to be issued a Georgia driver's license at a later date, they must take and pass the road skills test.

(3) Customers who previously have been issued an identification card or driver's license in another country may retain said identification card or driver's license. The Department shall make a notation on the customer's driving record that the foreign driver's license or identification card was retained, and this notation shall be made available to law enforcement officers via the Georgia Crime Information Center.

(4) The Department shall collect a fee as listed in Ga. Comp. R. & Regs. R. 375-3-1-.36.

(5) (a) All non-profit organizations referring anyone to the Department for an identification card shall provide that individual with a copy of an agreement previously entered into with the Department whereby such organization verifies that the individual applying for such identification card is indigent.

(b) It shall be the responsibility of the non-profit organization to provide the Department with an agreement. Upon approval by the Department and the non-profit organization, the Department may accept a copy of the agreement from the indigent referred by the non-profit organization in order to provide the identification card to the individual at a reduced fee of $5.00.

(6) (a) Any license, permit or identification card that is intended to be compliant with the requirements of 49 U.S.C. § 30301 note and 6 C.F.R. § 37.01, et seq. shall contain the information or design requirements set forth therein.

(b) No person may be issued a license, permit or identification card that is compliant with paragraph (a), supra, while he or she retains another such card. Customers are eligible for issuance of non-compliant cards in addition to the compliant card. Similarly, a customer may switch from one type of compliant card to another by surrendering the compliant card that is no longer desired and paying a replacement fee.

**Cite as** Ga. Comp. R. & Regs. R. 375-3-1-.23

**AUTHORITY: O.C.G.A. §§** 40-5-100**,** 40-5-101**,** 40-16-2**.**

**HISTORY:** Original Rule entitled "Application for Personal Identification Cards" adopted. F. Apr. 18, 2006; eff. May 8, 2006.

**Amended:** F. Sept. 3, 2009; eff. Sept. 23, 2009.

**Amended:** Rule with new title of "Application for Personal Identification Cards. Amended" adopted. F. Mar. 30, 2012; eff. Apr. 19, 2012.

**Amended:** F. Jan. 19, 2018; eff. Feb. 8, 2018.

**Amended:** F. Jan. 13, 2022; eff. Feb. 2, 2022.

**Amended:** F. May 28, 2026; eff. June 17, 2026.

# Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

# Chapter 391-2. COASTAL RESOURCES

# Subject 391-2-4. SALTWATER FISHING REGULATIONS

## 391-2-4-.19 Commercial Shellfish; Requirements for Vibrio Control

(1) **Purpose.** The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on current, sound principles of wildlife research and management establishing requirements for harvest of maricultured oysters from subtidal harvest areas during *Vibrio* control months, requirements for harvester tags and shading, additional harvest controls for shellfish harvested during certain months, and procedures for amending closures and harvest controls.

(2) **Definitions.**

(a) "Adequately iced" means the amount and application of ice is sufficient to ensure that immediate cooling begins and continues for oysters harvested during *Vibrio* control months. If ice slurry is used and the shellfish are submerged the presence of ice in the slurry indicates adequate icing.

(b) **"**Adequately shaded" means measures taken to shelter shellstock from direct exposure to sunlight that may cause a significant increase in *Vibrio* growth due to an increase in temperature. Adequate shading may be accomplished by any means that effectively protects shellstock from direct sunlight and prevents excessive heat build-up in the shaded area. A gap must be maintained between the top of the shellstock and shade cover to allow for sufficient air flow.

(c) "Approved icing container" means a clean and durable receptacle fabricated from safe non-porous materials with effective drainage.

(d) "Closed season harvest record" means a document where harvesters during the *Vibrio* control months record the date, harvester name, harvest location, the time of initial harvest, the time of initial icing, the time of final harvest, quantities harvested, the time of final icing or any information as determined and approved by the Department.

(e) "Harvest" means the removal of shellstock from the water with the intention of marketing the product for consumption and not returning the shellstock to the water after husbandry practices. Harvest commences when the first shellstock not intended to be returned to the water is removed from the water, regardless of whether the shellstock is temporarily placed back into the water after culling, sorting, or other activities.

(f) "Harvester**"** means a person who is authorized by the Department to harvest shellfish for commercial purposes at the request of a master harvester.

(g) "Harvest area" means the designated area that has been granted to an individual to plant, grow and harvest shellfish for commercial purposes.

(h) "Harvest tag" means a durable, waterproof tag affixed by a commercial shellfish harvester to an individual container of shellstock or, if a bulk tag is used, an individual lot of shellstock, and meeting the specifications for harvester tags contained in the NSSP Model Ordinance and as required by the Department and Georgia Department of Agriculture.

(i) "Husbandry" means any activity related to the cultivation and management of shellstock prior to their harvest, including but not limited to grading, sorting, culling, tumbling, biofouling control and cleaning, but does not include processing.

(j) "Internal temperature" means the internal temperature of the meat of any shellstock as measured using a calibrated probe thermometer. The internal temperature of shellstock is, under most circumstances, reflected by the external temperature of the space surrounding the shellstock, or the external temperature of its shell. The internal temperature of shellstock may be measured by inserting a thermometer probe into the center of the container of shellfish or by measuring the external shell temperature with an infrared thermometer. Should circumstances dictate, it may be necessary for the Department, Georgia Department of Agriculture or a harvester to open the shellstock to measure its internal temperature with a thermometer probe.

(k) "Landing" means the point of time at which shellstock are put on land or a dock at the certified dealer's facility.

(l) "Lot" means the shellstock harvested during a distinct harvest operation from a shellfish harvest area. A lot of shellstock may be identified by a single harvest tag or a single bulk harvest tag.

(m) "Master harvester" means a person who has acquired a lease with permission to grow or harvest shellfish from the state or from an owner with exclusive rights to shellfish pursuant to Code Sections 44-8-6 through 44-8-8, who has been permitted by the Department.

(n) "Mechanical refrigeration" means a mechanically refrigerated cooler which is part of a certified shellfish dealer's facility permitted by the Georgia Department of Agriculture and which shall maintain an ambient air temperature of 45°F or below and shall be capable of achieving the time-temperature requirements of this rule.

(o) "Original dealer" means the dealer who initially received shellstock from a harvester. The original dealer may also be the master harvester, if permitted by the Georgia Department of Agriculture as a certified shellfish dealer.

(p) "Potable water" means water from a water supply that meets the requirements of the Safe Drinking Act, as administered by the US Environmental Protection Agency, and all applicable state or local requirements.

(q) "Processing" means any activity associated with the handling, shucking, freezing, packing, labeling or storing of shellfish in preparation for distribution.

(r) "Resubmergence" means the return of market-sized oysters by a harvester to their harvest area for reconditioning due to excessive time-temperature exposure from oyster husbandry activities or off-site culling or due to a recall and as prescribed by the Department and in the NSSP Model Ordinance.

(s) "Resubmergence Closed Season Logbook" means a document that clearly identifies and segregates shellstock under resubmergence and where harvesters (during the closed season harvest periods) must record the harvest area, date when oysters were removed from the site and quantities, date when oysters were returned to the harvest area for resubmergence and quantities, approximate size range, type and number of cages, reason for resubmergence (off-site culling, onsite culling e.g. exposure time was greater than two hours, anti-fouling, etc.), date oysters were taken out of resubmergence and any other information as determined and approved by the Department.

(t) "Shellstock" means live molluscan shellfish in the shell.

(u) "Subtidal" means the area of the marine shoreline that is below mean low tide and is covered with seawater at all stages of the tide.

(v) "Temperature control" means the use of adequate icing methods or mechanical refrigeration which is capable of lowering the internal temperature of oysters to 50°F then maintaining the internal temperature of the oysters at 45°F or below, and of achieving the time-temperature requirements of this Rule.

(w) "Time of final harvest" means the time when the last oyster or clam harvested in a lot is removed from the water.

(w) "Time of initial harvest" means the time when the first oyster or clam harvested in a lot is removed from the water.

(x) "Time of final icing" means the time when the last oyster in a lot is adequately iced.

(y) "Time of initial icing" means the time when the first oyster in a lot is adequately iced.

(z) "*Vibrio* control months" means the months with heightened risk for *Vibrio* presence due to elevated air and water temperatures that require closures to harvest or more restrictive harvest controls, as determined by the Department.

(3) **Georgia *Vibrio* Control Plan.**

(a) The Department shall produce an annual Georgia *Vibrio* Control Plan. The plan shall prescribe the controls and requirements for eligible master harvesters to petition the Department for the harvest of maricultured oysters from subtidal harvest areas using additional harvest controls during otherwise closed seasons corresponding to *Vibrio* control months, as determined by the Department.

(b) Months that require additional temperature controls will be specified in the most recent version of the Georgia *Vibrio* Control Plan. Specifically for this plan, shellstock shall refer to Eastern Oysters (*Crassostrea virginica*) and Hard Clams (*Mercenaria* spp.), unless otherwise specified by the Department.

(4) **Shellstock Temperature Controls.**

(a) Harvest When Additional Temperature Controls are Not Required. Shellstock harvested during the months that do not require additional temperature controls shall be placed under mechanical refrigeration by the certified dealer within ten (10) hours from the start of harvest.

(b) Harvest When Additional Temperature Controls are Required, But Harvest is Outside of *Vibrio* Control Months. All maricultured oysters harvested during the 30 days prior to and the 30 days following the *Vibrio* control months shall be limited to five (5) hours from harvest to mechanical refrigeration.

(c) Harvest When Additional Temperature Controls are Required and Harvest is During the *Vibrio* Control Months.

(1.) Master harvesters and their harvesters may harvest oysters during the closed season/*Vibrio* control months without the use of an approved icing method, in accordance with their approved Closed Season Shellfish Operations Plan, provided that the oysters are delivered and placed into mechanical refrigeration at their certified dealer's facility before 10:00 AM on the same day. Upon receipt, the certified dealer is required to cool the oysters under mechanical refrigeration to an internal shell/meat temperature of 50°F or less within two (2) hours; or

(2.) Master harvesters and their harvesters may harvest oysters during the closed season/*Vibrio* control months provided adequate ice is used upon harvest and the oysters are placed into mechanical refrigeration at a certified dealer's facility within four (4) hours from the start of harvest. Upon receipt, the certified dealer is required to cool the oysters under mechanical refrigeration to an internal shell/meat temperature of 50°F or less within two (2) hours.

(d) Approved icing methods for all harvested oysters are:

(1.) Upon removal from the water, immediate placement of oysters into mesh bags by a harvester and placement of mesh bags between layers of wet ice into an approved icing container completely surrounded by ice; or

(2.) Upon removal from the water, immediate placement of loose oysters into an approved icing container completely surrounded by ice; or

(3.) Upon removal from the water, immediate placement of oysters into an ice and water mixture (e.g., ice slurry) at or below 45 degrees Fahrenheit and fully submerged until the temperature of the oysters is at or below 55 degrees Fahrenheit. After the oysters have been submerged and are below 55 degrees Fahrenheit, oysters must be stored in

an approved icing container as prescribed in either method 1. or 2. above. The water used for the slurry must be from a potable source or from the approved growing area.

(5) **Tagging Requirements for All Shellstock.** All containers of commercially harvested shellstock must be tagged with a harvester tag or, if a bulk tag is used, an individual lot of shellfish, and meeting the specifications for harvester tags as prescribed in the NSSP Model Ordinance and as required by the Department and Georgia Department of Agriculture.

(6) **Shading Requirements for All Shellstock.** All harvested shellstock must be adequately shaded at all times using effective coverings that shade the shellstock from direct sunlight and other contaminates, such as bird waste, onboard the vessel as well as during transport in any vessel, vehicle or conveyance from the harvest area to the original dealer. A gap must be maintained between the top of the shellstock and shade cover to allow for sufficient air flow.

(7) **Confirmed Illness Response.** In the event that a confirmed *Vibrio vulnificus* or *Vibrio parahaemolyticus* illness outbreak, as defined in the NSSP Model Ordinance, occurs due to the consumption of shellfish that have been commercially harvested in Georgia, the Department will follow the established protocols as defined in the most recent version of the NSSP Model Ordinance to amend shellfish growing area closures for harvest and temperature controls. Public notice of such an amendment shall be given by posting a notice at the courthouse in each coastal county and by other means as may appear feasible to inform interested persons. Such notice shall be posted at least 24 hours prior to any enforcement action taken pursuant to this rule.

(8) **Requirements for Harvest During *Vibrio* Control Months.**

(a) Master harvesters may annually request permission from the Department to harvest maricultured oysters from subtidal harvest areas during *Vibrio* control months. Master harvesters may be required to demonstrate their ability to meet shellstock temperature controls as described above to receive or maintain *Vibrio* control months permissions.

(b) Master harvesters must submit a Closed Season Shellfish Operations Plan to be approved by the Department prior to conducting harvesting activities during *Vibrio* control months. The plan shall include a list of trained and licensed harvesters, a resubmergence plan, husbandry plans, a routine schedule for all harvest and landing plans and all other information as required by the Department.

(c) Master harvesters that are authorized for harvest during *Vibrio* control months shall only harvest oysters that have been submerged for a minimum of 14 consecutive days prior to harvest.

(d) Resubmergence plans shall clearly identify and segregate all oysters greater than two (2) inches in the harvest area that have been put into resubmergence due to excessive time/temperature exposure. Oysters are required to remain in resubmergence for 14 consecutive days prior to harvest and must be clearly identified in a Resubmergence Closed Season Logbook.

(e) Master harvesters and their harvesters must maintain and complete a Resubmergence Closed Season Logbook for their designated harvest area. Logbooks must be maintained for a minimum of 90 days and made immediately available to the Department or a law enforcement officer upon request.

(f) Master harvesters and their harvesters shall complete a harvest tag and closed season harvest record for each lot of shellstock from the time of initial harvest through final harvest prior to leaving the harvest area. Closed season harvest records must be maintained for a minimum of 90 days and made immediately available to the department or a law enforcement officer upon request.

(g) Master Harvesters and their harvesters will be required to use only the shellstock temperature controls described above and must ensure continuous cooling is maintained during delivery and upon receipt of the oysters by the certified dealer.

(9) **Minimum Eligibility Requirements for Harvest During *Vibrio* Control Months.** A master harvester meeting the following minimum requirements may petition the Department for permission to harvest maricultured oysters from subtidal harvest areas during *Vibrio* control months:

(a) The master harvester must have a minimum of six (6) months of reported harvested shellstock outside of *Vibrio* control months in accordance with the Department's control plan, and

(b) The master harvester's past compliance with the provisions in O.C.G.A. § 27-4-187 through O.C.G.A. § 27-4-204 and associated Rules and Regulations will be considered by the Department in determining eligibility.

**Cite as** Ga. Comp. R. & Regs. R. 391-2-4-.19

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-4-189**.**

**HISTORY:** Original Rule entitled "Commercial Shellfish; Requirements for *Vibrio* Control" adopted. F. May 2, 2025; eff. May 22, 2025.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

# Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

# Chapter 391-3. ENVIRONMENTAL PROTECTION

# Subject 391-3-1. AIR QUALITY CONTROL

## 391-3-1-.02 [Effective 6/9/2026] Provisions. Amended

(1) **General Requirement.**

No person shall construct or operate any facility from which air contaminants are or may be emitted in such a manner as to fail to comply with:

(a) **Any applicable** standard of performance or other requirements established by EPA pursuant to Section 111 of the Federal Act;

(b) **Any applicable** emission standard or other requirement for a hazardous air pollutant established by EPA pursuant to Section 112 of the Federal Act;

(c) **Any applicable** increment, precondition for permit, or other requirement established for the Prevention of Significant Deterioration pursuant to Part C, Title I of the Federal Act; and

(d) **Any applicable** standard, precondition for permit, or other requirement established for sources in areas designated by the Director as being non-attainment with National Ambient Air Quality Standards pursuant to, or as part of Georgia's State Implementation Plan to meet the requirements of, Part D, Title I of the Federal Act.

(2) **Emission Limitations and Standards.**

(a) **General Provisions.**

1. No person owning, leasing or controlling the operation of any air contaminant sources shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit, or allow the emission from said air contamination source or sources of such quantities of air contaminants as will cause, or tend to cause, by themselves or in conjunction with other air contaminants a condition of 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. Complying with any of the other paragraphs of these rules and regulations or any subparagraphs thereof, shall in no way exempt a person from this provision.

2. In cases where more than one paragraph of these regulations applies, the paragraph allowing the least emission of air contaminants to the atmosphere shall prevail.

3. Notwithstanding any other emission limitation or other requirement provided in the regulations, more stringent emission limitations or other requirements may be required of a facility as deemed necessary by the Director to:

(i) meet any existing Federal laws or regulations; or

(ii) safeguard the public health, safety and welfare of the people of the State of Georgia.

4. Notwithstanding any other requirement of this Chapter, in no event shall that part of a stack which came into existence after December 31, 1970, which exceeds good engineering practice stack height or any other dispersion technique, be taken into account for the purpose of determining the degree of emission limitations required for

control of any pollutant for which there is an ambient air standard established under the Act of the Federal Act. The terms and definitions of "dispersion techniques", "good engineering practice (GEP)", "nearby" and "excessive concentration" are those definitions found in 40 CFR 51.100(hh), (ii), (jj) and (kk) respectively.

5. If the Director finds, after notice and opportunity for public hearing that a particular instance of violation or noncompliance by a source, owner, or operator, with any emission limitation or standard or other requirement under the Act, is de minimis (as defined pursuant to 42 U.S.C. Section 7420 as amended) in nature, and duration, he may, as allowed by the Act and the Federal Act, exempt such source, owner or operator from the noncompliance penalties provided in Section 22 of the Act.

6. VOC Emission Standards, Exemptions, Area Designations, Compliance Schedules and Compliance Determinations.

(i) Exemptions and Area Designations.

(I) Sources located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties whose potential emissions of volatile organic compounds are not more than 100 tons per year shall not be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (hh), (kk), (ll), (nn), and (qq) of this paragraph 391-3-1-.02(2).

(II) Sources used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance shall not be subject to subparagraphs (t) through (ff) [inclusive], (hh) through (nn) [inclusive], (qq), and (tt) of this paragraph 391-3-1-.02(2), provided:

I. The operation of the source is not an integral part of the production process; and provided;

II. The emissions from the source do not exceed 800 pounds in any calendar month; and provided;

III. The exemption from such source is approved in writing by the Director.

(III) Sources located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties whose actual emissions of volatile organic compounds are less than 15 pounds per day shall not be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (kk), (ll), and (qq) of this paragraph 391-3-1-.02(2).

(IV) Coatings, inks and other VOC-containing materials in use at sources of VOC emissions subject to any limitations or requirements of subparagraphs (t) through (aa) [inclusive], (ii), (jj), (mm), and (tt) of this paragraph 391-3-1-.02(2) shall not be subject to any requirements of such subparagraphs, provided the source's total aggregate use of such materials is not in excess of 55 gallons per year and such exemption is approved in writing by the Division.

(V) Sources located within Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton Counties whose actual emissions of volatile organic compounds are greater than or equal to 15 pounds per day shall be subject to subparagraphs (u), (v), (x), (aa) through (ff) [inclusive], (hh), (kk), (ll), (nn), and (qq) of this paragraph 391-3-1-.02(2) effective January 1, 2015. The requirements of this subparagraph (V) will no longer be applicable if the counties specified in this subparagraph (V) are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in these counties or the counties specified in subparagraph (III) above, the requirements of this subparagraph (V) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

(VI) When determining applicability for a standard specified in this subparagraph 6.(i), only those emission sources that belong to the source category covered by each specific standard shall be included when compared against the applicability thresholds and provisions included in this subparagraph 6.(i).

(ii) Compliance Schedules.

(I) All sources of VOC emissions subject to any limitation or requirement of, or under, paragraph 391-3-1-.02(2) prior to the effective date of this amended Rule 391-3-1-.02, shall be in compliance or on an approved compliance schedule.

(iii) Compliance Determinations.

(I) Compliance determinations for coatings expressed as pounds of VOC per gallon of coating, excluding water, shall treat organic compounds that are not defined as VOCs as water for purposes of calculating the "excluding water" part of the coating composition.

7. Excess Emissions.

(i) Excess emissions resulting from startup, shutdown, malfunction of any source which occur though ordinary diligence is employed shall be allowed provided that (I) the best operational practices to minimize emissions are adhered to, and (II) all associated air pollution control equipment is operated in a manner consistent with good air pollution control practice for minimizing emissions and (III) the duration of excess emissions is minimized.

(ii) Excess emissions which are caused entirely or in part by poor maintenance, poor operation, or any other equipment or process failure which may reasonably be prevented during startup, shutdown or malfunction are prohibited and are violations of this Chapter (391-3-1).

(iii) The provisions of this subparagraph 7. shall apply only to those sources which are not subject to any requirement under paragraph (8) of this Rule (i.e., Rule 391-3-1-.02) or any requirement of 40 CFR, Part 60, as amended concerning New Source Performance Standards.

8. Emissions Bubbles.

(i) With respect to the emissions standards and limitations contained in this Chapter 391-3-1, as such requirements are applied to more than one process or piece of equipment at a source or sources, the Director may allow to the extent consistent with the Act and with the Federal Act under such conditions as he deems appropriate, emissions bubbles provided that:

(I) Such emissions bubbles will not interfere with the attainment and maintenance of ambient air quality standards as expeditiously as practical and does not result in any delay in compliance by any source beyond applicable deadline dates; and

(II) Such emissions bubbles are equivalent in pollution reduction, enforceability, and air quality impact to those individual process or equipment emission limits of State or federal requirements applicable at the time of the bubble; and

(III) Such emissions bubbles are consistent and in full compliance with the requirements of 40 CFR 52.21 (PSD), 40 CFR 60 (New Source Performance Standards) and 40 CFR 61 (NESHAPS); and

(IV) All modeling utilized in evaluating the air quality impact of emissions bubbles shall be done in accordance with modeling procedures acceptable to the Division.

(ii) Emissions bubbles involving different pollutants, types, temporary reductions, and increases of hazardous air pollutants are prohibited.

(iii) The affected source or facility which proposes the use of a bubble shall have the burden of demonstrating to the satisfaction of the Director, compliance with the requirements of this paragraph (2)(a)8.

(iv) For the purpose of this paragraph (2)(a)8. emissions bubbles let plants decrease pollution controls at one or more emission points in exchange for compensating increases in control at other emission points.

9. [reserved]

10. At all times, including periods of startup, shutdown, and malfunction, any person owning, leasing or controlling the operation of a stationary source shall maintain and operate such source, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on any information available to the Division which may include, but is not limited to, monitoring results, observations of the opacity or other characteristic of emissions, review of operating and maintenance procedures or records, and inspection or surveillance of the source.

(b) **Visible Emissions.**

1. Except as may be provided in other more restrictive or specific rules or subdivisions of this Chapter, no person shall cause, let, suffer, permit, or allow emissions from any air contaminant source the opacity of which is equal to or greater than forty (40) percent.

2. Upon written application to the Director, a person owning or operating an air pollution source may request that visible emission evaluations (opacity measurements) be conducted during particulate emission tests for a source, for the purpose of demonstrating compliance with a particulate emission standard. Any such tests or evaluations shall be conducted according to methods, procedures and requirements approved by the Division. All test results shall be subject to verification by the Division. The correlated visible emissions opacity determined during any such particulate emission tests which demonstrate compliance (with results verified by the Division) may, if greater than any applicable visible emissions opacity standard of this Chapter 391-3-1, be established by the Director as the visible emissions standard (opacity standard) for the source. Such visible emissions standards if so established shall be incorporated as a condition of the operating permit for the air pollution source.

3. The visible emission limitation of this subsection applies to direct sources of emissions such as stationary structures, equipment, machinery, stacks, flues, pipes, exhausts, vents, tubes, chimneys or similar structures.

4. The provisions of this subsection (b), apply only to facilities or sources subject to some other emission limitation under this section 391-3-1-.02(2).

(c) **Incinerators.**

1. Except as specified in the section dealing with conical burners, no person shall cause, let, suffer, permit, or allow the emissions of fly ash and/or other particulate matter from any incinerator, in amounts equal to or exceeding the following:

(i) Units with charging rates of 500 pounds per hour or less of combustible waste, including water, shall not emit fly ash and/or particulate matter in quantities exceeding 1.0 pound per hour.

(ii) Units with charging rates in excess of 500 pounds per hour of combustible waste, including water, shall not emit fly ash and/or particulate matter in excess of 0.20 pounds per 100 pounds of charge.

2. No person shall cause, let, suffer, permit, or allow from any incinerator, visible emissions the opacity of which is equal to or greater than twenty (20) percent except for one 6-minute period per hour of not more than twenty-seven (27) percent opacity.

3. No person shall cause or allow particles to be emitted from an incinerator which are individually large enough to be visible to the unaided eye.

4. No person shall operate an existing incinerator unless:

(i) it is a dual or multiple chamber incinerator;

(ii) it is equipped with an auxiliary burner in the primary chamber for the purpose of creating a pre-ignition temperature of 800°F; and

(iii) it has a secondary burner to control smoke and/or odors and maintain a temperature of at least 1500°F in the secondary chamber.

5. Designs other than those mentioned in Subparagraph 4. above shall be considered on an individual basis and will be exempt from the provisions if, in the judgment of the Director, said design results in performance which meets the standard set forth in paragraphs (2)(c)1., 2. and 3. above.

6. The provisions of this Subsection (c) shall not apply to:

(i) any hazardous waste incinerator subject to Section 391-3-11 of the Georgia Rules for Hazardous Waste Management, 40 CFR 264, Subpart O, as adopted by reference, "Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities," as amended;

(ii) any incinerator subject to Section 391-3-1-.02(8)(b)71. of the Georgia Rules for Air Quality Control, "Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994," as amended;

(iii) any incinerator subject to the Georgia State Plan, under Section 111(d) of the federal Act, for "Municipal Waste Combustors for Which Construction is Commenced On or Before September 20, 1994," as amended;

(iv) any incinerator subject to Section 391-3-1-.02(8)(b)73. of the Georgia Rules for Air Quality Control "Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators," as amended;

(v) any incinerator subject to Section 391-3-1-.02(2)(iii) of the Georgia Rules for Air Quality Control "Hospital/Medical/Infectious Waste Incinerators," as amended;

(vi) any incinerator subject to Section 391-3-1-.02(8)(b)75. of the Georgia Rules for Air Quality Control "Standards of Performance for Commercial and Industrial Solid Waste Incineration Units," as amended;

(vii) any incinerator subject to Section 391-3-1-.02(2)(ppp) of the Georgia Rules for Air Quality Control "Commercial and Industrial Solid Waste Incineration Units," as amended;

(viii) any vent gas incineration devices that are used as air pollution control equipment and boilers and industrial furnaces that burn waste (excluding hazardous waste) as a fuel;

(ix) any incinerator subject to Section 391-3-1-.02(8)(b)20. of the Georgia Rules for Air Quality Control "Standards of Performance for Sewage Treatment Plants," as amended;

(x) any incinerator subject to Section 391-3-1-.02(8)(b)74. of the Georgia Rules for Air Quality Control "Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999," as amended;

(xi) any incinerator subject to Section 391-3-1-.02(8)(b)76. of the Georgia Rules for Air Quality Control "Standards of Performance 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," as amended;

(xii) any incinerator subject to Section 391-3-1-.02(8)(b)83. of the Georgia Rules for Air Quality Control "Standards of Performance for New Sewage Sludge Incineration Units" as amended; or

(xiii) any incinerator subject to Section 391-3-1-.02(2)(www) of the Georgia Rules for Air Quality Control "Sewage Sludge Incineration Units," as amended.

(d) **Fuel-Burning Equipment.**

1. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment in operation or under construction on or before January 1, 1972, in amounts equal to or exceeding the following:

(i) for equipment less than 10 million BTU heat input per hour:

P = 0.7 pounds per million BTU heat input;

(ii) for equipment equal to or greater than 10 million BTU heat input per hour, and equal to or less than 2,000 million BTU heat input per hour:

$$P = 0.7\left(\frac{10}{R}\right)^{0.202} \text{ pounds per million BTU heat input};$$

(iii) equipment larger than 2,000 million BTU heat input per hour:

P = 0.24 pounds per million BTU heat input.

2. No person shall cause, let, suffer, permit, or allow the emission of fly ash and/or other particulate matter from any fuel-burning equipment constructed after January 1, 1972, in amounts equal to or exceeding the following:

(i) for equipment less than 10 million BTU heat input per hour:

P = 0.5 pounds per million BTU heat input;

(ii) for equipment equal to or greater than 10 million BTU heat input per hour, and equal to or less than 250 million BTU heat input per hour:

$$P = 0.5\left(\frac{10}{R}\right)^{0.5} \text{ pounds per million BTU heat input};$$

(iii) for equipment greater than 250 million BTU heat input per hour:

P = 0.10 pounds per million BTU heat input

P = allowable weight of emissions of fly ash and/or other particulate matter in pounds per million BTU heat input

R = heat input of fuel-burning equipment in million BTU per hour

3. No person shall cause, let, suffer, permit, or allow the emission from any fuel-burning equipment constructed or extensively modified after January 1, 1972, visible emissions the opacity of which is equal to or greater than twenty (20) percent except for one six minute period per hour of not more than twenty-seven (27) percent opacity.

4. No person shall cause, let, permit, suffer, or allow the emission of nitrogen oxides (NOx), reported as nitrogen dioxide, from any fuel-burning equipment equal to or greater than 250 million BTU per hour of heat input that is constructed or extensively modified after January 1, 1972, equal to or exceeding the following:

(i) when firing coal--0.7 pounds of NOx per million BTUs of heat input;

(ii) when firing oil--0.3 pounds of NOx per million BTUs of heat input;

(iii) when firing gas--0.2 pounds of NOx per million BTUs of heat input;

(iv) when different fuels are burned simultaneously in any combination the applicable standard, expressed as pounds of NOx per million BTUs of heat input, shall be determined by proration. Compliance shall be determined by using the following formula:

$$\frac{x(0.20)+y(0.30)+z(0.70)}{x+y+z}$$

where:

x = percent of total heat input derived from gaseous fuel;

y = percent of total heat input derived from oil;

z = percent of total heat input derived from coal.

(e) **Particulate Emission from Manufacturing Processes.**

1. Except as may be specified in other sections of these regulations or as may be specified in a permit issued by the Director, no person shall cause, let, permit, suffer, or allow the rate of emission from any source, particulate matter in total quantities equal to or exceeding the amounts specified in subparagraphs (i) or (ii), below, as applicable. Equipment in operation, or under construction contract, on or before July 2, 1968, shall be considered existing equipment. All other equipment put in operation or extensively altered after said date is to be considered new equipment.

(i) The following equations shall be used to calculate the allowable rates of emission from new equipment:

$E = 4.1\ P^{0.67}$; for process input weight rate up to and including 30 tons per hour.

$E = 55\ P^{0.11} - 40$; for process input weight rate above 30 tons per hour.

(ii) The following equation shall be used to calculate the allowable rates of emission from existing equipment:

$E = 4.1\ P^{0.67}$

E = emission rate in pounds per hour

P = process input weight rate in tons per hour.

(f) **Normal Superphosphate Manufacturing Facilities.**

1. Unit emissions of fluoride for normal superphosphate manufacturing facilities, expressed as pounds of fluoride ion per ton of $P_2 0_5$ or equivalent, shall not exceed 0.40 pounds. The allowable emission of fluorides shall be calculated by multiplying the unit emission specified above times the expressed design capacity of the source in question.

(g) **Sulfur Dioxide.**

1. New fuel-burning sources capable of firing fossil fuel(s) at a rate exceeding 250 million BTUs per hour heat input, constructed or extensively modified after January 1, 1972, excluding kraft pulp mill recovery furnaces, may not emit sulfur dioxide equal to or exceeding:

(i) 0.8 pounds of sulfur dioxide per million BTUs of heat input derived from liquid fossil fuel or derived from liquid fossil fuel and wood residue;

(ii) 1.2 pounds of sulfur dioxide per million BTUs of heat input derived from solid fossil fuel or derived from solid fossil fuel and wood residue;

(iii) When different fossil fuels are burned simultaneously in any combination, the applicable standard expressed as pounds of sulfur dioxide per million BTUs of heat input shall be determined by proration using the following formula:

$$a = \frac{y(0.80) + z(1.2)}{y + z}$$

where:

y = percent of total heat input derived from liquid fossil fuel;

z = percent of total heat input derived from solid fossil fuel;

a = the allowable emission in pounds per million BTUs.

2. All fuel burning sources below 100 million BTUs of heat input per hour shall not burn fuel containing more than 2.5 percent sulfur, by weight. All fuel burning sources having a heat input of 100 million BTUs per hour or greater shall not burn a fuel containing more than 3 percent sulfur, by weight.

3. Notwithstanding the limitations on sulfur content of fuels stated in paragraph 2. above, the Director may allow sulfur content greater than that allowed in paragraph 2. above, provided that the source utilizes sulfur dioxide removal and the sulfur dioxide emission does not exceed that allowed by paragraph 2. above, utilizing no sulfur dioxide removal.

(h) **Portland Cement Plants.**

1. See Section 391-3-1-.02(8) for applicable New Source Performance Standards.

(i) **Nitric Acid Plants.**

1. No person shall cause or allow the emission of nitrogen oxides (NOx), expressed as nitrogen dioxide, from Nitric Acid Plants equal to or exceeding:

(i) for plants constructed before January 1, 1972: 25 pounds of NOx expressed as nitrogen dioxide, per ton of 100% acid produced;

(ii) for plants constructed after January 1, 1972, the applicable New Source Performance Standards of 391-3-1-.02(8).

2. No person shall operate a nitric acid plant unless the plant is equipped with a continuous NOx monitor and recorder or an alternate system approved by the Director.

(j) **Sulfuric Acid Plants.**

1. No person shall cause or allow the emission of sulfur dioxide ($SO_2$) and acid mist from sulfuric acid plants equal to or exceeding:

(i) For plants constructed before January 1, 1972, 27.0 pounds of $SO_2$, and 0.15 pounds of acid mist per ton of 100% acid produced;

(ii) For plants constructed or extensively modified after January 1, 1972, the applicable New Source Performance Standards of 391-3-1.02(8).

2. No person shall operate a sulfuric acid plant unless the plant is equipped with a continuous $SO_2$ monitor and recorder or an approved alternate system approved by the Director.

(k) **Particulate Emission from Asphaltic Concrete Hot Mix Plants.**

1. No person shall cause, let, suffer, permit, or allow the emission of particulate matter from an Asphaltic Concrete Hot Mix Plant equal to or exceeding amounts derived from the following formulas:

(i) For existing plants below 45 tons per hour input--E = P, pounds per hour;

(ii) For existing plants equal to or greater than 45 tons per hour input--$E = 10P^{0.4}$, pounds per hour;

(iii) For new plants below 125 tons per hour input--$E = 2.1P^{0.6}$, pounds per hour;

(iv) For new plants equal to or greater than 125 tons per hour input--$E = 14P^{0.2}$, pounds per hour;

(v) Equals the allowable emission of particulate matter in pounds per hour. P equals the process input weight rate in tons per hour;

(vi) Equipment in operation, or under construction contract, on or before January 1, 1972, shall be considered existing equipment. All equipment constructed or extensively altered after said date shall be considered new.

2. The New Source Performance Standards of 391-3-1-.02(8) for such asphaltic concrete plants apply to all such plants commencing construction on or after the effective date of such standards.

(l) **[reserved]**

(m) **Repealed.**

(n) **Fugitive Dust.**

1. All persons responsible for any operation, process, handling, transportation or storage facility which may result in fugitive dust shall take all reasonable precautions to prevent such dust from becoming airborne. Some reasonable precautions which could be taken to prevent dust from becoming airborne include, but are not limited to, the following:

(i) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(ii) Application of asphalt, water, or suitable chemicals on dirt roads, materials, stockpiles, and other surfaces which can give rise to airborne dusts;

(iii) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods can be employed during sandblasting or other similar operations;

(iv) Covering, at all times when in motion, open bodied trucks, transporting materials likely to give rise to airborne dusts;

(v) The prompt removal of earth or other material from paved streets onto which earth or other material has been deposited.

2. The percent opacity from any fugitive dust source listed in paragraph (2)(n)1. above shall not equal or exceed 20 percent.

(o) **[reserved]**

(p) **Particulate Emissions from Kaolin and Fuller's Earth Processes.**

1. The following equations shall be used to calculate the allowable rates of emission from kaolin and fuller's earth process equipment constructed or extensively modified after January 1, 1972:

(i) $E = 3.59P^{0.62}$; for process input weight rate up to and including 30 tons per hour;

(ii) $E = 17.31P^{0.16}$; for process input weight rate in excess of 30 tons per hour.

2. The following equation shall be used to calculate the allowable rates of emission from kaolin and fuller's earth process equipment constructed or put in operation on or before January 1, 1972:

(i) $E = 4.1P^{0.67}$; for process input weight rate up to and including 30 tons per hour;

(ii) $E = 55P^{0.11} - 40$; for process input weight rate above 30 tons per hour.

E = allowable emission rate in pounds per hour;

P = process input weight rate in tons per hour.

(q) **Particulate Emissions from Cotton Gins.**

1. The emission of particulate matter from any cotton ginning operation shall not exceed the amounts specified below.

(i) The following equation shall be used to calculate the allowable rates of emission:

$E = 7\ B^{0.5}$

E = allowable emission rate in pounds per hour

B = number of standard bales per hour--A standard bale is defined as a finished bale weighing 500 pounds.

2. In lieu of demonstrating compliance with the applicable emission standard contained in 391-3-1-.02(2)(q)1.(i) the following control devices may be utilized:

(i) for emission control from low pressure exhausts, the use of screens with a mesh size of 80 by 80 or finer, or the use of perforated condenser drums with holes not exceeding .045 inches in diameter, or the use of a dust house.

(ii) for emission control from high pressure exhausts, the use of high efficiency cyclones.

If compliance with the emission standard specified in 391-3-1-.02(2)(q)1.(i) is required, then the testing methodology to be utilized shall be that specified in the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants.

(r) **Particulate Emissions from Granular and Mixed Fertilizer Manufacturing Units.**

1. For the purpose of this regulation the ammoniator, dryer, cooler and associated equipment will be considered one unit.

2. The following equations shall be used to calculate the allowable rates of emission from granular and mixed fertilizer manufacturing units:

(i) $E = 3.59P^{0.62}$; for production weights up to and including 30 tons per hour;

(ii) $E = 17.31P^{0.16}$; for production rates above 30 tons per hour;

E = allowable emission rate in pounds per hour;

P = production rate of finished product in tons per hour. Recycle will not be included.

(s) **Nitrogen Oxides. (Repealed)**

(t) **VOC Emissions from Automobile and Light-Duty Truck Manufacturing.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from automobile and/or light-duty truck manufacturing facilities to exceed:

(i) 1.2 pounds of VOC per gallon of coating excluding water, as a monthly weighted average, from each electrophoretic applied prime operation;

(ii) 15.1 pounds of VOC per gallon of applied coating solids, as a daily weighted average, from each spray prime operation;

(iii) 15.1 pounds of VOC per gallon of applied coating solids, as a daily weighted average, from each topcoat operation;

(iv) 4.8 pounds of VOC per gallon of coating delivered to the coating applicator from each final repair operation. If any coating delivered to the coating applicator contains more than 4.8 pounds of VOC per gallon of coating, the limit shall be 13.8 pounds of VOC per gallon of coating solids sprayed, as a daily weighted average.

(v) 3.5 pounds of VOC per gallon of sealer, excluding water, delivered to an applicator that applies sealers in amounts less than 25,000 gallons during a 12 consecutive month period;

(vi) 1.0 pounds of VOC per gallon of sealer, excluding water, delivered to a coating applicator that applies sealers in amounts greater than 25,000 gallons during a 12 consecutive month period;

(vii) 3.5 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesives, except body glass adhesives;

(viii) 6.9 pounds of VOC per gallon of cleaner, excluding water, delivered to an applicator that applies cleaner to the edge of body glass prior to priming;

(ix) 5.5 pounds of VOC per gallon of primer, excluding water, delivered to an applicator that applies primer to the body glass or to the body to prepare the glass and body for bonding;

(x) 1.0 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesive to bond body glass to the body;

(xi) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies clear coating to fascias. No coating may be used that exceeds this limit;

(xii) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies base coat to fascias, on a daily weighted average basis;

(xiii) 3.5 pounds of VOC per gallon of material, excluding water, for all other materials not subject to some other emission limitation stated in this paragraph.

2. No person shall cause, let, permit, suffer or allow the emissions of VOC from automobile and/or light-duty truck manufacturing facilities to exceed:

(i) 0.7 pounds of VOC per gallon of coating solids applied, as a monthly weighted average, from each electrodeposition primer (EDP) operation when the solids turnover ratio is greater than or equal to 0.16. For purposes of this subsection an EDP operation includes application area, spray/rinse stations, and curing oven.

(ii) Electrodeposition Primer Operation: the value calculated by the following formula, as a monthly weighted average, from each electrodeposition primer (EDP) operation when the solids turnover ratio is less than 0.160 and greater than or equal to 0.040:

(I) pounds of VOC per gallon of coating solids applied

$$= (8.34 lb/gal)(0.084)(350^{0.160 - R_T})$$

where $R_T$ = Solids Turnover Ratio

(iii) 12.0 pounds of VOC per gallon of deposited solids, as a daily weighted average basis from each of the following: primer-surfacer operation; topcoat operation; combined primer-surfacer and topcoat operations. For purposes of this subsection each operation includes application area, flash-off area, and oven.

(iv) 4.8 pounds of VOC per gallon of coating, less water and less exempt solvents, as a daily weighted average, from each final repair operation.

(v) 3.5 pounds of VOC per gallon of sealer, excluding water, delivered to an applicator that applies sealers in amounts less than 25,000 gallons during a 12 consecutive-month period;

(vi) 1.0 pounds of VOC per gallon of sealer, excluding water, delivered to a coating applicator that applies sealers in amounts greater than 25,000 gallons during a 12 consecutive-month period;

(vii) 250 grams of VOC per liter of adhesive (2.08 lb/gallon), excluding water, delivered to an applicator that applies adhesives, except body glass adhesives and weatherstrip adhesives;

(viii) 1.0 pounds of VOC per gallon of adhesive, excluding water, delivered to an applicator that applies adhesive to bond body glass to the body;

(ix) 6.9 pounds of VOC per gallon of cleaner, excluding water, delivered to an applicator that applies cleaner to the edge of body glass prior to priming;

(x) 5.5 pounds of VOC per gallon of primer, excluding water, delivered to an applicator that applies glass bonding primer to the body glass or to the body to prepare the glass and body for bonding;

(xi) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies clear coating to fascias. No coating may be used that exceeds this limit;

(xii) 4.4 pounds of VOC per gallon of coating delivered to any applicator that applies base coat to fascias, on a daily weighted average basis;

(xiii) 200 grams of VOC per liter of coating (1.669 lb/gal), excluding water, delivered to an applicator that applies one of the following: gasket/gasket sealing material; bedliner;

(xiv) 3.5 pounds of VOC per gallon of material, excluding water, for all other materials not subject to some other emission limitation stated in this paragraph. This includes but is not limited to coatings such as cavity wax, deadener, underbody coating, interior coating, weatherstrip adhesive, and/or lubricating wax/compound.

3. The emission limits stated in paragraphs 1. and 2. shall be achieved by the application of low solvent technology or a system demonstrated to have equivalent control efficiency on the basis of pounds of VOC per gallon of solids.

4. No person shall cause, let, permit, suffer or allow the emissions of VOC from the use of wipe-off solvents to exceed 1.0 pounds per unit of production as a rolling, 12-month average. Wipe-off solvents shall include those solvents used to clean dirt, grease, excess sealer and adhesive, or other foreign matter from the car body in preparation for painting or other production-related operation.

5. No person shall cause, let, permit, suffer or allow the emission of VOCs from flush or clean paint application systems including paint lines, tanks and applicators, unless such solvents are captured to the maximum degree feasible by being directed into containers that prevent evaporation into the atmosphere.

6. No person shall store solvents or waste solvents in drums, pails, cans or other containers unless such containers have air-tight covers which are in place at all times when materials are not being transferred into or out of the container.

7. No person shall cause, let, permit, suffer or allow the emissions of VOC from the cleaning of oil and grease stains on the body shop floor to exceed 0.1 pounds per unit of production.

8. For the purpose of this subsection; the following definitions apply:

(i) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together without regard to the substrates involved other than by mechanical means.

(ii) "Automobile" means all passenger cars or passenger car derivatives capable of seating a maximum of 12 or fewer passengers.

(iii) "Bedliner" means a multi-component coating, used at an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat and outside of the topcoat operation to provide additional durability and chip resistance.

(iv) "Cavity wax" means a coating, used at an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(v) "Deadener" means a coating, used at an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the sound of road noise in the passenger compartment.

(vi) "Electrodeposition primer" means a process of applying a protective, corrosion-resistant waterborne primer on exterior and interior surfaces that provides thorough coverage of recessed areas. It is a dip coating method that uses an electrical field to apply or deposit the conductive coating onto the part. The object being painted acts as an electrode that is oppositely charged from the particles of paint in the dip tank. Also referred to as E-coat, Uni-Prime, and ELPO Primer.

(vii) "Electrophoretic Applied Prime Operation" means the dip tank flash-off area and bake oven(s) which are used to apply and dry or cure the initial coating on components of automobile and light-duty truck bodies by submerging the body components in a coating bath with an electrical potential difference between the components and the bath, and drying or curing such coating on the components in bake oven(s);

(viii) "Final repair" means the operations performed and coating(s) applied to completely-assembled motor vehicles or to parts that are not yet on a completely assembled vehicle to correct damage or imperfections in the coating. The curing of the coatings applied in these operations is accomplished at a lower temperature than that used for curing primer-surfacer and topcoat. This lower temperature cure avoids the need to send parts that are not yet on a completely assembled vehicle through the same type of curing process used for primer-surfacer and topcoat and is necessary to protect heat sensitive components on completely assembled vehicles.

(ix) "Gasket/gasket sealing material" means a fluid, used at an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.

(x) "Glass bonding primer" means a primer, used at an automobile or light-duty truck assembly coating facility, applied to windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Automobile and light-duty truck glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.

(xi) "In-line repair" means the operation performed and coating(s) applied to correct damage or imperfections in the topcoat on parts that are not yet on a completely assembled vehicle. The curing of the coatings applied in these operations is accomplished at essentially the same temperature as that used for curing the previously applied topcoat. Also referred to as high bake repair or high bake reprocess. In-line repair is considered part of the topcoat operation.

(xii) "Interior coating" means a coating, used at an automobile or light-duty truck assembly coating facility outside of the primer-surfacer and topcoat operations, applied to the trunk interior to provide chip protection.

(xiii) "Light-Duty Trucks" means any motor vehicles rated 8500 pounds gross weight or less which are designed primarily for the purpose of transportation or are derivatives of such vehicles;

(xiv) "Lubricating wax/compound" means a protective lubricating material, used at an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.

(xv) "Manufacturing Facility" means a facility which assembles twenty (20) or more automobiles or light-duty trucks per day (either separately or in combination) ready for sale to vehicle dealers. Customizers, body shops and other repainters are not part of this definition;

(xvi) "Primer-surfacer" means an intermediate protective coating applied over the electrodeposition primer and under the topcoat. Primer-surfacer provides adhesion, protection, and appearance properties to the total finish. Primer-surfacer may also be called guide coat or surfacer. Primer-surfacer operations may include other coating(s) (e.g., anti-chip, lower-body anti-chip, chip-resistant edge primer, spot primer, blackout, deadener, interior color, basecoat replacement coating, etc.) that is (are) applied in the same spray booth(s).

(xvii) "Sealer" means a high viscosity material, used at an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(xviii) "Solids turnover ratio ($R_T$)" means the ratio of total volume of coating solids that is added to the EDP system in a calendar month divided by the total volume design capacity of the EDP system.

(xix) "Spray Prime Operation" means the spray prime booth, flash-off area and bake oven(s) which are used to apply and dry or cure a surface coating between the electrophoretic applied prime and topcoat operations on the components of automobile and light-duty truck bodies;

(xx) "Topcoat" means the final coating system applied to provide the final color and/or a protective finish. The topcoat may be a monocoat color or basecoat/clearcoat system. In-line repair and two-tone are part of topcoat. Topcoat operations may include other coating(s) (e.g., blackout, interior color, etc.) that is (are) applied in the same spray booth(s).

(xxi) "Underbody coating" means a coating, used at an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(xxii) "Weatherstrip adhesive" means an adhesive, used at an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.

9. Applicability: Prior to January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which actual emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 2.7 tons per 12-month rolling period and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.

10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.

11. Applicability: On and after January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which actual emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 2.7 tons per 12-month rolling period and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 2, 3, 4, 5, 6, 7, and 8.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraph 2 are subject to the compliance schedule specified in subparagraph 14.

12. On and after January 1, 2015, the requirements of this subparagraph (t) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of automobile and light-duty truck assembly coatings equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding and Walton as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1, 3, 4, 5, 6, 7, and 8.

13. Applicability: The requirements of subparagraphs 11. and 12. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 9. and 10. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 11. and 12. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

14. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in subparagraph 2 must be completed before **January 1, 2015**.

(u) **VOC Emissions from Can Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from can coating operations to exceed:

(i) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from sheet base coat (exterior and interior) and overvarnish or two-piece can exterior (basecoat and overvarnish) operations. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 4.2 pounds per gallon of coating, excluding water, delivered to the coating applicator from two and three-piece can interior body spray and two-piece can exterior end (spray and roll coat) operations. If any coating delivered to the coating applicator contains more than 4.2 pounds VOC per gallon, the solids equivalent limit shall be 9.78 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 5.5 pounds per gallon of coating, excluding water, delivered to the coating applicator from three-piece side-seam spray operations. If any coating delivered to the coating applicator contains more than 5.5 pounds VOC per gallon, the solids equivalent limit shall be 21.8 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iv) 3.7 pounds per gallon of coating, excluding water, delivered to the coating applicator from end seal compound operations. If any coating delivered to the coating applicator contains more than 3.7 pounds VOC per gallon, the solids equivalent limit shall be 7.44 pounds VOC per gallon of coating solids delivered to the coating applicator.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit, expressed in pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

3. For the purpose of this subsection, the following definitions apply:

(i) "End sealing compound" means a synthetic rubber compound which is coated onto can ends and which functions as a gasket when the end is assembled on the can.

(ii) "Exterior base coating" means a coating applied to the exterior of a two-piece can body to provide protection to the metal or to provide background for the lithographic or printing operation.

(iii) "Sheet base coating" means a coating applied to metal in sheet form to serve as either the exterior or interior of two-piece or three-piece can bodies or can ends.

(iv) "Interior body spray" means a coating sprayed on the interior of the can body to provide a protective film between the product and the can.

(v) "Overvarnish" means a coating applied directly over ink to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

(vi) "Three-piece can side-seam spray" means a coating sprayed on the exterior and interior of a welded, cemented or solder seam to protect the exposed metal.

(vii) "Two-piece can exterior end coating" means a coating applied by roller coating or spraying to the exterior end of a can to provide protection to the metal.

(v) **VOC Emissions from Coil Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from coil coating operations to exceed:

(i) 2.6 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. If any coating delivered to the coating applicator contains more than 2.6 pounds VOC per gallon, the solids equivalent limit shall be 4.02 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) The emission limits in this subsection shall apply to the coating applicator(s), oven(s) and quench area(s) of coil coating lines involved in prime and topcoat or single coat operations.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 2.6 pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.02 pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.02 pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

3. For the purpose of this subsection, the following definitions apply:

(i) "Coil Coating" means the coating of any flat metal sheet or strip that comes in rolls or coils;

(ii) "Quench Area" means a chamber where the hot metal exiting the oven is cooled by either a spray of water or a blast of air followed by water cooling.

(w) **VOC Emissions from Paper Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from paper coating to exceed:

(i) 2.9 pounds per gallon of coating, excluding water, delivered to the coating applicator from a paper coating line. This limit shall apply to roll, knife, rotogravure and saturation coater(s) and drying oven(s) of paper coating. If any coating delivered to the coating applicator contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.79 pounds VOC per gallon of coating solids delivered to the coating applicator.

2. The emission limits in subparagraph 1. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 2.9 pounds VOC per gallon of coating, excluding water; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.79 pounds VOC per gallon of coating solids; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.79 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from paper, film and foil coating unless:

(i) VOC emission reduction equipment with an overall VOC control efficiency is 90 percent for each coating line is installed and operated; or

(ii) VOC emissions are less than 0.08 pounds per pound of coating for each coating line except pressure sensitive tape and label coating; or

(iii) VOC emissions are less than 0.40 pounds per pound of solids applied for each coating line except pressure sensitive tape and label coating.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from pressure sensitive tape and label coating unless:

(i) VOC emission reduction equipment with an overall VOC control efficiency is 90 percent for each coating line is installed and operated; or

(ii) VOC emissions are less than 0.067 pounds per pound of coating for each coating line; or

(iii) VOC emissions are less than 0.20 pounds per pound of solids applied for each coating line.

5. Each owner or operator of a facility that coats paper, film or foil including pressure sensitive tape and label coating shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

6. For the purpose of this subparagraph, the following definitions apply:

(i) "Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate;

(ii) "Paper Coating" means the application of a coating on paper and pressure sensitive tapes, including plastic film and metallic foil, regardless of substrate, in which the coating is distributed uniformly across the web;

(iii) "Roll Coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls;

(iv) "Rotogravure Coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

7. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which the actual emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

8. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which the potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

9. Applicability. On and after January 1, 2015, the requirements of this Subparagraph (w) shall apply to facilities at which actual emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 5. and 6.

(ii) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 3. and 4.

(iii) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that do not equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County shall comply with the provisions of subparagraphs 1. and 2.

(iv) Individual surface coating lines that have potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, that do not equal or exceed 25 tons per year but are located at facilities that have potential emissions of volatile organic compounds from paper coating that equal or exceed 100 tons per year and are located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton County shall comply with the provisions of subparagraphs 1. and 2.

(v) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., or 5. are subject to the compliance schedule specified in subparagraph 12.

10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (w) shall apply to facilities at which potential emissions of volatile organic compounds from paper, film, and foil coating, including pressure sensitive tape and label coating, equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 6.

11. Applicability. The requirements of subparagraphs 9. and 10. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 7. and 8. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 9. and 10. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance schedule.

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements of subparagraphs 3., 4., and 5. must be completed before **January 1, 2015.**

(x) **VOC Emissions from Fabric and Vinyl Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from fabric and vinyl coating operations to exceed:

(i) 2.9 pounds per gallon of coating, excluding water, delivered to the coating applicator from a fabric coating line. If any coating delivered to the coating applicator contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.79 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 3.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from a vinyl coating line. If any coating delivered to the coating applicator contains more than 3.8 pounds VOC per gallon, the solids equivalent limit shall be 7.86 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) The emission limits in this subsection shall apply to roll, knife, or rotogravure coater(s) and drying oven(s) of fabric and vinyl coating lines.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit, expressed in pounds VOC per gallon of coating excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit, expressed in pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed: or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which enter the control equipment are recovered or destroyed and that overall VOC emissions do not exceed the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

3. For the purpose of this subsection, the following definitions apply:

(i) "Fabric Coating" means the coating of a textile substrate with a knife roll, or rotogravure coater to impart properties that are not initially present, such as strength, stability, water or acid repellency, or appearance;

(ii) "Knife Coating" means the application of a coating material to a substrate by means of drawing the substrate beneath a knife that spreads the coating evenly over the full width of the substrate;

(iii) "Roll coating" means the application of a coating material to a substrate by means of hard rubber or steel rolls;

(iv) "Rotogravure Coating" means the application of a coating material to a substrate by means of a roll coating technique in which the pattern to be applied is etched on the coating roll. The coating material is picked up in these recessed areas and is transferred to the substrate.

(v) "Vinyl Coating" means applying a decorative or protective topcoat, or printing on vinyl coated fabric or vinyl sheets, but shall not mean applying plastisol coating.

(y) **VOC Emissions from Metal Furniture Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations to exceed:

(i) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime and topcoat or single coat operations. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) The emission limit in this subparagraph shall apply to the application area(s), flashoff area(s) and oven(s) of metal furniture coating lines involved in prime and topcoat or single coat operations.

2. The emission limits in subparagraph 1. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 3.0 pounds VOC per gallon of coating, excluding water; or

(ii) the application of low solvent coating technology where the 24-hour or monthly weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 5.06 pounds VOC-per-gallon of coating solids (averaging across lines is not allowed); or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 5.06 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations for baked coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to the coating applicator from general one-component, and general multi-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids as applied.

(ii) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from extreme high gloss, extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids as applied.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from metal furniture coating operations for air-dried coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to the coating applicator from general one-component coatings. If any coating contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids as applied.

(ii) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from general multi-component, and extreme high gloss coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids as applied.

(iii) 3.0 pounds per gallon of coating, excluding water, delivered to the coating applicator from extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids as applied.

5. Each owner or operator of a facility that coats metal furniture shall ensure that all coating application systems utilize one or more of the application techniques stated below:

(i) Electrostatic spray application;

(ii) High volume low pressure (HVLP) spraying;

(iii) Flow/curtain application;

(iv) Roll coating;

(v) Dip coat application including electrodeposition;

(vi) Brush coat;

(vii) Airless spray;

(viii) Air-assisted airless spray; or

(ix) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.

6. Each owner or operator of a facility that coats metal furniture shall comply with the following work practice standards:

(i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

7. Each owner or operator of a facility that coats metal furniture shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

8. The VOC limits specified in these subparagraphs 3. and 4. do not apply to the following types of metal furniture coatings and/or coating operations:

(i) Touch-up and repair coatings;

(ii) Stencil coatings;

(iii) Safety-indicating coatings;

(iv) Solid-film lubricants;

(v) Electric-insulating and thermal-conducting coatings; and

(vi) Coating application utilizing hand-held aerosol cans.

9. The emission limits in subparagraphs 3. and 4. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in subparagraphs 3. and 4. of this subparagraph; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in subparagraphs 3. and 4. of this subparagraph; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in subparagraphs 3. and 4. of this subparagraph.

10. For the purpose of this subparagraph, the following definitions apply:

(i) "Application Area" means the area where the coating is applied by spraying, dipping or flow coating techniques.

(ii) "Metal Furniture Coating" means the surface coating of any furniture made of metal or any metal part, which will be assembled with other metal wood, fabric, plastic or glass parts to form a furniture piece.

11. Applicability: Prior to January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

12. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 100 tons per year and are located outside the counties of in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of metal furniture coatings, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., 7., 8., 9., and 10.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., 6., 7., 8., or 9. are subject to the compliance schedule specified in subparagraph 16.

14. On and after January 1, 2015, the requirements of this subparagraph (y) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of metal furniture coatings equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

15. Applicability. The requirements of subparagraphs 13. and 14. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 11. and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 13. and 14. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

16. Compliance schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements of subparagraphs 3., 4., 5., 6., 7., 8., and 9. must be completed before **January 1, 2015.**

(z) **VOC Emissions from Large Appliance Surface Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances to exceed:

(i) 2.8 pounds per gallon of coating, excluding water, delivered to the coating applicator from prime single or topcoat operations. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator;

(ii) The emission limits in this subparagraph shall apply to the application area(s), flashoff area(s) and oven(s) of large appliance coating lines involved in prime, single or topcoat coating operations;

(iii) The emission limit in this subparagraph shall not apply to the use of quick drying lacquers used for repair of scratches and nicks.

2. The emission limits in subparagraph 1. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 2.8 pounds VOC per gallon of coating, excluding water; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 4.52 pounds VOC per gallon of coating solids; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the non-methane volatile organic compounds which

enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 4.52 pounds VOC per gallon of coating solids.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances using baked coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator general one component and general multi-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids delivered to the coating applicator;

(ii) 2.8 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from extreme high gloss, extreme performance, heat resistant, metallic, and solar absorbent, and pretreatment coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids delivered to the coating applicator;

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the surface coating of large appliances using air-dried coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from general one-component coatings. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.3 pounds VOC per gallon of coating solids delivered to the coating applicator;

(ii) 2.8 pounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from general multi-component, extreme high gloss, extreme performance, heat resistant, metallic, solar absorbent and pretreatment coatings. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.5 pounds VOC per gallon of coating solids delivered to the coating applicator;

5. Each owner or operator of a facility that coats large appliances shall ensure that all coating application systems utilize one or more of the application techniques stated below:

(i) Electrostatic spray application;

(ii) High volume low pressure (HVLP) spraying;

(iii) Flow/curtain application;

(iv) Roll coating;

(v) Dip coat application including electrodeposition;

(vi) Brush coat;

(vii) Airless spray;

(viii) Air-assisted airless spray; or

(ix) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.

6. Each owner or operator of a facility that coats large appliances shall comply with the following work practice standards:

(i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

7. Each owner or operator of a facility that coats large appliances shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

8. The VOC limits specified in subparagraphs 3. and 4. do not apply to the following types of large appliance coatings and/or coating operations:

(i) Touch-up and repair coatings;

(ii) Stencil coatings;

(iii) Safety-indicating coatings;

(iv) Solid-film lubricants;

(v) Electric-insulating and thermal-conducting coatings; and

(vi) Coating application utilizing hand-held aerosol cans.

9. The emission limits in subparagraphs 3. and 4. shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in subparagraphs 3. and 4. of this subparagraph; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in subparagraphs 3. and 4. of this subparagraph (averaging across lines is not allowed); or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in subparagraphs 3. and 4. of this subparagraph.

10. For the purpose of this subparagraph, the following definitions apply:

(i) "Application Area" means the area where the coating is applied by spraying, dipping or flow coating techniques.

(ii) "Single Coat" means a single film of coating applied directly to the metal substrate omitting the primer application.

(iii) "Large Appliances" means doors, cases, lids, panels and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners and other similar products.

11. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which the actual emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

12. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which the potential emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 10.

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (z) apply to facilities at which actual emissions of volatile organic compounds from the use of large appliance coatings, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., 7., 8., 9. and 10.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., 6., 7., 8., or 9. are subject to the compliance schedule specified in subparagraph 16.

14. Applicability. On and after January 1, 2015, the requirements of this subparagraph (z) shall apply to facilities at which potential emissions of volatile organic compounds from the use of large appliance coatings equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2, and 10.

15. Applicability: The requirements of subparagraphs 13. and 14. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 11. and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 13. and 14. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

16. Compliance schedule: All existing facilities subject to this subparagraph shall comply with the following compliance schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements of subparagraphs 3., 4., 5., 6., 7., 8., and 9. must be completed before **January 1, 2015.**

(aa) **VOC Emissions from Wire Coating.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from wire coating operations to exceed:

(i) 1.7 pounds per gallon of coating, excluding water, delivered to the coating applicator from wire coating operations. If any coating delivered to the coating applicator contains more than 1.7 pounds VOC per gallon, the solids equivalent limit shall be 2.21 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) The emission limit in this subsection shall apply to the oven(s) of wire coating operations.

2. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit of 1.7 pounds VOC per gallon of coating, excluding water, stated in paragraph 1. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit of 2.21 pounds VOC per gallon of coating solids, stated in paragraph 1. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit of 2.21 pounds VOC per gallon of coating solids stated in paragraph 1. of this subsection.

3. For the purpose of this subsection, the following definitions apply:

(i) "Wire Coating" means the process of applying a coating of electrically insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

(bb) **Petroleum Liquid Storage.**

1. No person shall cause, let, permit, suffer, or allow the use of a fixed roof storage vessel with capacities of 40,000 gallons or greater containing a volatile petroleum liquid where true vapor pressure is greater than 1.52 psia unless:

(i) the vessel has been fitted with a floating roof; or

(ii) the vessel has been fitted with control equipment demonstrated to have control efficiency equivalent to or greater than required in (i) of this paragraph, and approved by the Director.

2. The requirements of this subsection shall not apply to vessels:

(i) underground, if the total volume of petroleum liquids added to and taken from the tank annually does not exceed twice the volume of the tank; or

(ii) having capacities less than 425,000 gallons used to store crude oil prior to lease custody transfer.

3. For the purpose of this subsection, the following definitions shall apply:

(i) "Crude Oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions;

(ii) "Floating Roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall;

(iii) "Petroleum Liquids" means crude oil, condensate, and any finished or intermediate products manufactured in a petroleum refinery;

(iv) "Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking, extraction, or reforming of unfinished petroleum derivatives;

(v) "True Vapor Pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(cc) **Bulk Gasoline Terminals.**

1. No person may load gasoline into any tank trucks or trailers from any bulk gasoline terminal unless:

(i) The bulk gasoline terminal is equipped with vapor control equipment capable of complying with subparagraph 1.(v) of this paragraph 1., properly installed, in good working order, in operation, and consisting of one of the following:

(I) An adsorber or condensation equipment which processes and recovers at least 90 percent of all vapors and gases from the equipment being controlled; or

(II) Vapor collection equipment which directs all vapors to a fuel gas system; or

(III) Control equipment demonstrated to have control efficiency equivalent to or greater than required in (I) or (II) of this paragraph, and approved by the Director; and

(ii) All displaced vapors and gases are vented only to the vapor control equipment; and

(iii) Complete drainage of any loading arm will be accomplished before it is removed from the tank; and

(iv) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically when disconnected, or a loading arm with vapor return line and hatch seal designed to prevent the escape of gases and vapor while loading;

(v) Sources and persons affected under this subsection may not allow mass emissions of volatile organic compounds from control equipment to exceed 4.7 grains per gallon of gasoline loaded.

2. Sources and persons affected under this subsection shall comply with the vapor collection and control system requirements of Rule 391-3-1-.02(2)(ss).

3. The requirements of this subsection shall not apply to loading of gasoline into tank trucks or trailers of less than 3000 gallons capacity outside those counties of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

4. The requirements of this subsection shall apply to loading of gasoline into tank trucks or trailers of less than 3000 gallons capacity inside those counties of Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding, and Rockdale after July 1, 1991.

5. For the purpose of this subsection, the following definitions apply:

(i) "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.

(ii) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4 psia or greater.

(dd) **Cutback Asphalt.**

1. After January 1, 1981, no person may cause, allow or permit the use of cutback asphalts for paving purposes except as necessary for:

(i) long-life stockpile storage; or

(ii) the use or application at ambient temperatures less than 50°F; or

(iii) solely as a penetrating prime coat; or

(iv) base stabilization.

2. For the purpose of this subsection, the following definitions shall apply:

(i) "Asphalt" means a dark-brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum;

(ii) "Cutback Asphalt" means asphalt cement which has been liquified by blending with petroleum solvents (diluents). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function;

(iii) "Penetrating Prime Coat" means an application of low viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bind it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

(ee) **Petroleum Refinery.**

1. Persons responsible for any vacuum producing system at a petroleum refinery shall control the emissions of any noncondensable volatile organic compound from the condensers, hot wells or accumulators by:

(i) Piping the noncondensable vapors to a firebox or incinerator; or

(ii) Compressing the vapors and adding them to the refinery fuel gas; or

(iii) Controlling the vapors by using control equipment demonstrated to have control efficiency equivalent to or greater than required in (i) or (ii) of this paragraph, and approved by the Director; and

2. Persons responsible for any wastewater (oil/water) separator at a petroleum refinery shall:

(i) Provide covers and seals approved by the Director, on all separators and forebays; and

(ii) Equip all openings in covers, separators, and forebays with lids or seals such that the lids or seals are in the closed position at all times except when in actual use.

3. Before January 1, 1980, the owner or operator of any affected petroleum refinery located in this State shall develop and submit to the Director for approval a detailed procedure for minimization of volatile organic compound emissions during process unit turnaround. As a minimum, the procedure shall provide for:

(i) Depressurization venting of the process unit or vessel to a vapor recovery system, flare or firebox; and

(ii) No emission of volatile organic compounds from a process unit or vessel unless its internal pressure is 19.7 psi or less.

4. For the purpose of this subsection, the following definitions shall apply:

(i) "Accumulator" means the reservoir of a condensing unit receiving the condensate from the condenser;

(ii) "Condenser" means any heat transfer device used to liquefy vapors by removing their latent heats of vaporization. Such devices include, but are not limited to, shell and tube, coil, surface, or contact condensers;

(iii) "Firebox" means the chamber or compartment of a boiler or furnace in which materials are burned but does not mean the combustion chamber of an incinerator;

(iv) "Forebays" means the primary sections of a wastewater separator;

(v) "Hot Well" means the reservoir of a condensing unit receiving the warm condensate from the condenser;

(vi) "Petroleum Refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation, cracking, extraction, or refining of unfinished petroleum derivatives;

(vii) "Refinery Fuel Gas" means any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas;

(viii) "Turnaround" means the procedure of shutting a refinery unit down after a run to do necessary maintenance and repair work and putting the unit back on stream;

(ix) "Vacuum Producing System" means any reciprocating, rotary, or centrifugal blower or compressor, or any jet ejector or device that takes suction from a pressure below atmospheric and discharges against atmospheric pressure;

(x) "Vapor Recovery System" means a system that prevents releases to the atmospheric of no less than 90 percent by weight of organic compounds emitted during the operation of any transfer, storage, or process equipment;

(xi) "Wastewater (oil/water) Separator" means any device or piece of equipment which utilizes the difference in density between oil and water to remove oil and associated chemicals from water or any device, such as a flocculation tank, clarifier, etc., which removes petroleum derived compounds from wastewater.

(ff) **Solvent Metal Cleaning.**

1. No person shall cause, suffer, allow, or permit the operation of a cold cleaner degreaser unless the following requirements for control of emissions of the volatile organic compounds are satisfied:

(i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;

(ii) The degreaser shall be equipped with a facility for draining cleaned parts before removal;

(iii) If used, the solvent spray must be a solid, fluid stream (not a fine, atomized or shower type spray) and at a pressure which does not cause excessive splashing;

(iv) If the solvent volatility is 0.60 psi or greater measured at 100°F, or if the solvent is heated above 120°F, then one of the following control devices must be used:

(I) Freeboard that gives a freeboard ratio of 0.7 or greater;

(II) Water cover (solvent must be insoluble in and heavier than water);

(III) Other systems of equivalent control, such as a refrigerated chiller or carbon adsorption.

(v) Waste solvent shall be stored only in covered containers and shall not be disposed of by such a method as to allow excessive evaporation into the atmosphere.

2. No person shall cause, suffer, allow, or permit the operation of an open top vapor degreaser unless the following requirements for control of emissions of volatile organic compounds are satisfied:

(i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;

(ii) The degreaser shall be equipped with one of the following control devices:

(I) Freeboard ratio greater than or equal to 0.75;

(II) Refrigerated chiller;

(III) Enclosed design (cover or door opens only when the dry part is actually entering or exiting the degreaser);

(IV) Carbon adsorption system, with ventilation greater than 50 cfm/$ft^2$ of air/vapor area (when cover is open), and exhausting less than 25 ppm solvent averaged over one complete adsorption cycle; or

(V) Control equipment demonstrated to have control efficiency equivalent to or better than any of the above.

(iii) The degreaser shall be operated in accordance with the following procedures. Operating instructions summarizing these procedures shall be displayed on the degreaser.

(I) Keep cover closed at all times except when processing work loads through the degreaser;

(II) Minimize solvent carry-out by the following measures:

I. Rack parts to allow full drainage;

II. Degrease the work load in the vapor zone at least 30 seconds or until condensation ceases;

III. Tip out any pools of solvent on the cleaned parts before removal;

IV. Allow parts to dry within the degreaser for at least 15 seconds or until visually dry.

(III) Do not degrease porous or adsorbent materials, such as cloth, leather, wood or rope;

(IV) Work loads should not occupy more than half of the degreaser's open top area;

(V) The vapor level should not drop more than 4 inches when the workload enters the vapor zone;

(VI) Never spray above the vapor level;

(VII) Repair solvent leaks immediately, or shutdown the degreaser;

(VIII) Ventilation fans should not be used near the degreaser opening;

(IX) Water should not be visually detectable in solvent exiting the water separator.

(iv) Waste solvent shall be stored only in covered containers and shall not be disposed of or transferred to another party by such a method as to allow excessive evaporation into the atmosphere.

3. No person shall cause, suffer, allow, or permit the operation of a conveyorized degreaser unless the following requirements for control of emissions of the volatile organic compounds are satisfied.

(i) The degreaser shall be equipped with a cover to prevent the escape of volatile organic compounds during periods of non-use;

(ii) The degreaser shall be equipped with either a drying tunnel, or other means such as rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor;

(iii) The degreaser shall be equipped with one of the following:

(I) Refrigerated chiller;

(II) Carbon adsorption system, with ventilation greater than 50 cfm/$ft^2$ of air/vapor area (when down-time covers are open), and exhausting less than 25 ppm of solvent by volume averaged over a complete adsorption cycle; or

(III) Control equipment demonstrated to have control efficiency equivalent to or better than any of the above.

(iv) The degreaser shall be operated in accordance with the following procedure. Operating instructions summarizing these procedures shall be displayed on the degreaser.

(I) Exhaust ventilation should not exceed 65 cfm per $ft^2$ of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening;

(II) Minimize carryout emissions by:

I. Racking parts for best drainage; Maintaining vertical conveyor speed at less than 11 ft/min.

(III) Repair solvent leaks immediately, or shutdown the degreaser;

(IV) Water should not visibly be detectable in the solvent exiting the water separator;

(V) Down-time cover must be placed over entrances and exits of conveyorized degreasers immediately after the conveyor and exhaust are shutdown and removed just before they are started up.

(v) Waste solvent shall be stored only in covered containers and shall not be disposed of or transferred to another party by such a method as to allow excessive evaporation into the atmosphere.

4. The following requirements apply to degreasers using trichloroethylene, carbon tetrachloride, and/or chloroform in a total concentration greater than 5 percent by weight:

(i) Degreasers constructed or reconstructed after November 29, 1993 shall comply with paragraph 391-3-1-.02(9)(b)34. "Emission Standard for Halogenated Solvent Cleaning, 40 CFR 63, Subpart T, as amended" (NESHAP) and not paragraphs 1. through 3. of this subsection (ff) (Georgia Rule).

(ii) Existing degreasers (constructed or reconstructed on or before November 29, 1993) shall comply with paragraphs 1. through 3. of this subsection (ff) (Georgia Rule) until December 2, 1997; after which they must comply with paragraph 391-3-1-.02(9)(b)34. (NESHAP).

(iii) An existing degreaser (as defined above) may elect to comply with paragraph 391-3-1-.02(9)(b)34. prior to December 2, 1997. In such case, they are not required comply with Paragraphs 1. through 3. of this subsection (ff) (Georgia Rule) once they are in compliance with paragraph 391-3-1-.02(9)(b)34. (NESHAP).

(iv) Any facility which currently complies with paragraphs 391-3-1-.02(2)(ff)1. through 3. (Georgia Rule) which will be changing to comply with paragraph 391-3-1-.02(9)(b)34. (NESHAP) should submit a schedule of construction/ modification for changes necessary to comply with 391-3-1-.02(9)(b)34. (NESHAP) as soon as practically possible but no later than 60 days prior to any construction/modification.

5. For the purpose of this subsection, the following definitions shall apply:

(i) "Cold Cleaning" means the batch process of cleaning and removing soils from metal surfaces by spraying, brushing, flushing or immersion while maintaining the solvent below its boiling point. Wipe cleaning is not included in this definition;

(ii) "Conveyorized Degreasing" means the continuous process of cleaning and removing soils from metal surfaces by operating with either cold or vaporized solvents;

(iii) "Freeboard Height" means the distance from the top of vapor zone to the top of the degreaser tank;

(iv) "Freeboard Ratio" means the freeboard height divided by the width (smallest dimension) of the degreaser;

(v) "Open Top Vapor Degreasing" means the batch process of cleaning and removing soils from metal surfaces by condensing hot solvent vapor on the colder metal parts;

(vi) "Solvent Metal Cleaning" means the process of cleaning soils from metal surfaces by cold cleaning, or open top vapor degreasing or conveyorized degreasing. Solvent metal cleaning does not include cleaners that use aqueous cleaning solvent or buckets, pails and beakers with capacities of two gallons or less.

(vii) "Aqueous Cleaning Solvent" means a cleaning solvent in which water is the primary ingredient (greater than 80 percent by weight of cleaning solvent solution as applied must be water).

6. The requirements of this subsection shall not apply to any solvent metal cleaning operation subject to Section 391-3-1-.02(2)(kkk) of the Georgia Rules for Air Quality Control "VOC Emissions from Aerospace manufacturing and Rework Facilities."

(gg) **Kraft Pulp Mills.**

1. Except as provided for in paragraph 2. of this subsection, no person shall cause, let, suffer, permit, or allow the emissions of TRS from any kraft pulp mill in operation, or under construction contract, on or before September 24, 1976, in amounts equal to or exceeding the following:

(i) Recovery Furnaces.

(I) Old Recovery Furnaces: 20 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen;

(II) New Recovery Furnaces: 5 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen;

(III) Cross Recovery Furnaces: 25 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 8 volume percent oxygen.

(ii) Digester System or Multiple-Effect Evaporator System: 5 parts per million of TRS on a dry basis and a 24-hour average, corrected to 10 volume percent oxygen unless the following conditions are met:

(I) The gases are combusted in a lime kiln subject to the provisions of paragraph (iv) of this subsection; or

(II) The gases are combusted in a recovery furnace subject to the provisions of paragraph (i) of this subsection; or

(III) The gases are combusted with other gases in an incinerator or other device, or combusted in a lime kiln or recovery boiler not subject to the provisions of this subsection, and are subjected to a minimum temperature of 1200°F for at least 0.5 second; or

(IV) The gases are controlled by a means other than combustion. In this case, the gases discharged shall not contain TRS in excess of five parts per million on a dry basis and as a 24-hour average, corrected to the actual oxygen content of the untreated gas stream.

(iii) Smelt Dissolving Tanks: 0.0168 pounds of TRS per ton of black liquor solids (dry weight).

(iv) Lime Kilns: 40 parts per million of TRS on a dry basis and as a 24-hour average, corrected to 10 volume percent oxygen.

2. Nothing in paragraph 1. shall prevent the owner or operator of a kraft pulp mill subject to the provisions of this subsection (gg) from applying to the Director for permission to control TRS emissions from the kraft pulp mill under the provisions of this paragraph provided that:

(i) General Provisions.

(I) The owner or operator of such kraft pulp mill makes such application in writing no later than six months following the notification date; and

(II) In the event that the kraft pulp mill contains TRS emitting process equipment which is subject to the New Source Performance Standard for Kraft Pulp Mills, 391-3-1-.02(2)(b)23., then that TRS emitting process equipment must also comply with the applicable New Source Performance Standard TRS emission limitation(s);

(III) The owner or operator of such kraft pulp mill may not elect to control TRS emissions from process equipment not subject to the provisions of this subsection (gg) in lieu of controlling TRS emissions from those sources subject to this subsection (gg); and

(IV) For the purpose of this paragraph 2.; the maximum allowable emissions of TRS shall be calculated using the production rate (annual average or most recent 12 months of record) for the kraft pulp mill expressed as tons of air dried pulp per day, and the allowable emission rate of TRS from the kraft pulp mill shall be expressed as pounds of TRS per ton of air dried pulp.

(V) For the purpose of this paragraph, the "notification date" means September 1, 1988.

(ii) Emission Limitation: No person shall cause, let, suffer, permit, or allow the total emissions of TRS from the following processes: recovery furnace(s), lime kiln(s), smelt dissolving tank(s), digester system, multiple-effect evaporator system, equal to or exceeding the amount determined by the following formula:

A = RB + LK + 0.065 pounds of TRS per ton of air dried pulp;

The values for the terms RB and LK shall be determined using the following formula:

$$LK = \frac{(0.20U + 0.04V)}{U + V}$$

$$RB = \frac{(0.15W + 0.15X + 0.60Y + 0.75Z)}{W + X + Y + Z}$$

Where:

A = the total amount of allowable TRS emissions from the kraft pulp mill expressed as pounds of TRS per ton of air dried pulp;

LK = the fraction of the total allowable emission of TRS in pounds per ton of air dried pulp for lime kilns;

RB = the fraction of the total allowable emission of TRS in pounds per ton of air dried pulp for recovery furnaces;

U = tons per hour of lime mud solids calcined in lime kiln(s) not subject to the New Source Performance Standard for Kraft Pulp Mills;

V = tons per hour of lime solids calcined in lime kiln(s) subject to the New Source Performance Standard for Kraft Pulp Mills;

W = pounds per hour of black liquor solids burned in recovery furnace(s) subject to the New Source Performance Standard for Kraft Pulp Mills;

X = pounds per hour of black liquor solids burned in new recovery furnace(s);

Y = pounds per hour of black liquor solids burned in old recovery furnace(s);

Z = pounds per hour of black liquor solids burned in cross recovery furnace(s);

3. For the purpose of this subsection, the following definitions shall apply:

(i) "New Recovery Furnace" means a recovery furnace which had stated in the purchase contract a TRS performance guarantee or which included in the purchase contract a statement that the control of air pollutants was a design objective and which has incorporated into its design: membrane wall or welded wall construction; and emission control air systems.

(ii) "Old Recovery Furnace" means a recovery furnace which is not classified as a new recovery furnace.

(hh) **Petroleum Refinery Equipment Leaks.**

1. No person shall cause, let, suffer, or allow the use of petroleum refinery equipment unless:

(i) A plan is submitted to the Director by no later than July 1, 1981 for monitoring VOC leaks. Such a program must contain:

(I) A list of refinery units and the quarter in which they will be monitored;

(II) A copy of the log book format;

(III) The make and model of the monitoring equipment to be used.

(ii) Monitoring for potential VOC leaks is carried out no less frequently than:

(I) Yearly using detection equipment for pump seals, pipeline valves in liquid service, and process drains;

(II) Quarterly using detection equipment for compressor seals, pipeline valves in gaseous service, and pressure relief valves in gaseous service;

(III) Weekly by visible inspection for all pump seals;

(IV) Immediately using detection equipment for any pump seals from which liquids are observed dripping and immediately after repair of any component previously found to be leaking;

(V) Within 24 hours for a relief valve after it has vented to the atmosphere.

(iii) All components which have emissions with a VOC concentration exceeding 10,000 ppm, as determined by Method 21 of the reference in Section 391-3-1-.02(3)(a) of these Rules, shall be affixed with a weatherproof and readily visible tag, bearing an identification number and the date on which the leak is located. This tag shall remain in place until the leaking component is repaired.

(iv) Leaking components as defined by (iii) above which can be repaired without a unit shutdown shall be repaired and retested as soon as practicable but no later than 15 days after the leak is identified.

(v) Leaking components as defined by (iii) above which require unit shutdown for repair may be corrected at the regularly scheduled turnaround unless the Director at his discretion requires early unit turnaround based on the number and severity of tagged leaks awaiting turnaround.

(vi) Except for safety pressure relief valves, no owner or operator of a petroleum refinery shall install or operate a valve at the end of a pipe or line containing volatile organic compounds unless the pipe or line is sealed with a second value, a blind flange, a plug, or a cap. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(vii) Pipeline valves and pressure relief valves in gaseous volatile organic compound service shall be marked in some manner that will be readily obvious to both refinery personnel performing monitoring and the Director.

(viii) Pressure relief devices which are connected to an operation flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements of this rule.

2. The owner or operator of a petroleum refinery shall maintain a leaking components monitoring log. Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared and shall immediately be made available to the Director, upon verbal or written request, at any reasonable time. The monitoring log shall contain the following data:

(i) The name and the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

3. The owner or operator of a petroleum refinery shall:

(i) Submit a report to the Director by the fifteenth day of January, April, July, and October that lists all leaking components that were located during the previous three calendar months but not repaired within fifteen days, all

leaking components awaiting unit turnaround, the total number of components inspected, and the total number of components found leaking.

(ii) Submit a signed statement with the report attesting to the fact that, all monitoring and repairs were performed as stipulated in the monitoring program.

(iii) The first quarterly report shall be submitted to the Director no later than January 1, 1982.

4. The Director, upon written notice, may modify the monitoring, record keeping and reporting requirements.

5. For the purpose of this subsection, the following definitions apply:

(i) "Petroleum refinery" means any facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils residual fuel oils, lubricants, asphalt, or other products through distillation of petroleum or through redistillation, cracking, rearrangement or reforming of unfinished petroleum derivatives.

(ii) "Component" means any piece of equipment which has the potential to leak volatile organic compounds when tested in the manner described in subparagraph 1.(iii). These sources include, but are not limited to, pumping seals, compressor seals, seal oil degassing vents pipeline valves, pressure relief devices, process drains, and open ended pipes. Excluded from these sources are valves which are not externally regulated.

(iii) "Liquid service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(iv) "Gas service" means equipment which processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

(v) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(vi) "Refinery unit" means a set of compounds which are a part of a basic process operation, such as, distillation, hydrotreating, cracking or reforming of hydrocarbons.

(ii) **VOC Emissions from Surface Coating of Miscellaneous Metal Parts and Products.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products to exceed:

(i) 4.3 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies clear coatings. If any coating delivered to the coating applicator contains more than 4.3 pounds VOC per gallon, the solids equivalent limit shall be 10.3 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator in a coating application system that is air dried or forced warm air dried at temperatures up to 194°F. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator in a high performance architectural coating operation; and

(v) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC

per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products using air-dried coatings to exceed:

(i) 2.8 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following air-dried coatings: general one component; general multi component; military specification; drum coating - new exterior. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies any one of the following air-dried coatings: camouflage; electric-insulating varnish; etching filler; high temperature; metallic; mold-seal; pan backing; pretreatment; drum coating - new interior; drum coating - reconditioned, exterior; silicone release; vacuum-metalizing; extreme high-gloss; extreme performance; heat-resistant; drum coating - reconditioned interior; solar-absorbent; prefabricated architectural multi-component; prefabricated architectural one-component. If any coating delivered to the coating applicator contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following air-dried coating: repair and touch-up.

(iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following air-dried coating: high performance architectural.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous metal parts and products using baked coatings to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following baked coatings: general one component; general multi-component; military specification; prefabricated architectural multi-component; prefabricated architectural one-component. If any coating delivered to the coating applicator contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.35 pounds VOC per gallon of coating solids delivered to the coating applicator.

(ii) 2.8 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies drum coating - new exterior coating. If any coating delivered to the coating applicator contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iii) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies anyone of the following baked coatings: drum coating - reconditioned interior; camouflage; electric-insulating varnish; etching filler; extreme high-gloss; extreme performance; heat-resistant; high temperature; metallic; mold-seal; pan backing; pretreatment; drum coating - new interior; drum coating - reconditioned exterior; silicone release; solar-absorbent; and vacuum-metalizing. If any coating delivered to the coating applicator contains more than 3.0 pounds VOC per gallon, the solids equivalent limit shall be 5.06 pounds VOC per gallon of coating solids delivered to the coating applicator.

(iv) 6.2 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following baked coating: high performance architectural.

(v) 3.0 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies repair and touch-up coatings.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of motor vehicle materials at a facility that is not an automobile or light-duty truck manufacturing facility to exceed:

(i) 1.7 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following motor vehicle materials: gasket/gasket sealing material and bedliner.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating applicator that applies the following motor vehicle materials: cavity wax, sealer, deadener, underbody coating, trunk interior coating, and lubricating wax/compound.

5. If more than one emission limitation in this subparagraph (ii) applies to a specific coating, then the least stringent emission limitation in this subparagraph (ii) of this subsection shall be applied.

6. All VOC emissions from solvent washings shall be considered in the emission limitations unless the solvent is directed into containers that prevent evaporation into the atmosphere.

7. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., 3., and 4. of this subsection; or

(ii) the application of low solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids, stated in paragraphs 1.,2., and 3. of this subsection; averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in paragraphs 1.,2., 3., and 4. of this subsection.

(iv) for high performance architectural coatings, compliance may be achieved only as stated in subparagraph 7.(i) or 7.(iii). There is no solids equivalent limit for such coatings.

(v) for motor vehicle materials, compliance may be achieved only as stated in subparagraph 7.(i). There is no solids equivalent limit for such coatings.

(vi) for repair and touch-up materials, compliance may be achieved only as stated in subparagraphs 7.(i). There is no solids equivalent limit for such coatings.

8. For the purpose of this subsection, the following definitions apply:

(i) "Air dried coating" means coatings which are dried by the use of air or forced warm air at temperatures up to 194°F.

(ii) "Baked coating" means a coating that is cured at a temperature at or above 194°F.

(iii) "Bedliner" means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

(iv) "Cavity wax" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(v) "Camouflage coating" means a coating used, principally by the military, to conceal equipment from detection.

(vi) "Clear coating" means a colorless coating which contains binders, but no pigment, and is formulated to form a transparent film.

(vii) "Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating, including, but not limited to spray booths, flow coaters, flashoff areas, air dryers and ovens.

(viii) "Deadener" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the source of road noise in the passenger compartment.

(ix) "Drum" means any cylindrical metal shipping container larger than 12 gallons capacity but no larger than 110 gallons capacity.

(x) "Electric dissipating coating" means a coating that rapidly dissipates a high-voltage electric charge.

(xi) "Electric-insulating varnish" means a non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

(xii) "EMI/RFI Shielding" means a coating used on electrical or electronic equipment to provide shielding against electromagnetic interference, radio frequency interference, or static discharge.

(xiii) "Etching filler" means a coating that contains less than 23 percent solids by weight, at least 0.5 percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

(xiv) "Extreme high-gloss coating" means a coating which, when tested by the American Society for Testing Material Test Method D-523 adopted in 1980, shows a reflectance of 75 or more on a 60 degree meter.

(xv) "Extreme-performance coating" means a coating used on a metal or plastic surface where the coated surface is, in its intended use, subject to the following: (a) Chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solutions; or (b) Repeated exposure to temperatures in excess of 250°F; or (c) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents. Extreme performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks.

(xvi) "Extreme environmental conditions" means exposure to any of: the weather all of the time, temperatures consistently above 200°F, detergents, abrasive and scouring agents, solvents, corrosive atmospheres, or similar environmental conditions;

(xvii) "Gasket/sealing material" means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.

(xviii) "Heat-resistant coating" means a coating that must withstand a temperature of at least 400°F during normal use.

(xix) "High-performance architectural coating" means a coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).

(xx) "High-temperature coating" means a coating that is certified to withstand a temperature of 1000°F for 24 hours.

(xxi) "Low solvent coating" means coatings which contain less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water-borne, higher solids, electrodeposition and powder coatings.

(xxii) "Lubricating wax/compound" means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.

(xxiii) "Mask coating" means thin film coating applied through a template to coat a small portion of a substrate.

(xxiv) "Metallic coating" means a coating which contains more than five grams of metal particles per liter of coating as applied. "Metal particles" are pieces of a pure elemental metal or combination of elemental metals.

(xxv) "Miscellaneous metal parts and products" means surface coating of products manufactured by the following industrial source categories: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products and any other industrial category which coats metal parts or products under the Standard Industry Classification Code Major Groups 33, 34, 35, 36, 37, 38, 40, and 41. The miscellaneous metal parts and products source category does not include:

(I) automobiles and light-duty trucks;

(II) metal cans;

(III) flat metal sheets and strips in the form of rolls or coils;

(IV) magnet wire for use in electrical machinery;

(V) metal furniture;

(VI) large appliances;

(VII) aerospace manufacturing and rework operations;

(VIII) automobile refinishing;

(IX) customized top coating of automobiles and trucks, if production is less than 35 vehicles per day; and

(X) exterior of marine vessels.

(xxvi) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.

(xxvii) "Mold seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

(xxviii) "Multi-colored coating" means a coating which exhibits more than one color when applied, and which means packaged in a single container and applied in a single coat.

(xxix) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

(xxx) "One-component coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

(xxxi) "Optical coating" means a coating applied to an optical lens.

(xxxii) "Pan-backing coating" means a coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

(xxxiii) "Prefabricated architectural component coatings" are coatings applied to metal parts and products which are to be used as an architectural structure.

(xxxiv) "Pretreatment coating" means a coating which contains no more than 12 percent solids by weight, and at least 0.5 percent acid by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and ease of stripping.

(xxxv) "Prime coat" means the first of two or more films of coating applied to a metal surface.

(xxxvi) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.

(xxxvii) "Sealer" means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(xxxviii) "Shock-free coating" means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance and high resistance, and having resistance to breaking down under high voltage.

(xxxix) "Silicone-release coating" means any coating which contains silicone resin and is intended to prevent food from sticking to metal surfaces such as baking pans.

(xl) "Single coat" means one film of coating applied to a metal surface.

(xli) "Solar-absorbent coating" means a coating which has as its prime purpose the absorption of solar radiation.

(xlii) "Stencil coating" means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols and/or numbers.

(xliii) "Topcoat" means the final film or series of films of coating applied in a two-coat or more operation.

(xliv) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(xlv) "Translucent coating" means a coating which contains binders and pigment and is formulated to form a colored, but not opaque, film.

(xlvi) "Transfer efficiency" means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.

(xlvii) "Trunk interior coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.

(xlviii) "Two-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film.

(xlix) "Underbody coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(l) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing/physical vapor deposition (PVD) is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

9. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products

equal or exceed 10 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 10 tons per year and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 2., 3., 4., 5., 6., 7., and 8.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 2., 3., or 4. are subject to the compliance schedule specified in subparagraph 14.

12. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ii) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous parts and products equal or exceed 100 tons per year and are located outside the counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale Spalding, and Walton as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 5., 6., 7., and 8.

13. Applicability: The requirements of subparagraphs 11. and 12. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 9. and 10. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 11. and 12. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

14. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified in subparagraphs 2., 3., and 4. must be completed before **January 1, 2015**.

(jj) **VOC Emissions from Surface Coating of Flat Wood Paneling.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of flat wood paneling to exceed:

(i) 6.0 pounds per 1000 square feet of coated finished product from printed interior panels, regardless of the number of coats applied;

(ii) 12.0 pounds per 1000 square feet of coated finished product from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) 10.0 pounds per 1000 square feet of coated finished product from Class II finishes on hardboard panels, regardless of the number of coats applied.

2. The emission limits in this subparagraph shall be achieved by:

(i) the application of low solvent coating technology where the 24-hour of all coatings on a single coating line or operation meets the limits stated in subparagraph 1. of this subparagraph; averaging across lines is not allowed; or

(ii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the limits stated in subparagraph 1. of this subparagraph.

(iii) control equipment demonstrated to have control efficiency equivalent to or greater or VOC emissions equal to or less than required in (i) or (ii) of this subparagraph and approved by the Director.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the inks, coatings, and adhesives used by flat wood paneling coating facilities to exceed:

(i) 2.1 lbs VOC per gallon (250 grams per liter) of coating, excluding water, and exempt compounds, or

(ii) 2.9 lbs VOC per gallon (350 grams per liter) of solids.

4. Averaging across lines for the VOC limits in subparagraph 3. is not permitted.

5. Should product performance requirements or other needs dictate the use of higher VOC coatings, than those specified in subparagraph 3., add-on control equipment with an overall control efficiency of 90% may be used as an alternative.

6. Each owner or operator of a facility that manufactures flat wood paneling shall comply with the following work practice standards:

(i) store all VOC-containing materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing materials; and

(iv) convey VOC-containing materials from one location to another in closed containers or pipes.

7. For the purpose of this subparagraph, the following definitions also apply:

(i) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.

(ii) "Coating application system" means all operations and equipment which apply, convey, and dry a surface coating, including, but not limited to, spray booths, flow coaters, conveyers, flashoff areas, air dryers and ovens.

(iii) "Flat wood paneling" means both interior and exterior panels used in construction and typically include decorative interior panels, exterior siding and tileboard. Flat wood paneling includes hardboard, hardwood plywood, natural finish hardwood plywood panels, printed interior panels, thin particleboard and tileboard.

(iv) "Hardboard" is a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(v) "Hardwood plywood" is plywood whose surface layer is a veneer.

(vi) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(vii) "Thin particleboard" is a manufactured board 1/4 inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.

(viii) "Tileboard" means paneling that has a colored waterproof surface coating.

(ix) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

8. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which the actual emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 15 pounds per day and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

9. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which the potential emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

10. Applicability. On and after January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which actual emissions of volatile organic compounds from the surface coating of flat wood paneling, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 3., 4., 5., 6., and 7.

(ii) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 3., 4., 5., or 6. are subject to the compliance schedule specified in subparagraph 13.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (jj) shall apply to facilities at which potential emissions of volatile organic compounds from the surface coating of flat wood paneling equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 7.

12. Applicability. The requirements of subparagraphs 10. and 11. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that

Standard thereafter. Instead, the provisions of subparagraphs 8. and 9. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 10. and 11. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

13. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements specified in subparagraph 10.(i) must be completed before **January 1, 2015.**

(kk) **VOC Emissions from Synthesized Pharmaceutical Manufacturing.**

1. The owner or operator of a synthesized pharmaceutical manufacturing facility shall:

(i) Control the volatile organic compound emissions from all reactors, distillation operations, crystallizers, centrifuges and vacuum dryers that emit 15 pounds per day or more of VOC. Surface condensers or equivalent controls shall be used, provided that:

(I) If surface condensers are used, the condenser outlet gas temperature must not exceed:

I. -13°F when condensing VOC of vapor pressure greater than 5.8 psi, measured at 68°F;

II. 5°F when condensing VOC of vapor pressure greater than 2.9 psi, measured at 68°F;

III. 32°F when condensing VOC of vapor pressure greater than 1.5 psi, measured at 68°F;

IV. 50°F when condensing VOC of vapor pressure greater than 1.0 psi, measured at 68°F;

V. 77°F when condensing VOC of vapor pressure greater than 0.5 psi, measured at 68°F.

(II) If equivalent controls are used, the VOC emissions must be reduced by at least as much as they would be by using a surface condenser which meets the requirements of Part I. of this subparagraph.

(ii) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall reduce the VOC emissions from all air dryers and production equipment exhaust systems;

(I) By at least 90 percent if emissions are 330 pounds per day or more of VOC; or

(II) 33 pounds per day or less if emissions are less than 330 pounds;

(III) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall:

I. Provide a vapor balance system or equivalent control that is at least 90.0 percent effective in reducing emissions from truck or railcar deliveries to storage tanks with capacities greater than 2,000 gallons that store VOC with vapor pressures greater than 4.1 psi at 68°F; and

II. Install pressure/vacuum conservative vents set on all storage tanks that store VOC with vapor pressure greater than 1.5 psi at 68°F unless a more effective control system is used.

(iii) The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall enclose all centrifuges, rotary vacuum filters, and other filters having an exposed liquid surface, where the liquid contains VOC and exerts a total VOC vapor pressure of 0.5 psi or more at 68°F.

(iv) The owner or operator of a synthesized pharmaceutical facility subject to this regulation shall install covers on all in-process tanks containing a volatile organic compound at any time. These covers must remain closed, unless production, sampling, maintenance, or inspection procedures require operator access.

(v) The owner or operator of a synthesized pharmaceutical manufacturing facility subject to this regulation shall repair all leaks from which liquid, containing VOC, can be observed running or dripping. The repair shall be completed the first time the equipment is off-line for a period of time long enough to complete the repair.

2. For the purpose of this regulation, the following definitions also apply:

(i) "Condenser" means a device which cools a gas stream to a temperature which removes specific organic compounds by condensation;

(ii) "Control system" means any number of control devices, including condensers, which are designed and operated to reduce the quantity of VOC emitted to the atmosphere;

(iii) "Reactor" means a vat or vessel, which may be jacketed to permit temperature control, designed to contain chemical reactions;

(iv) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization;

(v) "Synthesized pharmaceutical manufacturing" means manufacture of pharmaceutical products by chemical synthesis;

(vi) "Production equipment exhaust system" means a device for collecting and directing out of the work area VOC fugitive emissions from reactor openings, centrifuge openings, and other vessel openings for the purpose of protecting workers from excessive VOC exposure.

(ll) **VOC Emissions from the Manufacture of Pneumatic Rubber Tires.**

1. The owner or operator of an undertread cementing, tread end cementing, or bead dipping operation subject to this regulation shall:

(i) Install and operate a capture system, designed to achieve maximum reasonable capture from all undertread cementing, tread and cementing and bead dipping operation; and install and operate a control device that effects at least a 90.0 percent reduction efficiency, measured across the control system, and has been approved by the Director.

(ii) The owner or operator of an undertread cementing operation, tread end cementing operation or bead dipping operation may, in lieu of a vapor capture and control system for those operations, make process changes which reduces emissions to a level equal to or below that which would be achieved with emission controls as specified in subparagraph (i) above.

2. The owner or operator of a green tire spraying operation subject to this regulation shall:

(i) Substitute water-based sprays for the normal solvent-based mold release compound; or

(ii) Comply with paragraph 1. of this regulation.

3. If the total volatile organic compound emissions from all undertreading cementing, tread end cementing, bead dipping and green tire spraying operations at a pneumatic rubber tire manufacturing facility do not exceed 57 grams per tire, paragraphs 1. and 2. above shall not apply.

4. For the purpose of this subsection the following definitions also apply:

(i) "Pneumatic rubber tire manufacture" means the undertread cementing, tread end cementing, bead dipping, and green tire spraying associated with the production of pneumatic rubber, passenger type tires on a mass production basis.

(ii) "Passenger type tire" means agricultural, airplane, industrial, mobile home, light and medium duty truck, and passenger vehicle tires with a bead diameter up to but excluding 20.0 inches and cross section dimension up to 12.8 inches.

(iii) "Undertread cementing" means the application of a solvent based cement to the underside of a tire tread.

(iv) "Bead dipping" means the dipping of an assembled tire bead into a solvent based cement.

(v) "Tread end cementing" means the application of a solvent based cement to the tire tread ends.

(vi) "Green tires" means assembled tires before molding and curing have occurred.

(vii) "Green tire spraying" means the spraying of green tires, both inside and outside, with release compounds which help remove air from the tire during molding and prevent the tire from sticking to the mold after curing.

(viii) "Water based spray" means release compounds, sprayed on the inside and outside of green tires, in which solids, water, and emulsifiers have been substituted for organic solvents.

(mm) **VOC Emissions from Graphic Arts Systems.**

1. No person shall cause, let, permit, suffer, or allow the operation of a packaging rotogravure, publication rotogravure or flexographic printing facility unless:

(i) For packaging rotogravure and flexographic printing, the VOC content of any ink or coating as applied is equal to or less than one of the following:

(I) 25 percent by volume of the volatile content of the coating or ink; or

(II) 40 percent by volume of the coating or ink, minus water; or

(III) 0.5 pounds of VOC per pound of coating solids.

(ii) For publication rotogravure printing, the VOC content of any ink or coating as applied is equal to or less than one of the following:

(I) 25 percent by volume of the volatile content of the coating or ink; or

(II) 40 percent by volume of the coating or ink, minus water.

2. As an alternative to compliance with the limits in subparagraph 1., an owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility may comply with the requirements of this subparagraph by:

(i) Averaging on a 24-hour weighted basis the VOC content of all inks and coatings, as applied, on a single printing line, where the average does not exceed the limits in subparagraph 1.; averaging across lines is not allowed; or

(ii) Installing and operating volatile organic compound emission reduction equipment having at least 90.0 percent reduction efficiency, and a capture system approved by the Director.

3. If, as an alternative to compliance with the limits in subparagraph 1.(i), volatile organic compound emission reduction equipment is installed and operated at a flexible packaging printing facility to comply with subparagraph 2.(ii) it shall have an overall VOC control efficiency that is equal to or greater than the percentage specified in the following subparagraphs (i) through (iv).

(i) 65 percent for a press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was prior to February 19, 2012;

(ii) 70 percent for a press that was first installed prior to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was on or after February 19, 2012;

(iii) 75 percent for a press that was first installed on or after to March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was prior to February 19, 2012; and

(iv) 80 percent for a press that was first installed on or after March 14, 1995, and that is controlled by an add-on air pollution control device whose first installation date was on or after February 19, 2012.

4. Each owner or operator of a facility that prints flexible packaging shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

5. For the purpose of this subparagraph, the following definitions shall apply:

(i) "Cleaning" for flexible packaging printing means cleaning of a press, press parts, or removing dried ink from areas around a press. It does not include cleaning electronic components of a press, cleaning in-press or post-press operations or the use of janitorial supplies to clean areas around a press.

(ii) "Flexible packaging printing" refers to printing upon any package or part of a package the shape of which can be readily changed. Flexible packaging includes, but is not limited to, bags, pouches, liners, and wraps utilizing paper, plastic, film, aluminum foil, metalized or coated paper or film, or any combination of these materials.

(iii) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(iv) "Packaging rotogravure printing" means rotogravure printing upon paper, paperboard, metal foil, plastic film, and other substrates, which are in subsequent operations, formed into packaging products and labels for articles to be sold.

(v) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(vi) "Rotogravure printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.

(vii) "Roll printing" means the application of words, designs and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

6. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

7. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceed 100 tons per year and are located outside the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

8. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which actual emissions of volatile organic compounds from flexible package printing, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) Individual presses that have potential emissions of volatile organic compounds from flexible package printing that equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 1.(i), 2., and 3.

(ii) Individual presses that have potential emissions of volatile organic compounds from flexible package printing that do not equal or exceed 25 tons per year shall comply with the provisions of subparagraphs 1.(i) and 2.

(iii) All applicable facilities shall comply with the provisions of subparagraphs 4., 5., and 14.

(iv) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraph 8.(i) or (iii) are subject to the compliance schedule specified in subparagraph 13.

9. Applicability, On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equals or exceeds 25 tons per year but at which the actual emissions of volatile organic compounds from flexible package printing, before controls, is less than 15 pounds per day (or 2.7 tons per 12-month rolling period) and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

10. Applicability. On and after January 1 2015, the requirements of this subparagraph (mm) shall apply to facilities at which potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexographic printing equal or exceeds 100 tons per year but at which the actual emissions of volatile organic compounds from flexible package printing, before controls, is less than 15 pounds per day (or 2.7 tons per 12-month rolling period) and are located Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

11. Applicability. On and after January 1, 2015, the requirements of this subparagraph (mm) shall apply to facilities at which the potential emissions of volatile organic compounds from packaging rotogravure, publication rotogravure, and flexible package printing equal or exceed 100 tons per year and are located outside of counties of Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1., 2., and 5.

12. Applicability: The requirements of subparagraphs 8., 9., 10., and 11. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 6. and 7. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraphs 8., 9., 10., and 11. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

13. Compliance schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than July 1, 2014.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by November 1, 2014**.**

(iii) Full compliance with the applicable requirements specified in subparagraph 8.(i) and (iii) must be completed before January 1, 2015**.**

14. Compliance determinations for inks shall treat volatile compounds not defined as VOCs as water for the purposes of calculating the "percent-by-volume-or-more of water" and the "less water" parts of the ink composition.

(nn) **VOC Emissions from External Floating Roof Tanks.**

1. No person shall cause, let, permit, suffer, or allow the storage of petroleum liquids in external floating roof tanks having capacities greater than 40,000 gallons unless:

(i) The vessel has been fitted with:

(I) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(II) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under Part (I) of this subparagraph and approved by the Director.

(ii) All seal closure devices meet the following requirements:

(I) There are no visible holes, tears, or other openings in the seal(s) or seal fabric;

(II) The seal(s) are intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(III) For vapor mounted primary seals, the accumulated area of gaps exceeding 1/8 inch in width between the secondary seal and the tank wall shall not exceed 1.0 $inch^2$ per foot of tank diameter.

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves are:

(I) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(II) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.

2. The owner or operator of a petroleum liquid storage vessel with an external floating roof subject to this regulation shall:

(i) Perform routine inspections semi-annually in order to insure compliance with paragraph 1. of this subsection and the inspections shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in subparagraphs 2.(i) and (ii).

3. Copies of all records under paragraphs 2. of this subsection shall be retained by the owner or operator for a minimum of two years after the date on which the record was made.

4. Copies of all records under this section shall immediately be made available to the Director, upon verbal or written request, at any reasonable time.

5. The Director may, upon written notice, require more frequent inspections or modify the monitoring and record keeping requirements, when necessary to accomplish the purposes of this regulation.

6. This regulation does not apply to petroleum liquid storage vessels which:

(i) Are used to store waxy, heavy pour crude oil;

(ii) Have capacities less than 420,000 gallons and are used to store produced crude oil and condensate prior to lease custody transfer;

(iii) Contain a petroleum liquid with a true vapor pressure of less than 1.5 psia;

(iv) Contain a petroleum liquid with a true vapor pressure of less than 4.0 psia; and

(I) Are of welded construction; and

(II) Presently possess a metallic-type shoe seal, a liquid mounted foam seal, a liquid-mounted liquid filled type seal, or other closure device of demonstrated equivalence approved by the Director; or

(III) Are of welded construction, equipped with a metallic-type shoe primary seal and has a secondary seal from the top of the shoe to the tank wall (shoe-mounted secondary seal).

7. For the purpose of this subsection, the following definitions shall apply:

(i) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

(ii) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen and/or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(iii) "Lease custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(iv) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(v) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(vi) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.

(vii) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface and the floating roof.

(viii) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standards D97-66, "Test for Pour Point of Petroleum Oils."

(oo) **Fiberglass Insulation Manufacturing Plants.**

1. No person shall cause, let, suffer, permit or allow the emission of particulate matter from any fiberglass insulation production line to exceed a concentration of 0.04 grains per standard dry cubic foot.

2. For the purpose of this subsection, "Fiberglass insulation production line" means any combination of equipment, devices or contrivances for the manufacture of fiberglass insulation. This does not include glass melting furnaces, equipment associated with the process which is defined herein as "Fuel-burning Equipment," equipment the primary purpose of which involves the handling, storing or packaging of the fiberglass insulation or equipment the primary purpose of which involves the handling, storing or conveying of raw products for input into the glass melting furnace.

(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 stationary storage tank is equipped with a submerged fill pipe, approved by the Director; or

(ii) Each stationary storage tank is equipped with a fill line whose discharge opening is at the tank bottom.

(iii) Each stationary storage 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;

(ii) The gasoline transport vehicle is maintained to prevent the escape of fugitive vapors and gasses during loading operations;

(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) "Stationary Storage Tank" means all underground vessels and any aboveground vessels never intended for mobile use.

(vi) "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.

(vii) "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 Catoosa, Richmond and Walker counties shall be in compliance with this subsection by May 1, 2006.

(iii) All bulk gasoline plants located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties shall be in compliance with this subsection by June 1, 2008.

(qq) **VOC Emissions from Large Petroleum Dry Cleaners.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from a large petroleum dry cleaner facility to exceed 3.5 pounds per 100 pounds dry weight of articles dry cleaned.

2. The VOC content in all filtration waste shall be reduced to one pound or less per hundred pounds dry weight of articles dry cleaned before disposal and exposure to the atmosphere from a petroleum solvent filtration system; or

3. Install and operate a cartridge filtration system and drain the filter cartridges in the sealed housing for eight hours or more before their removal.

4. Each owner or operator of a large petroleum dry cleaner shall inspect all equipment for leaks every 15 days and repair all petroleum solvent vapor and liquid leaks within three working days after identifying the source of the leaks.

5. Each owner or operator of a large petroleum dry cleaner shall maintain sufficient records to demonstrate compliance and provide them to the Division upon request, for a period of two years.

6. For the purpose of this subsection, the following definitions shall apply:

(i) "Cartridge filter" means perforated canisters containing filtration paper and activated carbon that are used in the pressurized system to remove solid particles and fugitive dyes from soil-laden solvents.

(ii) "Large petroleum dry cleaner" means any facility engaged in the process of the cleaning of textile and fabric products in which articles are washed in a nonaqua solution (solvent), then dried by exposure to a heated air stream and consumes 25 tons or more of a petroleum solvent annually.

(iii) "Solvent recovery dryer" means a class of dry cleaning dryers that employs a condenser to liquefy and recover solvent vapors evaporated in a closed loop recirculating stream of heated air.

(rr) **Gasoline Dispensing Facility - Stage I.**

1. Requirements: After the compliance date specified in subparagraph 16. of this subparagraph, no person may transfer or cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank subject to subparagraph (rr), unless:

(i) The stationary storage tank is equipped with all of the following:

(I) A submerged fill pipe; and

(II) A Division approved Gasoline Vapor Recovery System as noted below:

A. An Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) 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; or

B. For existing gasoline dispensing facilities in Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, Rockdale, and Walker counties, a Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(x) that shall remain in good working condition; and

(III) Vents that shall be vertical and at least 12 feet in height from the ground and shall have a Pressure/Vacuum vent valve with settings as specified by applicable Stage I or II vapor recovery CARB executive order. In systems where vents have manifolds, the manifold may be less than 12 feet.

(ii) The vapors displaced from the gasoline stationary storage tank during filling are controlled by one of the following:

(I) A vapor-tight vapor return line from the gasoline stationary storage tank(s) to the delivery vessel for each product delivery line that is connected from the delivery vessel to the gasoline stationary storage tank(s) and a method or procedure that will ensure the vapor line(s) is connected before gasoline can be transferred into the gasoline stationary storage tank(s); or

(II) If a manifold connects all gasoline stationary storage tanks vent lines, a vapor-tight vapor return line connected from a gasoline stationary storage tank being filled to the delivery vessel with sufficient return capacity to control vapors from all gasoline stationary storage tanks being filled at the time and to prevent release of said vapors from the vent line(s) or other gasoline stationary storage tank openings; however, no more than two tanks shall be filled at the same time per connected vapor-tight return line; 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.

2. Applicability: The requirements contained in this subparagraph 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 Barrow, Bartow, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Paulding, Richmond, Rockdale, Spalding, Newton, Walker and Walton.

3. Applicability: Once a gasoline dispensing facility becomes subject to this rule, it will continue to be subject even if the gasoline average throughput rate falls below the applicability threshold.

4. Exemptions: The requirements of this subparagraph 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 average monthly throughput rate of gasoline, provided the tanks are equipped with submerged fill pipes.

5. 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 stationary storage 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. All co-axial Stage I Gasoline Vapor Recovery Systems must be upgraded to Enhanced Stage I Gasoline Vapor Recovery Systems before May 1, 2012.

6. Certification and Recertification Testing Requirements: All Stage I Gasoline Vapor Recovery Systems and Enhanced Stage I Gasoline Vapor Recovery Systems at gasoline dispensing facilities shall be certified by the equipment owner as being properly installed and properly functioning in accordance with the applicable CARB Executive Order. Certification and recertification 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.

7. Certification and Recertification Testing Requirements: 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 business days in advance as to when and where the testing will occur, what party will conduct the testing, and the CARB Executive Order number associated with the system to be tested. For Enhanced Stage I Gasoline Vapor Recovery Systems, a certified and trained individual is required to install and test the System in accordance with the applicable CARB Executive Order.

8. Certification, recertification, and testing and compliance reporting for all Stage I gasoline vapor recovery systems shall be required according to the following schedule:

(i) Certification testing is required within 30 days of system installation for any Stage I gasoline vapor recovery systems approved by the Division after December 31, 2002.

(ii) After June 1, 2008, recertification testing will be required within 12 months following the initial certification or recertification for any Stage I Gasoline Vapor Recovery Systems approved by the Division.

9. Reporting Requirements: Compliance reporting shall be required within 30 days of the certification or recertification test(s) required by subparagraph 8. This report shall be submitted to the Division and shall include results of all tests conducted for certification or recertification, including failed test results.

10. Maintenance Requirements: The owner or operator of the gasoline dispensing facility shall maintain the Enhanced Stage I Gasoline Vapor Recovery System or Stage I Gasoline 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 subparagraph, the following is a list of equipment defects that substantially impair the effectiveness of the systems in reducing gasoline bulk transfer and fugitive 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 and drain valves in the spill bucket that are inoperative; and

(iii) Any visible product leaks.

11. Upon identification of any of the defects as described above, the owner or operator of the gasoline dispensing facility shall immediately schedule and implement repair, replacement or adjustment by the company's repair representative as necessary.

12. Recordkeeping Requirements: The following records shall be maintained on-site for two years:

(i) Maintenance records including any repaired or replaced parts and a description of the problems;

(ii) Compliance records including warnings or notices of violation issued by the Division; and

(iii) Gasoline throughput records that will allow the average monthly gasoline throughput rate to be continuously determined.

13. Record disposal may be approved by the Division upon a written request by the owner or operator of the gasoline dispensing 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.

14. Compliance Inspections: Gasoline dispensing facilities equipped with Enhanced Stage I Gasoline Vapor Recovery Systems and Stage I Gasoline Vapor Recovery Systems shall be subject to annual compliance inspections and functional testing which include but are not limited to the following:

(i) Verification that all equipment is present and maintains a certified system configuration as defined in subparagraphs 15.(iv). or 15.(x), whichever is applicable.

(ii) Inspection of all Stage I vapor recovery related files to ensure that the gasoline dispensing facility has complied with maintenance requirements and other record keeping requirements such as inspection, compliance and volume reports as required by subparagraphs 10., 11., 12., and 13.

(iii) Observation of the use of equipment by facility operators and product suppliers.

(iv) Verification that the facility has complied with the certification and/or recertification testing requirements as specified by subparagraphs 6., 7., and 8., whichever is applicable.

15. Definitions: For the purpose of this subparagraph, the following definitions shall apply:

(i) "Average monthly throughput rate" means the average of the gallons pumped monthly for the most recent two year period of operation excluding any inactive period. If a facility has not been in operation for two years or does not have access to records for the most recent two years of operation, the Division shall determine the length of time to determine the average of the gallons pumped monthly.

(ii) "CARB" means the California Air Resources Board.

(iii) "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.

(iv) "Enhanced Stage I Gasoline Vapor Recovery System" means:

(I) any Stage I gasoline vapor recovery system properly certified under current version of the CARB vapor recovery certification procedures and applicable executive order effective on or after April 1, 2001, and demonstrated efficiency of 98% collection of vapor; or

(II) any Stage I gasoline vapor recovery system whose design has been submitted to the Division, has passed any required certification tests, demonstrated an efficiency of 98% collection of vapors, and whose owner/operator 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.

(v) "Existing gasoline dispensing facility" means any applicable gasoline dispensing facility with an approved Stage I Gasoline Vapor Recovery System that was in operation on or before April 30, 2008.

(vi) "Gasoline" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

(vii) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(viii) "Major Modification" means the addition, replacement, or removal of a gasoline storage tank or a modification that causes the tank top of an underground storage tank to be unburied.

(ix) "Reconstruction" means the replacement of any stationary gasoline storage tank.

(x) "Stage I Gasoline Vapor Recovery System" means:

(I) any Stage I Gasoline Vapor Recovery System properly certified under the CARB vapor recovery certification procedures effective before April 1, 2001, excluding the coaxial poppetted drop tube requirement exempted by subparagraph 5.; or

(II) any Stage I Gasoline Vapor Recovery System whose design has been submitted to the Division, has passed any required certification tests, demonstrated an efficiency of 95% collection of vapor and whose owner/operator 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 certification procedures 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.

(xi) "Stationary storage tank" means all underground vessels and any aboveground vessels never intended for mobile use.

(xii) "Submerged fill pipe" means any fill pipe with a discharge opening which is within a nominal distance of six inches from the tank bottom.

16. 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 Catoosa, Richmond and Walker counties that dispense more than 50,000 gallons of gasoline per month shall be in compliance with this subparagraph by May 1, 2006.

(iii) All gasoline dispensing facilities located in Catoosa, Richmond and Walker counties that dispense 50,000 gallons or less of gasoline per month shall be in compliance with this subparagraph by May 1, 2007.

(iv) All gasoline dispensing facilities that dispense 100,000 gallons average monthly throughput of gasoline or more per month located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by June 1, 2008.

(v) All gasoline dispensing facilities that dispense greater than or equal to 50,000 gallons and less than 100,000 gallons average monthly throughput of gasoline per month located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by November 1, 2008.

(vi) All gasoline dispensing facilities that dispense greater than 10,000 gallons and less than 50,000 gallons average monthly throughput of gasoline-per-month and are located in Barrow, Bartow, Carroll, Hall, Spalding, Newton and Walton counties shall be in compliance with this subparagraph by March 1, 2009.

(vii) Upon the effective date of this rule, all newly constructed or reconstructed gasoline dispensing facilities located in Barrow, Bartow, Carroll, Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Paulding, Richmond, Rockdale, Spalding, Newton, Walker and Walton shall be in compliance with this subparagraph upon startup of gasoline dispensing operations.

(viii) Upon the effective date of this rule, all existing gasoline dispensing facilities located in Catoosa, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Richmond, Rockdale, and Walker counties that undergo major modification shall be in compliance with the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) upon completion of the modification.

(ix) All existing 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 the requirements of an approved Enhanced Stage I Gasoline Vapor Recovery System as defined in subparagraph 15.(iv) before May 1, 2012.

(ss) **Gasoline Transport Vehicles and Vapor Collection Systems.**

1. After the compliance date specified in subparagraph 6. of this subparagraph, 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 three inches of water in five minutes when pressurized to 18 inches of water and evacuated to six 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 (month and year) 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 and vapor control system shall:

(i) Design and operate the vapor collection and vapor 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 six 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 one 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 vapor control system that exceeds the limits in subparagraph (i) above.

3. Applicability: The requirements of this subparagraph shall apply only to those gasoline 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 under paragraph 391-3-1-.02(2).

4. The Division may require a pressure/vacuum retest or leak check for any gasoline transport vehicle, vapor collection system, vapor control system, and/or gasoline loading equipment subject to this subparagraph. A gasoline transport vehicle, vapor collection system, vapor control system, and/or gasoline loading equipment 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 subparagraph, 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" means a petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

(iii) "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.

(iv) "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.

(v) "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.

(vi) "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. Compliance Dates.

(i) All gasoline transport vehicles and vapor collection systems 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 operating in Catoosa, Richmond and Walker counties shall be in compliance with this subparagraph by May 1, 2006.

(iii) All gasoline transport vehicles and vapor collection systems operating in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton counties shall be in compliance with this subparagraph by June 1, 2008.

(tt) **VOC Emissions from Major Sources.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from any source to exceed the levels specified in paragraph 3. below unless such source has been approved by the Director as utilizing all reasonably available control technology in controlling those VOC emissions.

2. For the purpose of this subsection, "Reasonably Available Control Technology" means the utilization and/or implementation of water based or low solvent coatings, VOC control equipment such as incineration, carbon adsorption, refrigeration or other like means as determined by the Director to represent reasonably available control technology for the source category in question.

3. The requirements contained in this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale which have potential VOC emissions exceeding 25 tons-per-year and to all such sources in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton which have potential VOC emissions exceeding 100 tons-per-year.

4. Compliance Dates.

(i) All sources of VOC emissions subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources of VOC emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and in operation on or before October 1, 1999, shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling VOC emissions from the source must be submitted to the Division no later than October 1, 2000. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of VOC emission control systems and/or modification of coatings, solvents, processes, or equipment must be submitted to the Division no later than April 1, 2001.

(III) On-site construction of emission control systems and/or modification of coatings, solvents, processes, or equipment must be completed by March 1, 2003.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2003.

(iii) All sources of VOC emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All sources of VOC emissions subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

5. For the purpose of determining applicability of this subsection, the emissions of VOC from any source shall exclude all VOC emissions subject to any other more specific VOC requirements contained in other subsections of this Rule.

6. For all Reasonably Available Control Technology demonstrations approved or determined pursuant to this subsection, the Division shall issue a public notice which provides for an opportunity for public comment and an opportunity for a hearing on the determination.

7. All Reasonably Available Control Technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this subsection shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No Reasonably Available Control Technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

(uu) **Visibility Protection.**

1. The Director shall provide written notice of any permit application or written advance notice of a permit application for a proposed major stationary source or major modification to an existing major stationary source of emissions from which may have an impact on visibility in a Class I area to the federal land manager and the federal official charged with direct responsibility for management of any land within any such area.

2. The Director shall provide such notice within 30 days after receiving an application or written advance notice from a source as described in paragraph 1. above. The notification of a permit application shall include an analysis of the proposed source's anticipated impact on visibility in any federal Class I area and all materials in the application. In addition, the Director shall provide the Federal Land Manager a 60-day notice of any public hearing on that permit application.

3. The Director shall consider any analysis performed and/or written comments made by the Federal Land Manager in any final determination regarding the issuance of the permit provided that such analysis and/or comments are received within 30 days of having been notified by the Division. Where such analysis does not demonstrate to the satisfaction of the Director that an adverse impact will occur, the Director shall explain his decision and give notice of where the explanation can be obtained.

4. The provisions of this paragraph shall apply regardless of whether the proposed facility is to be located in an attainment, unclassified or non-attainment area.

5. The Director may require the source to monitor visibility in any Class I Federal area near the proposed new stationary source or major modification for such purposes and by such means as the Director deems necessary and appropriate.

6. For the purpose of this paragraph, major stationary source or major modification to an existing source shall be defined as in 40 CFR 51.24, but only for the pollutants of particulate matter, sulfur dioxide and nitrogen oxides.

7. Prior to the issuance of any permit, the Director shall ensure that the source's emissions will be consistent with making reasonable progress towards the national visibility goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I areas which impairment results from manmade air pollution. The Director may take into account the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source.

8. For the purpose of this paragraph, "impact on visibility" means visibility impairment (reductions in visual range and atmospheric discoloration) which interferes with the management, protection, preservation or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairment, and must have these factors correlate with:

(i) Times of visitor use of the Federal Class I area; and

(ii) The frequency and timing of natural conditions that reduce visibility.

(vv) **Volatile Organic Liquid Handling and Storage.**

1. After the compliance date specified in subparagraph 3. of this subparagraph, no person subject to other VOC requirements contained in other subparagraphs of this Rule may transfer or cause or allow the transfer of any volatile organic liquid other than gasoline from any delivery vessel into a stationary storage tank of greater than 4,000 gallons, unless the tank is equipped with submerged fill pipes.

2. For the purpose of this subparagraph, the following definitions shall apply:

(i) "Delivery Vessel" means any tank truck or trailer equipped with a storage tank in use for the transport of volatile organic liquids from sources of supply to stationary storage tanks; and

(ii) "Submerged Fill Pipe" means any fill pipe with a discharge opening which is within six inches of the tank bottom.

(iii) "Volatile Organic Liquid (VOL)" means any organic liquid which can emit volatile organic compounds (as defined in 40 CFR 51.100) into the atmosphere.

3. Compliance Dates.

(i) All volatile organic liquid handling and storage facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All volatile organic liquid handling and storage facilities subject to this subparagraph; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance by May 1, 2003.

(iii) All volatile organic liquid handling and storage facilities subject to this subparagraph; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All volatile organic liquid handling and storage facilities subject to this subparagraph and located in Barrow County shall be in compliance by March 1, 2009.

(ww) **Reserved.**

(xx) **Reserved.**

(yy) **Emissions of Nitrogen Oxides from Major Sources.**

1. No person shall cause, let, permit, suffer or allow the emissions of nitrogen oxides from any source to exceed the levels specified in paragraph 2. below unless such source has been approved by the Director as meeting the appropriate requirement for all reasonably available control technology in controlling those emissions of nitrogen oxides.

2. The requirements contained in this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 25 tons-per-year and to all such sources in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 100 tons-per-year.

3. Compliance Dates.

(i) All sources of nitrogen oxides emissions subject to this subsection which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 50 tons per year; were in operation on or before April 1, 2004; and are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources of nitrogen oxides emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and in operation on or before October 1, 1999, shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling emissions of nitrogen oxides from the source must be submitted to the Division no later than October 1, 2000. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of nitrogen oxides emission control systems and/or modifications of process or fuel-burning equipment must be submitted to the Division no later than April 1, 2001.

(III) On-site construction of emission control systems and/or modification of process or fuel-burning equipment must be completed by March 1, 2003.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2003.

(iii) All sources of nitrogen oxides emissions subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton and which begin initial operation after October 1, 1999, shall be in compliance.

(iv) All sources of nitrogen oxides emissions subject to this subsection which have potential emissions, expressed as nitrogen dioxide, not exceeding 50 tons-per-year; were in operation on or before April 1, 2004; and are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall comply with the following compliance schedule:

(I) A demonstration of appropriate reasonably available control technology for controlling emissions of nitrogen oxides from the source must be submitted to the Division no later than October 1, 2004. Each demonstration is subject to approval, denial, or modification by the Division.

(II) A final control plan and application for a permit to construct for the installation of nitrogen oxides emission control systems and/or modifications of process or fuel-burning equipment must be submitted to the Division no later than April 1, 2005.

(III) On-site construction of emission control systems and/or modification of process or fuel-burning equipment must be completed by March 1, 2007.

(IV) Full compliance with the applicable requirements of this subsection must be demonstrated through methods and procedures approved by Division on or before May 1, 2007.

(v) All sources of nitrogen oxide emissions subject to this subsection located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and which begin initial operation after April 1, 2004, shall be in compliance upon startup.

(vi) All sources of nitrogen oxide emissions subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

4. The requirements contained in this subsection shall not apply to individual equipment at the source which have potential emissions of nitrogen oxides, expressed as nitrogen dioxide, in quantities less than a de minimis level of one ton-per-year or to air pollution control devices which are installed to effect compliance with any requirement of this Chapter.

5. The requirements contained in this subsection shall not apply to individual equipment at the source which are subject to subsections (jjj), (lll), (mmm), or (nnn) of this section 391-3-1-.02(2).

6. For the purpose of determining applicability of this subsection, the emissions of nitrogen oxides from any source shall exclude all nitrogen oxides emissions subject to subsections (jjj), (lll), (mmm), or (nnn) of this section 391-3-1-.02(2).

7. For all Reasonably Available Control Technology demonstrations approved or determined pursuant to this subsection, the Division shall issue a public notice which provides for an opportunity for public comment and an opportunity for a hearing on the determination.

8. All Reasonably Available Control Technology demonstrations, and any modifications or changes to those determinations, approved or determined by the Division pursuant to this subsection shall be submitted by the Division to the U.S. EPA as a revision to the state implementation plan. No Reasonably Available Control Technology demonstration, nor any modification or change to a demonstration, approved or determined by the Division pursuant to this subsection shall revise the state implementation plan or be used as a state implementation plan credit, until it is approved by the U.S. EPA as a state implementation plan revision.

(zz) **[reserved]**

(aaa) **[reserved]**

(bbb) **[reserved]**

(ccc) **VOC Emissions from Bulk Mixing Tanks.**

1. After the compliance date specified in section 4. of this subsection, no person shall let, permit, suffer, or allow the operation of a mixing tank unless the following requirements for control of emissions of volatile organic compounds are satisfied:

(i) All portable and stationary mixing tanks used for the manufacture of any VOC containing material shall be equipped with covers which completely cover the tank except for an opening no larger than necessary to allow for

safe clearance of the mixer shaft. The tank opening shall be covered at all times except when operator access is necessary.

(ii) Free fall of VOC containing material into product containers shall be accomplished by utilization of drop tubes, fill pipes or low-clearance equipment design on filling equipment unless demonstrated to the Division impractical for a specific operation.

(iii) Detergents or non-VOC containing cleaners shall be utilized for both general and routine cleaning operations of floors, equipment, and containers unless the cleanup cannot be accomplished without the use of VOC containing cleaners.

(iv) All waste solvents shall be stored in closed containers or vessels, unless demonstrated to be a safety hazard, and shall be disposed or reclaimed such solvents in a manner approved by the Division.

2. For the purpose of this subsection, the following definitions shall apply:

(i) "Mixing Tanks" means any vessel in which resin, coating or other materials, or any combination thereof, are added to produce product blend.

3. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons-per-year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons-per-year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

4. Compliance Dates.

(i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale shall be in compliance.

(ii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance by May 1, 2003.

(iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999 shall be in compliance with this subsection upon startup.

(iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(ddd) **VOC Emissions from Offset Lithography and Letterpress.**

1. No person shall cause, let, permit, suffer, or allow the operation of any offset lithography printing facility unless:

(i) Offset presses utilize fountain solutions containing 8 percent or less by volume VOCs; and

(ii) The owner or operator installs and operates a VOC emission reduction system for all heatset offset printing operations approved by the Director to have at least a 90 percent reduction efficiency and a capture system approved by the Director, or an equivalent VOC emission rate.

2. No person shall cause, let, permit, suffer, or allow the operation of any sheet-fed offset lithography printing facility unless the VOC content of the on-press (as-applied) fountain solution is:

(i) 5.0 percent alcohol or less (by weight); or

(ii) 8.5 percent alcohol or less (by weight) and the fountain solution is refrigerated to below 60°F (15.5°C); or

(iii) 5 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.

3. Sheet-fed offset lithography presses with a sheet size of 11 inches by 17 inches or smaller, and presses with a total fountain solution reservoir of less than 1 gallon are exempt.

4. No person shall cause, let, permit, suffer or allow the operation of any cold-set web-fed offset lithography printing facility unless the VOC content of the on-press (as applied) fountain solution is 5 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.

5. No person shall cause, let, permit, suffer, or allow the operation of any heatset web-fed offset lithography printing facility unless the VOC content of the on-press (as-applied) fountain solutions is:

(i) 1.6 percent alcohol or less (by weight); or

(ii) 3.0 percent alcohol or less (by weight) and the fountain solution is refrigerated to below 60°F (15.5°C); or

(iii) 5.0 percent alcohol substitute or less (by weight) and no alcohol in the fountain solution.

6. For heatset web-fed offset lithographic and letterpress printing presses, the owner or operator shall install and operate a VOC emission reduction system for all dryers with a potential to emit greater than or equal to 25 tons of VOC emissions per year prior to controls.

(i) Control devices with an initial installation date on or before January 1, 2015, shall be approved by the Director to have at least a 90 percent reduction efficiency and a capture system approved by the Director.

(ii) Control devices with an initial installation date after January 1, 2015, shall be approved by the Director to have at least a 95 percent reduction efficiency and a capture system approved by the Director.

(iii) For situations where the inlet concentration is so low that 90 or 95 percent efficiency cannot be achieved, an outlet concentration of 20 ppmv as hexane on a dry basis may be used as an alternative.

(iv) Heatset presses used for book printing and heatset presses with a maximum web width of 22 inches or less are exempt from the requirements in of subparagraph 6.(i) through (iii).

(v) The following materials are exempt from the requirements of subparagraph 6.(i) through (iii):

(I) sheet-fed or coldset web-fed inks;

(II) sheet-fed or coldset web-fed varnishes; and

(III) waterborne coatings or radiation (ultra-violet light or electron beam) cured materials used on offset lithographic or letterpress presses.

7. All cleaners used for blanket washing, roller washing, plate cleaners, impression cylinder cleaners, rubber rejuvenators and other cleaners used for cleaning a press, press parts, or to remove dried ink from areas around a press shall have a VOC composite vapor pressure less than 10 mm Hg at 20°Celsius or contain less than 70 weight percent VOC. For those tasks that cannot be carried out with low VOC composite vapor pressure cleaning materials or reduced VOC content cleaning materials, 110 gallons per year of cleaning materials that do not meet the requirements of this subsection may be used.

8. All cleaning materials and used shop towels are to be kept in closed containers.

9. For the purpose of this subsection, the following definitions shall apply:

(i) "Cleaning Materials" means the materials used to remove excess printing inks, oils, and residual paper from press equipment. These materials are typically mixtures of organic (often petroleum-based) solvents.

(ii) "Fountain Solution" means the mixture of water and additional ingredients such as etchant, gum arabic and dampening aid which coats the non-image areas of the printing plate.

(iii) "Letterpress printing" means a printing process in which the image area is raised relative to the non-image area and the past ink is transferred to the substrate directly from the image surface.

(iv) "Lithographic printing" means a printing process where the image and the non-image areas are chemically differentiated; the image area is oil receptive and non-image area is water receptive.

(v) "Offset lithography printing" means a printing process that transfers the ink film from the lithographic plate to an intermediary surface (blanket) which then transfers the ink film to the substrate.

(vi) "Sheet-fed" refers to the process in which the substrate is cut into sheets before being printed.

(vii) "Web-fed" refers to the process in which the substrate is supplied to the press in the form of rolls.

10. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 25 tons per year and are located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1. and 9.

11. Applicability. Prior to January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 100 tons per year and are located in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties as follows:

(i) All applicable facilities shall comply with the provisions of subparagraphs 1. and 9.

12. Applicability. Prior to January 1, 2015, all letterpress printing operations are subject to the applicability and control requirements of subparagraph 391-3-1-.02(2)(tt).

13. Applicability. On and after January 1, 2015, the requirements of this subparagraph (ddd) shall apply to facilities at which actual emissions of volatile organic compounds from offset lithographic printing and letter press printing, before controls, equal or exceed 15 pounds per day (or 2.7 tons per 12-month rolling period) for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton Counties as follows:

(i) Individual heatset web offset lithographic printing presses and individual heatset web letterpress printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that equal or exceed 25 tons per year shall comply with the provisions of subparagraph 6;

(ii) Individual heatset web offset lithographic printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that do not equal or exceed 25 tons per year and are located at facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 25 tons per year in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale Counties shall comply with the provisions of subparagraph 1.(ii);

(iii) Individual heatset web offset lithographic printing presses that have potential emissions of volatile organic compounds from the dryer, prior to controls, that do not equal or exceed 25 tons per year and are located at facilities at which the potential emissions of volatile organic compounds from offset lithography printing equal or exceed 100 tons per year in Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton Counties shall comply with the provisions of subparagraph 1.(ii);

(iv) All applicable facilities shall comply with the provisions of subparagraphs 2., 3., 4., 5., 7., 8., and 9;

(v) Any physical or operational changes that are necessary to comply with the provisions specified in subparagraphs 13.(i) or (iv) are subject to the compliance schedule specified in subparagraph 15.

14. Applicability: The requirements of subparagraph 13. will no longer be applicable by the compliance deadlines if the counties specified in those subparagraphs are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015 and such counties continue to maintain that Standard thereafter. Instead, the provisions of subparagraphs 10., 11., and 12. will continue to apply on and after January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of subparagraph 13. will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

15. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements specified in subparagraphs 13.(i) and (iv) must be completed before **January 1, 2015.**

(eee) **VOC Emissions from Expanded Polystyrene Products Manufacturing.**

1. Except as provided in sections 2., 3., and 4. of this section, after the compliance date specified in section 8. of this subsection, no person shall cause, let, permit, suffer, or allow the VOC emissions from an expandable polystyrene product manufacturing facility to exceed 0.015 lbs VOC/lb bead utilized.

2. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene cup manufacturing facility existing before November 1, 1987 unless the facility has installed and operates volatile organic compound emission reduction equipment on the pre-expanders having at least a 90.0 percent reduction efficiency and a capture system approved by the Director.

3. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene board insulation manufacturing facility existing before January 1, 1990 unless the facility has installed and operates volatile organic compound emission reduction equipment on the pre-expanders so as to achieve at least a 90.0 percent reduction efficiency and a capture system approved by the Director; or limits VOC emissions from the entire facility to no greater than 0.0175 lb VOC/lb bead utilized.

4. No person shall cause, let, permit, suffer, or allow the operation of an expandable polystyrene custom shape manufacturing facility existing before January 1, 1990, unless the facility utilizes a batch expander and reduced volatile expandable polystyrene bead containing no more than 4.5 percent initial VOC content. The monthly weighted average of all beads used shall not exceed 4.5 percent.

5. For the purposes of this subsection, VOC emitted after the average curing time shall not be considered to be emitted from the facility.

6. For the purpose of this subsection, the following definitions shall apply:

(i) "Expandable Polystyrene Products Manufacturing" means the manufacturing of products utilizing expandable polystyrene bead impregnated with a VOC blowing agent.

(ii) "Board Insulation Manufacturers" means producers of thermal insulation, display foam, or floatation products. Thermal insulation production usually requires densities as specified in ASTM C-578, the industry standard for both EPS and XPS insulation applications.

(iii) "Custom Shape Manufacturers" means producers of a variety of different products ranging in density and size and based primarily on customer specifications.

(iv) "Pre-expander" means the system where initial expansion of the bead occurs.

(v) "Process" means the point from the opening of the gaylord to the end of the average curing time.

7. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons per year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons per year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

8. Compliance Dates.

(i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources subject to this subsection located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance with this subsection by May 1, 2003.

(iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance with this subsection upon startup.

(iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(fff) **Particulate Matter Emissions from Yarn Spinning Operations.**

1. No person shall cause, let, permit, suffer or allow the rate of particulate matter emissions from a yarn spinning operation with process input rates up to and including 30 tons per hour to equal or exceed the allowable rate of emissions calculated from the following equation.

$E = 4.1P^{0.67}$

where:

E = allowable emission rate in pounds per hour;

P = process input weight of raw or partially processed fiber in tons per hour.

2. For the purpose of this subparagraph, the term process, as it applies to the yarn spinning operation, shall include all of the activities from bale delivery, bale stripping, carding, drawing, spinning, twisting, to and including winding, conducted at the facility.

(ggg) **Existing Municipal Solid Waste Landfills.**

1. The provisions of subparagraphs 1. through 3. of this subsection apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification before May 30, 1991 and has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subsection are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

2. Definitions of all Terms used, but not defined in this subsection, have the meaning given them in 40 CFR Part 60 Subpart WWW, as amended. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or 40 CFR Part 60 Subparts A and B.

(i) The word "Administrator" as used in regulations adopted in this subsection shall mean the Director of the Georgia Environmental Protection Division.

3. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR 60 Subpart Cc for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of paragraph 1. of this subsection shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart WWW, as amended, which is hereby incorporated and adopted by reference with the exceptions as follows:

(i) Standards for air emissions from municipal solid waste landfills. The provisions of 40 CFR 60.752 apply as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.752(a)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.752(b) through 40 CFR 60.759 on the basis of the design capacity exemption in 40 CFR 60.752(a) results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)72. which are the Federal New Source Performance Standards for Municipal Solid Waste Landfills.

(II) In lieu of 40 CFR 60.752(b)(2)(i)(B), the following provision applies:

The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 through 40 CFR 60.758 proposed by the owner or operator. In addition, the collection and control system design plan must specify: (1) the date by which contracts for control system/process modifications shall be awarded, (which shall be no later than 20 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); (2) the date by which on-site construction or installation of the air pollution control devices(s) or process changes will begin (which shall be no later than 24 months after the date the NMOC emissions rate is first calculated to meet or exceed 50 megagrams per year); and (3) the date by which the construction or installation of the air pollution control devices(s) or process changes will be complete.

(III) In lieu of 40 CFR 60.752(c)(1) and (c)(2) which establishes the date that a landfill is subject to 40 CFR Parts 70 and 71, the following date applies:

I. June 23, 1997.

(ii) Operational standards for collection and control systems. The provisions of 40 CFR 60.753 apply as stated therein.

(iii) Test methods and procedures. The provisions of 40 CFR 60.754 apply as stated therein with the exception of 40 CFR 60.754(c), which does not apply.

(iv) Compliance provisions. The provisions of 40 CFR 60.755 apply as stated therein.

(v) Monitoring of operations. The provisions of 40 CFR 60.756 apply as stated therein.

(vi) Reporting requirements. The provisions of 40 CFR 60.757 apply as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.757(a)(1), (a)(1)(i) and (a)(1)(ii), the following provision applies:

The initial design capacity report shall be submitted by October 1, 1997.

(II) In lieu of 40 CFR 60.757(b)(1)(i), (i)(A) and (i)(B), the following provision applies:

The initial NMOC emission rate report shall be submitted by October 1, 1997 and may be combined with the initial design capacity report required in 40 CFR 60.757(a). Subsequent NMOC emission rate reports shall be submitted annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) and 40 CFR 60.757(b)(3).

(vii) Recordkeeping requirements. The provisions of 40 CFR 60.758 apply as stated therein.

(viii) Specifications for active collection systems. The provisions of 40 CFR 60.759 apply as stated therein.

4. Subparagraphs 1. through 3. are applicable PRIOR to the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).

5. Subparagraphs 6. through 8. are applicable AFTER the approval of Georgia's state plan implementing the revised Emission Guidelines for existing Municipal Solid Waste (MSW) Landfills (40 CFR Part 60 Subpart Cf).

6. The provisions of subparagraphs 6. through 8. of this subparagraph apply to each existing municipal solid waste landfill that commenced construction, reconstruction or modification on or before July 17, 2014 and has either accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition. Physical or operational changes made to an existing municipal solid waste landfill solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing municipal solid waste landfill to the requirements of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

7. Definitions of all Terms used, but not defined in subparagraphs 6. through 8., have the meaning given them in 40 CFR Part 60 Subpart Cf. Terms not defined therein shall have the meaning given them in the federal Clean Air Act, the Georgia Air Quality Act or 40 CFR Part 60 Subparts A and B.

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in subparagraphs 6. through 8. shall mean the Director of the Georgia Environmental Protection Division. For 40 CFR 60.30f(c), 40 CFR 60.35f(a)(5) and 40 CFR 60.38f(j) the word "Administrator" shall mean the Administrator of the EPA.

8. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR Part 60 Subpart Cf for Existing Municipal Solid Waste Landfills, each existing municipal solid waste landfill meeting the conditions of subparagraph 6. shall comply with all of the applicable standards, requirements and provisions of 40 CFR Part 60 Subpart Cf, as amended on March 26, 2020, which is hereby incorporated and adopted by reference with the exceptions as follows:

(i) The requirements of the State to incorporate the provisions into an approvable state plan, and

(ii) The provisions of 60.30f.

(iii) In lieu of 40 CFR 60.33f(d)(2), the following provision applies:

When an increase in the maximum design capacity of a landfill exempted from the provisions of 40 CFR 60.33f through 40 CFR 60.40f on the basis of the design capacity exemption in 40 CFR 60.31f results in a revised maximum design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters, due to reconstruction or modification, that was commenced after July 17, 2014, then the owner or operator shall comply with the provision of 391-3-1-.02(8)(b)89., 40 CFR Part 60 Subpart XXX Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014.

(iv) In lieu of 40 CFR 60.38f(d)(2), the following provision applies:

(I) The collection and control system design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.34f through 40 CFR 60.39f proposed by the owner or operator. In addition, the collection and control system design plan must specify:

I. The date by which contracts for control system/process modifications shall be awarded, which shall be no later than 20 months after the date the NMOC emissions rate is first reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring;

II. The date by which on-site construction or installation of the air pollution control devices(s) or process changes will begin which shall be no later than 24 months after the date the NMOC emissions rate is first reported to meet or exceed 34 megagrams per year, or the date the NMOC emissions rate is first reported to meet or exceed 50 megagrams per year for a landfill in the closed landfill subcategory, or the date when a surface emission concentration of 500 parts per million methane or greater is reported if conducting Tier 4 surface emissions monitoring; and

III. The date by which the construction or installation of the air pollution control device(s) or process changes will be complete.

(II) Operational standards for collection and control systems. The provisions of 40 CFR 60.34f apply as stated therein.

(III) Test methods and procedures. The provisions of 40 CFR 60.35f apply as stated therein.

(IV) Compliance provisions. The provisions of 40 CFR 60.36f apply as stated therein.

(V) Monitoring of operations. The provisions of 40 CFR 60.37f apply as stated therein.

(VI) Reporting requirements. The provisions of 40 CFR 60.38f apply as stated therein. Except as provided in 7.(i) and 8.(iv).

(VII) Recordkeeping requirements. The provisions of 40 CFR 60.39f apply as stated therein.

(VIII) Specifications for active collection systems. The provisions of 40 CFR 60.40f apply as stated therein.

(hhh) **Wood Furniture Finishing and Cleaning Operations.**

1. Each owner or operator of a wood furniture finishing and cleaning operation shall limit VOC emissions from finishing operations by:

(i) Using topcoats that contain no more than 0.8 pounds of VOC per pound of solids, as applied; or

(ii) In lieu of complying with subsection (i), wood furniture finishing operations may comply by:

(I) Using a finishing system of sealers that contain no more than 1.9 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 1.8 pounds of VOC per pound of solids, as applied; or

(iii) For wood furniture finishing operations that use acid-cured alkyd amino vinyl sealers and that use acid-cured alkyd amino conversion varnish topcoats:

(I) Using sealers that contain no more than 2.3 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 2.0 pounds of VOC per pound of solids, as applied; or

(iv) For wood furniture finishing operations that do not use acid-cured alkyd amino vinyl sealers and that use acid-cured alkyd amino conversion varnish topcoats:

(I) Using sealers that contain no more than 1.9 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 2.0 pounds of VOC per pound of solids, as applied; or

(v) For wood furniture finishing operations that use acid-cured alkyd amino vinyl sealers and that do not use acid-cured alkyd amino conversion varnish topcoats:

(I) Using sealers that contain no more than 2.3 pounds of VOC per pound of solids, as applied; and

(II) Using topcoats that contain no more than 1.8 pounds of VOC per pound of solids, as applied; or

(vi) Using an averaging approach that demonstrates the wood furniture finishing operation meets the emission limits defined in subsections (i), (ii), (iii), (iv) or (v), averaged on a daily basis throughout the facility; or

(vii) Using a control system that will achieve an equivalent reduction in emissions and meet the requirements of subsections (i), (ii), (iii), (iv) or (v) of this section; or

(viii) Using a combination of the methods presented in subsections (i), (ii), (iii), (iv), (v), (vi), and (vii).

2. Each owner or operator of a wood furniture finishing and cleaning operation shall limit VOC emissions by using strippable booth coating materials that contain no more than 0.8 pounds of VOC per pound of solids, as applied.

3. Each owner or operator of a wood furniture finishing and cleaning operation shall prepare and maintain a written work practice implementation plan that defines work practices for each wood furniture manufacturing operation and addresses each of the topics specified. The work practice implementation plan shall be submitted to the Division for approval by the compliance dates contained in section 7. This plan shall include: an operator training course; a leak inspection and maintenance plan; a cleaning and washoff solvent accounting system; a spray booth cleaning plan; a storage plan for finishing, cleaning and washoff materials; an application equipment requirement plan; a paint line and gun cleaning plan; and an outline of washoff operations.

4. Each owner or operator of a wood furniture finishing and cleaning operation shall maintain certified product data sheets for each sealer, topcoat, and strippable booth coating material that is used to meet the requirements of sections 1. and 2. of this rule. If solvent or other VOC is added to the finishing material before application, the affected source shall maintain documentation showing the VOC content of the finishing material in pounds of VOC-per-pound of solids, as applied.

5. For the purpose of this subsection the following definitions shall apply:

(i) "As applied" means the VOC and solids content of the finishing material that is actually used for coating the substrate. It includes the contribution of materials used for in-house dilution of the finishing material.

(ii) "Certified product data sheet" means documentation furnished by a coating supplier or an outside laboratory that provides the VOC content by percent weight, the solids content by percent weight, and density of a finishing material, strippable booth coating, or solvent, measured using the EPA Method 24, or an equivalent or alternative method. The VOC content should represent the maximum VOC emission potential of the finishing material, strippable booth coating, or solvent.

(iii) "Sealer" means a finishing material used to seal the pores of a wood substrate before additional coats of finishing material are applied. Washcoats, which are used in some finishing systems to optimize aesthetics, are not sealers.

(iv) "Stain" means any color coat having a solids content by weight of no more than 8.0 percent that is applied in single or multiple coats directly to the substrate. This includes, but is not limited to, nongrain raising stains, equalizer stains, sap stains, body stains, no-wipe stains, penetrating stains, and toners.

(v) "Strippable booth coating" means a coating that: (1) is applied to a booth wall to provide a protective film to receive overspray during finishing operations; (2) that is subsequently peeled off and disposed; and (3) by achieving (1) and (2), reduces or eliminates the need to use organic solvents to clean booth walls.

(vi) "Topcoat" means the last film-building finishing material applied in a finishing system. Non-permanent final finishes are not topcoats.

(vii) "Wood Furniture" means any product made of wood, a wood product such as rattan or wicker, or an engineered wood product such as particleboard that is manufactured under any of the following standard industrial classification codes: 2434, 2511, 2512, 2517, 2519, 2521, 2531, 2541, 2599, or 5712.

6. The requirements of this subsection shall apply to facilities with potential VOC emissions exceeding 25 tons-per-year and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale and to facilities with potential VOC emissions exceeding 100 tons-per-year and located in the counties of Barrow, Bartow, Carroll, Hall, Newton, Spalding, and Walton.

7. Compliance Dates.

(i) All sources subject to this subsection and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and in operation on or before October 1, 1999, shall be in compliance with this subsection by May 1, 2003.

(iii) All sources subject to this subsection; located in the counties of Bartow, Carroll, Hall, Newton, Spalding, and Walton; and which begin initial operation after October 1, 1999, shall be in compliance with this subsection upon startup.

(iv) All sources subject to this subsection and located in Barrow County shall be in compliance by March 1, 2009.

(iii) **Hospital/Medical/Infectious Waste Incinerators.**

1. The provisions of this subparagraph apply to each hospital/medical/infectious waste incinerator (HMIWI) that commenced construction no later than December 1, 2008 or commenced modification no later than April 6, 2010 (hereinafter referred to as an "Existing HMIWI"). Physical or operational changes made to an Existing HMIWI solely to comply with this subparagraph are not considered construction or modification and would not subject an Existing HMIWI to the requirements of 391-3-1-.02(8)(b)73.

(i) A combustor is not subject to this subparagraph during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (all defined in 40 CFR 60.51c) is burned, provided the owner or operator of the combustor:

(I) Notifies the Director of an exemption claim; and

(II) Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned.

(ii) Any co-fired combustor (defined in 40 CFR 60.51c) is not subject to this subparagraph if the owner or operator of the co-fired combustor:

(I) Notifies the Director of an exemption claim;

(II) Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and

(III) Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

(iii) Any combustor required to have a permit under section 3005 of the Solid Waste Disposal Act is not subject to this subparagraph.

(iv) Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR Part 60 is not subject to this subparagraph.

(v) Any pyrolysis unit (defined in 40 CFR 60.51c) is not subject to this subparagraph.

(vi) Cement kilns firing hospital waste and/or medical/infectious waste are not subject to this subparagraph.

2. Each Existing HMIWI is subject to the permitting requirements of 391-3-1-.03(10) "Title V Operating Permits."

3. Definitions of all Terms used, but not defined in this subparagraph, shall have the meaning given to them in 40 CFR Part 60, Subpart Ec, as amended on April 4, 2011. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subparagraph the following definitions also apply:

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (iii)6. the word "Administrator" shall mean the Administrator of the EPA.

4. For the purposes of implementing the requirements and provisions of the Emission Guidelines of 40 CFR 60, Subpart Ce for Existing HMIWIs, each Existing HMIWI shall comply with the standards, requirements and provisions of 40 CFR Part 60, Subpart Ec, as amended on April 4, 2011, which is hereby incorporated and adopted by reference, with the exceptions as follows:

(i) The provisions of 40 CFR 60.50c apply to each Existing HMIWI as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.50c(a), the following provision applies:

Except as provided in 40 CFR 60.50c(b) through (h), this subparagraph shall apply to each existing HMIWI, as identified in subparagraph 1.

(II) In lieu of 40 CFR 60.50c(e), the following provision applies:

Any combustor which meets the applicability requirements under 40 CFR Part 60 Subparts Cb, Ea, or Eb is not subject to this subparagraph.

(III) The provisions of 40 CFR 60.50c(j), (k), (l), (m), and (n) do not apply to an Existing HMIWI.

(ii) Emission Limits. The provisions of 40 CFR 60.52c apply to each Existing HMIWI as stated therein with the exception of the following:

(I) In lieu of 40 CFR 60.52c(a), the following provisions apply:

I. From an affected facility constructed on or before June 20, 1996 no owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in Table 1B of 40 CFR Part 60, Subpart Ce.

II. From an affected facility constructed after June 20, 1996 but no later than December 1, 2008 no owner or operator of an Existing HMIWI shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the applicable limits found in the more stringent of the requirements listed in Table 1B of 40 CFR Subpart Ce and Table 1A of 40 CFR Part 60, Subpart Ec.

(II) The provisions of 40 CFR 60.52c(c), (d), and (e) do not apply to an Existing HMIWI.

(iii) Operator Training. The provisions of 40 CFR 60.53c apply to each Existing HMIWI as stated therein.

(iv) Siting Requirements. The provisions of 40 CFR 60.54c do not apply to an Existing HMIWI.

(v) Waste Management Plan. The provisions of 40 CFR 60.55c apply to each Existing HMIWI as stated therein.

(vi) Compliance and Performance Testing. In lieu of 40 CFR 60.56c, Section 2.117.2 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.

(vii) Monitoring Requirements. In lieu of 40 CFR 60.57c, Section 2.117.3 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.

(viii) Reporting and Record Keeping Requirements. In lieu of 40 CFR 60.58c, Section 2.117.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants applies to each Existing HMIWI.

(ix) Table 1B of 40 CFR Part 60, Subpart Ec does not apply to an Existing HMIWI.

5. In keeping with subparagraph (iii)4., owners and operators of existing HMIWI units must comply with Georgia's state plan for existing HMIWI units, which is required by 40 CFR Part 60, Subpart Ce. The owner operator of each existing HMIWI unit shall comply with the requirements of 391-3-1-.02(2)(iii)4. upon approval of Georgia's state plan for existing HMIWI units by EPA.

6. The owner of an existing HMIWI unit must contact EPA with respect to the following subparagraphs (i) through (v) as specified in 40 CFR 60.50c(i).

(i) The requirements of 40 CFR 60.56c(j) establishing operating parameters when using controls other than those listed in 40 CFR 60.56c(d)

(ii) Approval of alternative methods of demonstrating compliance under 40 CFR 60.8 including:

(I) Approval of CEMS for PM, HCl, multi-metals, and Hg where used for purposes of demonstrating compliance,

(II) Approval of continuous automated sampling systems for dioxin/ furan and Hg where used for purposes of demonstrating compliance, and

(III) Approval of major alternatives to test methods;

(iii) Approval of major alternatives to monitoring;

(iv) Waiver of recordkeeping requirements; and

(v) Performance test and data reduction waivers under 40 CFR 60.8(b)

(jjj) **NOx Emissions from Electric Utility Steam Generating Units.**

1. Effective May 1, 1999, through September 30, 1999, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:

(i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units on a maximum rated heat input capacity basis, be greater than the average allowable rate specified in subsection 1.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 1.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.34 lb/MMBTU heat input.

2. Effective May 1, 2000 through September 30, 2002, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:

(i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units on a maximum rated heat input capacity basis, be greater than the average allowable rate specified in subsection 2.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 2.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.30 lb/MMBTU heat input.

3. Effective May 1, 2003, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:

(i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 3.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 3.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.13 lb/MMBTU heat input.

4. Effective May 1, 2003, through September 30, 2006, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:

(i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 4.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 4.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.20 lb/MMBTU heat input.

5. Effective May 1, 2007, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:

(i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this

section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 5.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 5.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.18 lb/MMBTU heat input.

6. Effective May 1, 2007, no person shall cause, let, permit, suffer, or allow the emissions of NOx from an affected unit under this subsection unless:

(i) The NOx emissions from each affected unit(s) do not exceed the alternative emission limit established by the Director for the unit(s). Said alternative emission limits shall be determined by the Division and established in the Title V Permit for the affected unit(s). In no case shall the alternative emission limits established pursuant to this section, averaged over all affected units using the highest 30 consecutive days of actual heat input for 1999, be greater than the average allowable rate specified in subsection 6.(ii).

(ii) If the person does not comply with all alternative emission limits established under subsection 6.(i) above, the person shall demonstrate that the NOx emissions, averaged over all affected units, do not exceed 0.17 lb/MMBTU heat input.

7. The compliance period shall be based on a 30-day rolling average beginning May 1 and ending September 30 of each year.

(i) The first 30-day averaging period shall begin on May 1.

(ii) The last 30-day averaging period shall end on September 30.

(iii) Affected units under this subsection shall be all coal-fired electric utility steam generating units with a maximum heat input greater than 250 MMBTU/hr.

8. The requirements contained in sections 1 and 2 of this subsection shall apply to all such sources located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. The requirements contained in Section 3 of this subsection shall apply to all such sources located in the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Heard, Henry, Paulding, and Rockdale. The requirements contained in sections 4 and 5 of this subsection shall apply to all such sources located in the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Heard, Henry, Monroe, Paulding, Putnam, and Rockdale. The requirements contained in Section 6 of this subsection shall apply to sources located in Monroe County.

(kkk) **VOC Emissions from Aerospace Manufacturing and Rework Facilities.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the coating of aerospace vehicles or components to exceed:

(i) 2.9 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers. For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies primers.

(ii) 3.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats). For general aviation rework facilities, the VOC limitation shall be 4.5 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies topcoats (including self-priming topcoats).

(iii) The VOC content limits listed in Table (kkk) -1 below expressed in pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies specialty coatings.

**TABLE (kkk) -1 Specialty Coating VOC Limitations**

| Coating Type | VOC Content Limit (lb/gal) | VOC Content Limit (g/L) |
|---|---|---|
| Ablative Coating | 5.0 | 600 |
| Adhesion Promoter | 7.4 | 890 |
| Adhesive Bonding Primers:<br>Cured at 250°F or below<br>Cured above 250°F | <br>7.1<br>8.6 | <br>850<br>1030 |
| Adhesives:<br>Commercial Interior Adhesive<br>Cyanoacrylate Adhesive<br>Fuel Tank Adhesive<br>Nonstructural Adhesive<br>Rocket Motor Bonding Adhesive<br>Rubber-based Adhesive<br>Structural Autoclavable Adhesive<br>Structural Nonautoclavable Adhesive | <br>6.3<br>8.5<br>5.2<br>3.0<br>7.4<br>7.1<br>0.5<br>7.1 | <br>760<br>1,020<br>620<br>360<br>890<br>850<br>60<br>850 |
| Antichafe Coating | 5.5 | 660 |
| Bearing Coating | 5.2 | 620 |
| Caulking and Smoothing Compounds | 7.1 | 850 |
| Chemical Agent-Resistant Coating | 4.6 | 550 |
| Clear Coating | 6.0 | 720 |
| Commercial Exterior Aerodynamic Structure Primer | 5.4 | 650 |
| Compatible Substrate Primer | 6.5 | 780 |
| Corrosion Prevention Compound | 5.9 | 710 |
| Cryogenic Flexible Primer | 5.4 | 645 |
| Cryoprotective Coating | 5.0 | 600 |
| Dry Lubricative Material | 7.3 | 880 |
| Electric or Radiation-Effect Coating | 6.7 | 800 |
| Electrostatic Discharge and Electromagnetic Interference (EMI) Coating | 6.7 | 800 |
| Elevated Temperature Skydrol Resistant Commercial Primer | 6.2 | 740 |
| Epoxy Polyamide Topcoat | 5.5 | 660 |
| Fire-Resistant (Interior) Coating | 6.7 | 800 |
| Flexible Primer | 5.3 | 640 |
| Flight-Test Coatings:<br>Missile or Single Use Aircraft<br>All Other | <br>3.5<br>7.0 | <br>420<br>840 |
| Fuel-Tank Coating | 6.0 | 720 |
| High-Temperature Coating | 7.1 | 850 |
| Insulation Covering | 6.2 | 740 |
| Intermediate Release Coating | 6.3 | 750 |
| Lacquer | 6.9 | 830 |
| Maskants:<br>Bonding Maskant<br>Critical Use and Line Sealer Maskant<br>Seal Coat Maskant | <br>10.3<br>8.5<br>10.3 | <br>1,230<br>1,020<br>1,230 |
| Metallized Epoxy Coating | 6.2 | 740 |

| Coating Type | VOC Content Limit (lb/gal) | VOC Content Limit (g/L) |
|---|---|---|
| Mold Release | 6.5 | 780 |
| Optical Anti-Reflective Coating | 6.3 | 750 |
| Part Marking Coating | 7.1 | 850 |
| Pretreatment Coating | 6.5 | 780 |
| Rain Erosion-Resistant Coating | 7.1 | 850 |
| Rocket Motor Nozzle Coating | 5.5 | 660 |
| Scale Inhibitor | 7.3 | 880 |
| Screen Print Ink | 7.0 | 840 |
| Sealants:<br>Extrudable/Rollable/Brushable Sealant<br>Sprayable Sealant | <br>2.3<br>5.0 | <br>280<br>600 |
| Silicone Insulation Material | 7.1 | 850 |
| Solid Film Lubricant | 7.3 | 880 |
| Specialized Function Coating | 7.4 | 890 |
| Temporary Protective Coating | 2.7 | 320 |
| Thermal Control Coating | 6.7 | 800 |
| Wet Fastener Installation Coating | 5.6 | 675 |
| Wing Coating | 7.1 | 850 |

(iv) 5.2 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type I chemical milling maskants.

(v) 1.3 pounds per gallon of coating, excluding water and exempt solvents, delivered to a coating applicator that applies Type II chemical milling maskants.

(vi) The following aerospace activities are exempt from the coating emission limits in subparagraphs 1.(i) through (v): touchup coating, aerosol coating, and the application of Department of Defense classified coatings; coatings used on space vehicles; and facilities that comply with the low volume usage exemption in subparagraph 10.

2. The emission limitations in subparagraph (kkk) shall be achieved by:

(i) The application of low solvent coating technology where each and every coating meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subparagraph 1.; or

(ii) The application of low solvent coating technology where the monthly volume-weighted average VOC content of each specified coating type meets the specified applicable limitation expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents, stated in subparagraph 1.; averaging is not allowed between primers, topcoats (including self-priming topcoats), specialty coating types, Type I milling maskants, and Type II milling maskants or any combination of the above coating categories; or

(iii) Control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that the control system has a VOC reduction efficiency of 81 percent or greater.

3. Each owner or operator of an aerospace manufacturing and/or rework operation shall apply all spray applied non-exempt primers, topcoats, and specialty coatings utilizing one or more of the spray application techniques specified below:

(i) High-volume low-pressure (HVLP) spraying;

(ii) Electrostatic spray application;

(iii) Airless spray application;

(iv) Air-assisted airless spray application; or

(v) Other coating application methods that achieve emission reductions equivalent to HVLP, electrostatic spray application, airless spray, or air-assisted airless spray application methods, as determined by the Director.

4. Each owner or operator of an aerospace manufacturing and/or rework operation shall ensure that all application devices used to apply primers, topcoats (including self-priming topcoats), and specialty coatings are operated according to company procedures, local specified operating procedures, and/or the manufacturer's specifications, whichever is most stringent, at all times. Equipment modified by the owner or operator shall maintain a transfer efficiency equivalent to HVLP, electrostatic spray application, airless spray application, or air-assisted airless spray application techniques.

5. Each owner or operator of an aerospace manufacturing and/or rework operation shall comply with the following housekeeping requirements for any affected cleaning operation. Aqueous cleaning solvents and hydrocarbon-based solvents which have a maximum composite vapor pressure of 7 mm Hg at 20°C are exempt from these requirements.

(i) Solvent-laden cloth, paper, or any other absorbent applicators used for cleaning shall be placed in bags or other closed containers upon completing their use. These bags and containers must be kept closed at all times except when depositing or removing these materials from the container. The bags and containers used must be of such a design so as to contain the vapors of the cleaning solvent. Cotton-tipped swabs used for very small cleaning operations are exempt from this requirement.

(ii) All fresh and spent cleaning solvents, except semi-aqueous solvent cleaners, used in aerospace cleaning operations shall be stored in closed containers.

(iii) Conduct the handling and transfer of cleaning solvents to or from enclosed systems, vats, waste containers, and other cleaning operation equipment that hold or store fresh spent cleaning solvents in such a manner that spills are minimized.

6. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing hand-wipe cleaning operations (excluding the cleaning of spray gun equipment performed in accordance with subparagraph 7.) shall comply with one of the following:

(i) Utilize cleaning solvent solutions that are classified as an aqueous cleaning solvent and/or a hydrocarbon-based cleaning solvent with a maximum composite vapor pressure of 7 mm Hg at 20°C.

(ii) Utilize cleaning solvent solutions that have a composite vapor pressure of 45 mm Hg or less at 20°C.

7. Each owner or operator of an aerospace manufacturing and/or rework operation shall clean all spray guns used in the application of primers, topcoats (including self-priming topcoats), and specialty coatings utilizing one or more of the following techniques:

(i) Enclosed System: Spray guns shall be cleaned in an enclosed system that is closed at all times except when inserting or removing the spray gun. Cleaning shall consist of forcing cleaning solvent through the gun. If leaks are found, repairs shall be made as soon as practicable, but no later than 15 days after the leak was found. If the leak is not repaired by the 15th day after detection, the cleaning solvent shall be removed and the enclosed cleaner shall be shut down until the leak is repaired or its use is permanently discontinued.

(ii) Nonatomized Cleaning: Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into a vat, drum, or other waste container that is closed when not in use.

(iii) Disassembled Spray Gun Cleaning: Spray guns shall be cleaned by disassembling and cleaning the components by hand in a vat, which shall remain closed at all times except in use. Alternatively, the components shall be soaked in a vat, which shall remain closed during the soaking period and when not inserting or removing components.

(iv) Atomizing cleaning: Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions.

8. Each owner or operator of an aerospace manufacturing and/or rework operation that includes a flush cleaning operation shall empty the used cleaning solvents each time aerospace parts or assemblies, or components of a coating unit (with the exception of spray guns) are flush cleaned into an enclosed container or collection system that is kept closed when not in use or into a system with equivalent emission control approved by the Director. Hydrocarbon-based solvents which have a maximum composite vapor pressure of 7 mm Hg at 20°C and aqueous and semi-aqueous materials are exempt from the requirements of subparagraph (kkk).

9. The following activities are not regulated by subparagraph (kkk):

(i) Research and development;

(ii) Quality control;

(iii) Laboratory testing activities;

(iv) Metal finishing;

(v) Electrodeposition (except for the electrodeposition of paints);

(vi) Composites processing (except for cleaning and coating of composite parts or components that become part of an aerospace vehicle or component as well as composite tooling that comes in contact with such composite parts or components prior to cure);

(vii) Electronic parts and assemblies (except for cleaning and topcoating of completed assemblies);

(viii) Manufacture of aircraft transparencies;

(ix) Wastewater treatment operations;

(x) Regulated activities associated with space vehicles designed to travel beyond the limit of the earth's atmosphere, including but not limited to satellites, space stations, and the space shuttle;

(xi) Maintenance and rework of antique aerospace vehicles and components;

(xii) Chemical milling;

(xiii) Rework of aircraft or aircraft components if the holder of the Federal Aviation Administration (FAA) design approval, or the holder's licensee, is not actively manufacturing the aircraft or aircraft components;

(xiv) Parts and assemblies not critical to the vehicle's structural integrity or flight performance;

(xv) Primers, topcoats, specialty coatings, chemical milling maskants, strippers, and cleaning solvents that meet the definition of non-VOC material, as determined from manufacturer's representations, such as in a material safety data sheet or product data sheet, or testing, except that if an owner or operator chooses to include one or more non-VOC primer, topcoat, specialty coating, or chemical milling maskant in averaging under subparagraph 2.(ii);

(xvi) Primers, topcoats, and specialty coatings that meet the definition of "classified national security information" in subparagraph 17.(xvii).

10. The requirements for primers, topcoats, specialty coatings, and chemical milling maskants in subparagraphs 1.(i), 1.(ii), 1.(iii), 1.(iv) and 1.(v) do not apply to the use of low-volume coatings in these categories for which the rolling twelve month total of each separate formulation used at a facility does not exceed 50 gallons, and the combined rolling twelve month total of all such primers, topcoats, specialty coatings, and chemical milling maskants used at a facility does not exceed 200 gallons. Primers, topcoats, and specialty coatings exempted under subparagraphs 9. and 11. are not included in the 50 and 200 gallon limits.

11. The following situations are exempt from the requirements of subparagraphs 3. and 4.:

(i) Any situation that normally requires the use of an airbrush or an extension on the spray gun to properly reach limited access spaces;

(ii) The application of coatings that contain fillers that adversely affect atomization with HVLP spray guns and that cannot be applied by any of the application methods specified in subparagraph 3.;

(iii) The application of coatings that normally have a dried film thickness of less than 0.0013 centimeter (0.0005 inches) and that cannot be applied by any of the application methods specified in subparagraph 3.;

(iv) The spray application of no more than 3.0 fluid ounces of coating in a single application (i.e., the total volume of a single coating formulation applied during any one day to any one aerospace vehicle or component) from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters). Using multiple small paint cups or refilling a small paint cup to apply more than 3.0 fluid ounces under the requirements of subparagraph (kkk) is prohibited. If a paint cup liner is used in a reusable holder or cup, then the holder or cup must be designed to hold a liner with a capacity of no more than 3.0 fluid ounces. For example, a 3.0 ounce liner cannot be used in a holder that can also be used with a 6.0 ounce liner under the requirements of subparagraph (kkk);

(v) The use of airbrush application methods for stenciling, lettering, and other identification markings;

(vi) The use of hand-held non-refillable spray (aerosol) can application methods;

(vii) Touchup and repair operations;

(viii) Adhesives, sealants, maskants, caulking materials, and inks; and

(ix) The application of coatings that contain less than 0.17 pounds of VOC per gallon of coating.

12. The following cleaning operations are exempt from the requirements of subparagraph 6.:

(i) Cleaning during the manufacture, assembly, installation, maintenance, or testing of components of breathing oxygen systems that are exposed to the breathing oxygen;

(ii) Cleaning during the manufacture, assembly, installation, maintenance, or testing of parts, subassemblies, or assemblies that are exposed to strong oxidizers or reducers (e.g., nitrogen tetroxide, liquid oxygen, or hydrazine);

(iii) Cleaning and surface activation prior to adhesive bonding;

(iv) Cleaning of electronic parts and assemblies containing electronic parts;

(v) Cleaning of aircraft and ground support equipment fluid systems that are exposed to the fluid including air-to-air heat exchangers and hydraulic fluid systems;

(vi) Cleaning of fuel cells, fuel tanks, and confined spaces;

(vii) Surface cleaning of solar cells, coating optics, and thermal control surfaces;

(viii) Cleaning during fabrication, assembly, installation, and maintenance of upholstery, curtains, carpet, and other textile materials used in the interior of the aircraft;

(ix) Cleaning of metallic and non-metallic materials used in honeycomb cores during the manufacture or maintenance of these cores, and cleaning of the completed cores used in the manufacture or maintenance of aerospace vehicles or components;

(x) Cleaning of aircraft transparencies, polycarbonate, or glass substrates;

(xi) Cleaning and solvent usage associated with research and development, quality control, and laboratory testing;

(xii) Cleaning operations, using nonflammable liquids, conducted within five feet of energized electrical systems. Energized electrical systems means any AC or DC electrical circuit on an assembled aircraft once electrical power is connected, including interior passenger and cargo areas, wheel wells, and tail sections; and

(xiii) Cleaning operations identified as essential uses under the Montreal Protocol for which the U.S. EPA has allocated essential use allowances or exemptions.

13. Each owner or operator of an aerospace manufacturing and/or rework operation shall submit a monitoring plan to the Division that specifies the applicable operating parameter value, or range of values, to ensure ongoing compliance with subparagraph 2.(iii). The monitoring device shall be installed, calibrated, operated, and maintained in accordance with the manufacturer's specifications.

14. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing an enclosed spray gun cleaner shall visually inspect the seals and all other potential sources of leaks at least once per month. Each inspection shall occur while the spray gun cleaner is in operation.

15. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing coatings specified in subparagraph 1. shall maintain the following records:

(i) If following the compliance option in subparagraph 2.(i), a current list of each coating formulation including the specific category, VOC content as applied, and the annual amount used for each coating.

(ii) If following the compliance option in subparagraph 2.(ii), a current list of each coating formulation including the specific category, VOC content as applied, the monthly amount used for each coating, and the calculated monthly volume-weighted average VOC content of each specified coating type expressed in pounds of VOC per gallon of coating, excluding water and exempt solvents.

(iii) If following the compliance option in subparagraph 2.(iii), continuous records demonstrating the control device was operating at the required destruction efficiency at all times the coating process was in operation and records demonstrating the control device was achieving the required destruction efficiency while the coating process was in operation.

(iv) If using the low volume usage exemption in subparagraph 10., a list of each separate formulation and quantity applied each month and the twelve-consecutive month total of each formulation and the twelve-consecutive month total of all materials exempted.

16. Each owner or operator of an aerospace manufacturing and/or rework operation utilizing cleaning solvents shall maintain the following records:

(i) Maintain a current list of hand-wipe and flush cleaning solvents with documentation that demonstrates that the cleaning solvent complies with one of the composition requirements in subparagraph 6.(i) and for semi aqueous cleaning solvent used for flush cleaning. This list shall include the annual amount of each applicable solvent used.

(ii) Maintain a current list of hand-wipe cleaning solvents with their respective vapor pressures or, for blended solvents, VOC composite vapor pressures for all vapor pressure compliant hand-wipe cleaning solvents listed in subparagraph 6.(ii). This list shall include the monthly amount of each applicable solvent used.

(iii) Maintain a current list of all cleaning solvents with a vapor pressure greater than 45 mm Hg used in exempt hand-wipe cleaning operations. This list shall identify the applicable exemption(s) for each process and include the monthly amount of each applicable solvent used.

(iv) Maintain a record of all leaks from enclosed gun cleaners, as found during the monthly inspection required by subparagraph 14.. The record shall include the identification of the leaking paint gun cleaner, the date the leak was discovered, and the date the leak was repaired.

17. For the purpose of subparagraph (kkk), the following definitions shall apply:

(i) "Ablative coating" means a coating that chars when exposed to open flame or extreme temperatures, as would occur during the failure of an engine casing or during aerodynamic heating. The ablative char surface serves as an insulative barrier, protecting adjacent components from the heat or open flame.

(ii) "Adhesion promoter" means a very thin coating applied to a substrate to promote wetting and form a chemical bond with the subsequently applied material.

(iii) "Adhesive bonding primer" means a primer applied in a thin film to aerospace components for the purpose of corrosion inhibition and increased adhesive bond strength by attachment. There are two categories of adhesive bonding primers: primers with a design cure at 250°F or below and primers with a design cure above 250°F.

(iv) "Aerosol coating" means a coating applied by means of a hand-held, pressurized container, which is non-refillable or which utilizes non-refillable propellant canisters and which expels an adhesive or a coating in a finely divided spray when a valve on the container is depressed.

(v) "Aerospace facility" means any facility that produces, reworks, or repairs in any amount any commercial, civil, or military aerospace vehicle or component. Regulated activities include coating, chemical milling, solvent use, and depainting operations.

(vi) "Aerospace vehicle or component" means any fabricated part, processed part, assembly of parts, or completed unit, with the exception of electronic components, of any aircraft.

(vii) "Aircraft transparency" means the aircraft windshield, canopy, passenger windows, lenses and other components which are constructed of transparent materials.

(viii) "Airless and air-assisted airless spray" mean any coating spray application technology that relies solely on the fluid pressure of the coating to create an atomized coating spray pattern and does not apply any atomizing compressed air to the coating before it leaves the spray gun nozzle. Air-assisted airless spray uses compressed air to shape and distribute the fan of atomized coating, but still uses fluid pressure to create the atomized coating.

(ix) "Antichafe coating" means a coating applied to areas of moving aerospace components that may rub during normal operations or installation.

(x) "Antique aerospace vehicle or component" means an aircraft or component thereof that was built at least 30 years ago. An antique aerospace vehicle would not routinely be in commercial or military service in the capacity for which it was designed.

(xi) "Aqueous cleaning solvent" means a cleaning solvent in which water is the primary ingredient (greater than 80 percent by weight of cleaning solvent solution as applied must be water). Detergents, surfactants, and bioenzyme mixtures and nutrients may be combined with the water along with a variety of additives such as organic solvents (e.g., high boiling point alcohols), builders, saponifiers, inhibitors, emulsifiers, pH buffers, and antifoaming agents.

Aqueous solutions must have a flash point greater than 93°C (200°F) (as reported by the manufacturer) and the solution must be miscible with water.

(xii) "Bearing coating" means a coating applied to an antifriction bearing, a bearing housing, or the area adjacent to such a bearing in order to facilitate bearing function or to protect base material from excessive wear. A material shall not be classified as a bearing coating if it can also be classified as a dry lubricative material or a solid film lubricant.

(xiii) "Bonding maskant" means a temporary coating used to protect selected areas of aerospace parts from strong acid or alkaline solutions during processing for bonding.

(xiv) "Caulking and smoothing compounds" means semi-solid materials which are applied by hand application methods and are used to aerodynamically smooth exterior vehicle surfaces or fill cavities such as bolt hole accesses. A material shall not be classified as a caulking and smoothing compound if it can be classified as a sealant.

(xv) "Chemical agent-resistant coating (CARC)" means an exterior topcoat designed to withstand exposure to chemical warfare agents or the decontaminants used on these agents.

(xvi) "Chemical milling maskants" means a coating that is applied directly to aluminum components to protect surface areas when chemical milling the component with a Type I or Type II etchant. Type I chemical milling maskants are used with a Type I etchant and Type II chemical milling maskants are used with a Type II etchant. This definition does not include bonding maskants, critical use and line sealer maskants, and seal coat maskants. Additionally, maskants that must be used with a combination of Type I or Type II etchants and any of the above types of maskants are also not included in this definition. (See also Type I and Type II etchant definitions.)

(xvii) "Classified National Security Information" means information that has been determined pursuant to Executive Order 13526, "Classified National Security Information", December 29, 2009 or any successor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form. The term "Classified Information" is an alternative term that may be used instead of "Classified National Security Information."

(xviii) "Cleaning operation" means collectively spray-gun, hand-wipe, and flush cleaning operations.

(xix) "Cleaning solvent" means a liquid material used for hand-wipe, spray gun, or flush cleaning. This definition does not include solutions that contain no VOCs (i.e., VOC content less than 1.0 weight percent).

(xx) "Clear coating" means a transparent coating applied over a colored opaque coating, metallic substrate, or placard to give improved gloss and protection to the color coat. In some cases, a clearcoat refers to any transparent coating without regard to substrate.

(xxi) "Coating" means a material that is applied to a substrate for decorative, protective, or functional purposes. Such materials include, but are not limited to, paints, sealants, liquid plastic coatings, caulks, inks, adhesives, and maskants. Decorative, protective, or functional materials that consist only of protective oils for metal, acids, bases, or any combination of these substances; paper film or plastic film which may be precoated with an adhesive by the film manufacturer; or pre-impregnated composite sheets are not considered coatings for the purposes of subparagraph (kkk). Materials in handheld non-refillable aerosol containers, touch-up markers, and marking pens are also not considered coatings for the purposes of subparagraph (kkk). A liquid plastic coating means a coating made from fine particle-size polyvinyl chloride (PVC) in solution (also referred to as a plastisol).

(xxii) "Coating operation" means using a spray booth, tank, or other enclosure or any area, such as a hangar, for applying a single type of coating (e.g., primer); using the same spray booth for applying another type of coating (e.g., topcoat) constitutes a separate coating operation for which compliance determinations are performed separately.

(xxiii) "Coating unit" means a series of one or more coating applicators and any associated drying area and/or oven wherein a coating is applied, dried, and/or cured. A coating unit ends at the point where the coating is dried or cured,

or prior to any subsequent application of a different coating. It is not necessary to have an oven or flashoff area to be included in this definition.

(xxiv) "Commercial exterior aerodynamic structure primer" means a primer used on aerodynamic components and structures that protrude from the fuselage, such as wings and attached components, control surfaces, horizontal stabilizers, vertical fins, wing-to-body fairings, antennae, landing gear, and doors, for the purpose of extended corrosion protection and enhanced adhesion.

(xxv) "Commercial interior adhesive" means materials used in the bonding of passenger cabin interior components. These components must meet FAA fireworthiness requirements.

(xxvi) "Compatible substrate primer" means either compatible epoxy primer or adhesive primer.

(xxvii) "Corrosion prevention compound" means a compound that provides corrosion protection by displacing water and penetrating mating surfaces, forming a protective barrier between the metal surface and moisture. Coatings containing oils or waxes are excluded from this category.

(xxviii) "Critical use and line sealer maskant" means a temporary coating, not covered under other maskant categories, used to protect selected areas of aerospace parts from strong acid or alkaline solutions such as those used in anodizing, plating, chemical milling and processing of magnesium, titanium, or high-strength steel, high-precision aluminum chemical milling of deep cuts, and aluminum chemical milling of complex shapes. Materials used for repairs or to bridge gaps left by scrubbing operations are also included in this category.

(xxix) "Cryogenic flexible primer" means a primer designed to provide corrosion resistance, flexibility, and adhesion of subsequent coating systems when exposed to loads up to and surpassing the yield point of the substrate at cryogenic temperatures (-275°F and below).

(xxx) "Cryoprotective coating" means a coating that insulates cryogenic or subcooled surfaces to limit propellant boil-off, maintain structural integrity of metallic structures during ascent or reentry, and prevent ice formation.

(xxxi) "Cyanoacrylate adhesive" means a fast-setting, single component adhesive that cures at room temperature. Also known as "super glue."

(xxxii) "Depainting operation" means the use of a chemical agent, media blasting, or any other technique to remove permanent coatings from the outer surface of an aerospace vehicle or components. The depainting operation includes washing of the aerospace vehicle or component to remove residual stripper, media, or coating residue.

(xxxiii) "Dry lubricative material" means a coating consisting of lauric acid, cetyl alcohol, waxes, or other noncross linked resin-bond materials that act as a dry lubricant.

(xxxiv) "Electric or radiation-effect coating" means a coating or coating system engineered to interact, through absorption or reflection, with specific regions of the electromagnetic energy spectrum, such as the ultraviolet, visible, infrared, or microwave regions. Uses include, but are not limited to, lighting strike protection, electromagnetic pulse (EMP) protection, and radar avoidance. Coatings that have been designated as "classified" by the Department of Defense are exempt.

(xxxv) "Electrostatic discharge and electromagnetic interference (EMI) coating" means a coating applied to space vehicles, missiles, aircraft radomes, and helicopter blades to disperse static energy or reduce electromagnetic interference.

(xxxvi) "Elevated-temperature Skydrol-resistant commercial primer" means a primer applied primarily to commercial-type aircraft that must withstand immersion in phosphate-ester (PE) hydraulic fluid (Skydrol 500b or equivalent) at the elevated temperature of 150°F for 1,000 hours.

(xxxvii) "Epoxy polyamide topcoat" means a coating used where harder films are required or in some areas where engraving is accomplished in camouflage colors.

(xxxviii) "Exempt solvent" means a specified organic compound that has been determined by the EPA to have negligible photochemical reactivity and is listed in 40 CFR 51.100 and/or 391-3-1-.01(llll).

(xxxix) "Fire-resistant (interior) coating" means for civilian aircraft, fire-resistant coatings are used on passenger cabin interior parts that are subject to the FAA fire-worthiness requirements. For military aircraft, fire-resistant interior coatings are used on parts that are subject to the flammability requirements of MIL-STD-1630A and MIL-A-87721. For space applications, these coatings are used on parts that are subject to the flammability requirements of SE-R-0006 and SSP 30233.

(xl) "Flexible primer" means a primer that meets flexibility requirements such as those needed for adhesive bond primer fastener heads or on surfaces expected to contain fuel. The flexible coating is required because it provides a compatible, flexible substrate over bonded sheet rubber and rubber-type coatings as well as a flexible bridge between fasteners, skin, and skin-to-skin joints on outer aircraft skins.

(xli) "Flight test coating" means a coating applied to aircraft other than missiles or single-use aircraft prior to flight testing to protect the aircraft from corrosion and to provide required marking during flight test evaluation.

(xlii) "Flush cleaning" means the removal of contaminants such as dirt, grease, and coatings from an aerospace vehicle or component or coating equipment by passing solvent over, into, or through the item being cleaned. The solvent may simply be poured into the item cleaned and then drained, or be assisted by air or hydraulic pressure, or by pumping. Hand-wipe cleaning operations where wiping, scrubbing, mopping, or other hand actions used are not included in this definition.

(xliii) "Fuel tank adhesive" means a non-rubber based adhesive used to bond components exposed to fuel and which must be compatible with fuel tank coatings.

(xliv) "Fuel tank coating" means a coating applied to fuel tank components for the purpose of corrosion and/or bacterial growth inhibition and to assure sealant adhesion in extreme environmental conditions.

(xlv) "General aviation" means that segment of civil aviation that encompasses all facets of aviation except air carriers, commuters, and military. General aviation includes charter and corporate-executive transportation, instruction, rental, aerial application, aerial observation, business, pleasure, and other special uses.

(xlvi) "General aviation rework facility" means any aerospace facility with the majority of its revenues resulting from the reconstruction, repair, maintenance, repainting, conversion, or alteration of general aviation aerospace vehicles or components.

(xlvii) "Hand-wipe cleaning operation" means removing contaminants such as dirt, grease, oil, and coatings from an aerospace vehicle or component by physically rubbing it with a material such as a rag, paper, or cotton swab that has been moistened with a cleaning solvent.

(xlviii) "High temperature coating" means a coating designed to withstand temperatures of more than 350°F.

(xlix) "High volume low pressure (HVLP) spray equipment" means spray equipment that is used to apply coating by means of a spray gun that operates at 10.0 psig of atomizing air pressure or less at the air cap.

(l) "Hydrocarbon-based cleaning solvent" means a cleaning solvent that is composed of a mixture of photochemically reactive hydrocarbons and oxygenated hydrocarbons and have a maximum vapor pressure of seven mm Hg at 20°C. These cleaners also contain no hazardous air pollutants.

(li) "Insulation covering" means material that is applied to foam insulation to protect the insulation from mechanical or environmental damage.

(lii) "Intermediate release coating" means a thin coating applied beneath topcoats to assist in removing the topcoats in depainting operations and generally to allow the use of less hazardous depainting methods.

(liii) "Lacquer" means a clear or pigmented coating formulated with a nitrocellulose or synthetic resin to dry by evaporation without a chemical reaction. Lacquers are resoluble in their original solvent.

(liv) "Leak" means any visible leakage, including misting and clouding.

(lv) "Metallized epoxy coating" means a coating that contains relatively large quantities of metallic pigmentation for appearance and/or added protection.

(lvi) "Mold release" means a coating applied to a mold surface to prevent the molded piece from sticking to the mold as it is removed.

(lvii) "Non-VOC material" means a primer, topcoat, specialty coating, chemical milling maskant, cleaning solvent, or stripper that contains no more than 1.0 percent by mass VOC.

(lviii) "Nonstructural adhesive" means an adhesive that bonds nonload bearing aerospace components in noncritical applications and is not covered in any other specialty adhesive categories.

(lix) "Optical antireflection coating" means a coating with a low reflectance in the infrared and visible wavelength ranges that is used for antireflection on or near optical and laser hardware.

(lx) "Part marking coating" means coatings or inks used to make identifying markings on material, components, and/or assemblies. These markings may be either permanent or temporary.

(lxi) "Pretreatment coating" means an organic coating that contains at least 0.5 percent acids by weight and is applied directly to metal or composite surfaces provide surface etching, corrosion resistance, adhesion, and ease of stripping.

(lxii) "Primer" means the first layer and any subsequent layers of identically formulated coating applied to the surface of an aerospace vehicle or component. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings. Primers that are defined as specialty coatings are not included under this definition.

(lxiii) "Rain erosion-resistant coating" means a coating or coating system used to protect leading edges of parts such as flaps, stabilizers, radomes, engine inlet nacelles, etc., against erosion caused by rain impact during flight.

(lxiv) "Research and development" means an operation whose primary purpose is for research and development of new processes and products and that is conducted under the close supervision of technically trained personnel and is not involved in the manufacture of final or intermediate products for commercial purposes, except in a de minimis manner.

(lxv) "Rocket motor bonding adhesive" means an adhesive used in rocket motor bonding applications.

(lxvi) "Rocket motor nozzle coating" means a catalyzed epoxy coating system used in elevated temperature applications on rocket motor nozzles.

(lxvii) "Rubber-based adhesive" means a quick setting contact cement that provide a strong, yet flexible bond between two mating surfaces that may be of dissimilar materials.

(lxviii) "Scale Inhibitor" means a coating that is applied to the surface of a part prior to thermal processing to inhibit the formation of scale.

(lxix) "Screen print ink" means an ink used in screen printing processes during fabrication of decorative laminates and decals.

(lxx) "Sealant" means a material used to prevent the intrusion of water, fuel, air, or other liquids or solids from certain areas of aerospace vehicles or components.

(lxxi) "Seal coat maskant" means an overcoat applied over a maskant to improve abrasion and chemical resistance during production operations.

(lxxii) "Self-priming topcoat" means a topcoat that is applied directly to an uncoated aerospace vehicle or component for purposes of corrosion prevention, environmental protection, and functional fluid resistance. More than one layer of identical coating formulation may be applied to the vehicle or component.

(lxxiii) "Semi-aqueous cleaning solvent" means a solution in which water is a primary ingredient (greater than 60 percent by weight of the solvent solution as applied must be water).

(lxxiv) "Silicone insulation material" means an insulating material applied to exterior metal surfaces for protection from high temperatures caused by atmospheric friction or engine exhaust. These materials differ from ablative coatings in that they are not "sacrificial."

(lxxv) "Solid film lubricant" means a very thin coating consisting of a binder system containing as its main pigment material one or more of the following: molybdenum, graphite, polytetrafluoroethylene (PTFE), or other solids that act as a dry lubricant between faying surfaces.

(lxxvi) "Specialty coating" means a coating that, even though it meets the definition of a primer, topcoat, or self-priming topcoat, has additional performance criteria beyond those of primers, topcoats, and self-priming topcoats for specific applications. These performance criteria may include, but are not limited to, temperature or fire resistance, substrate compatibility, antireflection, temporary protection or marking, sealing, adhesively joining substrates, or enhanced corrosion protection.

(lxxvii) "Specialized function coating" means a coating that fulfills extremely specific engineering requirements that are limited in application and are characterized by low volume usage. This category excludes coatings covered in other Specialty coating categories.

(lxxviii) "Spray-applied coating operation" means coatings that are applied using a device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of subparagraph (kkk), spray-applied coatings do not include the following materials or activities:

(I) Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters) in which no more than 3.0 fluid ounces of coating is applied in a single application (i.e., the total volume of a single coating formulation applied during any one day to any one aerospace vehicle or component). Under this definition, the use of multiple small paint cups and the refilling of a small paint cup to spray apply more than 3.0 fluid ounces of a coating is a spray-applied coating operation. Under this definition, the use of a paint cup liner in a reusable holder or cup that is designed to hold a liner with a capacity of more than 3.0 fluid ounces is a spray-applied coating operation.

(II) Application of coating using powder coating, hand-held non-refillable aerosol containers, or non-atomizing application technology, including but not limited to paint brushes, rollers, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, marking pens, trowels, spatulas, daubers, rags, sponges, mechanically and/or pneumatic-driven syringes, and inkjet machines.

(III) Application of adhesives, sealants, maskants, caulking materials, and inks.

(lxxix) "Spray gun" means a device that atomizes a coating or other material and projects the particulates or other material onto a substrate.

(lxxx) "Stripper" means a liquid that is applied to an aerospace vehicle or component to remove permanent coatings such as primers, topcoats, and specialty coatings.

(lxxxi) "Structural autoclavable adhesive" means an adhesive used to bond load-carrying aerospace components that is cured by heat and pressure in an autoclave.

(lxxxii) "Structural nonautoclavable adhesive" means an adhesive used to bond load-carrying aerospace components that is cured under ambient conditions.

(lxxxiii) "Surface preparation" means the removal of contaminants from the surface of an aerospace vehicle or component or the activation or reactivation of the surface in preparation for the application of a coating.

(lxxxiv) "Temporary protective coating" means a coating applied to provide scratch or corrosion protection during manufacturing, storage, or transportation. Two types include peelable protective coatings and alkaline removable coatings. These materials are not intended to protect against strong acid or alkaline solutions.

(lxxxv) "Thermal control coating" means a coating formulated with specific thermal conductive or radiative properties to permit temperature control of the substrate.

(lxxxvi) "Topcoat" means a coating that is applied over a primer on a aerospace vehicle or component for appearance, identification, camouflage, or protection. Topcoats that are defined as specialty coatings are not included under this definition.

(lxxxvii) "Touch-up and repair coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(lxxxviii) "Touch-up and repair operation" means that portion of the coating operation that is the incidental application of coating used to cover minor imperfections in the coating finish or to achieve complete coverage. This definition includes out-of-sequence or out-of-cycle coating.

(lxxxix) "Type I etchant" means a chemical milling etchant that contains varying amounts of dissolved sulfur and does not contain amines.

(xc) "Type II etchant" means a chemical milling etchant that is a strong sodium hydroxide solution containing amines.

(xci) "Wet fastener installation coating" means a primer or sealant applied by dipping, brushing, or daubing to fasteners that are installed before the coating is cured.

(xcii) "Wing coating" means a corrosion-resistant topcoat that is resilient enough to withstand the flexing of the wings.

18. Applicability.

(i) The requirements of subparagraph (kkk) shall apply to all aerospace facilities with potential emissions of volatile organic compounds exceeding 100 tons per year, except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, where facilities with potential emissions of volatile organic compounds exceeding 25 tons per year are subject to subparagraph (kkk).

(ii) Effective January 1, 2015, the requirements of subparagraph (kkk) shall apply to all aerospace facilities with potential emissions of volatile organic compounds exceeding 25 tons per year in Barrow, Bartow, Carroll, Hall, Newton, Spalding, or Walton County. The requirements of this subparagraph (ii) will no longer be applicable if the counties specified in this subparagraph (ii) are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in these counties or the counties specified in subparagraph (i) above, the requirements of this subparagraph (ii) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

19. Compliance Dates.

(i) All aerospace facilities subject to subparagraph (kkk) and located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall be in compliance.

(ii) All aerospace facilities subject to subparagraph (kkk); located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties; and in operation on or before October 1, 1999, shall be in compliance by January 1, 2001.

(iii) All aerospace facilities subject to subparagraph (kkk); located outside Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale counties; and which begin initial operation after October 1, 1999, shall be in compliance upon startup.

(iv) All aerospace facilities subject to subparagraph (kkk) and utilizing specialty coatings that begin operation after the effective date of this rule shall be in compliance upon startup. All aerospace facilities subject to subparagraph (kkk) and utilizing specialty coatings that are in operation on or before the effective date of this rule shall be in compliance on or before March 31, 2019.

(lll) **NOx Emissions From Fuel-Burning Equipment.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NOx) from an affected unit under this subparagraph that is installed or modified on or after May 1, 1999, to exceed 30 ppm at 3% oxygen on a dry basis.

2. The requirements of this subparagraph shall apply during the period May 1 through September 30 of each year.

3. All affected units subject to this subparagraph shall be in compliance on or before May 1, 2000.

4. The requirements contained in Subparagraph 1. shall apply to all such affected units as defined in subparagraph 5.(i) that are located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

5. For the purpose of this subparagraph, the following definitions apply:

(i) "Affected Unit" means fuel-burning equipment with a maximum design heat input capacity equal to or greater than 10 MMBTU/hr and less than or equal to 250 MMBTU/hr.

(ii) "Annual Capacity Factor" as used in this subparagraph means the ratio between the actual heat input to the fuel-burning equipment from fuels other than wood during a period of 12 consecutive calendar months and the potential heat input to the fuel-burning equipment from all fuels had the fuel-burning equipment been operated 8,760 hours during that 12-month period at the maximum design heat input capacity.

(iii) "Modified" as used in subparagraph 1. shall be as defined in 40 CFR 60.14.

(iv) "Wood" means wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including, but not limited to, sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

6. The requirements of this subparagraph do not apply to the following:

(i) Fuel-burning equipment, which was permitted under 391-3-1-.03(1) on or before May 1, 1999, or which was brought onto the facility on or before May 1, 1999.

(ii) Duct burners associated with combined cycle gas turbines.

(iii) Fuel-burning equipment located in any of the following counties: Banks, 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 that combusts either:

(I) wood alone; or

(II) wood in combination with any other fuel and has annual capacity factor for the other fuels of 10 percent (0.10) or less and is subject to an enforceable requirement limiting operation of the equipment to an annual capacity factor for the other fuels of 10 percent (0.10) or less.

(mmm) **NOx Emissions from Stationary Gas Turbines and Stationary Engines used to Generate Electricity.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NOx), from any stationary gas turbine or any stationary engine used to generate electricity whose nameplate capacity is greater than or equal to 100 kilowatts (KWe) and is less than or equal to 25 megawatts (MWe), to exceed the following:

(i) For stationary engines in operation before April 1, 2000:

160 ppm @ 15% $O_2$, dry basis

(ii) For stationary engines installed or modified on or after April 1, 2000:

80 ppm @ 15% $O_2$, dry basis

(iii) For stationary gas turbines in operation on or after January 1, 1999, and before October 1, 1999:

42 ppm @ 15% $O_2$, dry basis

(iv) For stationary gas turbines installed or modified on or after October 1, 1999:

30 ppm @ 15% $O_2$, dry basis

2. The requirements of this subparagraph shall apply during the period May 1 through September 30 of each year.

3. Compliance Dates.

(i) For stationary engines in operation before April 1, 2000, the affected unit shall comply with the applicable standard under subparagraph 1. above by May 1, 2003.

(ii) For stationary engines installed or modified on or after April 1, 2000, the affected unit shall comply with the applicable standard under subparagraph 1. upon startup of the affected unit.

(iii) For stationary gas turbines in operation on or after January 1, 1999, and before October 1, 1999, the affected unit shall comply with the applicable standard under subparagraph 1. above by May 1, 2000.

(iv) For stationary gas turbines installed or modified on or after October 1, 1999, the affected unit shall comply with the applicable standard under subparagraph 1. upon startup of the affected unit.

4. For the purpose of this subparagraph, the following definitions apply:

(i) "Emergency standby stationary gas turbines and stationary engines" means any stationary gas turbine or stationary engine that operates only when electric power from the local utility is not available, operates for routine maintenance and testing, and which operates less than 200 hours per year.

(ii) "Modified" shall be as defined in 40 CFR 60.14.

(iii) "Stationary engine" means any spark or compression ignited internal combustion engine which is either attached to a foundation at a facility or is portable equipment located at a specific facility.

(iv) "Stationary gas turbine" means any gas turbine that is gas and/or liquid fueled with or without power augmentation. It is either attached to a foundation at a facility or is portable equipment located at a specific facility.

(v) "Emergency standby stationary engines at data centers" means any stationary gas engine located at a data center that operates only when electrical power from the local utility is not available, operates for routine maintenance and testing, or during internal system failures and which operate less than 500 hours per year.

5. Exemptions.

The following units are exempt from the provisions of this subparagraph:

(i) Stationary engines used to power portable rock crushing plants.

(ii) Stationary engines used directly and exclusively for agricultural operation necessary for the growing of crops or the raising of fowl or animals.

(iii) Stationary gas turbines and stationary engines not connected to an electrical generator.

(iv) Laboratory engines or gas turbines used for research and testing purposes.

(v) Engines or gas turbines operated by the manufacturer or distributor of such equipment for purposes of performance verification and testing at the production facility.

(vi) Portable, temporary generators used for special events (i.e., county fair, circus) provided the event does not last more than 14 days.

(vii) Nonroad engines as defined in 40 CFR 1068.30.

(viii) Emergency engines as defined in subparagraphs 4.(i) and 4.(v) and stationary engines subject to 391-3-1-.02(2)(mmm)8. that are directed to operate by the local utility or its balancing authority when such entity projects that it may be unable to meet system demand with its available resources [which may result in an interruption of power supply in the local utility or balancing authority's area]. Balancing shall be done with engines subject to 40 CFR 60 Subparts IIII or JJJJ and certified to the emission standard under the applicable subpart and shall be limited to no more than 50 hours of non-emergency operations per calendar year, which includes balancing, as part of the 100 hours of annual maintenance and testing.

6. The requirements contained in this subparagraph shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

7. Emergency standby stationary gas turbines and stationary engines which meet the definition stated in subparagraph 4.(i) are not subject to the emission limitations of subparagraph 1.

8. Emergency standby stationary engines at data centers which meet the definition stated in subparagraph 4.(v) and meet all of the following criteria are not subject to the emission limitations in subparagraph 1.:

(i) Operate only for routine testing and maintenance, when electric power from the local utility is not available, or during internal system failures;

(ii) Total annual operation for the engine is less than 500 hours per year;

(iii) Operation for routine testing and maintenance during the months of May through September occurs only between 10 p.m. to 4 a.m. Operation for routine testing and maintenance during the months of January through April and October through December may be done during any time of day; and

(iv) The facility maintains records of all operation, including the reason for the operation.

(nnn) **NOx Emissions from Large Stationary Gas Turbines.**

1. No person shall cause, let, suffer, permit, or allow the emission of nitrogen oxides (NOx), from any stationary gas turbine whose nameplate capacity is greater than 25 megawatts (MWe), to exceed the following:

(i) For stationary gas turbines permitted under 391-3-1-.03(1) before April 1, 2000:

30 ppm @ 15% $O_2$, dry basis

(ii) [reserved]

(iii) For stationary gas turbines permitted under 391-3-1-.03(1) on or after April 1, 2000:

6 ppm @ 15% $O_2$, dry basis

2. The requirements of this subparagraph shall apply during the period May 1 through September 30 of each year.

3. Compliance Dates.

(i) Stationary gas turbines subject to subparagraph 1.(i) above shall comply by May 1, 2003.

(ii) Stationary gas turbines subject to subparagraph 1.(iii) above shall be in compliance upon startup.

4. The requirements contained in subparagraph 1.(iii) of this subparagraph shall not apply to stationary gas turbines subject to NOx emission limits established between April 1, 2000, and February 21, 2023 (inclusive).

5. By no later than May 1, 2003, the owner/operator of an affected unit may submit actual operating performance data on the affected unit, with the emission reduction technologies, as approved by the Director, in place and optimized on the affected unit, sufficient to allow the Director to determine if the NOx emission limit in subparagraph 1.(i) is technically achievable taking into account the cost and feasibility of available control options. Based on the Director's review of the data provided, this rule may be modified.

6. The requirements contained in this subparagraph shall apply to all such sources located in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton.

7. Exemptions.

The following units are exempt from the provisions of this subparagraph provided that they only operate under the following conditions:

(i) Units operating for purposes of routine testing, to maintain operability, not to exceed three (3) hours per month.

(ii) Units operating under one of the following emergency conditions. For the purpose of restarting the steam-electric generating units when all steam-electric generating units at a facility are down and off-site power is not available (also known as a "Black Start"). Or, when power problems on the grid would necessitate implementing

manual load shedding procedures for retail customers (Note: This does not apply to special rate structure conditions).

(ooo) **Reserved.**

(ppp) **Commercial and Industrial Solid Waste Incineration Units.**

1. The provisions of this subparagraph apply to each commercial and industrial solid waste incinerator (CISWI) unit that commenced construction on or before June 4, 2010, or commenced modification or reconstruction after June 4, 2010 but no later than August 7, 2013 (hereinafter referred to as "existing CISWI unit").

(i) For the purposes of this subparagraph, a "CISWI unit" means any unit that meets the definition of "Commercial and industrial solid waste incineration (CISWI) unit" in 40 CFR Part 60, Subpart DDDD. The types of CISWI units include the following: incinerators; air curtain incinerators; small, remote incinerators; waste-burning kilns; and energy recovery units. Physical or operational changes made at an existing CISWI unit solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing CISWI unit to the requirements of Georgia rule 391-3-1-.02(8)(b)75.

(ii) The following units are exempt from the requirements of this subparagraph:

(I) This subparagraph exempts the types of units described in subparagraphs I. through XI., but some units are required to provide notifications. Air curtain incinerators are exempt from the requirements in this subparagraph except for the provisions in 40 CFR 60.2805, 60.2860, and 60.2870.

I. Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2875 are not subject to this subpart if you meet the two requirements specified in subparagraphs I.A. and B.

A. Notify the Administrator that the unit meets these criteria.

B. Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/ or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

II. Municipal waste combustion units. Incineration units that are subject to 40 CFR Part 60, Subpart Ea (Standards of Performance for Municipal Waste Combustors); 40 CFR Part 60, Subpart Eb (Standards of Performance for Large Municipal Waste Combustors); 40 CFR Part 60, Subpart Cb (Emission Guidelines and Compliance Time for Large Municipal Combustors); 40 CFR Part 60, Subpart AAAA (Standards of Performance for Small Municipal Waste Combustion Units); or 40 CFR Part 60, Subpart BBBB (Emission Guidelines for Small Municipal Waste Combustion Units).

III. Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) or 40 CFR Part 60, Subpart Ce (Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators).

IV. Small power production facilities as specified below.

A. The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

C. You submit documentation to the Director and notify the EPA Administrator that the qualifying small power production facility is combusting homogenous waste.

D. You maintain the records specified in 40 CFR 60.2740(v).

V. Cogeneration facilities as specified below.

A. The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

B. The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

C. You submit documentation to the Director and notify the EPA Administrator that the qualifying cogeneration facility is combusting homogenous waste.

D. You maintain the records specified in 40 CFR 60.2740(w).

VI. Hazardous waste combustion units. Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

VII. Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters.

VIII. Air curtain incinerators. Air curtain incinerators that burn only the materials listed in paragraphs VIII.A. through C. of this section are only required to meet the requirements under "Air Curtain Incinerators" (40 CFR 60.2810 through 60.2870).

A. 100 percent wood waste.

B. 100 percent clean lumber.

C. 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

IX. Sewage treatment plants. Incineration units regulated under Subpart O of 40 CFR Part 60 (Standards of Performance for Sewage Treatment Plants).

X. Sewage sludge incineration units. Incineration units combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter that are subject to 40 CFR Part 60, Subpart LLLL (Standards of Performance for Sewage Sludge Incineration Units) or 40 CFR Part 60, Subpart MMMM (Emission Guidelines for Sewage Sludge Incineration Units).

XI. Other solid waste incineration units. Incineration units that are subject to 40 CFR Part 60, Subpart EEEE (Standards of Performance for Other Solid Waste Incineration Units) or 40 CFR Part 60, Subpart FFFF (Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units).

2. Each existing CISWI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart DDDD (Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units), as amended on March 20, 2023, which are hereby incorporated and adopted by reference.

(i) For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart DDDD, the following provisions are hereby incorporated and adopted by reference:

(I) 40 CFR 60.2575 through 40 CFR 60.2615, Increments of Progress except that in 40 CFR 60.2580, "table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6."; and in 40 CFR 60.2595, "for that increment of progress in table 1 of this subpart" is replaced with "in 391-3-1-.02(2)(ppp)6.".

(II) 40 CFR 60.2620 through 40 CFR 60.2630, Waste Management Plan except that in 40 CFR 60.2625, "table 1 of this subpart for submittal of the final control plan" is replaced with "391-3-1-.02(2)(ppp)6.".

(III) 40 CFR 60.2635 through 40 CFR 60.2665, Operator Training and Qualification.

(IV) 40 CFR 60.2670 through 60.2680, Emission Limitations and Operating Limits.

(V) 40 CFR 60.2690 through 60.2695, Performance Testing.

(VI) 40 CFR 60.2700 through 60.2706, Initial Compliance Requirements except that in 40 CFR 60.2705(a), "table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6.".

(VII) 40 CFR 60.2710 through 60.2725, Continuous Compliance Requirements.

(VIII) 40 CFR 60.2730 through 60.2735, Monitoring.

(IX) 40 CFR 60.2740 through 60.2800, Recordkeeping and Reporting with the exception of the following:

I. In 40 CFR 60.2755, "table 1 of this subpart for submittal of the final control plan" is replaced with "391-3-1-.02(2)(ppp)6.".

II. In lieu of 40 CFR 60.2795(b)(1)&(2):

A. Within 60 days after the date of completing each performance test as required by this subparagraph, each owner or operator must submit the results of the performance test required by this subparagraph to the Director. Performance test results required to be submitted to EPA must follow provision 40 CFR 60.2795(b)(1).

B. Within 60 days after the date of completing each CEMS performance evaluation test, as defined in this subparagraph and required by this subparagraph, each owner or operator must submit the relative accuracy test audit (RATA) data, to the Director. RATA data required to be submitted to EPA must follow provision 40 CFR 60.2795(b)(2).

(X) 40 CFR 60.2805, Title V Operating Permits.

(XI) 40 CFR 60.2810 through 60.2870, Air Curtain Incinerators except that in 40 CFR 60.2820, "table 1 of this subpart" is replaced with " 391-3-1-.02(2)(ppp)6."; and in 40 CFR 60.2835, "for that increment of progress in table 1 of this subpart" is replaced with "391-3-1-.02(2)(ppp)6.".

(XII) 40 CFR 60.2875, Definitions.

(XIII) 40 CFR Part 60 Subpart DDDD Tables 2 through 9 except that in Table 5, in the Due Date column for the Waste Management Plan report, "table 1 for the submittal of the final control plan" is replaced with "391-3-1-.02(2)(ppp)6.".

3. The owner of an existing CISWI unit must contact EPA with respect to the authorities specified in 40 CFR Part 60.2542.

4. Each Existing CISWI unit is subject to the permitting requirements of 391-3-1-.03(10) "Title V Operating Permits".

5. Definitions of all terms used, but not defined in this subparagraph, shall have the meaning given to them in 40 CFR Part 60, Subpart DDDD, as amended. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subparagraph the following definitions also apply:

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (ppp)3. the word "Administrator" shall mean the Administrator of the EPA.

(ii) The term "Air Curtain Incinerator" as used in regulations adopted in this subparagraph shall mean an incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type can be constructed above or below ground and with or without refractory walls and floor. (Air curtain incinerators are not to be confused with conventional combustion devices with enclosed fireboxes and controlled air technology such as mass burn, modular, and fluidized bed combustors.)

(iii) The term "You" means the owner or operator of a CISWI unit subject to this rule.

6. In keeping with subparagraph (ppp)2., owners and operators of existing CISWI units must comply with Georgia's state plan for existing CISWI units, which is required by 40 CFR Part 60, Subpart DDDD. The owner operator of each existing CISWI unit shall comply with the requirements of 391-3-1-.02(2)(ppp)2. upon approval of Georgia's state plan for existing CISWI units by EPA.

(qqq) **VOC Emissions from Extruded Polystyrene Products Manufacturing Utilizing a Blowing Agent.**

1. No person shall cause, let, permit, suffer, or allow the three-month rolling average VOC emissions from an existing extruded polystyrene (XPS) products manufacturing facility that utilizes a blowing agent, to exceed 0.8 lbs per 100 lbs of raw material processed during any month. Compliance with this limit shall be calculated as follows:

Final VOC Emissions = (Facility VOC Emissions)/(Raw Material)

2. No person shall cause, let, permit, suffer, or allow the three-month rolling average VOC emissions from any new or reconstructed extruded polystyrene (XPS) products manufacturing facility that utilizes a blowing agent, to exceed 0.3 lbs per 100 lbs of raw material processed during any month. Compliance with this limit shall be calculated as follows:

Final VOC Emissions = (Facility VOC Emissions)/(Raw Material)

3. For the purposes of subparagraphs 1 and 2 above, the VOC emissions from the product manufacturing operations and the post-manufacturing operations are to be calculated as follows:

$$\text{Facility VOC Emissions} = \sum_{i=1}^{m} B_i(1 - OCE_i) + \sum_{i=1}^{n} C_i(1 - OCE_i) + \sum_{i=1}^{p} E_i(1 - OCE_i)$$

B = A - C - D

A = VOC Blowing Agent Used (pounds per any consecutive three-month period)

B = VOC Emissions Primary Extrusion, Roll Storage, and Thermoforming (Uncontrolled) for each control device (pounds per any consecutive three-month period)

C = VOC in the Reclaim Material (pounds per any consecutive three-month period)

D = VOC in the Final Product (pounds per any consecutive three-month period)

E = VOC Emissions from Finished Goods Warehouses (Uncontrolled) (pounds per any consecutive three-month period)

OCE = Overall Control Efficiency of a control device = [(CE)/100*(DE)/100*(UT)/100]

CE = Capture Efficiency of a Control Device (percent VOC captured)

DE = Destruction Efficiency of a Control Device (percent VOC destruction)

UT = Percentage of operating time for the control device (for the consecutive three-month period)

n = Total number of control device systems associated with primary extrusion, roll storage, and thermoforming

m = Total number of control device systems associated with the reclaim system

p = Total number of control device systems associated with the finished goods warehouses

4. Exemptions.

(i) The provisions of subparagraphs 1 and 2 above shall not apply to Extruded Polystyrene Products Manufacturing facilities at any single site that processes less than 200 pounds per day of raw material.

(ii) The provisions of subparagraphs 1and 2 above shall not apply to any single site that contains one or more XPS post-manufacturing operations and does not contain any XPS product manufacturing operations.

5. Any owner or operator subject to subparagraphs 1 or 2 above shall maintain a record of operations, including but not limited to the amount of raw material processed, the equipment used, the type of blowing agent used, and operation and maintenance records of all VOC emission control systems such as temperature, pressure, flow rate, and other measures to demonstrate compliance with subparagraphs 1 or 2, as applicable. Such records shall be maintained in a format specified by the Division and shall be retained on site for a period of five years from the date of record and shall be made available to the Division upon request.

6. For the purpose of this rule, the following definitions shall apply:

(i) "Affected Facility" means the entire Extruded Polystyrene (XPS) manufacturing operations and post-manufacturing operations at a single site.

(ii) "Blowing Agent" means a liquid, gaseous or solid material that facilitates the formation of a cellular product from raw polymeric material.

(iii) "Existing Extruded Polystyrene (XPS) Products Manufacturing Facility" means any such facility that begins initial operation on or before April 16, 2003.

(iv) "Extruded Polystyrene (XPS) Products Manufacturing Facility" means a series of processes, where a blowing agent is injected into an extruded polystyrene resin and processed through cup, block, or shape molding into low-density, closed cell, cellular products. XPS products include but are not limited to insulation board, product and food packaging material. For the purposes of the applicability thresholds in subparagraph 7 below, all of the potential VOC emissions from the affected facility at a single site should be counted toward the emission thresholds. XPS product manufacturing facility includes all product manufacturing operations as well as post-manufacturing operations.

(v) "Facility VOC Emissions" means VOC emissions from the product manufacturing operation and the post-manufacturing operation during any consecutive three-month period as calculated per subparagraph 3 above.

(vi) "Final VOC Emissions" means VOC emission calculations that are expressed in pounds VOC emitted from the facility per 100 pounds of raw material processed during any consecutive three-month period as calculated per subparagraphs 1 and 2 above.

(vii) "New Extruded Polystyrene (XPS) Products Manufacturing Facility" means any such facility that begins initial operation after April 16, 2003.

(viii) "Product Manufacturing Operation" means every step of the processing of a polymeric material from the delivery of the raw material, up until the storage of the final cellular product.

(ix) "Post-Manufacturing Operation" means the storage of the final cellular product.

(x) "Raw Material" means all polystyrene (including recycle polystyrene from reclaim systems), additives, and blowing agent used in the manufacture of polymeric cellular products during any consecutive three-month period.

(xi) "Reconstructed" means the replacement or addition of components at an existing affected facility in which the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable affected facility.

(xii) "Reconstructed Extruded Polystyrene (XPS) Products Manufacturing Facility" means any existing facility that is reconstructed after April 16, 2003.

(xiii) "Single Site" means any stationary source or group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control.

7. The requirements of this rule shall apply to all Extruded Polystyrene (XPS) Products Manufacturing facilities, at a single site, with potential VOC emissions from product manufacturing and post-manufacturing operations equal to or exceeding 25 tons per year in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale. In the counties of Bartow, Carroll, Hall, Newton, Spalding and Walton, facilities, at a single site, with potential VOC emissions from product manufacturing and post-manufacturing operations equal to or exceeding 100 tons per year are subject to this rule.

8. Compliance Dates.

(i) All existing facilities shall be subject to the following compliance schedule:

(I) Existing facilities shall submit a letter to the Division no later than May 1, 2003, indicating the option they are considering to comply with the limit in subparagraph 1. These options shall be either installation and use of additional VOC emission control systems or a blowing agent substitution.

(II) Existing facilities that choose to install and operate additional VOC emission control systems shall do the following:

1. An application for a permit to construct for the installation of VOC emission control systems shall be submitted no later than November 1, 2003.

2. Full compliance with the limit in subparagraph 1 above shall be demonstrated no later than November 1, 2004.

(III) Existing facilities that choose a blowing agent substitution shall do the following:

1. Two six-month progress reports shall be submitted to the Division no later than November 1, 2003, and May 1, 2004.

2. Full compliance with the limit in subparagraph one above shall be demonstrated no later than November 1, 2004.

3. If the facility cannot comply with the limit, then an application for a permit to construct for the installation of VOC emission control systems shall be submitted no later than November 1, 2004, and full compliance with the limit in subparagraph 1 above shall be demonstrated no later than January 1, 2006.

(i) All new or reconstructed facilities shall be subject to the limit in subparagraph 2 upon startup.

(rrr) **NOx Emissions from Small Fuel-Burning Equipment.**

1. The owner or operator of an affected unit as defined in subparagraph 4. shall:

(i) Perform an annual tune-up of each affected unit, no earlier than February 1 and no later than May 1 of each calendar year. The annual tune-up shall be performed using the manufacturer's recommended settings for reduced NOx emissions, or using a NOx analyzer so that NOx emissions are minimized in a manner consistent with good combustion practices and safe fuel-burning equipment operation.

(ii) Fire only natural gas, LPG or propane in an affected unit during the calendar months of May through September of each year. If an affected unit is not equipped to fire LPG or propane, the owner or operator shall be excused from this requirement only during periods of natural gas curtailment as defined in subparagraph 5.

(iii) Maintain records of all tune-ups required to be performed in accordance with subparagraph 1.(i). These records shall indicate the date and time the tune-up was performed, state what burner settings were implemented to minimize NOx emissions, and explain how those settings were determined. All documents and calculations used to determine reduced NOx fuel-burning equipment settings shall be kept as part of the tune-up, maintenance and adjustments records. All records required by this subparagraph shall be retained available for inspection or submittal either in written or electronic form for at least five years from the date of record.

2. The owner or operator shall cause all affected units in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County to be in compliance with the requirements of this paragraph on or before May 15, 2005, and the owner or operator shall cause all affected units in Barrow, Bartow, Carroll, Hall, Newton, Spalding or Walton County to be in compliance with the requirements of this paragraph on or before March 1, 2009.

3. As an alternative to complying with the requirements of this paragraph, the owner or operator of any affected emissions unit(s) may elect to comply with the requirements of paragraph 391-3-1-.02(2)(yy).

4. For the purposes of this paragraph, the term "affected unit" means individual fuel burning equipment that:

(i) is not subject to the requirements of paragraphs 391-3-1-.02(2)(jjj) or 391-3-1-.02(2)(lll); and

(ii) is located at a facility having (from all emission sources combined) potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 25 tons-per-year in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale County or any facility having (from all emission sources combined) potential emissions of nitrogen oxides, expressed as nitrogen dioxide, exceeding 100 tons-per-year in Barrow, Bartow, Carroll, Hall, Newton, Spalding or Walton County; and

(iii) has potential emissions (from the individual fuel burning equipment) of nitrogen oxides, expressed as nitrogen dioxide, equal to or exceeding one ton per year; and either

(iv) was installed before May 1, 1999 and has a maximum design heat input capacity of less than 100 million BTU-per-hour, or

(v) was installed on or after May 1, 1999 and has a maximum design heat input capacity of less than 10 million BTU-per-hour.

5. For the purposes of this paragraph, the term "natural gas curtailment" means any period during which the supply of natural gas is not available for firing in an affected unit, for reasons beyond the control of and not related to any action or decision of the owner or operator.

6. An affected unit shall be exempt from the requirements of subparagraph 1, provided the owner or operator submits such documentation as specified in the facility's air quality permit confirming that the affected unit will not be operated during the months of May through September.

(sss) **Multipollutant Control for Electric Utility Steam Generating Units.**

1. **Effective December 31, 2008**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Bowen Unit 4 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.

(ii) Plant Bowen Unit 3 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.

(iii) Plant Wansley Unit 1 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.

(iv) Plant Hammond Unit 1 unless such source is equipped and operated with flue gas desulfurization.

(v) Plant Hammond Unit 2 unless such source is equipped and operated with flue gas desulfurization.

(vi) Plant Hammond Unit 3 unless such source is equipped and operated with flue gas desulfurization.

(vii) Plant Hammond Unit 4 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.

(viii) Plant Yates Unit 1 unless such source is equipped and operated with flue gas desulfurization.

2. **Effective June 1, 2009**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Bowen Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(ii) Plant Scherer Unit 2 unless such source is equipped and operated with sorbent injection and a baghouse.

(iii) Plant Scherer Unit 3 unless such source is equipped and operated with sorbent injection and a baghouse.

3. **Effective December 31, 2009**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Scherer Unit 1 unless such source is equipped and operated with sorbent injection and a baghouse.

(ii) Plant Wansley Unit 2 unless such source is equipped and operated with selective catalytic reduction and flue gas desulfurization.

4. **Effective April 30, 2010**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Scherer Unit 4 unless such source is equipped and operated with sorbent injection and a baghouse.

5. **Effective June 1, 2010**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Bowen Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

6. **Effective July 1, 2011**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Scherer Unit 3 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the

selective catalytic reduction system during the months of January through April and October through December of each year.

7. **Effective December 31, 2011**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) [reserved]

(ii) Plant McDonough Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

8. **Effective April 30, 2012**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant McDonough Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

9. **Effective December 31, 2012**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Scherer Unit 4 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse, provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

10. **Effective October 1, 2013**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Branch Unit 2 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

11. **Effective December 31, 2013**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) [reserved]

(ii) Plant Scherer Unit 2 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse, provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

(iii) [reserved]

12. **Effective December 31, 2014**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) [reserved]

(ii) [reserved]

(iii) Plant Scherer Unit 1 unless such source is equipped and operated with selective catalytic reduction, flue gas desulfurization, sorbent injection, and a baghouse; provided that the owner or operator is not required to operate the selective catalytic reduction system during the months of January through April and October through December of each year.

13. **Effective April 16, 2015**, no person shall cause, let, permit, suffer or allow the operation of the following affected units except as specified below:

(i) Plant Yates Unit 6 unless such source is operated as a natural gas-fired electric utility steam generating unit or is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(ii) Plant Yates Unit 7 unless such source is operated as a natural gas-fired electric utility steam generating unit or is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(iii) Plant Yates Units 2, 3, 4, and 5 unless such sources are operated as natural gas-fired electric steam generating units.

(iv) Plant Branch Unit 1 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(v) Plant Branch Unit 3 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(vi) Plant Branch Unit 4 unless such source is equipped and operated with selective catalytic reduction (SCR) and flue gas desulfurization (FGD).

(vii) Plant Yates Unit 1 unless such source is operated as a natural gas-fired electric utility steam generating unit and is equipped and operated with flue gas desulfurization when burning coal.

14. [reserved]

15. [reserved]

16. **Effective January 1, 2018**, should the annual heat input (from coal combustion) of the following unit or group of units exceed the levels specified in each Subparagraphs 16.(i) through 16.(iii), the owner/operator will comply with the requirements specified in Subparagraph 16.(v):

(i) Plant Kraft Units 1, 2, and 3 with a total annual heat input of 17,911,898 million Btu;

(ii) Plant McIntosh Unit 1 with a total annual heat input of 14,557,638 million Btu;

(iii) Plant Mitchell Unit 3 with a total annual heat input of 8,621,580 million Btu;

(iv) [reserved]

(v) The owner/operator shall evaluate the economic and technical feasibility of additional mercury controls on the applicable unit(s) specified in Subparagraphs 16.(i) through 16.(iii), and submit a report on their findings to the Division no later than September 1 of the calendar year following the calendar year that the annual heat input exceeded the applicable level specified in Subparagraphs 16.(i) through 16.(iii).

(vi) The Division will review the report submitted in accordance with Subparagraph 16.(v) and determine if additional mercury controls are required and, if additional mercury controls are required, establish deadlines for submission of a permit application(s) to the Division and for start-up of such mercury controls.

(vii) The Division will document the results of its evaluation conducted in accordance with Subparagraph 16.(vi) and notify the owner and/or operator within a timely fashion whether additional mercury controls are required.

17. **Control Equipment Monitoring Design:** For the anticipated range of operations of the affected units specified in Subparagraphs 1. through 13., the designated representative shall follow the procedures given in Section 2.124 of the Division's **Procedures for Testing and Monitoring Sources of Air Pollutants** for the establishment of

optimized operating parameters for the applicable control equipment installed as required in Subparagraphs 1. through 13.

18. **Alternative Control Technology:** The owner/operator of an affected unit specified in Subparagraphs 1. through 13. may operate alternative control technology or alternative method of emissions reductions from that which is specified in the applicable Subparagraphs 1. through 13. if the following requirements are met:

(i) The Division has approved the operation of the alternative control technology or the alternative method of emission reductions as being capable of achieving reductions of NOx, $SO_2$ and/or mercury emissions equivalent to or greater than the control technology requirement specified in applicable Subparagraphs 1. through 13. for an individual emissions unit or the respective plant site as a whole; and

(ii) The owner/operator has obtained the appropriate permit(s) from the Division prior to operating the alternative control technology.

19. **The owner or operator** of any electric utility steam generating unit subject to this subsection may submit a request to the Director to delay implementation of any of the controls required by Subparagraphs 1. through 13. for a specific electric utility steam generating unit if there is a delay caused by reasonably unforeseen circumstances beyond the control of the owner operator. Any delay allowed under this subparagraph is subject to review and approval by the Division. Reasonably unforeseen circumstances beyond the control of the owner or operator shall include, without limitation, the following:

(i) Failure to secure timely and necessary federal, state or local approvals, responses, notifications or permits to install the controls, provided that such approvals or permits have been timely and diligently sought;

(ii) Act of God, act of war, insurrection, civil disturbance, flood or other extraordinary weather conditions, vandalism, contractor or supplier strikes or bankruptcy, or unanticipated breakage or accident to machinery or equipment despite diligent maintenance; and

(iii) Any other delay caused by unforeseeable circumstances beyond the reasonable control of owner or operator as reasonably determined by the Director.

20. **On and after the effective date** of each Subparagraph 1. through 13. for an affected unit, the applicable owner or operator is not required to operate the required control technology under the following conditions:

(i) Restarting an electric utility steam generating unit when all electric utility steam generating units [as listed in Subparagraphs 1. through 13.] at a facility are down and off-site power is not available (also known as a "Black Start").

(ii) Periods of startup of an electric utility steam generating unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(iii) Periods of shutdown of an electric utility steam generating unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(iv) Periods of scheduled and/or preventative maintenance of control technology equipment if such maintenance cannot reasonably be performed during a scheduled outage of the respective electric utility steam generating unit.

(v) Periods of malfunction of electric utility steam generating unit and/or control technology equipment provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(vi) Periods when the owner/operator is required to conduct the Relative Accuracy Test Audit and any other necessary periodic quality assurance procedures on the Continuous Emissions Monitoring System located on the bypass stack pursuant to 40 CFR Part 75 or the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

(vii) Periods when the owner/operator is required to conduct any performance tests on the bypass stack as required by state or federal air quality rules, air quality operating permits, or as ordered by the Division.

(viii) Division-approved periods of research and development of emission control technologies, provided that the unit does not exceed other applicable emission limits. For purposes of this subparagraph, the owner/operator shall submit a request for approval under this subparagraph at least 120 days prior to such date as well as including the following items: (1) length of time of research and development (R&D) period; (2) identification of steps to take to minimize emissions in accordance with best operational practices during R&D period; (3) for periods of R&D lasting more than 48 hours during any 5-day period, a demonstration that any increase in emissions resulting from the R&D project that are above that which is allowed by this subparagraph (sss) will not cause or significantly contribute to a violation of any national ambient air quality standard or prevent compliance with any other applicable provisions.

(ix) Any other occasion not covered by Subparagraphs 20.(i) through (viii), as approved by the Division.

21. **The requirements** of Subparagraph 20 do not relieve the owner or operator from the requirement to comply with any other applicable requirements of Georgia Rules for Air Quality Control Chapter 391-3-1.

22. **Technology and Mercury Impact Review - Periodic Evaluation:** The Director shall submit a report to the Georgia Department of Natural Resources Board by December 31, 2023. The report shall constitute an evaluation of available and relevant information to determine if additional reductions of mercury emissions from electric utility steam generating units are necessary or appropriate. This report shall include an evaluation that includes, but is not limited to, the following:

(i) mercury concentrations in fish tissue in water bodies in the State and any changes or trends of such concentrations over time;

(ii) the sources of mercury (including air, land, and water sources) that might influence in-state mercury concentrations in fish tissue;

(iii) the state of the science regarding the relationship among sources of mercury, mercury speciation and mercury concentrations in fish tissue in water bodies in the State;

(iv) the health impact of mercury contamination in fish tissue;

(v) technically- and economically-feasible controls for the reduction of mercury emissions from coal-fired EGUs or other sources;

(vi) whether additional reductions of mercury from coal-fired electric utility steam generating units or other sources and/or whether additional time or study is appropriate and necessary in light of items (i) through (v);

(vii) recommendations for any necessary revisions to Paragraph (sss) or other actions as needed to address other sources; and

(viii) recommendations for an appropriate timeline for the development of any such additional regulations; provided, however, that implementation and operation of any such additional controls shall be required no earlier than January 1, 2027.

23. **Effective January 1, 2013**, no person shall cause, let, permit, suffer or allow the operation of the following units affected except as specified below:

(i) Plant Branch Units 3 and 4, combined, shall not emit more than 11,165 tons of nitrogen oxides annually in 2013, 2014, and 2015 only.

(ii) Plant Branch Units 3 and 4, combined, shall not emit more than 52,988 tons of sulfur dioxide annually in 2013, 2014, and 2015 only.

24. **Definitions.** For the purpose of this subparagraph (sss), the following definitions apply:

(i) "Affected Unit" means electric utility steam generating units at Plants Bowen 1, 2, 3, and 4; Plants Branch Units 1, 2, 3, and 4; Plant Hammond Units 1, 2, 3, and 4; Plant McDonough Units 1 and 2; Plant Scherer Units, 1, 2, 3, and 4; Plant Wansley Units 1 and 2; and Plant Yates Units 1, 2, 3, 4, 5, 6, and 7.

(ii) The definition of natural gas-fired electric utility steam generating unit specified in 40 CFR 63.10042 is hereby incorporated and adopted by reference.

(ttt) **[reserved]**

(uuu) **$SO_2$ Emissions from Electric Utility Steam Generating Units.**

1. Effective January 1, 2010, no person shall cause, let, permit, suffer or allow any gases which contain sulfur dioxide in excess of 10 percent (0.10) of the potential combustion concentration (90 percent reduction) from the following affected unit: Plant Yates Unit 1.

2. Effective on the dates established below, no person shall cause, let, permit, suffer or allow any gases which contain sulfur dioxide in excess of 5 percent (0.05) of the potential combustion concentration (95 percent reduction) from the following affected units: Plant Bowen Units 1 through 4, Plant Branch Units 1 through 4, Plant Hammond Units 1 through 4, Plant McDonough Units 1 and 2, Plant Scherer Units 1 through 4, Plant Wansley Units 1 and 2, and Yates Units 6 and 7.

The limit established in this subparagraph shall become effective beginning:

(i) January 1, 2010, for Plant Bowen Units 2, 3 and 4, and Plant Wansley Units 1 and 2.

(ii) July 1, 2011, for Plant Scherer Unit 3.

(iii) January 1, 2012, for Plant Bowen Unit 1, Plant Hammond Units 1, 2, 3, and 4, and Plant McDonough Unit 2.

(iv) May 1, 2012, for Plant McDonough Unit 1.

(v) January 1, 2013, for Plant Scherer Unit 4.

(vi) October 1, 2013, for Plant Branch Unit 2.

(vii) January 1, 2014, for Plant Scherer Unit 2.

(viii) January 1, 2015, for Plant Scherer Unit 1.

(ix) April 16, 2015, for Plant Yates Units 6 and 7, and Plant Branch Units 1, 3, and 4.

(x) [reserved]

(xi) [reserved]

3. Compliance with Subparagraphs 1 and 2 shall be determined on a 30-day rolling average basis. The first 30-day averaging period for each Affected Unit shall begin on the effective date specified in Subparagraphs 1 and 2.

4. The requirements of Subparagraphs 1 and 2 do not apply during the following periods:

(i) Restarting an Electric Utility Steam Generating Unit specified in subparagraphs 1 or 2 when all Electric Utility Steam Generating Units at a facility are down and off-site power is not available (also known as a "Black Start").

(ii) Periods of startup of an Electric Utility Steam Generating Unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(iii) Periods of shutdown of an Electric Utility Steam Generating Unit provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(iv) Periods of scheduled and/or preventative maintenance of control technology equipment if such maintenance cannot reasonably be performed during a scheduled outage of the respective Electric Utility Steam Generating Unit.

(v) Periods of malfunction of an Electric Utility Steam Generating Unit and/or control technology equipment provided that such periods are consistent with the requirements of Paragraph 391-3-1-.02(2)(a)7.

(vi) Periods when the owner/operator is required to conduct the Relative Accuracy Test Audit and any other necessary periodic quality assurance procedures on the Continuous Emissions Monitoring System located on the bypass stack pursuant to 40 CFR Part 75 or the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

(vii) Periods when the owner/operator is required to conduct any performance tests on the bypass stack as required by State or Federal air quality rules, air quality operating permits, or as ordered by the Division.

(viii) Division-approved periods of research and development of emission control technologies, provided that the unit does not exceed other applicable emission limits. For purposes of this subparagraph, the owner/operator shall submit a request for approval under this subparagraph at least 120 days prior to such date, as well as include the following items: (1) length of time of research and development (R&D) period; (2) identification of steps to take to minimize emissions in accordance with best operational practices during R&D period; (3) for periods of R&D lasting more than 48 hours during any 5-day period, a demonstration that any increase in emissions resulting from the R&D project that are above that which is allowed by this subparagraph (uuu) will not cause or significantly contribute to an violation of any national ambient air quality standard or prevent compliance with any other applicable provisions.

5. For the purpose of this subsection, the following definitions apply:

(i) "Potential combustion concentration" means the theoretical sulfur dioxide emissions (lb/MMBtu heat input) that would result from combusting fuel without using emission control systems.

(ii) "Affected Unit" means electric utility steam generating units Plant Bowen Units 1, 2, 3, and 4; Plant Branch Units 1, 2, 3, and 4; Plant Hammond Units 1, 2, 3, and 4; Plant McDonough Units 1 and 2; Plant Wansley Units 1 and 2; Plant Scherer Units 1, 2, 3, and 4; and Plant Yates Units 1, 6, and 7, except when operated as a natural gas-fired electric utility steam generating unit. The definition of natural gas-fired electric generating unit notwithstanding, Plant Yates Unit 1 shall be treated as an affected unit whenever it burns any coal.

(iii) The definition of natural gas-fired electric steam generating units specified in 40 CFR 63.10042 is hereby incorporated and adopted by reference.

(vvv) **VOC Emissions from Surface Coating of Miscellaneous Plastic Parts and Products.**

1. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous plastic parts and products that does not fall under subparagraphs 2., 3., 4., 5., 6., 7., and/or 8. of this subsection to exceed:

(i) 2.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a general one-component coating. If any coating delivered to the coating application system contains more than 2.3 pounds VOC per gallon, the solids equivalent limit shall be 3.35 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 2.8 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a military specification (1-pack) coating. If any coating delivered to the coating application system contains more than 2.8 pounds VOC per gallon, the solids equivalent limit shall be 4.52 pounds VOC per gallon of coating solids delivered to the coating application system.

(iii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies one or more of the following coatings: general multi-component; extreme-performance (2-pack) coating; metallic coating; and military specification (2-pack) coating. If any coating delivered to the coating application system contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating application system.

(iv) 5.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a multi-colored coating. If any coating delivered to the coating application system contains more than 5.7 pounds VOC per gallon, the solids equivalent limit shall be 25.3 pounds VOC per gallon of coating solids delivered to the coating application system.

(v) 6.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a mold-seal coating. If any coating delivered to the coating application system contains more than 6.3 pounds VOC per gallon, the solids equivalent limit shall be 43.7 pounds VOC per gallon of coating solids delivered to the coating application system.

(vi) 6.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies an electric dissipating coating, shock-free coating, optical coating, or vacuum metalizing coating. If any coating delivered to the coating application system contains more than 6.7 pounds VOC per gallon, the solids equivalent limit shall be 74.7 pounds VOC per gallon of coating solids delivered to the coating application system.

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobiles and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using baked coatings for interior and exterior parts to exceed:

(i) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a non-flexible primer. If any non-flexible primer coating delivered to the coating application system contains more than 3.5 pounds VOC per gallon, the solids equivalent limit shall be 6.67 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a clear coat. If any clear coat coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 8.76 pounds VOC per gallon of coating solids delivered to the coating application system.

(iii) 4.3 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a base coat or non-base coat/clear coat. If any one of these coatings delivered to the coating application system contains more than 4.3 pounds VOC per gallon, the solids equivalent limit shall be 8.76 pounds VOC per gallon of coating solids delivered to the coating application system.

(iv) 4.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a flexible primer. If any coating delivered to the coating application system contains more than 4.5 pounds VOC per gallon, the solids equivalent limit shall be 11.58 pounds VOC per gallon of coating solids delivered to the coating application system.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobiles and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using air dried coatings for exterior parts to exceed:

(i) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a clear coat. If any coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the

solids equivalent limit shall be 11.58 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 4.8 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a primer. If any coating delivered to the coating application system contains more than 4.8 pounds VOC per gallon, the solids equivalent limit shall be 13.80 pounds VOC per gallon of coating solids delivered to the coating application system.

(iii) 4.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a base coat or a non-basecoat/clear coat. If any coating delivered to the coating application system contains more than 4.0 pounds VOC per gallon, the solids equivalent limit shall be 13.4 pounds VOC per gallon of coating solids delivered to the coating application system.

4. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using air dried coatings for interior parts to exceed:

(i) 5.0 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a coating. If any coating delivered to the coating application system contains more than 5.0 pounds VOC per gallon, the solids equivalent limit shall be 15.59 pounds VOC per gallon of coating solids delivered to the coating application system.

5. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using touchup and repair coatings to exceed:

(i) 5.2 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a coating. If any coating delivered to the coating application system contains more than 5.2 pounds VOC per gallon, the solids equivalent limit shall be 17.72 pounds VOC per gallon of coating solids delivered to the coating application system.

6. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of business machines to exceed:

(i) 2.2 pounds per gallon of coating, excluding water, delivered to a coating application system that applies a fog coat. If any coating delivered to the coating application system contains more than 2.2 pounds VOC per gallon, the solids equivalent limit shall be 3.14 pounds VOC per gallon of coating solids delivered to the coating application system.

(ii) 2.9 pounds per gallon of coating, excluding water, delivered to a coating application system that applies one or more of the following coatings: primer, topcoat, texture coat, touchup and repair. If any coating delivered to the coating application system contains more than 2.9 pounds VOC per gallon, the solids equivalent limit shall be 4.80 pounds VOC per gallon of coating solids delivered to the coating application system.

7. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of miscellaneous motor vehicle plastic parts and products at a facility that is not an automobile or light-duty truck manufacturing facility to exceed:

(i) 1.7 pounds per gallon of coating, excluding water, delivered to a coating application system that applies the following motor vehicle materials: gasket/gasket sealing material and bedliner.

(ii) 3.5 pounds per gallon of coating, excluding water, delivered to a coating application system that applies the following motor vehicle materials: cavity wax, sealer, deadener, underbody coating, trunk interior coating, and lubricating wax/compound.

8. No person shall cause, let, permit, suffer, or allow the emissions of VOC from surface coating of plastic parts of automobile and trucks at a facility that is not an automobile or light-duty truck manufacturing facility using red or black coatings to exceed 1.15 times the applicable limit in this subsection except in the case of touch-up and repair coatings in which the applicable limit shall apply.

9. Each owner or operator of a facility that coats plastic parts shall ensure that all coating application systems utilize one or more of the application techniques stated below:

(i) Electrostatic spray application;

(ii) High volume low pressure (HVLP) spraying;

(iii) Flow/curtain application;

(iv) Roll coating;

(v) Dip coat application including electrodeposition;

(vi) Airless spray;

(vii) Air-assisted airless spray; or

(viii) Other coating application methods that achieve transfer efficiency equivalent to HVLP or electrostatic spray application methods, as determined by the Director.

10. Each owner or operator of a facility that coats plastic parts shall comply with the following work practice standards:

(i) store all VOC-containing coatings, thinners, and coating-related waste materials in closed containers;

(ii) ensure that mixing and storage containers used for VOC-containing coatings, thinners, and coating-related waste materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing coatings, thinners, and coating-related waste materials; and

(iv) convey VOC-containing coatings, thinners, and coating-related waste materials from one location to another in closed containers or pipes.

11. Each owner or operator of a facility that coats plastic parts shall comply with the following housekeeping requirements for any affected cleaning operation:

(i) store all VOC-containing cleaning materials and used shop towels in closed containers;

(ii) ensure that storage containers used for VOC-containing cleaning materials are kept closed at all times except when depositing or removing these materials;

(iii) minimize spills of VOC-containing cleaning materials;

(iv) convey VOC-containing cleaning materials from one location to another in closed containers or pipes; and

(v) minimize VOC emission from cleaning of application, storage, mixing, and conveying equipment by ensuring that equipment cleaning is performed without atomizing the cleaning solvent and all spent solvent is captured in closed containers.

12. The VOC limits specified in this subsection do not apply to the following types of plastics coatings and/or coating operations:

(i) Touch-up and repair coatings;

(ii) Stencil coatings applied on clear or transparent substrates;

(iii) Clear or translucent coatings;

(iv) Coatings applied at a paint manufacturing facility while conducting performance tests on the coatings;

(v) Any individual coating category used in volumes less than 50 gallons in any one year, if substitute compliant coatings are not available, provided that the total usage of all such coatings does not exceed 200 gallons per year, per facility;

(vi) Reflective coating applied to highway cones;

(vii) Mask coatings that are less than 0.5 millimeter thick (dried) and the area coated is less than 25 square inches;

(viii) EMI/RFI shielding coatings; and

(ix) Heparin-benzalkonium chloride (HBAC)-containing coatings applied to medical devices, provided that the total usage of all such coatings does not exceed 100 gallons per year, per facility.

The recommended application methods and work practice standards specified in this subsection still apply.

13. Airbrush operations using five gallons or less per year of coating are exempt from the application technique requirements of this subsection but must comply with the VOC limits and work practices specified.

14. The VOC limits specified in this subsection do not apply to the coating of plastic parts of automobiles and trucks or the coating of plastic parts of business machines of the following types of coatings and/or coating operations:

(i) Texture coatings;

(ii) Vacuum metalizing coatings;

(iii) Gloss reducers;

(iv) Texture topcoats;

(v) Adhesion primers;

(vi) Electrostatic preparation coatings;

(vii) Resist coatings; and

(viii) Stencil coatings.

The application methods and work practice standards specified in this subsection still apply.

15. All VOC emissions from solvent washings shall be considered in the emission limitations unless the solvent is directed into containers that prevent evaporation into the atmosphere.

16. The emission limits in this subsection shall be achieved by:

(i) the application of low solvent coating technology where each and every coating meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., 3., 4., 5., 6., 7., and 8. of this subsection; or

(ii) the application of low-solvent coating technology where the 24-hour weighted average of all coatings on a single coating line or operation meets the solids equivalent limit expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., 4., 5., 6., and 8. of this subsection. Averaging across lines is not allowed; or

(iii) control equipment, including but not limited to incineration, carbon adsorption and condensation, with a capture system approved by the Director, provided that 90 percent of the nonmethane volatile organic compounds which enter the control equipment are recovered or destroyed, and that overall VOC emissions do not exceed the solids equivalent limit, expressed in pounds VOC per gallon of coating solids stated in paragraphs 1., 2., 3., 4., 5., 6., and 8. of this subsection; and

(iv) for motor vehicle plastic parts, compliance may be achieved only as stated in subparagraph 7. of this section. There is no solids equivalent limit for such coatings.

17. Definitions: For the purpose of this subsection, the following definitions apply:

(i) "2-pack coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst, before application to form an acceptable dry film. 2-pack coating may also be known as a "two-component coating".

(ii) "Adhesion primer" means a coating that is applied to a polyolefin part to promote the adhesion of a subsequent coating. An adhesion prime is clearly identified as an adhesion prime or adhesion promoter on its accompanying material safety data sheet.

(iii) "Air brush operations" means the application of a coating with a small, air-operated tool.

(iv) "Air-dried coating" means a coating that is dried by the use of air or forced warm air at temperatures up to 194°F.

(v) "Baked Coating" means a coating that is cured at a temperature at or above 90°C (194°F).

(vi) "Base Coat" means an initial coat of paint, generally after a primer, that is applied for protection or as a background color.

(vii) "Bedliner" means a multi-component coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a cargo bed after the application of topcoat to provide additional durability and chip resistance.

(viii) "Black coating" means a coating which meets both of the following criteria: (1) maximum lightness: 23 units; and (2) saturation: less than 2.8, where saturation equals the square root of $A^2 + B^2$. These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, maximum lightness is 33 units.

(ix) "Business machine" means a device that uses electronic or mechanical methods to process information, perform calculations, print or copy information or convert sound into electrical impulses for transmission, including devices listed in standard industrial classification numbers 3572, 3573, 3579, and 3661 and photocopy machines, a subcategory of standard industrial classification number 3861.

(x) "Cavity wax" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied into the cavities of the vehicle primarily for the purpose of enhancing corrosion protection.

(xi) "Clear coating" means a coating which lacks color and opacity or is transparent and uses the undercoat as a reflectant base or undertone color;

(xii) "Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating including, but not limited to, spray booths, flow coaters, flashoff areas, air dryers and ovens.

(xiii) "Coating of plastic parts of automobiles and trucks" means the coating of any plastic part that is or shall be assembled with other parts to form an automobile or truck.

(xiv) "Coating of plastic parts of business machines" means the coating of any plastic part that is or shall be assembled with other parts to form a business machine.

(xv) "Deadener" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to selected vehicle surfaces primarily for the purpose of reducing the source of road noise in the passenger compartment.

(xvi) "Electric dissipating coating" means a coating that rapidly dissipates a high-voltage electric charge.

(xvii) "Electrostatic prep coat" means a coating that is applied to a plastic part solely to provide conductivity for the subsequent application of a primer, a topcoat, or other coating through the use of electrostatic application methods. An electrostatic prep coat is clearly identified as an electrostatic prep coat on its accompanying material safety data sheet.

(xviii) "EMI/RFI shielding coating" means a coating used on plastic electronics enclosures to reduce or eliminate electromagnetic or radio frequency interference.

(xix) "Extreme-performance coating" means a coating used on a plastic surface where the coated surface is, in its intended use, subject to the following: (a) chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes, chemical mixtures or solutions; or (b) repeated exposure to temperatures in excess of 250°F; or (c) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial grade solvents, cleansers or scouring agents. Extreme-performance coatings include, but are not limited to, coatings applied to locomotives, railroad cars, farm machinery, and heavy duty trucks.

(xx) "Flexible coating" means any coating including but not limited to primer, base coat, clear coat or topcoat that is required to comply with engineering specifications for impact resistance, mandrel bend, or elongation as defined by the original equipment manufacturer.

(xxi) "Fog coat" means a coating that is applied to a plastic part for the purpose of color matching without masking a molded-in texture. A fog coat shall not be applied at a thickness of more than 0.5 mils of coating solids.

(xxii) "Gasket/sealing material" means a fluid, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to coat a gasket or replace and perform the same function as a gasket. Automobile and light-duty truck gasket/gasket sealing material includes room temperature vulcanization (RTV) seal material.

(xxiii) "Gloss reducer" means a coating that is applied to a plastic part solely to reduce the shine of the part. A gloss reducer shall not be applied at a thickness of more than 0.5 mils of coating solids.

(xxiv) "Lubricating wax/compound" means a protective lubricating material, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to vehicle hubs and hinges.

(xxv) "Metallic coating" means a coating which contains more than five grams of metal particles per liter of coating as applied. "Metal particles" are pieces of a pure elemental metal or combination of elemental metals.

(xxvi) "Miscellaneous plastic parts and products" means surface coating of products manufactured by the following industrial source categories: large farm machinery, small farm machinery, small appliances, commercial machinery, industrial machinery, fabricated plastic products and any other industrial category which coats plastic parts or products under the Standard Industry Classification Code Major Groups 33, 34, 35, 36, 37, 38, 40, and 41. The miscellaneous plastic parts and products source category does not include:

(I) automobiles and light-duty trucks;

(II) metal cans;

(III) flat metal sheets and strips in the form of rolls or coils;

(IV) magnet wire for use in electrical machinery;

(V) metal furniture;

(VI) large appliances;

(VII) aerospace manufacturing and rework operations;

(VIII) automobile refinishing;

(IX) customized top coating of automobiles and trucks, if production is less than 35 vehicles per day;

(X) exterior of marine vessels;

(XI) gel coats applied to fiber reinforced plastic (fiberglass composite) products removed from the mold or used as in-mold coatings in the production of fiberglass parts;

(XII) fiberglass boat manufacturing materials; and

(XIII) miscellaneous industrial adhesives.

(xxvii) "Military specification coating" means a coating which has a formulation approved by a United States Military Agency for use on military equipment.

(xxviii) "Mold-seal coating" means the initial coating applied to a new mold or a repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

(xxix) "Multi-colored coating" means a coating which exhibits more than one color when applied and is packaged in a single container and applied in a single coat.

(xxx) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

(xxxi) "Non-flexible Coating" means any coating that does not meet the definition of "flexible coating" as specified in this subsection.

(xxxii) "One-component coating" or "1-pack coating" means a coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

(xxxiii) "Optical coating" means a coating applied to an optical lens.

(xxxiv) "Primer" means the first layer and any subsequent layers of identically-formulated coating applied to the surface of a plastic part or product. Primers are typically used for corrosion prevention, protection from the environment, functional fluid resistance, and adhesion of subsequent coatings.

(xxxv) "Red coating" means a coating which meets all of the following criteria:

(I) Yellow limit: the hue of hostaperm scarlet.

(II) Blue limit: the hue of monastrel red-violet.

(III) Lightness limit for metallics: 35 percent aluminum flake.

(IV) Lightness limit for solids: 50 percent titanium dioxide white.

(V) Solid reds: hue angle of -11 to 38 degrees and maximum lightness of 23 to 45 units.

(VI) Metallic reds: hue angle of -16 to 35 degrees and maximum lightness of 28 to 45 units.

(VII) These criteria are based on Cielab color space, 0/45 geometry. For spherical geometry, specular included, the upper limit is 49 units. The maximum lightness varies as the hue moves from violet to orange. This is a natural consequence of the strength of the colorants, and real colors show this effect.

(xxxvi) "Sealer" means a high viscosity material, used at a facility that is not an automobile or light-duty truck assembly coating facility, that is generally, but not always, applied in the paint shop after the body has received an electrodeposition primer coating and before the application of subsequent coatings (e.g., primer-surfacer). The primary purpose of automobile and light-duty truck sealer is to fill body joints completely so that there is no intrusion of water, gases or corrosive materials into the passenger area of the body compartment. Such materials are also referred to as sealant, sealant primer, or caulk.

(xxxvii) "Repair coating" means a coating used to re-coat portions of a previously coated product which has sustained mechanical damage to the coating following normal coating operations.

(xxxviii) "Resist coat" means a coating that is applied to a plastic part before metallic plating to prevent deposits of metal on portions of the plastic part.

(xxxix) "Shock-free coating" means a coating applied to electrical components to protect the user from electric shock. The coating has characteristics of being of low capacitance, high resistance, and having resistance to breaking down under high voltage.

(xl) "Stencil coating" means an ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters, symbols and/or numbers.

(xli) "Texture coating" means a coating that is applied to a plastic part which, in its finished form, consists of discrete raised spots of the coating.

(xlii) "Topcoat" means any final coating applied to a plastic part or product.

(xliii) "Touch-up coating" means a coating used to cover minor coating imperfections appearing after the main coating operation.

(xliv) "Translucent coating" means a coating which contains binders and pigment and is formulated to form a colored, but not opaque, film.

(xlv) "Transfer efficiency" means the weight (or volume) of coating solids adhering to the surface being coated divided by the total weight (or volume) of coating solids delivered to the applicator.

(xlvi) "Trunk interior coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the trunk interior to provide chip protection.

(xlvii) "Underbody coating" means a coating, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to the undercarriage or firewall to prevent corrosion and/or provide chip protection.

(xlviii) "Vacuum-metalizing coating" means the undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film. Vacuum metalizing/physical vapor deposition (PVD) is the process whereby metal is vaporized and deposited on a substrate in a vacuum chamber.

18. Applicability: On and after January 1, 2015, the requirements of this subparagraph (vvv) shall apply to facilities at which the potential emissions of volatile organic compounds from all surface coating of miscellaneous plastic parts and products categories covered in subparagraphs 1. through 8. of this subparagraph equal or exceed 10 tons per year and are located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in subparagraph 20. Prior to January 1, 2015, such facilities shall comply with the provisions of subparagraph 391-3-1-.02(2)(tt), if applicable.

19. Applicability: The requirements of this Subparagraph (vvv) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 18. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (vvv) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

20. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements specified this subparagraph (vvv) must be completed before **January 1, 2015.**

(www) **Sewage Sludge Incineration Units.**

1. The provisions of this subparagraph apply to each sewage sludge incineration (SSI) unit that is located at a wastewater treatment facility and that commenced construction on or before October 14, 2010 (hereinafter referred to as "existing SSI unit"). Physical or operational changes made at an existing SSI unit solely to comply with this subparagraph are not considered construction, reconstruction, or modification and would not subject an existing SSI unit to the requirements of 40 CFR Part 60, Subpart LLLL, which contains the "Standards of Performance for Sewage Sludge Incineration Units for Which Construction is Commenced After October 14, 2010".

2. For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart MMMM (Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units), each existing SSI unit shall comply with the model rule standards, requirements, and provisions of 40 CFR Part 60, Subpart MMMM, as promulgated March 21, 2011, which are hereby incorporated and adopted by reference.

(i) For the purposes of implementing the requirements and provisions of 40 CFR Part 60, Subpart MMMM, the following provisions are hereby incorporated and adopted by reference. The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber.

(I) 40 CFR 60.5085 through 40 CFR 60.5125, Increments of Progress with the exception of 40 CFR 60.5090 and Table 1 which do not apply to an Existing SSI.

(II) 40 CFR 60.5130 through 40 CFR 60.5160, Operator Training and Qualification.

(III) 40 CFR 60.5240 and 60.5245, Title V Operating Permits.

(IV) 40 CFR Part 60, Subpart MMMM Tables 2 through 6 and 60.5181.

(ii) With the following exceptions:

(I) Emission Limits, Emission Standards, and Operating Limits and Requirements. In lieu of 40 CFR 60.5165 through 60.5180, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(II) Initial and Continuous Compliance Requirements. In lieu of 40 CFR 60.5185 through 60.5215, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(III) Performance Testing, Monitoring, and Calibration Requirements. In lieu of 40 CFR 60.5220 through 60.5225, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

(IV) Record keeping and Reporting Requirements. In lieu of 40 CFR 60.5230 and 60.5235, Sections 2.130.2 through 2.130.4 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants shall apply to each existing SSI unit.

3. In keeping with subparagraph 2., owners and operators of existing SSI units must comply with Georgia's state plan for existing SSI units, which is required by 40 CFR Part 60, Subpart MMMM. The owner or operator of each existing SSI unit shall comply with the requirements of 391-3-1-.02(2)(www)2. upon approval of Georgia's state plan for existing SSI units by EPA.

4. Each existing SSI unit is subject to the permitting requirements of 391-3-1-.03(10) "Title V Operating Permits".

5. Definitions of all terms used but not defined in this subparagraph shall have the meaning given to them in 40 CFR Part 60, Subpart MMMM, as promulgated on March 21, 2011. Terms not defined therein shall have the meaning given to them in the federal Clean Air Act or 40 CFR Part 60, Subparts A and B. For the purposes of this subsection the following definitions also apply:

(i) Except as noted, the word "Administrator" as used in regulations adopted by reference in this subparagraph shall mean the Director of the Georgia Environmental Protection Division. For subparagraph (www)6. the word "Administrator" shall mean the Administrator of the EPA.

(ii) The term "You" means the owner or operator of an affected sewage sludge incineration unit subject to this rule.

6. The owner of an existing SSI facility must contact EPA with respect to the following subparagraphs (i) through (vii) as specified in 40 CFR 60.5050.

(i) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to 40 CFR Part 60, Subpart MMMM and operating limits established under provisions of 40 CFR 60.5175 or 60.5190.

(ii) Approval of major alternatives to test methods.

(iii) Approval of major alternatives to monitoring.

(iv) Approval of major alternatives to recordkeeping and reporting.

(v) The requirements in provision 40 CFR 60.5175.

(vi) The requirements in provision 40 CFR 60.5155(b)(2).

(vii) Performance test and data reduction waivers under provision 40 CFR 60.8(b).

(xxx) **Reserved.**

(yyy) **VOC Emissions from the Use of Miscellaneous Industrial Adhesives.**

1. No person shall cause, let, permit, suffer or allow the emissions of VOC from the use of miscellaneous industrial adhesives with general adhesive application processes to exceed:

(i) 0.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following substrates: metal; wood.

(ii) 1.0 pounds per gallon of adhesive or adhesive primer, excluding water, when used with porous material (except wood) substrates.

(iii) 1.7 pounds per gallon of adhesive or adhesive primer, excluding water, when used with reinforced plastic composite substrates.

(iv) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with flexible vinyl or rubber substrates.

(v) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with a substrate not specified in paragraphs 1.(i) through 1.(iv).

2. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the use of miscellaneous industrial adhesives with specialty adhesive application processes to exceed:

(i) 0.8 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: structural glazing; tire repair.

(ii) 1.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used in ceramic tile installation.

(iii) 1.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: cove base installation; indoor floor covering installation.

(iv) 1.4 pounds per gallon of adhesive or adhesive primer, excluding water, when used with waterproof resorcinol glue.

(v) 1.7 pounds per gallon of adhesive or adhesive primer, excluding water, when used with multipurpose construction.

(vi) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: contact bond adhesive; outdoor floor covering installation; motor vehicle adhesive; single-ply roof membrane installation/repair (except ethylene propylenediene monomer (EPDM) roof membrane installation/repair).

(vii) 3.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with plastic solvent welding (containing acrylonitrile-butadiene-styrene or ABS).

(viii) 4.2 pounds per gallon of adhesive or adhesive primer, excluding water, when used with plastic solvent welding (except ABS).

(ix) 5.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used with perimeter-bonded sheet vinyl (floor covering installation).

(x) 6.3 pounds per gallon of adhesive or adhesive primer, excluding water, when used with motor vehicle weatherstrip adhesive.

(xi) 6.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used with thin metal laminating.

(xii) 7.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used with one of the following: metal to urethane/rubber molding or casting; sheet rubber lining installation.

3. No person shall cause, let, permit, suffer, or allow the emissions of VOC from the use of miscellaneous industrial adhesives with adhesive primer application processes to exceed:

(i) 7.5 pounds per gallon of adhesive or adhesive primer, excluding water, when used as motor vehicle glass bonding primer.

(ii) 5.4 pounds per gallon of adhesive or adhesive primer, excluding water, when used as a plastic solvent welding adhesive primer.

(iii) 2.1 pounds per gallon of adhesive or adhesive primer, excluding water, when used as an adhesive primer for an application process not specified in paragraphs 3.(i) through 3.(ii).

4. All volatile organic compounds containing materials applied by each miscellaneous industrial adhesive application process shall be used in one of the following application methods in conjunction with using low volatile organic compound adhesives or adhesive primers:

(i) Electrostatic spray;

(ii) High Volume-Low Pressure (HVLP) spray;

(iii) Flow coat;

(iv) Roll coat or hand application, including non-spray application methods similar to hand or mechanically-powered caulking gun, brush, or direct hand application;

(v) Dip coat (including electrodeposition);

(vi) Airless spray;

(vii) Air-assisted airless spray; or

(viii) Other adhesive application method capable of achieving a transfer efficiency equivalent to or better than achieved by HVLP spraying.

5. The VOC emission limits and the recommended application methods of this subsection do not apply to the following adhesives and adhesives primer application processes:

(i) Adhesives or adhesive primers being tested or evaluated in any research and development, quality assurance, or analytical laboratory.

(ii) Adhesives or adhesive primers used in the assembly, repair, or manufacture of aerospace or undersea-based weapon systems.

(iii) Adhesives or adhesive primers used in medical equipment manufacturing operations.

(iv) Cyanoacrylate adhesive application processes.

(v) Aerosol adhesive and aerosol adhesive primer application processes.

(vi) Processes using polyester bonding putties to assemble fiberglass parts at fiberglass boat manufacturing facilities and at other reinforced plastic composite manufacturing facilities.

(vii) Processes using adhesives and adhesive primers that are supplied to the manufacturer in containers with a net volume of 16 ounces or less, or a net weight of one pound or less,

The recommended work practice standards specified in this subsection still apply.

6. The emission limits in this subsection shall be achieved by the application of adhesive or adhesive primer where each and every adhesive meets the limit expressed in pounds VOC per gallon of coating, excluding water, stated in paragraphs 1., 2., and 3. of this subsection; or

7. Any miscellaneous industrial adhesive application process subject to this subsection, which chooses to use control equipment for adhesive application processes rather than to comply with the emission limits and requirements established in paragraphs 1., 2., 3., and 4. of this subsection, shall install control equipment with an overall control efficiency of at least 85 percent or use a combination of adhesives and add-on control equipment on an application process to meet limits established in paragraph 1. of this subsection.

8. If an adhesive is used to bond dissimilar substrates together in general adhesive application processes, then the applicable substrate category with the highest volatile organic compounds emission limit shall be established as the limit for such application.

9. For the purpose of this subsection; the following definitions apply:

(i) "Acrylonitrile-butadiene-styrene" or "ABS welding" means any process to weld acrylonitrile-butadiene-styrene pipe.

(ii) "Adhesive" means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

(iii) "Adhesive primer" means any product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to provide a bonding surface.

(iv) "Adhesive primer application process" means any one of the following: motor vehicle glass bonding primer; plastic solvent welding adhesive primer; single-ply roof membrane adhesive primer; other adhesive primer.

(v) "Aerosol adhesive" means an adhesive or adhesive primer packaged as an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for handheld application without the need for ancillary hoses or spray equipment.

(vi) "Air-assisted airless spray" means a system that consists of an airless spray gun with a compressed air jet at the gun tip to atomize the adhesive.

(vii) "Airless spray" means the application of an adhesive through an atomizing nozzle at high pressure (1,000 to 6,000 pounds per square inch) by a pump force.

(viii) "Ceramic tile installation adhesive" means any adhesive intended by the manufacturer for use in the installation of ceramic tiles.

(xi) "Contact bond adhesive" means an adhesive that: (1) is designed for application to both surfaces to be bonded together, (2) is allowed to dry before the two surfaces are placed in contact with each other, (3) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (4) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact bond adhesive also does not include rubber cements that are primarily intended for use on paper substrates. Contact bond adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.

(xii) "Cove base" means a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

(xiii) "Cove base installation adhesive" means any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

(xiv) "Cyanoacrylate adhesive" means any adhesive with a cyanoacrylate content of at least 95 percent by weight.

(xv) "Dip coating" means application where substrates are dipped into a tank containing the adhesive. The substrates are then withdrawn from the tank and any excess adhesive is allowed to drain.

(xvii) "Electrostatic spray" means application where the adhesive and substrate are oppositely charged.

(xviii) "EPDM roof membrane" means a prefabricated single sheet of elastomeric material composed of ethylene propylenediene monomer (EPDM) and that is field applied to a building roof using one layer or membrane material.

(xix) "Flexible vinyl" means non-rigid polyvinyl chloride plastic with a 5 percent by weight plasticizer content.

(xx) "Flow coating" means conveying the substrate over an enclosed sink where the adhesive is applied at low pressure as the item passes under a series of nozzles.

(xxi) "General adhesive application processes" means the use of adhesive on any one of the following substrates: reinforced plastic composite; flexible vinyl; metal; porous material (except wood); rubber; wood; other substrates.

(xxii) "HVLP" means a system with specialized nozzles that provide better air and fluid flow at lower air pressure, shape spray pattern, and guide high volumes of atomized adhesive particles to the substrate using lower air pressure (10 pounds per square inch or less at the spray cap).

(xxiii) "Indoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, are excluded from this category.

(xxv) "Metal to urethane/rubber molding or casting adhesive" means any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.

(xxvi) "Miscellaneous industrial adhesive application" means an application process which consists of a series of one or more adhesive applicators and any associated drying area and/or oven wherein an adhesive is applied, dried, and/or cured. An application process ends at the point where the adhesive is dried or cured, or prior to any subsequent application of a different adhesive. It is not necessary for an application process to have an oven or flash-off area.

(xxvii) "Motor vehicle adhesive" means an adhesive, including glass bonding adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied for the purpose of bonding tow vehicle surfaces together without regard to the substrates involved.

(xxviii) "Motor vehicle glass bonding primer" means a primer, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to a windshield or other glass, or to body openings, to prepare the glass or body opening for the application of glass bonding adhesives or the installation of adhesive bonded glass. Motor vehicle glass bonding primer includes glass bonding/cleaning primers that perform both functions (cleaning and priming of the windshield or other glass, or body openings) prior to the application of adhesive or the installation of adhesive bonded glass.

(xxix) "Motor vehicle weatherstrip adhesive" means an adhesive, used at a facility that is not an automobile or light-duty truck assembly coating facility, applied to weatherstripping materials for the purpose of bonding the weatherstrip material to the surface of the vehicle.

(xxx) "Multipurpose construction adhesive" means any adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.

(xxxi) "Outdoor floor covering installation adhesive" means any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.

(xxxii) "Panel installation" means the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces using an adhesive formulated for that purpose.

(xxxiii) "Perimeter bonded sheet vinyl installation" means the installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

(xxxiv) "Plastic solvent welding adhesive" means any adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces.

(xxxv) "Plastic solvent welding adhesive primer" means any primer intended by the manufacturer for use to prepare plastic substrates prior to bonding or welding.

(xxvi) "Plastics" means synthetic materials chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers and are capable of being molded, extruded, cast into various shapes and films, or drawn into filaments.

(xxxvii) "Porous material" means a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. For the purpose of this section, porous material does not include wood.

(xl) "Reinforced plastic composite" means a composite material consisting of plastic reinforced with fibers.

(xli) "Roll coating", "brush coating", and "hand application" means application of high viscosity adhesives onto small surface area.

(xlii) "Rubber" means any natural or manmade rubber substrate, including but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene and ethylene propylene diene terpolymer.

(xliii) "Sheet rubber lining installation" means the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

(xliv) "Single-ply roof membrane" means a prefabricated single sheet or rubber, normally ethylene-propylenediene terpolymer, that is field applied to a building roof using one layer of membrane material. For the purposes of this section, single-ply roof membrane does not include membranes prefabricated from ethylene-propylenediene monomer (EPDM).

(xlv) "Single-ply roof membrane installation and repair adhesive" means any adhesive labeled for use in the installation or repair of single-ply roof membrane. Installation includes, as a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane. Repair includes gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes or ducts installed through the membrane.

(xlvi) "Single-ply roof membrane adhesive primer" means any primer labeled for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

(xlvii) "Specialty adhesive application processes" means any one of the following: ceramic tile installation; contact bond adhesive; cove base installation; floor covering installation (indoor); floor covering installation (outdoor); floor covering installation (perimeter bonded sheet vinyl); metal to urethane/rubber molding or casting; motor vehicle adhesive; motor vehicle weatherstrip adhesive; multipurpose construction; plastic solvent welding (ABS); plastic solvent welding (except ABS); sheet rubber lining installation; single-ply roof membrane installation/repair (except EPDM); structural glazing; thin metal laminating; tire repair; and waterproof resorcinol glue.

(xlviii) "Structural glazing" means a process that includes the application of adhesive to bond glass, ceramic, metal, stone or composite panels to exterior building frames.

(xlix) "Thin metal laminating adhesive" means any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to plastic in the production of electronic or magnetic components in which the thickness of the bond line(s) is less than 0.25 millimeters.

(l) "Tire repair" means a process that includes expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging, applying adhesive and filling the hole or crevice with rubber.

(li) "Waterproof resorcinol glue" means a 2-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

10. Applicability: On and after January 1, 2015, the requirements of this Subparagraph (yyy) shall apply:

(i) to facilities at which the actual emissions of volatile organic compounds from all miscellaneous industrial adhesive application processes at a facility equal or exceed 2.7 tons per 12-month rolling period for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties;

(ii) the facility is not subject to Georgia Rules 391-3-1-.02(2)(t), (u), (v), (w), (x), (y), (z), (jj), (ll), (mm), (ddd), or (kkk); and

(iii) any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in Subparagraph 12.

Prior to January 1, 2015, facilities that meet the applicability provisions of subparagraphs 10.(i) and (ii) shall comply with the provisions of Subparagraph 391-3-1-.02(2)(tt), if applicable.

11. Applicability: The requirements of this Subparagraph (yyy) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 10. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (yyy) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements specified in this Subparagraph (yyy) must be completed before **January 1, 2015.**

(zzz) **VOC Emissions from the Fiberglass Boat Manufacturing.**

1. No person shall cause, let, permit, suffer or allow the emissions of monomer VOC from open molding resin and gel coat operations to exceed the limit specified by Equation 1 of this section, based on a 12-month rolling average.

Equation 1:

$$Monomer\ VOC\ Limit = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

where:

Monomer VOC Limit = total allowable monomer VOC that can be emitted from the open molding operations included in the average, kilograms per 12 consecutive-month period.

$M_R$ = mass of production resin used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{PG}$ = mass of pigmented gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{CG}$ = mass of clear gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{TR}$ = mass of tooling resin used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

$M_{TG}$ = mass of tooling gel coat used in the previous 12 consecutive months, excluding any materials that are exempt (megagrams).

2. The emission limit specified by Equation 1 of this subsection shall be achieved by one or more of the options listed in paragraphs 2.(i) through 2.(iii) of this subsection:

(i) Emissions averaging option: Demonstrate that emissions from the open molding resin and gel coat operations included in the average meet the emission limit specified by Equation 1 of this subsection using the procedures described in subparagraph 3. of this subsection.

(I) Compliance with this option is based on a 12-month rolling average; and

(II) Those operations and materials not included in the emissions average must comply with either paragraph 2.(ii) or 2.(iii) of this subsection.

(ii) Compliant materials option: Demonstrate compliance by using resins and gel coats that meet the monomer VOC content requirements specified in subparagraph 4. of this subsection.

(I) Compliance with this option is based on a 12-month rolling average.

(iii) Add-on control option: Use an enclosure and add-on control device, and demonstrate that the resulting emissions meet the emission limit specified by Equation 1 of this subsection.

(I) Compliance with this option is based on control device performance testing and control device monitoring.

3. Emissions Averaging Option:

(i) Compliance using this option is demonstrated on a 12-month rolling average basis and is determined at the end of every month (12 times per year).

(ii) At the end of the first twelfth month after initial operation and at the end of every subsequent month, use Equation 2 of this subsection to demonstrate that the monomer VOC emissions from those operations included in the average do not exceed the emission limit specified by Equation 1 of this subsection for the same 12-month period. (Include terms in Equation 1 and Equation 2 of this subsection only for those operations and materials included in the average.)

Equation 2:

Monomer VOC emissions =

$$(PV_R)(M_R)+(PV_{PG})(M_{PG})+(PV_{CG})(M_{CG})+(PV_{TR})(M_{TR})+(PV_{TG})(M_{TG})$$

where:

Monomer VOC emissions = Monomer VOC emissions calculated using the monomer VOC emission equations for each operation included in the average (kilograms).

$PV_R$ = Weighted-average monomer VOC emission rate for production resin used in the past 12 months (kilograms per megagram).

$M_R$ = Mass of production resin used in the past 12 months (megagrams).

$PV_{PG}$ = Weighted-average monomer VOC emission rate for pigmented gel coat used in the past 12 months (kilograms per megagram).

$M_{PG}$ = Mass of pigmented gel coat used in the past 12 months (megagrams).

$PV_{CG}$ = Weighted-average monomer VOC emission rate for clear gel coat used in the past 12 months (kilograms per megagram).

$M_{CG}$ = Mass of clear gel coat used in the past 12 months (megagrams).

$PV_{TR}$ = Weighted-average monomer VOC emission rate for tooling resin used in the past 12 months (kilograms per megagram).

$M_{TR}$ = Mass of tooling resin used in the past 12 months (megagrams).

$PV_{TG}$ = Weighted-average monomer VOC emission rate for tooling gel coat used in the past 12 months (kilograms per megagram).

$M_{TG}$ = Mass of tooling gel coat used in the past 12 months (megagrams).

(iii) At the end of every calendar month, use Equation 3 of this subsection to compute the weighted average monomer VOC emission rate for each open molding resin and gel coat operation included in the average:

Equation 3:

$$PV_{OP}=\left[\frac{\sum_{i=1}^{n}[(M_i)(PV_i)]}{\sum^{n}(M_i)}\right]$$

where:

$PV_{OP}$ = Weighted-average monomer VOC emission rate for each open molding operation ($PV_R$, $PV_{PG}$, $PV_{CG}$, $PV_{TR}$, $PV_{TG}$) included in the average, kilograms of monomer VOC per megagram of material applied.

$M_i$ = Mass of resin or gel coat used within an operation in the past 12 months, megagrams.

n = Number of different open molding resins and gel coats used within an operation in the past 12 months.

$PV_i$ = The monomer VOC emission rate for resin or gel coat used within an operation in the past 12 months, kilograms or monomer VOC per megagram of material applied.

(iv) The monomer VOC emission rate ($PV_i$) from the atomization of production resin or tooling resin is computed by the following equation:

$$\left[(0.014)(\text{Resin } VOC\%^{2.425})\right]$$

(v) The monomer VOC emission rate ($PV_i$) from the atomization plus vacuum bagging with roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.01185)(\text{Resin } VOC\%^{2.425})\right]$$

(vi) The monomer VOC emission rate ($PV_i$) from the atomization plus vacuum bagging without roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.00945)(\text{Resin } VOC\%^{2.425})\right]$$

(vii) The monomer VOC emission rate ($PV_i$) from the non-atomization of production resin or tooling resin is computed by the following equation:

$$\left[(0.014)(\text{Resin } VOC\%^{2.275})\right]$$

(viii) The monomer VOC emission rate ($PV_i$) from the non-atomization plus vacuum bagging with roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.0110)(\text{Resin } VOC\%^{2.275})\right]$$

(ix) The monomer VOC emission rate ($PV_i$) from the non-atomization plus vacuum bagging without roll-out of production resin or tooling resin is computed by the following equation:

$$\left[(0.0076)(\text{Resin } VOC\%^{2.275})\right]$$

(x) The monomer VOC emission rate ($PV_i$) from the application of any pigmented gel coat, clear gel coat or tooling gel coat is computed by the following equation:

$$\left[(0.445)(Gel\ Coat\ VOC\%^{1.675})\right]$$

4. Compliant Coating Option: For each open molding operation complying using the compliant materials option:

(i) The monomer VOC content requirements are specified in paragraphs 4.(i)(I) through 4.(i)(VII).

(I) The weighted-average monomer VOC content requirement for spray atomized production resin operations is 28 percent (weight percent).

(II) The weighted-average monomer VOC content requirement for nonatomized production resin operations is 35 percent (weight percent).

(III) The weighted-average monomer VOC content requirement for pigmented gel coat operations applied using any method is 33 percent (weight percent).

(IV) The weighted-average monomer VOC content requirement for clear coat gel operations using any method is 48 percent (weight percent).

(V) The weighted-average monomer VOC content requirement for atomized tool resin operations is 30 percent (weight percent).

(VI) The weighted-average monomer VOC content requirement for nonatomized tooling resin operations is 39 percent (weight percent).

(VII) The weighted-average monomer VOC content requirement for tooling gel coat operations applied using any method is 40 percent (weight percent).

(ii) Compliance using the monomer VOC content requirements listed in paragraph 4.(i)(I) through 4.(i)(VII) is based on a 12-month rolling average that is calculated at the end of every month.

(iii) At the end of the first twelfth month and at the end of every subsequent month, if all resins and gel coats used in an operation have monomer VOC contents no greater than the applicable monomer VOC content limits specified in paragraph 4.(i)(I) through 4.(i)(VII), then:

(I) Compliance with the emission limit specified by Equation 1 of this subsection for the particular operation is achieved; and

(II) There is no need to complete the calculations required by paragraph 4.(iv) for that operation.

(iv) If compliance as specified in subparagraph 4.(iii) is not achieved, calculate the weighted-average monomer VOC content for all resins and gel coats [excluding filled resins] used in the previous 12 months at the end of every month using Equation 4:

Equation 4:

Weighted-Average Monomer VOC Content (%) =

$$\left[\frac{\sum_{i=1}^{n}[(M_i)(VOC_i)]}{\sum_{i=1}^{n}(M_i)}\right]$$

where:

$M_i$ = Mass of open molding resin or gel coat used in the past 12 months in an operation (megagrams).

$VOC_i$ = Monomer VOC content, by weight percent, of open molding resin or gel coat used in the past 12 months in an operation.

n = Number of different open molding resins or gel coats used in the past 12 months in an operation.

(v) The monomer VOC emissions from the use of filled production resins and filled tooling resins shall be calculated using Equation 5:

(I) Equation 5:

$$(PV_F) = (PV_U)\left[\frac{(100 - \%Filler)}{100}\right]$$

where:

$PV_F$ = The as-applied monomer VOC emission rate for the filled production resin or tooling resin (kilograms monomer VOC per megagram of filled material).

$PV_U$ = The monomer VOC emission rate for the neat (unfilled) resin, before filler is added, as calculated using paragraphs 3.(iv) through 3.(x), whichever is applicable.

% Filler = The weight-percent of filler in the as-applied filled resin system.

(II) The value of $PV_F$ calculated by Equation 5 shall not exceed 46 kilograms of monomer VOC per megagram of filled resin, as applied, if the filled resin used is a production resin.

(III) The value of $PV_F$ calculated by Equation 5 shall not exceed 54 kilograms of monomer VOC per megagram of filled resin, as applied, if the filled resin used is a tooling resin.

(IV) The facility shall use the value of $PV_F$ calculated using Equation 5 if the facility is including a filled resin in Equation 3 of this subsection.

5. Add-On Control Option: If product performance requirements or other needs dictate the use of higher monomer VOC materials than those that would meet the recommended emission limits specified in subparagraph 4. of this subsection, a fiberglass boat manufacturing facility shall:

(i) Install and operate a thermal oxidizer as an add-on control device and meet the operating limits specified in Table 4 of 40 CFR Part 63 Subpart VVV, as amended, that apply to the emission capture system and thermal oxidizer.

(ii) Use of an add-on control device other than a thermal oxidizer, or monitoring an alternative parameter and complying with a different operating limit must be approved by the Director.

6. The non-monomer VOC content of filled resins shall not exceed 5 percent (weight percent) for all resins and gel coats included in VOC limits described in paragraphs 1. through 5. of this subsection.

7. All resin and gel coat mixing containers with a capacity equal to or greater than 55 gallons, including those used for on-site mixing of putties and polyputties, shall have a cover with no visible gaps in place at all times except during the following operations:

(i) When mixing is being manually added to or removed from a container; and

(ii) When mixing or pumping equipment is being placed or removed from a container.

8. The VOC content of cleaning solvents for routine application equipment cleaning shall not contain in excess of 5 percent VOC by weight.

9. For the purpose of this subsection, the definitions specified in 40 CFR Part 63.5779, as amended, are hereby incorporated and adopted by reference with the following additions:

(i) "Fiberglass boat manufacturing" means a facility that manufacturers hulls or decks of boats and related parts, builds molds to make fiberglass boat hulls or decks and related parts from fiberglass, or makes polyester resin putties for assembling fiberglass parts. For purposes of this subsection, fiberglass boat manufacturing does not include facilities that manufacture solely parts of boats (such as hatches, seats, or lockers), or boat trailers, but not manufacture hulls or decks of boats from fiberglass, or build molds to make fiberglass boat hulls or decks. If a facility manufactures hulls or decks, or molds for hulls or decks, then the manufacture of all other fiberglass boat parts, including small parts such as hatches, seats, and lockers is also covered.

(ii) "Monomer" means a volatile organic compound that partly combines with itself, or other similar compounds, by a cross-linking reaction to become a part of the cured resin.

10. Applicability: On and after January 1, 2015, the requirements of this subparagraph (zzz) shall apply to facilities at which the actual emissions of volatile organic compounds from all non-exempt fiberglass boat manufacturing processes at a facility equal or exceed 2.7 tons per 12-month rolling period for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this subparagraph are subject to the compliance schedule specified in subparagraph 12. Prior to January 1, 2015, such facilities shall comply with the provisions of subparagraph 391-3-1-.02(2)(tt), if applicable.

11. Applicability: The requirements of this Subparagraph (zzz) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 10. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (zzz) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

12. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014**.

(ii) On-site of construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014**.

(iii) Full compliance with the applicable requirements specified Subparagraph (zzz) must be completed before **January 1, 2015**.

13. Applicability: The requirements of this subsection apply to the following operations at a fiberglass boat manufacturer:

(i) open molding and gel coat operations (including pigmented gel coat, clear gel coat, production resin, tooling gel coat, and tooling resin);

(ii) resins and gel coat mixing operations; and

(iii) resins and gel coat application equipment cleaning operations.

14. Applicability: The requirements of this subsection do not apply to the following operations at a fiberglass boat manufacturer:

(i) Surface coating applied to fiberglass boats;

(ii) Surface coating for fiberglass and metal recreational boats (pleasure craft); and

(iii) industrial adhesives used in the assembly of fiberglass boats.

15. Exemptions: The following activities are exempt from the open molding emission limit specified in subparagraph 1. of this subsection:

(i) Production resins (including skin coat resins) that shall meet specifications for use in military vessels or shall be approved by the U.S. Coast Guard for use in the construction of lifeboats, rescue boats, and other life saving appliances approved under 46 CFR Subchapter Q, or the construction of small passenger vessels regulated by 46 CFR Subchapter T. Production resins for which this exemption is used must be applied with nonatomizing (non-spray) resin application equipment. You must keep a record of the resins for which you are using this exemption.

(ii) Pigmented, clear, and tooling gel coat used for part or mold repair and touch up. The total gel coat materials included in this exemption must not exceed 1 percent by weight of all gel coat used at the facility on a 12-month rolling average basis. You must keep a record of the amount of gel coats used per month for which you are using this exemption and copies of calculations showing that the exempt amount does not exceed 1 percent of all gel coat used.

(iii) Pure, 100 percent vinylester resin used for skin coats. This exemption does not apply to blends of vinylester and polyester resins used for skin coats. The total resin materials included in the exemption cannot exceed 5 percent by weight of all resin used at the facility on a 12-month rolling-average basis. You must keep a record of the amount of 100 percent vinylester skin coat resin used per month that is eligible for this exemption and copies of calculations showing that the exempt amount does not exceed 5 percent of all resin used.

(aaaa) **Industrial Cleaning Solvents.**

1. No person shall cause, suffer, allow, or permit the use of organic solvents for cleaning operations such as mixing vessels (tanks), spray booths, parts drums or for other cleaning activities performed for the removal of material from substrate including actions such as wiping, flushing or spraying, unless the following requirements for control of emissions of the volatile organic compounds are satisfied:

(i) All containers used for organic solvent-related materials are kept closed at all times except when depositing or removing these materials;

(ii) All organic cleaning solvents and used solvent-related materials including shop towels shall be stored in closed containers;

(iii) Air circulation around cleaning-related operations and waste materials shall be minimized;

(iv) All used solvent materials and shop towels shall be disposed of in a manner that minimizes emissions (e.g., moving these items from one location to another in closed containers or pipes); and

(v) Equipment shall be maintained in such a way that minimizes emissions (e.g., keeping parts cleaners covered, maintaining cleaning equipment to repair solvent leaks, etc.).

2. No person shall cause, suffer, allow, or permit volatile organic compound emissions from each cleaning process, spray gun cleaning, spray booth cleaning, large manufactured components cleaning, parts cleaning, equipment cleaning, line cleaning, floor cleaning, tank cleaning or small manufactured components cleaning to exceed 0.42 lbs of VOC per gallon (50 g/liter) of cleaning material unless the cleaning operation is equipped with an emission control system with an overall control efficiency of at least 85 percent. Alternatively, a VOC composite vapor

pressure limit of 8 millimeters of mercury (mmHg) at 20° Celsius may be used as a replacement limit for VOC content limit.

3. The requirements of this subparagraph shall not apply to any cleaning operations in categories subject to other more specific VOC requirements contained in other subparagraphs of this Rule. The requirements of this subparagraph shall not apply to cleaners used for low temperature (below 40°F) applications, or the use of janitorial cleaners as relating to cleaning offices, bathrooms or other similar areas.

4. For the purpose of this subparagraph, the following definition shall apply:

(i) "Industrial cleaning solvents" means a variety of products that are used to remove contaminants such as adhesives, inks, paint, dirt, soil, oil, and grease from parts, products, tools, machinery, equipment, vessels, floors, walls, and other production related work areas for a variety of reasons including safety, operability, and to avoid product contamination.

5. Applicability: On and after January 1, 2015, the requirements of this Subparagraph (aaaa) shall apply to facilities at which actual emissions of volatile organic compounds from the use of organic solvents for cleaning operations equal or exceed 15 pounds per day for facilities located in Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Hall, Henry, Newton, Paulding, Rockdale, Spalding, and Walton counties. Any physical or operational changes that are necessary to comply with the provisions specified in this Subparagraph (aaaa) are subject to the compliance schedule specified in Subparagraph 7. Prior to January 1, 2015, such facilities shall comply with the provisions of Subparagraph 391-3-1-.02(2)(tt), if applicable.

6. Applicability: The requirements of this Subparagraph (aaaa) will no longer be applicable by the compliance deadlines if the counties specified in subparagraph 5. are re-designated to attainment for the 1997 National Ambient Air Quality Standard for ozone prior to January 1, 2015. In the event the 1997 National Ambient Air Quality Standard for ozone is violated in the specified counties, the requirements of this Subparagraph (aaaa) will only be reinstated if the Director determines that the measure is necessary to meet the requirements of the contingency plan.

7. Compliance Schedule:

(i) An application for a permit to construct and operate volatile organic compound emission control systems and/or modifications of process and/or coatings used must be submitted to the Division no later than **July 1, 2014.**

(ii) On-site construction of emission control systems and/or modification of process or coatings must be completed by **November 1, 2014.**

(iii) Full compliance with the applicable requirements specified this Subparagraph (aaaa) must be completed before **January 1, 2015.**

(3) **Sampling.**

(a) Any sampling, computation and analysis to determine the compliance with any of the emissions limitations or standards set forth herein shall be in accordance with applicable procedures and methods specified in the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**. When no applicable test method or procedure is published therein, the Director shall specify or approve an applicable method or procedure prior to its use.

(b) The owner or operator of any equipment which is being sampled for the purpose of determining compliance with the Regulations shall operate such equipment during the sampling period at the maximum expected operating capacity, or at other specific operating conditions prescribed in the applicable operating permit or as otherwise may be required by the Director.

(c) The owner or operator of any source shall provide performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to such source;

2. Safe sampling platform;

3. Safe access to sampling platforms; and

4. Electric power for sampling and testing equipment.

(4) **Ambient Air Standards.**

(a) **No person** shall cause, suffer, permit, or allow the emission from any source the quantities of compounds listed below which would cause the ambient air standards listed to be exceeded. This does not exempt such sources from controlling their emissions to a point equal to or lower than the levels required to comply with a specific emission standard enumerated in other sections of these Rules.

(b) **Sulfur Dioxide.**

1. The level of the 2010 1-hour ambient air quality primary standard for oxides of sulfur is 75 parts per billion (ppb), measured in the ambient air as sulfur dioxide ($SO_2$).

(i) The 1-hour primary standard is attained when the three-year average of the annual ($99^{th}$ percentile) of the daily maximum 1-hour average concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR Part 50.

(ii) The level of the 2010 1-hour ambient air quality primary standard shall be measured by a reference method based on Appendix A or A-1 of 40 CFR Part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.

2. The level of the 1971 3-hour ambient air quality secondary standard for oxides of sulfur for any successive nonoverlapping calendar day three-hour period starting at midnight each calendar day is 0.5 ppm, measured in the ambient air as sulfur dioxide ($SO_2$).

(i) The 3-hour secondary standard is attained when the second-highest 3-hour average, as determined in accordance with 40 CFR 50.5(c), is less than or equal to 0.5 ppm. The standard shall not be exceeded more than once per calendar year.

(ii) The level of the 1971 3-hour ambient air quality secondary standard shall be measured in the ambient air as sulfur dioxide by the reference method described in Appendix A of 40 CFR Part 50, or by a FEM designated in accordance with 40 CFR Part 53.

3. The level of the 2024 annual ambient air quality secondary standard for oxides of sulfur is 10 parts per billion (ppb), measured in the ambient air as sulfur dioxide ($SO_2$).

(i) The annual secondary standard is met when the 3-year average of the annual $SO_2$ concentration is less than or equal to 10 ppb, as determined in accordance with Appendix T of 40 CFR Part 50.

(ii) The level of the 2024 annual ambient air quality secondary standard shall be measured by a reference method based on Appendix A-1 and Appendix A-2 of 40 CFR Part 50, or by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.

(c) **Particulate Matter.**

1. $PM_{10}$

(i) The level of the 24-hour ambient air quality standard for $PM_{10}$ is 150 micrograms per cubic meter, 24-hour average concentration.

(I) The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with Appendix K of 40 CFR 50, is equal to or less than 1.

(II) $PM_{10}$ shall be measured in the ambient air as $PM_{10}$ (particles with an aerodynamic diameter less than or equal to a nominal ten micrometers) by a reference method based upon 40 CFR 50, Appendix J.

2. $PM_{2.5}$

(i) The level of the annual ambient air quality standard of $PM_{2.5}$ (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) in the ambient air is 12.0 micrograms per cubic meter, annual arithmetic mean.

(I) The annual standard is attained when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR 50 is less than or equal to 12.0 micrograms per cubic meter.

(II) $PM_{2.5}$ shall be measured in the ambient air as $PM_{2.5}$ by reference method based upon 40 CFR 50, Appendix L.

(ii) The level of the 24-hour ambient air quality standard of $PM_{2.5}$ in the ambient air is 35 micrograms per cubic meter, 24-hour average concentration.

(I) The 24-hour standard is attained when the $98^{th}$ percentile 24-hour concentration, as determined in accordance with Appendix N of 40 CFR 50, is less than or equal to 35 micrograms per cubic meter.

(II) $PM_{2.5}$ shall be measured in the ambient air as $PM_{2.5}$ by reference method based upon 40 CFR 50, Appendix L.

(d) **Carbon Monoxide.**

1. The level of the ambient air quality standard for carbon monoxide is 35 ppm (40 milligrams per cubic meter) for a one-hour average or 9 ppm (10 milligrams per cubic meter) for an eight-hour average.

(i) These standards are not to be exceeded more than once per year.

(ii) Carbon monoxide shall be measured in the ambient air as CO by reference method based upon 40 CFR 50, Appendix C.

(e) **Ozone.**

1. The level of the 2008 8-hour ambient air standard for ozone is 0.075 ppm, daily maximum 8-hour average.

(i) The standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.075 ppm, as determined in accordance with Appendix P of 40 CFR 50.

(ii) Ozone shall be measured in the ambient air by a reference method based upon 40 CFR 50, Appendix D or an equivalent method designated in accordance with 40 CFR 53.

2. The level of the 2015 8-hour ambient air standard for ozone is 0.070 ppm, daily maximum 8-hour average.

(i) The standard is attained when the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration is less than or equal to 0.070 ppm, as determined in accordance with Appendix U of 40 CFR 50.

(ii) Ozone shall be measured in the ambient air by a reference method based upon 40 CFR 50, Appendix D or an equivalent method designated in accordance with 40 CFR 53.

(f) **Lead.**

1. The level of ambient air quality standard of lead and its compounds at ground level shall not exceed 0.15 micrograms per cubic meter, arithmetic mean concentration over a 3-month period.

(i) The standard is attained when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of this 40 CFR 50, is less than or equal to 0.15 micrograms per cubic meter.

(ii) The specified standard procedure for measuring ambient air concentrations of lead shall be a reference method based upon 40 CFR 50, Appendix G or an equivalent method designated in accordance with 40 CFR 53.

(g) **Nitrogen Dioxide.**

1. The level of the annual air quality standards for oxides of nitrogen at ground level is 53 ppb, annual average concentration, measured in the ambient air as nitrogen dioxide.

(i) The annual standard is met when the annual average concentration in a calendar year is less than or equal to 53 ppb, as determined in accordance with Appendix S of 40 CFR 50.

(ii) The level of the standard shall be measured by a reference method based on Appendix F or by a FEM designated in accordance with 40 CFR 53.

2. The level of the 1-hour ambient air quality standard for oxides of nitrogen is 100 ppb, 1-hour average concentration, measured in the ambient air as nitrogen dioxide.

(i) The 1-hour standard is met when the three-year average of the annual 98$^{th}$ percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with Appendix S of 40 CFR 50.

(ii) The level of the standard shall be measured by a reference method based on Appendix F or by a FEM designated in accordance with 40 CFR 53.

(h) **Standard Conditions for Temperature and Pressure.**

1. All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for particulate matter ($PM_{2.5}$) standards contained in 391-3-1-.02(4)(c)2., and lead standards contained in 391-3-1-.02(4)(f) shall be corrected to a reference temperature of 25 (deg) C and a reference pressure of 760 millimeters of mercury (1,013.2 millibars).

2. Measurements of $PM_{2.5}$ for purposes of comparison to the standards contained in 391-3-1-.02(4)(c)2., and of lead for purposes of comparison to the standards contained in 391-3-1-.02(4)(f) shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

(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 leaf piles, yard debris, or hand-piled natural vegetation 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, if the agricultural tract, lot, or parcel is less than or equal to five acres.

3. Burning over any agricultural tract, lot, or parcel greater than five acres for purposes of any existing, expanded, or new agricultural operations as such term is defined by O.C.G.A. Section 1-3-3, provided that such burning is consistent with the requirements of the Federal Act and is limited to vegetative material.

4. The "prescribed burning" of any 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 explo-sives, 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 condi-tions 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) Whenever feasible, the air curtain destructor should not be fired before 10:00 a.m. and the fire should 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:

(i) exceptions numbered 2, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and

(ii) exception number 3 under subparagraph (a) above.

2. In the counties of Banks, Barrow, Bibb, Butts, Catoosa, Chattooga, Clarke, Columbia, Crawford, Dawson, Floyd, Gordon, Haralson, Heard, Houston, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Peach, Pickens, Pike, Polk, Putnam, Richmond, Troup, Twiggs, Upson, 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:

(i) exceptions numbered 2, 4, 5, 6, 10 and 12 under subparagraph (a) above provided, however, that such burning, whenever feasible, be conducted between 10:00 a.m. and one hour before sunset; and

(ii) exception number 3 under subparagraph (a) above.

3. [reserved]

4. In counties listed in subparagraphs 1 or 2 above whose total population, as listed in the 2010 Census, exceeds 65,000 (Barrow, Bartow, Bibb, Carroll, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gwinnett, Hall, Henry, Houston, Newton, Paulding, Richmond, Rockdale, Troup, Walker and Walton), the only legal exceptions to the general prohibition against open burning during the months of January, February, March, April, October, November, and December are:

(i) exceptions numbered 1, 2, 4, 5, 6, 7, 10, 12, and 13 under subparagraph (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; and

(ii) exception number 3 under subparagraph (a) above.

(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 subparagraphs (a) and (b) above except as follows. Prescribed 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) **Prescribed burning** conducted under subparagraph (b)2. is subject to authorization by the Georgia Forestry Commission to include burning restrictions during periods that are conducive to the formation of ozone. Federal facilities which conduct prescribed burning in accordance with subparagraph (b)2. that are not required to obtain authorization from the Georgia Forestry Commission for such burning shall institute measures to ensure that prescribed burning is not conducted during periods conducive to the formation of ozone.

(f) **Definitions.**

1. "Prescribed burning" means the controlled application of fire to existing vegetative fuels under specified environmental conditions and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplishes one or more planned land management objectives as specified in the Georgia Prescribed Burning Act (Georgia Code Title 12. Conservation and Natural Resources § 12-6-146) or to mitigate catastrophic wildfires.

2. [reserved]

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.

(6) **Source Monitoring.**

(a) **Specific Monitoring and Reporting Requirements for Particular Sources.**

1. Sources, and owners and operators of sources, subject to any of the Standards of Performance for New Stationary Sources of or pursuant to 42 U.S.C. Section 7411, as amended, or National Emission Standards for Hazardous Air Pollutants of or pursuant to U.S.C. Section 7412, as amended, shall meet the monitoring and related requirements specified in the applicable standard, unless the Director specifies additional or more stringent requirements, in which case all requirements must be met.

2. Certain specific sources, as herein designated, shall provide for the continuous monitoring of emissions as prescribed below:

(i) Fossil Fuel-Fired Steam Generators. The owner or operator of any fossil fuel-fired steam generator, except as provided for in subparagraph (iv) of this paragraph, with an annual average capacity factor of greater than 30 percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Director by the owner or operator, shall install, calibrate, operate, and maintain all monitoring equipment necessary for the continuous monitoring of the following:

(I) Opacity, if such steam generator has a heat input greater than 250 million BTUs per hour, except where:

I. Gaseous fuel is the only fuel burned; or

II. Oil or mixture of gas and oil are the only fuels burned and the source is able to comply with the applicable particulate matter and opacity regulations without utilization of particulate matter collection equipment, and the source has never been found, through any administrative or judicial proceedings, to be in violation of any visible emission standard;

(II) Sulfur dioxide, if such steam generator has a heat input greater than 250 million BTUs per hour and has installed sulfur dioxide emission control equipment;

(III) The percent oxygen, or carbon dioxide, in the flue gas as necessary to accurately convert sulfur dioxide continuous emission monitoring data to the units of the emission standard.

(ii) Sulfuric Acid Plants.

(I) The owner or operator of any sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall, except as provided for in subparagraph (iv) of this paragraph, install, calibrate, maintain, and operate a continuous monitoring system for the measurement of sulfur dioxide for each sulfuric acid production facility within such plant.

(iii) Wood Waste Fired Combination Boilers.

(I) The owner or operator of any boiler which fires wood waste or wood waste in combination with fossil fuel(s) with a total heat input equal to or greater than 100 million BTUs per hour shall, except as provided for in subparagraph (iv) of this subparagraph, install, calibrate, operate and maintain a continuous monitoring system for the measurement of opacity;

(II) Boilers subject to this subparagraph (iii) shall comply with the opacity monitoring requirements as specified for fossil fuel-fired steam generators. In any rule or subdivision thereof dealing with opacity monitoring requirements for fossil fuel-fired steam generators, where reference is made to "Fossil Fuel-Fired Steam Generators" the term "Wood Waste Fired Combination Boilers" should be inserted for the purpose of this subparagraph.

(iv) Exemptions. A facility is exempt from the requirements otherwise imposed by this subparagraph (a)2. if:

(I) It is subject to any of the Standards of Performance for New Stationary Sources promulgated in 40 CFR, Part 60 or National Emission Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61, pursuant to Section 111 of the Federal Act; or

(II) It is not subject to an applicable emission standard.

(v) Monitoring Equipment.

(I) The monitoring equipment required pursuant to the previous subparagraphs (i) through (iv) shall be demonstrated by the owners or operators of such monitoring equipment to meet the performance specifications specified in the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

(vi) Data Reporting.

(I) The owner or operator of a facility subject to the requirements of this subparagraph (a)2. shall submit a written report for each calendar quarter and, if excess emissions have occurred, the report shall state the nature and cause of the excess emissions, if known, and the corrective action taken. The averaging period used for data reporting shall correspond to the averaging period specified in the emission test method used to determine compliance with an emission standard for the pollutant/source category in question. The required report shall include, as a minimum, the data specified in this subparagraph.

I. For opacity measurements, the summary shall consist of the magnitude in actual percent opacity of each 6-minute average of opacity which is greater than the opacity standard applicable to the source. If more than one opacity standard applies, excess emissions data must be submitted in relation to all such standards.

II. For gaseous measurements, the summary shall consist of emission averages in the units of the applicable standard, for each averaging period during which the applicable standard was exceeded.

III. The data and time identifying each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of system repairs or adjustments shall be reported. The Director may require proof of continuous monitoring system performance whenever system repairs or adjustments have been made.

IV. When no excess emissions have occurred and the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be included in the report.

V. The owners or operators of sources or facilities subject to this subparagraph (a)2. shall maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units of the applicable standard for a minimum of two years from the date of collection of such data or submission of such summaries.

(vii) Data Conversion. The owner or operator of a source subject to this subparagraph (a)2. shall use the following procedures for converting monitoring data to units of the applicable standard:

(I) For fossil fuel-fired steam generators, the procedures of Paragraph 2.1 of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants** shall be used to convert gaseous emissions monitoring data in ppm to pounds/million BTU where necessary.

(II) For sulfuric acid plants the owner or operator shall:

I. Establish a conversion factor three times daily according to the procedures in Paragraph 2.5 of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**.

II. Multiply the conversion factor by the average sulfur dioxide concentration in the flue gases to obtain average sulfur dioxide emissions in lb/ton, and;

III. Report the average sulfur dioxide emission for each averaging period in excess of the applicable emission standard in the quarterly report.

(III) The owner or operator of a source subject to this regulation may employ data reporting or reduction procedures varying from those specified in this subparagraph (a)2.(vii) if such owner or operator shows to the satisfaction of the Director that such procedures are at least as accurate as the procedures identified in this subparagraph. Such procedures may include, but are not limited to, the following:

I. Alternative procedures for computing emission averages that do not require integration of data (e.g., some facilities may demonstrate that the variability of their emissions is sufficiently small to allow accurate reduction of data based upon computing averages from equally spaced data points over the averaging period);

II. Alternative methods of converting pollutant concentration measurements to the units of the emission standards.

(viii) In cases where the owner or operator of a source subject to this paragraph wishes to utilize different, but equivalent, procedures for continuous monitoring systems and/or alternative monitoring and data reporting procedures or other alternative equivalents to comply with the intent of this paragraph then:

(I) The owner or operator must submit:

I. A detailed summary of the limitations prohibiting the installation of a continuous monitor, and;

II. Alternative and/or equivalent emission monitoring and reporting requirements (e.g., periodic manual stack tests) to satisfy the intent of this paragraph.

(II) The use of any alternative or equivalent method for compliance with any requirement of this subparagraph (a)2. shall be subject to approval of the Director.

(ix) Monitor Malfunction.

(I) The requirements of this paragraph shall not apply during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the Director, that the malfunction was unavoidable and is being or was repaired as expeditiously as practicable.

(x) [reserved]

(xi) Kraft Pulp Mills.

(I) On or before March 1, 1984, unless otherwise specified in an alternate compliance schedule as provided for in subparagraph 391-3-1-.02(2)(a)9., the owner or operator of any kraft pulp mill subject to any limitation or requirement of, or under subparagraph (gg) of paragraph 391-3-1-.02(2) shall, except as provided in Part (II) of this subparagraph, install, calibrate, operate, and maintain a system to continuously measure and record the

concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged from any lime kiln, recovery furnace, digester system, or multiple-effect evaporator system.

(II) The owner or operator of any kraft pulp mill which incinerates effluent gases emitted from any digester system or multiple-effect evaporator system subject to any limitation or requirement of, or under subparagraph (gg) of paragraph 391-3-1-.02(2) shall install, calibrate, operate, and maintain a system to continuously measure and record the combustion temperature at the point of incineration.

(xii) Fuel Burning Equipment.

(I) The owner or operator of any fuel burning equipment with a maximum design heat input capacity equal to or greater than 100 million BTU/hr subject to the provisions of subparagraph (lll) of paragraph 391-3-1-.02(2) shall install, calibrate, operate, and maintain a continuous emissions monitoring system (CEMS) for the measurement of the concentration of nitrogen oxides (NOx) and the percent oxygen and shall record the output of the system.

(II) For any fuel burning equipment which only combusts gas residual oil with a nitrogen content less that 0.30 percent, or distillate oil or a combination of those fuels, the owner or operator may monitor equipment operating conditions to predict the concentration of nitrogen oxides, (Predictive Emissions Monitoring System) in lieu of the CEMS required in subparagraph (I) provided such system meets the requirements of Section 2.119 of the **Procedures for Testing and Monitoring Sources of Air Pollutants**.

3. All sources, and owners and operators of sources, subject to any limitation of subparagraphs (2)(t) through (2)(aa) [inclusive]; (2)(ii); (2)(jj); (2)(11); (2)(mm); and (2)(tt) [inclusive] shall maintain, as specified by the Director, at the source, for a period of at least two years, records containing the following information for each production line:

(i) Process information, including, but not limited to, hours of operation, method of application, and drying method.

(ii) Coating formulation and analytical data, including, but not limited to, the name of inks or coatings, coating or ink density, VOC content (weight or volume percent), and solids content (volume percent).

(iii) Coating consumption data, including, but not limited to, name of ink or coating used, amount of ink or coating used, name of diluent and amount of diluent used.

(iv) Capture and control equipment data, including, but not limited to, the destruction and removal efficiency, emission test results, and the capture efficiency.

(v) Transfer Efficiency Data, including, but not limited to, baseline transfer efficiency, actual transfer efficiency, and results of efficiency test.

(b) **General Monitoring and Reporting Requirements.**

1. All Sources.

(i) Any person engaged in operations which cause emissions to be released into the atmosphere which may result in air pollution may be required to install, maintain, and use emission monitoring devices, to sample such specific emissions as prescribed by the Director; to make periodic reports on the nature and amounts of emissions and provide such other information as the Director may reasonably require; and to maintain such records as the Director may prescribe so as to determine whether emissions from such operations are in compliance with the provisions of the Act or any rules and regulations promulgated there under.

(ii) Specific types of information and/or equipment installation which may be requested may include, but are not limited to, the following:

(I) Detectors and recorders for continuous measurement and recording of the opacity of emissions;

(II) Composition and analysis of fuels of any nature, the determination of which shall be conducted in accordance with acceptable and appropriate procedures of the American Society for Testing and Materials or by other procedures specified or approved by the Director;

(III) As technology permits, instrumentation for continuously monitoring particulate matter and gaseous emissions;

(IV) Production and process feed rates, process charging rates, burning rates, hours of operation and periodic summaries of this information.

(iii) Records of information requested shall be submitted on forms supplied by the Director, or when forms are not supplied, in a format acceptable to and approved by the Director. The information obtained on request of the Director shall be retained for a period and shall be reported at time intervals to be specified. Records shall be kept current and be available for inspection at the discretion of the Director.

(iv) In the event of any malfunction or breakdown of process, fuel burning, or emission control equipment for a period of four hours or more which results in excessive emissions for a major source, the owner or operator of such major source shall notify the Division by a written report which would describe the cause of the breakdown, the corrective actions taken, and the plans to prevent future occurrences. Unless otherwise specified in a permit or order, the report must be submitted no later than seven (7) days after the occurrence. The information submitted shall be adequate to allow the Director to determine whether the excessive emissions were due to a sudden and unavoidable breakdown. The reporting requirements of this subparagraph (iv) shall be in addition to any other reporting requirement under these rules (Chapter 391-3-1), and such reporting shall in no event serve to excuse, otherwise justify or in any manner affect any potential liability or enforcement action.

(v) All data gathered in the process of enforcing this or other Air Quality Control Rule or Regulation shall be considered public information and shall be made available upon request, except such information which is required to be kept confidential by Ga. Code Ann. Section 12-9-19, as amended.

(vi) Any continuous monitoring system or monitoring device shall be installed, operated, calibrated and maintained and information reported in accordance with the applicable procedures and performance specifications of the Georgia Department of Natural Resources **Procedures for Testing and Monitoring Sources of Air Pollutants**. Where no applicable procedure or performance specification for such installation, operation or reporting of data is published therein, the Director shall, as needed, specify or approve an applicable procedure or performance specification prior to operation of the monitoring system or monitoring device.

(7) **Prevention of Significant Deterioration of Air Quality.**

(a) **General Requirements.**

1. The provisions of paragraph (7) shall apply to any source and the owner or operator of any source subject to any requirement under 40 Code of Federal Regulations (hereinafter, CFR) Part 52.21. The subparagraphs of paragraph (7) that incorporate by reference paragraphs of 40 CFR Part 52.21 are as promulgated on January 28, 2025, unless otherwise specified. The dates associated with the incorporation by reference of federal rules into this paragraph (7) refer to the dates of publication of the promulgated rules in the Federal Register.

2. Definitions: For the purpose of this paragraph, 40 CFR Part 52.21(b) as amended, is hereby incorporated by reference with the following exceptions:

(i) In lieu of the definition of "baseline actual emissions" as specified in paragraph (b)(48) of 40 CFR Part 52.21, the following shall apply:

"Baseline actual emissions" means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with subparagraphs (7)(a)2.(i)(I) through (IV) of this rule.

(I) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24-month period selected by the

owner or operator within the 5-year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

I. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A and B.

A. If fugitive emissions or emissions from startups, shutdowns, and/or malfunctions during the consecutive 24-month period selected by the owner or operator are not quantifiable and are therefore not included in the calculation of baseline actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

B. The owner or operator may elect to omit malfunctions from the calculation of baseline actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

II. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

III. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period may be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

IV. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, or for which there is inadequate information for adjusting this amount downward to exclude any non-compliant emissions as required by subparagraph (7)(a)2.(i)(I)II. of this rule.

V. If any physical change(s) or change(s) in the method of operation subsequent to the consecutive 24-month period selected by the owner or operator resulted in a permanent change in the basic design parameter [as defined in subparagraph (7)(a)2.(viii) of this rule], not including the voluntary addition of air pollution control equipment or increase in removal or collection efficiency of existing air pollution control equipment, and thus resulted in a corresponding reduction in actual emissions of a regulated NSR pollutant, the baseline actual emissions shall be adjusted downward by a proportional reduction in emissions in tons per year or lbs/unit of production.

VI. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Available Control Technology (MACT) standard that the Administrator of U.S. EPA has proposed or promulgated under 40 CFR, Part 63, the baseline actual emissions need only be adjusted if the Division has taken credit for such emission reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR Part 51.165(a)(3)(ii)(G).

(II) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 10-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Division for a permit required under this paragraph or by the reviewing authority for a permit required by a plan, whichever is earlier.

I. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A and B.

A. If fugitive emissions or emissions from startups, shutdowns, and/or malfunctions during the consecutive 24-month period selected by the owner or operator are not quantifiable and are therefore not included in the calculation of baseline actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of projected actual emissions (as defined in subparagraph (7)(a)2.(ii) of this rule).

B. The owner or operator may elect to omit malfunctions from the calculation of baseline actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of projected actual emissions [as defined in subparagraph (7)(a)2.(ii) of this rule].

II. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24-month period.

III. The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24-month period. However, if an emission limitation is part of a Maximum Achievable Control Technology (MACT) standard that the Administrator of U.S. EPA has proposed or promulgated under 40 CFR, Part 63, the baseline actual emissions need only be adjusted if the Division has taken credit for such emissions reductions in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR Part 51.165(a)(3)(ii)(G).

IV. For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period may be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period can be used for each regulated NSR pollutant.

V. The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, or for which there is inadequate information for adjusting this amount downward to exclude any non-compliant emissions as required by subparagraph (7)(a)2.(i)(II)II. or III. of this rule.

VI. If any physical change(s) or change(s) in the method of operation subsequent to the consecutive 24-month period selected by the owner or operator resulted in a permanent change in the basic design parameter [as defined in subparagraph (7)(a)2.(viii) of this Rule], not including the voluntary addition of air pollution control equipment or increase in removal or collection efficiency of existing air pollution control equipment, and thus resulted in a corresponding reduction in actual emissions of a regulated NSR pollutant, the baseline actual emissions shall be adjusted downward by a proportional reduction in emissions in tons per year or lbs/unit of production.

(III) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit [as long as the unit remains a "new emissions unit" as defined in 40 CFR Part 52.21(b)(7)(i)].

(IV) For a PAL for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in subparagraph (7)(a)2.(i)(I) of this rule, for other existing emissions units in accordance with the procedures contained in subparagraph (7)(a)2.(i)(II) of this rule, and for a new emissions unit in accordance with the procedures contained in subparagraph (7)(a)2.(i)(III) of this rule. For existing emission units, the baseline actual emissions shall be based on any consecutive 24-month period selected by the operator within the appropriate PAL baseline period. For existing electric steam generating units, the PAL baseline period is the 5-year period (or different period allowed by the Director that is more representative or normal source operation) immediately preceding submission of a complete PAL application to the Division. For other existing emission units, the PAL baseline period is the 10-year period immediately preceding submission of a complete PAL permit application to the Division.

(ii) In lieu of the definition of "projected actual emissions" as specified in paragraph (b)(41) of 40 CFR Part 52.21, the following shall apply:

(I) "Projected actual emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (12-month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(II) In determining the projected actual emissions under subparagraph (7)(a)2.(ii)(I) (before beginning actual construction), the owner or operator of the major stationary source:

I. Shall consider all relevant information, including but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the State or Federal regulatory authorities, and compliance plans under the approved State Implementation Plan; and

II. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions. However, fugitive emissions and/or emissions associated with startups, shutdowns, and malfunctions shall or may be excluded in accordance with the following subparagraphs A., B., and C.

A. If projected fugitive emissions or emissions from startups, shutdowns, and/or malfunctions are not quantifiable and are therefore not included in the calculation of projected actual emissions, then fugitive emissions or emissions from startups, shutdowns, and/or malfunctions, respectively, shall not be included in the calculation of baseline actual emissions [as defined in subparagraph (7)(a)2.(i) of this rule].

B. The owner or operator may elect to omit malfunctions from the calculation of projected actual emissions. If the owner or operator elects to do so, then malfunctions shall also be omitted from the calculation of baseline actual emissions [as defined in subparagraph (7)(a)2.(i) of this rule].

C. If the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant and the increase in projected emissions associated with startups, shutdowns, and malfunctions is not proportional to the increase in the emission unit's design capacity or its potential to emit that regulated NSR pollutant, the owner or operator must include with the information required under subparagraph (7)(b)15.(i)(I) of this rule documentation that supports the projected emissions associated with startups, shutdowns, and malfunctions subsequent to completion of the project; and

III. May exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions under subparagraph (7)(a)2.(i) of this rule and that is also unrelated to the particular project, including any increased utilization due to product demand growth (the increase in emissions that may be excluded under this subparagraph shall hereinafter be referred to as "demand growth emissions");

A. If the project involves increasing the emissions unit's design capacity or its potential to emit that regulated NSR pollutant, the owner or operator shall either:

(A) not exclude demand growth emissions, or

(B) must include in the information required under subparagraph (7)(b)15.(i)(I) of this paragraph, documentation that demand growth emissions are emissions that the emissions unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions, are not related to the particular project, and are due to product demand growth; must have documentation supporting the portion of the emissions increase that is due to demand growth; and, following the change, must be able to track the emissions increase due to demand growth; or

IV. In lieu of using the method set out in subparagraphs (7)(a)2.(ii)(II)I. through III. of this rule, may elect to use the emissions unit's potential to emit, in tons per year, as defined under paragraph (b)(4) of 40 CFR Part 52.21.

(iii) The definition of "major stationary source" contained in 40 CFR Part 52.21(b)(1) is hereby incorporated by reference except as follows:

(I) Subparagraph (i)(b) shall read as follows: Notwithstanding the stationary source size specified in paragraph (b)1.(i)(a) of this section, any stationary source which emits, or has the potential to emit, 250 tons-per-year or more of a regulated NSR pollutant; or

(iv) The definition and use of the term "subject to regulation" in 40 CFR Part 52.21 is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR Part 52.21 containing that term is:

(I) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or

(II) withdrawn, repealed, revoked or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action, as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect;

(v) The definition of "potential to emit" contained in 40 CFR Part 52.21(b)(4), shall be modified as follows:

(I) The phrase "is federally enforceable" shall read "is federally enforceable or enforceable as a practical matter."

(vi) The definition of "allowable emissions" contained in 40 CFR Part 52.21(b)(16), shall be modified as follows:

(I) The phrase "unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both" shall read, "unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both."

(II) paragraph (iii) shall read as follows: The emissions rate specified as an enforceable permit condition, including those with a future compliance date.

(vii) The following shall be added to the definition of "major source baseline date" contained in 40 CFR Part 52.21(b)(14):

(I) Baseline dates established prior to April 19, 2006, will remain in effect.

(viii) In lieu of paragraph (b)(33)(iii) of the definition of "replacement unit" as specified in paragraph (b)(33) of 40 CFR Part 52.21, the following shall apply:

The replacement does not alter the basic design parameters of the process unit. Basic design parameters are defined as follows:

(I) Except as provided in subparagraph (7)(a)2.(viii)(III) of this rule, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate.

When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British Thermal Units content shall be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.

(II) Except as provided in subparagraph (7)(a)2.(viii)(III) of this rule, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material when selecting a basic design parameter.

(III) If the owner or operator believes the basic design parameter(s) in subparagraphs (7)(a)2.(viii)(I) and (II) of this rule is (are) not appropriate for a specific industry or type of process unit, the owner or operator may propose to the Division an alternative basic design parameter(s) for the source's process unit(s). If the Director approves of the use of an alternative basic design parameter(s), he or she shall issue a permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).

(IV) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in subparagraphs (7)(a)2.(viii)(I) and (II) of this rule.

(V) If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the 5-year period immediately preceding the planned activity.

(VI) Efficiency of a process unit is not a basic design parameter.

(ix) [reserved]

(x) [reserved]

(xi) In the definition of "net emissions increase" as specified in paragraph (b)(3) of 40 CFR Part 52.21, paragraphs (iii)(b) and (vi)(d), related to increases and decreases at a clean unit, are not adopted.

3. Applicability procedures: 40 CFR Part 52.21(a)(2), as amended, is hereby incorporated and adopted by reference.

4. Except as noted below, the word "Administrator" as used in regulations adopted by reference in this paragraph shall mean the "Director" as defined in 391-3-1-.01(q). For the following provisions adopted by reference in this paragraph, the word "Administrator" shall mean the Administrator of the U.S. Environmental Protection Agency or, where allowable, his or her designee.

(i) 40 CFR Part 52.21(b)(17), Definition of "Federally Enforceable"

(ii) 40 CFR Part 52.21(b)(37)(i), First paragraph within the Definition of "Repowering"

(iii) 40 CFR Part 52.21(b)(43), Definition of "Prevention of Significant Deterioration (PSD)"

(iv) 40 CFR Part 52.21(b)(51), Definition of "Reviewing Authority"

(v) 40 CFR Part 52.21(g), Redesignation

(vi) 40 CFR Part 52.21(l), Air Quality Models

(vii) 40 CFR Part 52.21(p)(2), Federal Land Manager

(viii) 40 CFR Part 52.21(o)(3), Visibility Monitoring

(b) **Prevention of Significant Deterioration Standards.**

1. Ambient air increments: 40 CFR Part 52.21(c), as amended, is hereby incorporated and adopted by reference.

2. Ambient air ceilings: 40 CFR Part 52.21(d), as amended, is hereby incorporated and adopted by reference.

3. Restrictions on area classifications: 40 CFR Part 52.21(e), as amended, is hereby incorporated and adopted by reference.

4. Redesignation: 40 CFR Part 52.21(g), as amended, is hereby incorporated and adopted by reference.

5. Stack heights: 40 CFR Part 52.21(h), as amended, is hereby incorporated and adopted by reference.

6. Exemptions: 40 CFR Part 52.21(i), as amended, is hereby incorporated and adopted by reference.

7. Control technology review: 40 CFR Part 52.21(j), as amended, is hereby incorporated and adopted by reference.

8. Source impact analysis: 40 CFR Part 52.21(k), as amended, is hereby incorporated and adopted by reference.

9. Air quality models: 40 CFR Part 52.21(l), as amended, is hereby incorporated and adopted by reference.

10. Air quality analysis: 40 CFR Part 52.21(m), as amended, is hereby incorporated and adopted by reference.

11. Source information: 40 CFR Part 52.21(n), as amended, is hereby incorporated and adopted by reference with the following exception:

(i) The first sentence of paragraph (n)(1) shall read as follows, "With respect to a source or modification to which paragraphs (j), (l), (o) and (p) of this section apply, such information shall include:"

12. Additional impact analyses: 40 CFR Part 52.21(o), as amended, is hereby incorporated and adopted by reference.

13. Sources impacting federal class I areas - additional requirements: 40 CFR Part 52.21(p), as amended, is hereby incorporated and adopted by reference with the following exception:

(i) The beginning of paragraph (p)(8) should read "In the case of a permit issued pursuant to paragraph (p)(6) or (7) of this section."

14. Public participation: 40 CFR Part 52.21(q), as amended, is hereby incorporated and adopted by reference.

15. Source obligation: 40 CFR Part 52.21(r), as amended, is hereby incorporated and adopted by reference with the following exceptions:

(i) In lieu of the provisions of paragraph (r)(6), the following shall apply:

The provisions of this subparagraph 15(i) apply to projects at an existing emissions unit at a major stationary source (other than projects at a source with a PAL) that are required to obtain a permit under the Construction (SIP) Permit requirements of paragraph 391-3-1-.03(1) of these rules and the owner or operator elects to use the method specified in subparagraph (7)(a)2.(ii)(II)I. through III. of this rule for calculating projected actual emissions.

(I) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

I. A description of the project;

II. Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

III. A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under subparagraph (7)(a)2.(ii)(II)III. of this rule and an explanation for why such amount was excluded, and any netting calculations, if applicable.

IV. The records required in subparagraph (7)(b)15.(i)(I) of this rule shall be retained for a period of 10 years following resumption of regular operations after the change, or for a period of 15 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit of a regulated NSR pollutant at such emissions unit.

(II) The owner or operator shall provide a copy of the information set out in subparagraph (7)(b)15.(i)(I) of this rule with the application for construction required under paragraph 391-3-1-.03(1) of these rules.

(III) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in subparagraph (7)(b)15.(i)(I)II. of this rule, and calculate and maintain a record of the annual emissions, in tons-per-year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit. These records shall be retained for a period of five years past the end of each calendar year. If an owner or operator is required to or elects to exclude emissions associated with startups, shutdowns, and/or malfunctions from estimations of projected actual emissions for PSD applicability purposes as allowed by subparagraph (7)(a)2.(ii)(II)II. of this rule, the owner or operator may exclude such emissions from the calculation of annual emissions.

(IV) If the owner or operator excluded demand growth emissions from the projected actual emissions for a project and that project is subject to the requirements of subparagraph (7)(a)2.(ii)(II)III.A.(B) of this rule, the owner or operator shall calculate the actual increase in emissions due to demand growth, in tons per year on a calendar year basis, for a period 10 years following resumption of regular operations after the change. These records shall be retained for a period of five years past the end of each calendar year.

(V) The owner or operator shall submit a report to the Division within 60 days after the end of each year during which records must be generated under subparagraphs (7)(b)15.(i)(III) and (IV) of this rule setting out the unit's annual emissions and, if applicable, the unit's actual increase in emissions due to demand growth during the calendar year that preceded submission of the report.

16. Innovative control technology: 40 CFR Part 52.21(v), as amended, is hereby incorporated and adopted by reference.

17. Permit rescission: 40 CFR Part 52.21(w), as amended, is hereby incorporated and adopted by reference with the following exceptions:

(i) Paragraph (1) of 40 CFR Part 52.21(w) shall read as follows: Any permit issued under this section or a prior version of this section shall remain in effect, unless and until it expires under paragraph (r) of this section or is rescinded.

(ii) Paragraph (3) of 40 CFR Part 52.21(w) shall read as follows: The Director may grant an application for rescission if the application shows that this section, as it existed at the time the permit was issued, would not apply to the source or modification.

18. [reserved]

19. [reserved]

20. [reserved]

21. Actuals PALs: 40 CFR, Part 52.21(aa), as amended, is hereby incorporated by reference with the following exceptions:

(i) [reserved]

(ii) In lieu of the public participation requirements for PALs of 40 CFR Part 52.21(aa)(5), PALs for existing major stationary sources shall be established, renewed, or increased through the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph 391-3-1-.03(10)(e) of these rules.

(iii) In addition to the provisions for setting the 10-year actual PAL level specified in 40 CFR Part 52.21(aa)(6)(i), the PAL level shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period used to determine the baseline actual emissions for the PAL pollutant.

(iv) In lieu of the provisions of 40 CFR Part 52.21(aa)(6)(ii), the following shall apply:

For newly constructed units (which do not include modifications to existing units) on which actual construction began after the consecutive 24-month period selected for setting the 10-year actuals PAL level, in lieu of adding the baseline emissions as specified in paragraph (aa)(6)(i) of 40 CFR Part 52.21, the emissions must be added to the PAL level as follows:

(I) For an emissions unit on which actual operation commenced less than 36 months prior to submission of a complete PAL permit application, the emissions must be added to the PAL level in an amount equal to the potential to emit of the unit.

(II) For an emissions unit on which actual operation commenced greater than or equal to 36 months and less than 48 months prior to submission of a complete PAL permit application, the emissions must be added in an amount equal to the rate, in tons per year, at which the unit actually emitted the PAL pollutant during any consecutive 12-month period, selected by the owner or operator, that preceded submission of the PAL permit application.

(III) For an emissions unit on which actual operation commenced greater than or equal to 48 months prior to submission of a complete PAL permit application, the emissions must be added in an amount equal to the average rate, in tons per year, at which the unit actually emitted the PAL pollutant during any consecutive 24-month period, selected by the owner or operator, that preceded submission of the PAL permit application.

(v) In addition to the contents of the PAL permit specified in 40 CFR Part 52.21(aa)(7), the PAL permit must contain a requirement that emissions calculations for compliance purposes must include non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable and that were in excess of that allowed by any state or Federal air quality regulation or permit condition.

(vi) In lieu of the provisions of 40 CFR Part 52.21(aa)(8)(ii)(c), the following shall apply:

All reopenings shall be carried out in accordance with the procedures for Title V Permit issuance, renewal, and reopenings, and revisions specified in subparagraph 391-3-1-.03(10)(e) of these rules.

(vii) In lieu of the provisions for PAL adjustment in 40 CFR Part 52.21(aa)(10)(iv), the following shall apply:

PAL adjustment. The Director shall set the PAL level for a renewed PAL permit in accordance with subparagraphs (7)(b)21.(vii)(I) and (II) of this rule. However, in no case may any PAL level fail to comply with subparagraph (7)(b)21.(vii)(III) of this rule.

(I) If the emissions level calculated in accordance with paragraph (aa)(6) of 40 CFR Part 52.21 and subparagraphs (7)(b)21.(iii) and (iv) of this rule is equal to or greater than 80 percent of the PAL level, the Director may renew the PAL at the same level. If the emissions level calculated in accordance with (aa)(6) of 40 CFR Part 52.21 and subparagraphs (7)(b)21.(iii) and (iv) of this rule is less than 80 percent of the PAL level, the Director may renew the

PAL at a level determined using the procedures set forth in 40 CFR Part 52.21(aa)(6) and subparagraphs (7)(b)21.(iii) and (iv) of this rule.

(II) The Director may set the PAL at a level that he or she determines to be more representative of the source's baseline actual emissions, or that he or she determines to be more appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the Director in his or her written rationale.

(III) Notwithstanding subparagraphs (7)(b)21.(vii)(I) and (II) of this rule:

I. If the potential to emit of the major stationary source is less than the PAL, the Director shall adjust the PAL to a level no greater than the potential to emit of the source; and

II. The Director shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions of paragraph (aa)(11) of 40 CFR Part 52.21 (increasing a PAL).

(viii) The following is added to the list of acceptable general monitoring approaches listed in 40 CFR Part 52.21(aa)(12)(ii).

(I) Mass balance calculations for sulfur dioxide emissions from fuel combustion.

(ix) The mass balance calculation requirements of 40 CFR Part 52.21(aa)(12)(iii) shall apply for mass balance calculations for sulfur dioxide emissions from fuel combustion.

(x) The data relied upon, including, but not limited to, any quality assurance or quality control data, in calculating the monthly and annual PAL pollutant emissions shall not be submitted with the semiannual report as specified in paragraph (aa)(14)(i)(c) of 40 CFR Part 52.21, but shall be retained in permanent form suitable for inspection and submission to the Division. The records shall be retained for at least five years following the end of each calendar year.

(xi) Paragraph 40 CFR Part 52.21(aa)(12)(i)(b) shall read as follows: The PAL monitoring system must employ one of the general monitoring approaches meeting the minimum requirements set forth in paragraph (aa)(12)(ii) of this section and must be approved by the Director.

(8) **New Source Performance Standards.**

(a) **General Requirement.** No person shall construct or operate any facility or source which fails to comply with the New Source Performance Standards contained in 40 Code of Federal Regulations (hereinafter, CFR), Part 60, as amended, including but not limited to (unless specifically excluded below), the subparts hereby adopted through incorporation by reference in subparagraph (b) of this paragraph.

(b) **New Source Performance Standards.**

1. General Provisions. For purposes of applying New Source Performance Standards, 40 CFR Part 60 Subpart A (excluding 60.4 and 60.9), as amended June 30, 2025, is hereby incorporated and adopted by reference. The word "Administrator" as used in regulations adopted in this paragraph shall mean the Director of EPD.

2. Standards of Performance for Fossil-fuel Fired Steam Generators: 40 CFR Part 60 Subpart D, as amended February 16, 2012, is hereby incorporated and adopted by reference.

3. Standards of Performance for Electric Utility Steam Generating Units: 40 CFR Part 60 Subpart Da, as amended April 6, 2016, is hereby incorporated and adopted by reference.

4. Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units: 40 CFR Part 60 Subpart Db, as amended February 16, 2012, is hereby incorporated and adopted by reference.

5. Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units: 40 CFR Part 60 Subpart Dc, as amended February 16, 2012, is hereby incorporated and adopted by reference.

6. Standards of Performance for Incinerators: 40 CFR Part 60 Subpart E, as amended May 10, 2006, is hereby incorporated and adopted by reference.

7. Standards of Performance for Municipal Waste Combustors: 40 CFR Part 60 Subpart Ea, as amended October 17, 2000, is hereby incorporated and adopted by reference.

8. Standards of Performance for Portland Cement Plants: 40 CFR Part 60 Subpart F, as amended July 27, 2015, is hereby incorporated and adopted by reference.

9. Standards of Performance for Nitric Acid Plants: 40 CFR Part 60 Subpart G, as amended May 6, 2014, is hereby incorporated and adopted by reference.

10. Standards of Performance for Sulfuric Acid Plants: 40 CFR Part 60 Subpart H, as amended October 17, 2000, is hereby incorporated and adopted by reference.

11. Standards of Performance for Asphalt Concrete Plants: 40 CFR Part 60 Subpart I, as amended February 14, 1989, is hereby incorporated and adopted by reference.

12. Standards of Performance for Petroleum Refineries: 40 CFR Part 60 Subpart J, as amended December 1, 2015, is hereby incorporated and adopted by reference.

13. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978: 40 CFR Part 60 Subpart K, as amended October 17, 2000, is hereby incorporated and adopted by reference.

14. Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984: 40 CFR Part 60 Subpart Ka, as amended December 14, 2000, is hereby incorporated and adopted by reference.

15. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, and On or Before October 4, 2023: 40 CFR Part 60 Subpart Kb, as amended October 15, 2024, is hereby incorporated and adopted by reference.

16. Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and On or Before December 1, 2022: 40 CFR Part 60 Subpart L, as amended November 20, 2023, is hereby incorporated and adopted by reference.

17. Standards of Performance for Secondary Brass and Bronze Ingot Production Plants: 40 CFR Part 60 Subpart M, as amended October 17, 2000, is hereby incorporated and adopted by reference.

18. Standards of Performance for Iron and Steel Plants: 40 CFR Part 60 Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.

19. Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983: 40 CFR Part 60 Subpart Na, as amended October 17, 2000, is hereby incorporated and adopted by reference.

20. Standards of Performance for Sewage Treatment Plants: 40 CFR Part 60 Subpart 0, as amended October 17, 2000, is hereby incorporated and adopted by reference.

21. Standards of Performance for Primary Copper Smelters: 40 CFR Part 60 Subpart P, as amended October 17, 2000, is hereby incorporated and adopted by reference.

22. Standards of Performance for Primary Zinc Smelters: 40 CFR Part 60 Subpart Q, as amended February 14, 1989, is hereby incorporated and adopted by reference.

23. Standards of Performance for Primary Lead Smelters: 40 CFR Part 60 Subpart R, as amended February 14, 1989, is hereby incorporated and adopted by reference.

24. Standards of Performance for Primary Aluminum Reduction Plants: 40 CFR Part 60 Subpart S, as amended October 17, 2000, is hereby incorporated and adopted by reference.

25. Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants: 40 CFR Part 60 Subpart T, as amended August 19, 2015, is hereby incorporated and adopted by reference.

26. Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants: 40 CFR Part 60 Subpart U, as amended August 19, 2015, is hereby incorporated and adopted by reference.

27. Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: 40 CFR Part 60 Subpart V, as amended August 19, 2015, is hereby incorporated and adopted by reference.

28. Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants: 40 CFR Part 60 Subpart W, as amended August 19, 2015, is hereby incorporated and adopted by reference.

29. Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities: 40 CFR Part 60 Subpart X, as amended August 19, 2015, is hereby incorporated and adopted by reference.

30. Standards of Performance for Coal Preparation Plants: 40 CFR Part 60 Subpart Y, as amended October 8, 2009, is hereby incorporated and adopted by reference.

31. Standards of Performance for Ferroalloy Production Facilities: 40 CFR Part 60 Subpart Z, as amended October 17, 2000, is hereby incorporated and adopted by reference.

32. Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983: 40 CFR Part 60 Subpart AA, as amended February 14, 2024, is hereby incorporated and adopted by reference.

33. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, and On or Before May 16, 2022: 40 CFR Part 60 Subpart AAa, as amended February 14, 2024, is hereby incorporated and adopted by reference.

34. Standards of Performance for Kraft Pulp Mills: 40 CFR Part 60 Subpart BB, as amended September 21, 2006, is hereby incorporated and adopted by reference.

35. Standards of Performance for Glass Manufacturing Plants: 40 CFR Part 60 Subpart CC, as amended October 17, 2000, is hereby incorporated and adopted by reference.

36. Standards of Performance for Grain Elevators: 40 CFR Part 60 Subpart DD, as amended October 17, 2000, is hereby incorporated and adopted by reference.

37. Standards of Performance for Surface Coating of Metal Furniture: 40 CFR Part 60 Subpart EE, as amended October 17, 2000, is hereby incorporated and adopted by reference.

38. Standards of Performance for Stationary Gas Turbines: 40 CFR Part 60 subpart GG, as amended June 30, 2016, is hereby incorporated and adopted by reference.

39. Standards of Performance for Lime Manufacturing Plants: 40 CFR Part 60 subpart HH, as amended October 17, 2000, is hereby incorporated and adopted by reference.

40. Standards of Performance for Lead-Acid Battery Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022: 40 CFR Part 60 subpart KK, as amended February 23, 2023, is hereby incorporated and adopted by reference.

41. Standards of Performance for Metallic Mineral Processing Plants: 40 CFR Part 60 Subpart LL, as amended October 17, 2000, is hereby incorporated and adopted by reference.

42. Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022: 40 CFR Part 60 Subpart MM, as amended May 9, 2023, is hereby incorporated and adopted by reference.

43. Standards of Performance for Phosphate Rock Plants: 40 CFR Part 60 Subpart NN, as amended October 17, 2000, is hereby incorporated and adopted by reference.

44. Standards of Performance for Ammonium Sulfate Manufacture: 40 CFR Part 60 Subpart PP, as amended October 17, 2000, is hereby incorporated and adopted by reference.

45. Standards of Performance for Graphic Arts Industry: Publication Rotogravure Printing: 40 CFR Part 60 Subpart QQ, as amended April 9, 2004, is hereby incorporated and adopted by reference.

46. Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations: 40 CFR Part 60 Subpart RR, as amended October 17, 2000, is hereby incorporated and adopted by reference.

47. Standards of Performance for Industrial Surface Coating: Large Appliances: 40 CFR Part 60 Subpart SS, as amended October 17, 2000, is hereby incorporated and adopted by reference.

48. Standards of Performance for Metal Coil Surface Coating: 40 CFR Part 60 Subpart TT, as amended October 17, 2000, is hereby incorporated and adopted by reference.

49. Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture: 40 CFR Part 60 Subpart UU, as amended October 17, 2000, is hereby incorporated and adopted by reference.

50. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and On or Before November 7, 2006: 40 CFR Part 60 Subpart VV, as amended July 5, 2024, is hereby incorporated and adopted by reference.

51. Standards of Performance for Beverage Can Surface Coating Industry: 40 CFR Part 60 Subpart WW, as amended October 17, 2000, is hereby incorporated and adopted by reference.

52. Standards of Performance for Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022: 40 CFR Part 60 Subpart XX, as amended May 8, 2024, is hereby incorporated and adopted by reference.

53. Standards of Performance for Rubber Tire Manufacturing Industry: 40 CFR Part 60 Subpart BBB, as amended June 30, 2016, is hereby incorporated and adopted by reference.

54. Standards of Performance for Volatile Organic Compound (VOC) Emission from Polymer Manufacturing Industry: 40 CFR Part 60 Subpart DDD, as amended June 30, 2016, is hereby incorporated and adopted by reference.

55. Standards of Performance for Flexible Vinyl and Urethane Printing and Coating: 40 CFR Part 60 Subpart FFF, as amended October 17, 2000, is hereby incorporated and adopted by reference.

56. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and On or Before November 7, 2006: 40 CFR Part 60 Subpart GGG, as amended June 2, 2008, is hereby incorporated and adopted by reference.

57. Standards of Performance for Synthetic Fiber Production Facilities: 40 CFR Part 60 Subpart HHH, as amended October 17, 2000, is hereby incorporated and adopted by reference.

58. Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023: 40 CFR Part 60 Subpart III, as amended September 12, 2024, is hereby incorporated and adopted by reference.

59. Standards of Performance for Petroleum Dry Cleaners: 40 CFR Part 60 Subpart JJJ, as amended October 17, 2000, is hereby incorporated and adopted by reference.

60. Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011: 40 CFR Part 60 Subpart KKK, as amended March 8, 2024, is hereby incorporated and adopted by reference.

61. Standards of Performance for Onshore Natural Gas Processing: 40 CFR Part 60 Subpart LLL, as amended June 30, 2016, is hereby incorporated and adopted by reference.

62. Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operation After December 30, 1983, and on or Before April 25, 2023: 40 CFR Part 60 Subpart NNN, as amended September 12, 2024, is hereby incorporated and adopted by reference.

63. Standards of Performance for Nonmetallic Mineral Processing Plants: 40 CFR Part 60 Subpart OOO, as promulgated April 28, 2009, is hereby incorporated and adopted by reference.

64. Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants: 40 CFR Part 60 Subpart PPP, as amended October 17, 2000, is hereby incorporated and adopted by reference.

65. Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems: 40 CFR Part 60 Subpart QQQ, as amended October 17, 2000, is hereby incorporated and adopted by reference.

66. Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes After June 29, 1990, and on or Before April 25, 2023: 40 CFR Part 60 Subpart RRR, as amended September 12, 2024, is hereby incorporated and adopted by reference.

67. Standards of Performance for Magnetic Tape Coating: 40 CFR Part 60 Subpart SSS, as amended February 12, 1999, is hereby incorporated and adopted by reference.

68. Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines: 40 CFR Part 60 Subpart TTT, as amended March 27, 2023, is hereby incorporated and adopted by reference.

69. Standards of Performance for Calciners and Dryers in Mineral Industries: 40 CFR Part 60 Subpart UUU, as amended October 17, 2000, is hereby incorporated and adopted by reference.

70. Standards of Performance for Polymeric Coating of Supporting Substrates Facilities: 40 CFR Part 60 Subpart VVV, as promulgated September 11, 1989, is hereby incorporated and adopted by reference.

71. Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994: 40 CFR Part 60 Subpart Eb, as amended May 10, 2006, is hereby incorporated and adopted by reference.

72. Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification on or After May 30, 1991, but Before July 18, 2014: 40 CFR Part 60 Subpart WWW, as amended October 13, 2020, is hereby incorporated and adopted by reference.

73. Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators: 40 CFR Part 60 Subpart Ec, as amended September 6, 2013, is hereby incorporated and adopted by reference.

74. Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001: 40 CFR Part 60 Subpart AAAA, as promulgated December 6, 2000, is hereby incorporated and adopted by reference.

75. Standards of Performance for Commercial and Industrial Solid Waste Incineration Units: 40 CFR Part 60 Subpart CCCC, as amended August 26, 2025, is hereby incorporated and adopted by reference.

76. Standards of Performance for Other Solid Waste Incineration Units: 40 CFR Part 60 Subpart EEEE, as amended June 30, 2025, is hereby incorporated and adopted by reference.

77. Standards of Performance for Stationary Compression Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart IIII, as amended August 30, 2024, is hereby incorporated and adopted by reference.

78. Standards of Performance for Stationary Combustion Turbines: 40 CFR Part 60 Subpart KKKK, as amended October 7, 2020, is hereby incorporated and adopted by reference.

79. Standards of Performance for Stationary Spark Ignition Internal Combustion Engines: 40 CFR Part 60 Subpart JJJJ, as amended August 30, 2024, is hereby incorporated and adopted by reference.

80. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006, and on or Before April 25, 2023: 40 CFR Part 60 Subpart VVa, as amended September 12, 2024, is hereby incorporated and adopted by reference.

81. Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006: 40 CFR Part 60 Subpart GGGa, as amended June 2, 2008, is hereby incorporated and adopted by reference.

82. Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007: 40 CFR Part 60 Subpart Ja, as amended November 26, 2018, is hereby incorporated and adopted by reference.

83. Standards of Performance for New Sewage Sludge Incineration Units: 40 CFR Part 60 Subpart LLLL, as promulgated March 21, 2011, is hereby incorporated and adopted by reference.

84. Standards of Performance 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: 40 CFR Part 60 Subpart OOOO, as amended July 31, 2025, is hereby incorporated and adopted by reference.

85. Standard of Performance for Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013: 40 CFR Part 60 Subpart BBa, as amended November 5, 2020, is hereby incorporated and adopted by reference.

86. Standards of Performance for New Residential Wood Heaters: 40 CFR Part 60 Subpart AAA, as amended March 29, 2023, is hereby incorporated and adopted by reference.

87. Subpart PPPP - [reserved]

88. Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces: 40 CFR Part 60 Subpart QQQQ, as amended March 29, 2023, is hereby incorporated and adopted by reference.

89. Standards of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014: 40 CFR Part 60 Subpart XXX, as amended February 14, 2022, is hereby incorporated and adopted by reference.

90. Standards of Performance 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: 40 CFR Part 60 Subpart OOOOa, as amended July 31, 2025, is hereby incorporated and adopted by reference.

91. Standards of Performance for Secondary Lead Smelters for Which Construction, Reconstruction, or Modification Commenced After December 1, 2022: 40 CFR Part 60 Subpart La, as promulgated November 20, 2023, is hereby incorporated and adopted by reference.

92. Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels Constructed After May 16, 2022: 40 CFR Part 60 Subpart AAb, as amended February 14, 2024, is hereby incorporated and adopted by reference.

93. Standards of Performance for Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022: 40 CFR Part 60 Subpart KKa, as promulgated February 23, 2023, is hereby incorporated and adopted by reference.

94. Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022: 40 CFR Part 60 Subpart MMa, as promulgated May 9, 2023, is hereby incorporated and adopted by reference.

95. Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022: 40 CFR Part 60 Subpart TTTa, as promulgated March 27, 2023, is hereby incorporated and adopted by reference.

96. Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After October 4, 2023: 40 CFR Part 60 Subpart Kc, as promulgated October 15, 2024, is hereby incorporated and adopted by reference.

97. Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023: 40 CFR Part 60 Subpart VVb, as promulgated May 16, 2024, is hereby incorporated and adopted by reference.

98. Standards of Performance for Bulk Gasoline Terminals that Commenced Construction, Modification, or Reconstruction After June 10, 2022: 40 CFR Part 60 Subpart XXa, as promulgated May 8, 2024, is hereby incorporated and adopted by reference.

99. Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023: 40 CFR Part 60 Subpart IIIa, as promulgated May 16, 2024, is hereby incorporated and adopted by reference.

100. Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023: 40 CFR Part 60 Subpart NNNa, as promulgated May 16, 2024, is hereby incorporated and adopted by reference.

101. Standards of Performance for Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023: 40 CFR Part 60 Subpart RRRa, as promulgated May 16, 2024, is hereby incorporated and adopted by reference.

102. Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022: 40 CFR Part 60 Subpart OOOOb, as amended December 3, 2025, is hereby incorporated and adopted by reference.

(9) **Emission Standards for Hazardous Air Pollutants.**

(a) **General Requirements.** The provisions of this paragraph shall apply to any stationary source and to the owner or operator of any stationary source for which a standard is prescribed under 40 Code of Federal Regulations (hereinafter CFR), Parts 61 and 63, including, but not limited to (unless specifically excluded below) the subparts hereby adopted through incorporation by reference in subparagraph (b) of this paragraph. For purposes of applying emission standards for hazardous air pollutants, 40 CFR, Parts 61 and 63 (excluding 61.04 and 61.16), as amended, are hereby incorporated by reference. The word "Administrator" as used in regulations adopted in this section shall mean the Director of EPD.

(b) **Emission Standards for Hazardous Air Pollutants.**

1. Emission Standard for Beryllium: 40 CFR Part 61 Subpart C, as amended October 17, 2000, is hereby incorporated and adopted by reference.

2. Emission Standard for Beryllium Rocket Motor Firing: 40 CFR Part 61 Subpart D, as amended October 17, 2000, is hereby incorporated and adopted by reference.

3. Emission Standard for Mercury: 40 CFR Part 61 Subpart E, as amended October 17, 2000, is hereby incorporated and adopted by reference.

4. Emission Standard for Vinyl Chloride: 40 CFR Part 61 Subpart F, as amended October 17, 2000, is hereby incorporated and adopted by reference.

5. Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene: 40 CFR Part 61 Subpart J, as amended December 14, 2000, is hereby incorporated and adopted by reference.

6. Emission Standard for Benzene Emissions from Coke Byproduct Recovery Plants: 40 CFR Part 61 Subpart L, as amended October 17, 2000, is hereby incorporated and adopted by reference.

7. Emission Standard for Asbestos (Including Work Practices): 40 CFR Part 61 Subpart M, as amended June 10, 2019, is hereby incorporated and adopted by reference.

8. Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants: 40 CFR Part 61 Subpart N, as amended October 17, 2000, is hereby incorporated and adopted by reference.

9. Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters: 40 CFR Part 61 Subpart O, as amended October 17, 2000, is hereby incorporated and adopted by reference.

10. Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities: 40 CFR Part 61 Subpart P, as amended October 3, 1986, is hereby incorporated and adopted by reference.

11. Emission Standard for Equipment Leaks (Fugitive Emission Sources) [of VHAP]: 40 CFR Part 61 Subpart V, as amended December 14, 2000, is hereby incorporated and adopted by reference.

12. Emission Standard for Benzene Emissions from Benzene Storage Vessels: 40 CFR Part 61 Subpart Y, as amended December 14, 2000, is hereby incorporated and adopted by reference.

13. Emission Standard for Benzene Emissions from Benzene Transfer Operations: 40 CFR Part 61 Subpart BB, as amended December 14, 2000, is hereby incorporated and adopted by reference.

14. Emission Standard for Benzene Waste Operations: 40 CFR Part 61 Subpart FF, as amended December 4, 2003, is hereby incorporated and adopted by reference.

15. General Provisions. For purposes of applying Emission Standards for Hazardous Air Pollutants, 40 CFR Part 63 Subpart A, as amended January 2, 2026, [excluding 63.13, and 63.15(a)(2)] is hereby incorporated and adopted by reference, subject to the following provisions:

(i) The definition of "Potential to Emit" in 40 CFR Part 63.2 shall be modified as follows:

(I) The phrase "is federally enforceable" shall read "is federally enforceable or enforceable as a practical matter."

16. Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Paragraph 112(g): 40 CFR Parts 63.40 through 63.44, as amended June 30, 1999, is hereby incorporated and adopted by reference, subject to the following provisions:

(i) Terms used in this paragraph shall have the meaning given to them in the Clean Air Act, 40 CFR Part 63 Subparts A and B, and the Georgia Air Quality Act.

(ii) The "Effective Date of Paragraph 112(g)(2)(B)," as defined in 40 CFR Part 63.41, shall be June 29, 1998.

(iii) The "Notice of MACT Approval," as defined in 40 CFR Part 63.41, shall be the air construction permit issued by the Division.

(iv) The "Permitting Authority," as defined in 40 CFR Part 63.41, shall be the Division.

(v) In lieu of the administrative procedures for review of the Notice of MACT Approval, as set forth in 40 CFR Parts 63.43(f)(1) through (5), the Division will act in accordance with the permitting requirements as set forth in Rule 391-3-1-.03 Permits, as amended, and administrative procedures for preconstruction review and approval established by the Division.

(vi) In lieu of the opportunity for public comment on the Notice of MACT Approval, as set forth in 40 CFR Part 63.43(h), the Division will provide opportunity for public comment on the Notice of MACT Approval pursuant to Rule 391-3-1-.03(2)(i).

(vii) The Notice of MACT Approval shall become effective upon issuance of the air construction permit by the Division.

17. Requirements for Control Technology Determinations for Major Sources in Accordance with the Clean Air Act sections 112(j): 40 CFR Part 63 Subpart B, Sections 63.50 through 63.56, as amended July 11, 2005, is hereby incorporated and adopted by reference.

18. [reserved]

19. Compliance Extensions for Early Reductions: 40 CFR Part 63 Subpart D, as amended November 21, 1994, is hereby incorporated and adopted by reference.

20. Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry: 40 CFR Part 63 Subpart F, as amended May 16, 2024, is hereby incorporated and adopted by reference.

21. Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater: 40 CFR Part 63 Subpart G, as amended May 16, 2024, is hereby incorporated and adopted by reference. Only procedures listed in 63.112(e) of 40 CFR Part

63 Subpart G, shall be used to comply with the emission standard in 63.112(a) unless otherwise specifically approved by the Director.

22. Emission Standards for Hazardous Air Pollutants for Equipment Leaks and Fenceline Monitoring for All Emission Sources: 40 CFR Part 63 Subpart H, as amended May 16, 2024, is hereby incorporated and adopted by reference.

23. Emission Standards for Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks: 40 CFR Part 63 Subpart I, as amended May 16, 2024, is hereby incorporated and adopted by reference.

24. Emission Standards for Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart J, as amended November 19, 2020, is hereby incorporated and adopted by reference.

25. [reserved]

26. Emission Standards for Coke Oven Batteries: 40 CFR Part 63 Subpart L, as amended December 5, 2025, is hereby incorporated and adopted by reference.

27. Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: 40 CFR Part 63 Subpart M, as amended November 19, 2020, is hereby incorporated and adopted by reference.

28. Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks: 40 CFR Part 63 Subpart N, as amended November 19, 2020, is hereby incorporated and adopted by reference.

29. Ethylene Oxide Emissions Standards for Sterilization Facilities: 40 CFR Part 63 Subpart O, as amended April 5, 2024, is hereby incorporated and adopted by reference.

30. [reserved]

31. Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers: 40 CFR Part 63 Subpart Q, as amended November 19, 2020, is hereby incorporated and adopted by reference.

32. Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations): 40 CFR Part 63 Subpart R, as amended May 8, 2024, is hereby incorporated and adopted by reference.

33. Emission Standards for Hazardous Air Pollutants from the Pulp & Paper Industry: 40 CFR Part 63 Subpart S, as amended March 29, 2023, is hereby incorporated and adopted by reference.

34. Emission Standards for Halogenated Solvent Cleaning: 40 CFR Part 63 Subpart T, as amended November 19, 2020, is hereby incorporated and adopted by reference.

35. Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins: 40 CFR Part 63 Subpart U, as amended May 16, 2024, is hereby incorporated and adopted by reference.

36. [reserved]

37. Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production: 40 CFR Part 63 Subpart W, as amended May 16, 2024, is hereby incorporated and adopted by reference.

38. Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting: 40 CFR Part 63 Subpart X, as amended November 19, 2020, is hereby incorporated and adopted by reference.

39. Emission Standards for Marine Tank Vessel Loading Operations: 40 CFR Part 63 Subpart Y, as amended November 19, 2020, is hereby incorporated and adopted by reference.

40. [reserved]

41. Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants: 40 CFR Part 63 Subpart AA, as amended November 19, 2020, is hereby incorporated and adopted by reference.

42. Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants: 40 CFR Part 63 Subpart BB, as amended November 19, 2020, is hereby incorporated and adopted by reference.

43. Emission Standards for Hazardous Air Pollutants From Petroleum Refineries: 40 CFR Part 63 Subpart CC, as amended April 4, 2024, is hereby incorporated and adopted by reference. Only procedures listed in 63.642(k) of 40 CFR Part 63 Subpart CC shall be used to comply with the emission standard in 63.642(g).

44. Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations: 40 CFR Part 63 Subpart DD, as amended November 19, 2020, is hereby incorporated and adopted by reference.

45. Emission Standards for Magnetic Tape Manufacturing Operations: 40 CFR Part 63 Subpart EE, as amended December 28, 2020, is hereby incorporated and adopted by reference.

46. [reserved]

47. Emission Standards for Aerospace Manufacturing and Rework Facilities: 40 CFR Part 63 Subpart GG, as amended November 19, 2020, is hereby incorporated and adopted by reference.

48. Emission Standards for Hazardous Air Pollutants From Oil & Natural Gas Production Facilities: 40 CFR Part 63 Subpart HH, as amended October 22, 2024, is hereby incorporated and adopted by reference.

49. Emission Standards for Shipbuilding and Ship Repair (Surface Coating): 40 CFR Part 63 Subpart II, as amended November 19, 2020, is hereby incorporated and adopted by reference.

50. Emission Standards for Wood Furniture Manufacturing Operations: 40 CFR Part 63 Subpart JJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.

51. Emission Standards for the Printing and Publishing Industry: 40 CFR Part 63 Subpart KK, as amended November 19, 2020, is hereby incorporated and adopted by reference.

52. Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants: 40 CFR Part 63 Subpart LL, as amended March 20, 2023, is hereby incorporated and adopted by reference.

53. Emission Standards for Hazardous Air Pollutants for Source Categories: Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills: 40 CFR Part 63 Subpart MM, as amended November 19, 2020, is hereby incorporated and adopted by reference.

54. Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing at Area Sources: 40 CFR Part 63 Subpart NN, as amended July 29, 2015, is hereby incorporated and adopted by reference.

55. Emission Standards for Tanks--Level 1: 40 CFR Part 63 Subpart OO, as amended June 23, 2003, is hereby incorporated and adopted by reference.

56. Emission Standards for Containers: 40 CFR Part 63 Subpart PP, as amended June 23, 2003, is hereby incorporated and adopted by reference.

57. Emission Standards for Surface Impoundments: 40 CFR Part 63 Subpart QQ, as amended June 23, 2003, is hereby incorporated and adopted by reference.

58. Emission Standards for Individual Drain Systems: 40 CFR Part 63 Subpart RR, as amended June 23, 2003, is hereby incorporated and adopted by reference.

59. Emission Standards for Hazardous Air Pollutants from: Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process: 40 CFR Part 63 Subpart SS, as amended July 6, 2020, is hereby incorporated and adopted by reference.

60. Emission Standards for Hazardous Air Pollutants from Equipment Leaks--Control Level 1: 40 CFR Part 63 Subpart TT, as amended July 12, 2002, is hereby incorporated and adopted by reference.

61. Emission Standards for Hazardous Air Pollutants from Equipment Leaks--Control Level 2 Standards: 40 CFR Part 63 Subpart UU, as amended July 12, 2002, is hereby incorporated and adopted by reference.

62. Emission Standards for Oil-Water Separators and Organic-Water Separators: 40 CFR Part 63 Subpart VV, as amended June 23, 2003, is hereby incorporated and adopted by reference.

63. Emission Standards for Hazardous Air Pollutants from Storage Vessels (Tanks)--Control Level 2: 40 CFR Part 63 Subpart WW, as amended July 12, 2002, is hereby incorporated and adopted by reference.

64. Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations: 40 CFR Part 63 Subpart XX, as amended July 6, 2020, is hereby incorporated and adopted by reference.

65. Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards: 40 CFR Part 63 Subpart YY, as amended April 4, 2024, is hereby incorporated and adopted by reference.

66. [reserved]

67. [reserved]

68. [reserved]

69. Emission Standards for Hazardous Air Pollutants for Source Categories: Steel Pickling -- HCl Process Facilities and Hydrochloric Acid Regeneration Plants: 40 CFR Part 63 Subpart CCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.

70. Emission Standards for Hazardous Air Pollutants for Source Categories: Mineral Wool Production: 40 CFR Part 63 Subpart DDD, as amended December 28, 2020, is hereby incorporated and adopted by reference.

71. Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors: 40 CFR Part 63 Subpart EEE, as amended March 29, 2023, is hereby incorporated and adopted by reference.

72. [reserved]

73. Emission Standards for Hazardous Air Pollutants for Source Categories: Pharmaceuticals Production: 40 CFR Part 63 Subpart GGG, as amended November 19, 2020, is hereby incorporated and adopted by reference.

74. Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities: 40 CFR Part 63 Subpart HHH, as amended October 22, 2024, is hereby incorporated and adopted by reference.

75. Emission Standards for Hazardous Air Pollutants for Source Categories: Flexible Polyurethane Foam Production: 40 CFR Part 63 Subpart III, as amended November 19, 2020, is hereby incorporated and adopted by reference.

76. Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins: 40 CFR Part 63 Subpart JJJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.

77. [reserved]

78. Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry: 40 CFR Part 63 Subpart LLL, as amended November 19, 2020, is hereby incorporated and adopted by reference.

79. Emission Standards for Hazardous Air Pollutants for Source Categories: Pesticide Active Ingredient Production: 40 CFR Part 63 Subpart MMM, as amended November 19, 2020, is hereby incorporated and adopted by reference.

80. Emission Standards for Hazardous Air Pollutants for Source Categories: Wool Fiberglass Manufacturing: 40 CFR Part 63 Subpart NNN, as amended December 28, 2020, is hereby incorporated and adopted by reference.

81. Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins: 40 CFR Part 63 Subpart OOO, as amended November 19, 2020, is hereby incorporated and adopted by reference.

82. Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production: 40 CFR Part 63 Subpart PPP, as amended September 2, 2025, is hereby incorporated and adopted by reference.

83. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting: 40 CFR Part 63 Subpart QQQ, as amended May 13, 2024, is hereby incorporated and adopted by reference.

84. Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production: 40 CFR Part 63 Subpart RRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.

85. [reserved]

86. Emission Standards for Hazardous Air Pollutants for Source Categories: Primary Lead Smelting: 40 CFR Part 63 Subpart TTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.

87. Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units: 40 CFR Part 63 Subpart UUU, as amended November 19, 2020, is hereby incorporated and adopted by reference.

88. Emission Standards for Hazardous Air Pollutants for Source Categories: Publicly Owned Treatment Works: 40 CFR Part 63 Subpart VVV, as amended November 19, 2020, is hereby incorporated and adopted by reference.

89. [reserved]

90. Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese: 40 CFR Part 63 Subpart XXX, as amended March 20, 2023, is hereby incorporated and adopted by reference.

91. [reserved]

92. [reserved]

93. Emission Standards for Hazardous Air Pollutants for Source Categories: Municipal Solid Waste Landfills: 40 CFR Part 63 Subpart AAAA, as amended February 14, 2022, is hereby incorporated and adopted by reference.

94. [reserved]

95. Emission Standards for Hazardous Air Pollutants for Source Categories: Manufacturing of Nutritional Yeast: 40 CFR Part 63 Subpart CCCC, as amended October 16, 2017, is hereby incorporated and adopted by reference.

96. Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products: 40 CFR Part 63 Subpart DDDD, as amended November 19, 2020, is hereby incorporated and adopted for reference.

97. Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline): 40 CFR Part 63 Subpart EEEE, as amended April 4, 2024, is hereby incorporated and adopted for reference.

98. Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing: 40 CFR Part 63 Subpart FFFF, as amended April 4, 2024, is hereby incorporated and adopted by reference.

99. Emission Standards for Hazardous Air Pollutants for Source Categories: Vegetable Oil Production: 40 CFR Part 63 Subpart GGGG, as amended November 19, 2020, is hereby incorporated and adopted by reference.

100. Emission Standards for Hazardous Air Pollutants for Wet Formed Fiberglass Mat Production: 40 CFR Part 63 Subpart HHHH, as amended November 19, 2020, is hereby incorporated and adopted by reference.

101. Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks: 40 CFR Part 63 Subpart IIII, as amended November 19, 2021, is hereby incorporated and adopted by reference.

102. Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating: 40 CFR Part 63 Subpart JJJJ, as amended March 29, 2023, is hereby incorporated and adopted by reference.

103. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans: 40 CFR Part 63 Subpart KKKK, as amended November 19, 2021, is hereby incorporated and adopted by reference.

104. [reserved]

105. Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products: 40 CFR Part 63 Subpart MMMM, as amended November 19, 2020, is hereby incorporated and adopted by reference.

106. Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances: 40 CFR Part 63 Subpart NNNN, as amended November 19, 2020, is hereby incorporated and adopted by reference.

107. Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles: 40 CFR Part 63 Subpart OOOO, as amended November 19, 2020, is hereby incorporated and adopted by reference.

108. Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products: 40 CFR Part 63 Subpart PPPP, as amended November 19, 2020, is hereby incorporated and adopted by reference.

109. Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products: 40 CFR Part 63 Subpart QQQQ, as amended March 8, 2023, is hereby incorporated and adopted by reference.

110. Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture: 40 CFR Part 63, Subpart RRRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.

111. Emission Standards for Hazardous Air Pollutants for Metal Coil Surface Coating Operations: 40 CFR Part 63 Subpart SSSS, as amended November 19, 2020, is hereby incorporated and adopted by reference.

112. Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations: 40 CFR Part 63 Subpart TTTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.

113. Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing: 40 CFR Part 63 Subpart UUUU, as amended November 19, 2020, is hereby incorporated and adopted by reference.

114. Emission Standards for Hazardous Air Pollutants for Source Categories: Boat Manufacturing: 40 CFR Part 63 Subpart VVVV, as amended November 19, 2021, is hereby incorporated and adopted by reference.

115. Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production: 40 CFR Part 63 Subpart WWWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.

116. Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing: 40 CFR Part 63 Subpart XXXX, as amended November 29, 2024, is hereby incorporated and adopted by reference.

117. Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines: 40 CFR Part 63 Subpart YYYY, as amended March 9, 2022, is hereby incorporated and adopted by reference.

118. Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines: 40 CFR Part 63 Subpart ZZZZ, as amended August 30, 2024, is hereby incorporated and adopted by reference.

119. Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants: 40 CFR Part 63 Subpart AAAAA, as amended December 4, 2024, is hereby incorporated and adopted by reference.

120. Emission Standards for Hazardous Air Pollutants: Semiconductor Manufacturing: 40 CFR Part 63 Subpart BBBBB, as amended November 19, 2020, is hereby incorporated and adopted by reference.

121. Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks: 40 CFR Part 63 Subpart CCCCC, as amended December 5, 2025, is hereby incorporated and adopted by reference.

122. Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: 40 CFR Part 63 Subpart DDDDD, as amended October 6, 2022, is hereby incorporated and adopted by reference.

123. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries: 40 CFR Part 63 Subpart EEEEE, as amended November 19, 2020, is hereby incorporated and adopted by reference.

124. Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities: 40 CFR Part 63 Subpart FFFFF, as amended December 3, 2025, is hereby incorporated and adopted by reference.

125. Emission Standards for Hazardous Air Pollutants: Site Remediation: 40 CFR Part 63 Subpart GGGGG, as amended December 22, 2022, is hereby incorporated and adopted by reference.

126. Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing: 40 CFR Part 63 Subpart HHHHH, as amended February 22, 2023, is hereby incorporated and adopted by reference.

127. Emission Standards for Hazardous Air Pollutants for Mercury Cell Chlor-Alkali Plants: 40 CFR Part 63 Subpart IIIII, as amended May 6, 2022, is hereby incorporated and adopted by reference.

128. Emission Standards for Hazardous Air Pollutants: Brick and Structural Clay Products Manufacturing: 40 CFR Part 63 Subpart JJJJJ, as amended November 19, 2020, is hereby incorporated and adopted by reference.

129. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing: 40 CFR Part 63 Subpart KKKKK, as amended November 19, 2021, is hereby incorporated and adopted by reference.

130. Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart LLLLL, as amended November 19, 2020, is hereby incorporated and adopted by reference.

131. Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations: 40 CFR Part 63 Subpart MMMMM, as amended November 18, 2021, is hereby incorporated and adopted by reference.

132. Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production: 40 CFR Part 63 Subpart NNNNN, as amended November 19, 2020, is hereby incorporated and adopted by reference.

133. [reserved]

134. Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands: 40 CFR Part 63 Subpart PPPPP, as amended March 29, 2023, is hereby incorporated and adopted by reference.

135. Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities: 40 CFR Part 63 Subpart QQQQQ, as amended November 19, 2020, is hereby incorporated and adopted by reference.

136. Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing: 40 CFR Part 63 Subpart RRRRR, as amended March 6, 2024, is hereby incorporated and adopted by reference.

137. Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing: 40 CFR Part 63 Subpart SSSSS, as amended November 19, 2021, is hereby incorporated and adopted by reference.

138. Emission Standards for Hazardous Air Pollutants for Primary Magnesium Manufacturing: 40 CFR Part 63 Subpart TTTTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.

139. Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units: 40 CFR Part 63 Subpart UUUUU, as amended May 7, 2024, is hereby incorporated and adopted by reference.

140. [reserved]

141. Emission Standards for Hospital Ethylene Oxide Sterilizers: 40 CFR Part 63 Subpart WWWWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.

142. [reserved]

143. Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities: 40 CFR Part 63 Subpart YYYYY, as amended June 24, 2015, is hereby incorporated and adopted by reference.

144. Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources: 40 CFR Part 63 Subpart ZZZZZ, as amended September 10, 2020, is hereby incorporated and adopted by reference.

145. [reserved]

146. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities: 40 CFR Part 63 Subpart BBBBBB, as amended July 5, 2024, is hereby incorporated and adopted by reference.

147. Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities: 40 CFR Part 63 Subpart CCCCCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.

148. Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources: 40 CFR Part 63 Subpart DDDDDD, as amended February 4, 2015, is hereby incorporated and adopted by reference.

149. Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources: 40 CFR Part 63 Subpart EEEEEE, as amended May 13, 2024, is hereby incorporated and adopted by reference.

150. Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources: 40 CFR Part 63 Subpart FFFFFF, as amended July 3, 2007, is hereby incorporated and adopted by reference.

151. Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources - Zinc, Cadmium, and Beryllium: 40 CFR Part 63 Subpart GGGGGG, as promulgated January 23, 2007, is hereby incorporated and adopted by reference.

152. Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources: 40 CFR Part 63 Subpart HHHHHH, as amended November 10, 2022, is hereby incorporated and adopted by reference.

153. [reserved]

154. Emission Standards for Hazardous Air Pollutants: Industrial, Commercial, and Institutional Boilers, Area Sources: 40 CFR Part 63 Subpart JJJJJJ, as amended September 14, 2016, is hereby incorporated and adopted by reference.

155. [reserved]

156. Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources: 40 CFR Part 63 Subpart LLLLLL, as amended March 26, 2008, is hereby incorporated and adopted by reference.

157. Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources: 40 CFR Part 63 Subpart MMMMMM, as amended March 26, 2008, is hereby incorporated and adopted by reference.

158. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds: 40 CFR Part 63 Subpart NNNNNN, as amended March 26, 2008, is hereby incorporated and adopted by reference.

159. Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources: 40 CFR Part 63 Subpart OOOOOO, as amended November 18, 2021, is hereby incorporated and adopted by reference.

160. Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources: 40 CFR Part 63 Subpart PPPPPP, as amended February 23, 2023, is hereby incorporated and adopted by reference.

161. Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources: 40 CFR Part 63 Subpart QQQQQQ, as amended March 8, 2023, is hereby incorporated and adopted by reference.

162. Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources: 40 CFR Part 63 Subpart RRRRRR, as amended November 19, 2020, is hereby incorporated and adopted by reference.

163. Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources: 40 CFR Part 63 Subpart SSSSSS, as promulgated December 26, 2007, is hereby incorporated and adopted by reference.

164. Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources: 40 CFR Part 63 Subpart TTTTTT, as amended November 19, 2020, is hereby incorporated and adopted by reference.

165. [reserved]

166. Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: 40 CFR Part 63 Subpart VVVVVV, as amended December 21, 2012, is hereby incorporated and adopted by reference.

167. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations: 40 CFR Part 63 Subpart WWWWWW, as amended November 19, 2020, is hereby incorporated and adopted by reference.

168. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Nine Metal Fabrication and Finishing Source Categories: 40 CFR Part 63 Subpart XXXXXX, as amended November 19, 2020, is hereby incorporated and adopted by reference.

169. Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities: 40 CFR Part 63 Subpart YYYYYY, as amended November 19, 2020, is hereby incorporated and adopted by reference.

170. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries: 40 CFR Part 63 Subpart ZZZZZZ, as amended September 10, 2009, is hereby incorporated and adopted by reference.

171. Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing: 40 CFR Part 63 Subpart AAAAAAA, as amended March 20, 2023, is hereby incorporated and adopted by reference.

172. Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry: 40 CFR Part 63 Subpart BBBBBBB, as amended November 19, 2020, is hereby incorporated and adopted by reference.

173. Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing: 40 CFR Part 63 Subpart CCCCCCC, as amended November 19, 2020, is hereby incorporated and adopted by reference.

174. Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing: 40 CFR Part 63 Subpart DDDDDDD, as amended December 23, 2011, is hereby incorporated and adopted by reference.

175. Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category: 40 CFR Part 63 Subpart EEEEEEE, as promulgated February 17, 2011, is hereby incorporated and adopted by reference.

176. [reserved]

177. [reserved]

178. Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production: 40 CFR Part 63 Subpart HHHHHHH, as amended November 19, 2020, is hereby incorporated and adopted by reference.

(10) **Chemical Accident Prevention Provisions.**

(a) **General Requirements.**

1. The provisions of this section (10) shall apply to any stationary source and to the owner or operator of any stationary source subject to any requirement under 40 Code of Federal Regulations (hereinafter CFR), Parts 68, as amended. The word "Administrator" as used in regulations adopted in this section shall mean the Director of EPD.

2. Definitions: For the purpose of this section, 40 CFR, Section 68.3, as amended, is hereby incorporated and adopted by reference.

(b) **Chemical Accident Prevention Standards.**

1. General: 40 CFR 68, Subpart A, as amended, is hereby incorporated and adopted by reference.

2. Hazard Assessment, 40 CFR 68, Subpart B, as amended, is hereby incorporated and adopted by reference.

3. Program 2 Prevention Program, 40 CFR 68, Subpart C, as amended, is hereby incorporated and adopted by reference.

4. Program 3 Prevention Program, 40 CFR 68, Subpart D, as amended, is hereby incorporated and adopted by reference.

5. Emergency Response, 40 CFR 68, Subpart E, as amended, is hereby incorporated and adopted by reference.

6. Regulated Substances for Accidental Release Prevention, 40 CFR 68, Subpart F, as amended, is hereby incorporated and adopted by reference.

7. Risk Management Plan, 40 CFR 68, Subpart G, as amended, is hereby incorporated and adopted by reference.

8. Other Requirements, 40 CFR 68, Subpart H, as amended, is hereby incorporated and adopted by reference.

(11) **Compliance Assurance Monitoring**

(a) **General Requirements.** The provisions of this section (11) shall apply to any stationary source and to the owner or operator of any stationary source subject to any requirement under 40 CFR Part 64 as amended, which is incorporated and adopted herein by reference.

(b) **The word "Administrator"** as used in regulations adopted in this section shall mean the Director of EPD.

(12) **Cross State Air Pollution Rule NOx Annual Trading Program**

(a) **General Requirements.** The provisions of this paragraph (12) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart AAAAA, as amended (at 88 FR 36654, June 5, 2023). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in 40 CFR Part 97.402.

(b) **General Provisions.** 40 CFR Part 97.401 through 40 CFR Part 97.408, as amended is hereby incorporated and adopted by reference.

(c) **Designated Representative.** 40 CFR Part 97.413 through 40 CFR Part 97.418, as amended is hereby incorporated and adopted by reference.

(d) **[reserved]**

(e) **[reserved]**

(f) **Allowance Allocations.** 40 CFR Part 97.411 through 40 CFR Part 97.412, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.411(b)(2), 40 CFR 97.411(c)(5)(iii) and 97.412(b).

For purposes of this paragraph (12), the Georgia NOx Annual trading budget and new unit set-aside for allocations of CSAPR NOx Annual allowances, and the variability limit for the Georgia NOx Annual trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NOx Annual trading budget is 53,738 tons.

2. The new unit set-aside is 1,074 tons.

3. The variability limit is 9,673 tons.

4. The Georgia NOx Annual trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

(g) **Allowance Tracking System.** 40 CFR Part 97.420 through 40 CFR Part 97.421 and 40 CFR Part 97.424 through 40 CFR Part 97.428, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.421(h) and 40 CFR 97.421(j).

(h) **Allowance Transfers.** 40 CFR Part 97.422 through 40 CFR Part 97.423, as amended is hereby incorporated and adopted by reference.

(i) **Monitoring and Reporting.** 40 CFR Part 97.430 through 40 CFR Part 97.435, as amended is hereby incorporated and adopted by reference.

(13) **Cross State Air Pollution Rule $SO_2$ Annual Trading Program**

(a) **General Requirements.** The provisions of this paragraph (13) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart DDDDD, as amended (at 88 FR 36654, June 5, 2023). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in 40 CFR Part 97.702.

(b) **General Provisions.** 40 CFR Part 97.701 through 40 CFR Part 97.708, as amended is hereby incorporated and adopted by reference.

(c) **Designated Representative.** 40 CFR Part 97.713 through 40 CFR Part 97.718, as amended is hereby incorporated and adopted by reference.

(d) **[reserved]**

(e) **[reserved]**

(f) **Allowance Allocations.** 40 CFR Part 97.711 through 40 CFR Part 97.712, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.711(b)(2), 40 CFR 97.711(c)(5)(iii) and 97.712(b).

For purposes of this paragraph (13), the Georgia $SO_2$ Group 2 trading budget and new unit set-aside for allocations of CSAPR $SO_2$ Group 2 allowances, and the variability limit for the Georgia $SO_2$ Group 2 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The $SO_2$ Group 2 trading budget is 135,565 tons.

2. The new unit set-aside is 2,721 tons.

3. The variability limit is 24,402 tons.

4. The Georgia $SO_2$ Group 2 trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

(g) **Allowance Tracking System.** 40 CFR Part 97.720 through 40 CFR Part 97.721 and 40 CFR Part 97.724 through 40 CFR Part 97.728, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.721(h) and 40 CFR 97.721(j).

(h) **Allowance Transfers.** 40 CFR Part 97.722 through 40 CFR Part 97.723, as amended is hereby incorporated and adopted by reference.

(i) **Monitoring and Reporting.** 40 CFR Part 97.730 through 40 CFR Part 97.735, as amended is hereby incorporated and adopted by reference.

(14) **Cross State Air Pollution Rule NOx Ozone Season Trading Program**

(a) **General Requirements.** The provisions of this paragraph (14) except as provided in sub-paragraphs (f) and (g) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 97 Subpart BBBBB as amended (at 88 FR 49295, July 31, 2023). The term "Permitting Authority" as used in regulations adopted in this paragraph shall mean, for a unit located in Georgia, the Environmental Protection Division of the Georgia Department of Natural Resources. For a unit located outside the State of Georgia participating in the trading program, the "Permitting Authority" is as defined in 40 CFR Part 97.502.

(b) **General Provisions.** 40 CFR Part 97.501 through 40 CFR Part 97.508, as amended is hereby incorporated and adopted by reference.

(c) **Designated Representative.** 40 CFR Part 97.513 through 40 CFR Part 97.518, as amended is hereby incorporated and adopted by reference.

(d) **[reserved]**

(e) **[reserved]**

(f) **Allowance Allocations.** 40 CFR Part 97.511 through 40 CFR Part 97.512, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.511(b)(2), 40 CFR 97.511(c)(5)(iii) and 97.512(b).

For purposes of this paragraph (14), the Georgia NOx Ozone Season Group 1 trading budget and new unit set-aside for allocations of CSAPR NOx Ozone Season Group 1 allowances, and the variability limit for the Georgia NOx Ozone Season Group 1 trading budget, for the control periods in 2017 and thereafter are as follows:

1. The NOx Ozone Season Group 1 trading budget is 24,041 tons.

2. The new unit set-aside is 485 tons.

3. The variability limit is 5,049 tons.

4. The Georgia NOx Ozone Season Group 1 trading budget in this subparagraph includes any tons in the new unit set-aside but does not include any tons in the variability limit.

(g) **Allowance Tracking System.** 40 CFR Part 97.520 through 40 CFR Part 97.521 and 40 CFR Part 97.524 through 40 CFR Part 97.528, as amended is hereby incorporated and adopted by reference with the following exceptions: 40 CFR 97.521(h) and 40 CFR 97.521(j).

(h) **Allowance Transfers.** 40 CFR Part 97.522 through 40 CFR Part 97.523, as amended is hereby incorporated and adopted by reference.

(i) **Monitoring and Reporting.** 40 CFR Part 97.530 through 40 CFR Part 97.535, as amended is hereby incorporated and adopted by reference.

**Cite as** Ga. Comp. R. & Regs. R. 391-3-1-.02

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

**HISTORY:** Original Rule entitled "Provisions" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

**Amended:** F. July 16, 1974; eff. August 5, 1974.

**Amended:** F. June 30, 1975; eff. July 20, 1975.

**Amended:** F. Oct. 31, 1975; eff. Nov. 20, 1975.

**Amended:** F. Mar. 20, 1979; eff. Apr. 9, 1979.

**Amended:** F. Mar. 7, 1980; eff. Mar. 27, 1980.

**Amended:** F. Oct. 27, 1980; eff. Nov. 16, 1980.

**Amended:** F. Dec. 3, 1981; eff. Dec. 23, 1981.

**Amended:** F. Aug. 27, 1982; eff. Sept. 16, 1982.

**Amended:** F. May 6, 1985; eff. May 26, 1985.

**Amended:** F. Dec. 9, 1986; eff. Dec. 29, 1986.

**Amended:** F. Sept. 25, 1987; eff. Oct. 15, 1987.

**Amended:** F. Mar. 25, 1988; eff. Apr. 14, 1988.

**Amended:** F. May 3, 1988; eff. May 23, 1988.

**Amended:** F. Dec. 20, 1990; eff. Jan. 9, 1991.

**Amended:** F. Sept. 27, 1991; eff. Oct. 17, 1991.

**Amended:** F. Aug. 27, 1992; eff. Sept. 16, 1992.

**Amended:** F. Nov. 2, 1992; eff. Nov. 22, 1992.

**Amended:** F. July 1, 1993; eff. July 21, 1993.

**Amended:** F. Oct. 28, 1993; eff. Nov. 17, 1993.

**Amended:** F. May 24, 1994; eff. June 13, 1994.

**Amended:** F. July 28, 1994; eff. August 17, 1994.

**Amended:** F. Aug. 31, 1994; eff. Sept. 20, 1994.

**Amended:** F. Oct. 31, 1994; eff. Nov. 20, 1994.

**Amended:** F. June 30, 1995; eff. July 20, 1995.

**Amended:** F. Aug. 28, 1995; eff. Sept. 17, 1995.

**Amended:** F. June 3, 1996; eff. June 23, 1996.

**Amended:** F. Aug. 26, 1996; eff. Sept. 15, 1996.

**Amended:** F. June 3, 1997; eff. June 23, 1997.

**Amended:** F. Dec. 5, 1997; eff. Dec. 25, 1997.

**Amended:** F. May 26, 1998; eff. June 15, 1998.

**Amended:** F. June 18, 1999; eff. July 8, 1999.

**Amended:** F. Sept. 17, 1999; eff. Oct. 7, 1999.

**Amended:** F. Jan. 27, 2000; eff. Feb. 16, 2000.

**Amended:** F. July 27, 2000; eff. August 16, 2000.

**Amended:** F. Dec. 8, 2000; eff. Dec. 28, 2000.

**Amended:** F. June 28, 2001; eff. July 18, 2001.

**Amended:** F. Dec. 6, 2001; eff. Dec. 26, 2001.

**Amended:** F. June 27, 2002; eff. July 17, 2002.

**Amended:** F. Dec. 10, 2002; eff. Dec. 30, 2002.

**Amended:** F. Jan. 31, 2003; eff. Feb. 20, 2003.

**Amended:** F. Mar. 31, 2003; eff. Apr. 20, 2003.

**Amended:** ER. 391-3-1-0.41-.02 adopted. F. Apr. 25, 2003; eff. Apr. 23, 2003, the date of adoption.

**Amended:** F. June 4, 2003; eff. June 24, 2003.

**Amended:** F. July 8, 2004; eff. July 28, 2004.

**Amended:** F. Dec. 20, 2004; eff. Jan. 9, 2005.

**Amended:** F. June 30, 2005; eff. July 20, 2005.

**Amended:** F. Mar. 7, 2006; eff. Mar. 27, 2006.

**Amended:** F. Mar. 30, 2006; eff. Apr. 19, 2006.

**Amended:** F. June 23, 2006; eff. July 13, 2006.

**Amended:** F. Feb. 20, 2007; eff. Mar. 12, 2007.

**Amended:** F. Mar. 14, 2007; eff. Apr. 3, 2007.

**Amended:** F. July 5, 2007; eff. July 25, 2007.

**Amended:** F. Feb. 7, 2008; eff. Feb. 27, 2008.

**Amended:** F. May 19, 2008; eff. June 8, 2008.

**Amended:** F. Aug. 22, 2008, eff. Sept. 11, 2008.

**Amended:** F. Mar. 23, 2009; eff. Apr. 12, 2009.

**Amended:** F. June 30, 2009; eff. July 20, 2009.

**Amended:** F. Nov. 30, 2009; eff. Dec. 20, 2009.

**Amended:** F. Sept. 16, 2010; eff. Oct. 6, 2010

**Amended:** F. Dec. 9, 2010; eff. Dec. 29, 2010.

**Amended:** F. Aug. 24, 2011; eff. Sept. 13, 2011.

**Amended:** F. Feb. 16, 2012; eff. Mar. 7, 2012.

**Amended:** F. July 20, 2012; eff. Aug. 9, 2012.

**Amended:** F. Aug. 31, 2012; eff. Sept. 20, 2012.

**Amended:** F. May 2, 2013; eff. May 22, 2013.

**Amended:** F. May 24, 2013; eff. June 13, 2013.

**Amended:** F. July 12, 2013; eff. Aug. 1, 2013.

**Amended:** F. Apr. 14, 2014; eff. May 4, 2014.

**Amended:** F. Sept. 24, 2014; eff. Oct. 14, 2014.

**Amended:** F. July 14, 2015; eff. Aug. 3, 2015.

**Amended:** F. Nov. 18, 2015; eff. Dec. 8, 2015.

**Note:** Correction of non-substantive typographical errors, duplicate "ii" in subparagraphs (w) 3., 4. and (y) 4. changed to "iii", duplicate subparagraph "(aaaa)(3)(c)" deleted. Eff. Dec. 16, 2015.

**Amended:** F. July 25, 2016; eff. August 14, 2016.

**Amended:** F. Nov. 2, 2016; eff. Nov. 22, 2016.

**Amended:** F. June 30, 2017; eff. July 20, 2017.

**Amended:** F. Mar. 8, 2018; eff. Mar. 28, 2018.

**Amended:** F. July 3, 2018; eff. July 23, 2018.

**Amended:** F. Oct. 9, 2018; eff. Oct. 29, 2018.

**Amended:** F. Jan. 28, 2019; eff. Feb. 17, 2019.

**Amended:** F. Sept. 6, 2019; eff. Sept. 26, 2019.

**Note:** Correction of non-substantive typographical errors in subparagraphs (2)(d), (2)(ii), (2)(rr) as requested by the Agency. Effective Nov. 1, 2019.

**Amended:** F. July 9, 2020; eff. July 29, 2020.

**Amended:** (i.e., paragraphs (2)(rr), (6), (8), and (9); paragraph (2)(ggg), as specified by the Agency.) F. Oct. 5, 2021; eff. Oct. 25, 2021.

**Amended:** (i.e., paragraphs (4), (5), (8), and (9), as specified by the Agency.) F. Aug. 30, 2022; eff. Sept. 19, 2022.

**Amended:** F. May 30, 2023; eff. June 19, 2023.

**Note:** Rule 391-3-1-.02, correction of administrative typographical error in Rule History, "**Amended:** (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023." corrected to "**Amended:** F. May 30, 2023; eff. June 19, 2023." Effective June 19, 2023.

**Amended:** (i.e., paragraphs (2)(a), (2)(ss), (8), and (9), as specified by the Agency.) F. Aug. 28, 2023; eff. Sept. 17, 2023.

**Amended:** F. Apr. 1, 2024; eff. Apr. 21, 2024.

**Amended:** F. June 25, 2024; eff. July 15, 2024.

**Amended:** F. June 25, 2025; eff. July 15, 2025.

**Amended:** F. May 20, 2026; eff. June 9, 2026.

## 391-3-1-.03 [Effective 6/9/2026] Permits. Amended

(1) **Construction (SIP) Permit.**

(a) **Any person** prior to beginning the construction or modification of any facility which may result in air pollution shall obtain a permit for the construction or modification of such facility from the Director.

(b) **The application** for a construction permit shall be made on forms supplied by the Director, and shall be signed by the applicant. Said application shall be filed with the Director well in advance of any critical date involved in the construction or modification of such facility, so that adequate time will be available for review, discussion, and revision where necessary. Said application shall include and/or be accompanied by all pertinent information as the Director may require for a full evaluation of the proposed construction or modification of the facility, such as: process flow diagrams; plot plans; description of control devices; description of the proposed new or modified operation; type of operation; raw materials and chemicals to be used, the finished products; type, quantity and peak output of fuels to be used; the amount of combustible waste that will be generated and the method of disposing of same; characteristics and amounts of emissions into the atmosphere; engineering reports; plans and specifications; time schedules and reports of progress; records; and related information.

(c) **The permit** for the construction or modification of any facility shall be issued upon a determination by the Director that the facility can reasonably be expected to comply with all the provisions of the Act and the rules and regulations promulgated thereunder.

(2) **Operating (SIP) Permit.**

(a) **Any person** operating a facility or performing an activity which is not exempted under 391-3-1-.03(6) from which air contaminants are or may be emitted shall obtain an Operating (SIP) Permit from the Director.

(b) **Application** for an operating permit must be made within thirty (30) days after commencement of normal operations. Said application for an operating permit shall be accompanied by such plans, specifications, and other information deemed necessary by the Director to make full evaluation of the performance of the facility. If any of the necessary information cannot be provided within the required time, the application shall include a schedule, subject to the approval of the Director, for submission of all such information as soon as practicable.

(c) **An operating permit** will be issued upon evidence satisfactory to the Director of compliance with the provisions of the Act and the rules and regulations promulgated thereunder. Said permit shall specify the conditions under which the facility shall be operated in order to comply with the Act and rules and regulations. As a condition for the issuance of an operating permit, the Director may require the applicant to conduct performance tests and monitoring and provide reports concerning operations, to demonstrate compliance with the Act and the rules and regulations.

Such tests and monitoring shall be conducted, and such required reports submitted, in accordance with methods and procedures approved by the Director.

(d) **The Director** may grant a temporary operating permit for such period of time and under such conditions as he shall specify in the permit, in order to allow the applicant a reasonable period of time in which to correct deficiencies in any existing facility. The temporary operating permit shall specify a schedule for bringing the existing facility into compliance with the Act and rules and regulations in the shortest practical time period.

(e) **The requirements** of this section (2) shall not apply to any emissions unit as defined in 40 CFR 70.2 which has been issued a part 70 permit under the requirements of section (10), unless there is a modification to such unit.

(f) **Any person** operating a facility or performing an activity from which air contaminants are or may be emitted, may be required to obtain a Permit by Rule, a Generic Permit or a Part 70 Permit from the Director in addition to an Operating (SIP) Permit.

(g) **Under penalty** of law, the holder of any Air Quality Permit must adhere to the terms, limitations, and conditions of that permit and subsequent revisions of that permit.

(h) **The limitations**, controls, and requirements in federally enforceable operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.

(i) **Prior to the issuance** of any federally enforceable operating permit, EPA and the public will be notified and given a chance for comment on the draft permit.

(3) **Revocation, Suspension, Modification or Amendment of Permits.**

(a) **Any permit** issued by the Director shall be subject to periodic review and the Director may revoke, suspend, modify or amend any permit issued, for cause, including but not limited to, the following:

1. Violation of any condition of said permit, or failure to comply with a final order of the Director;

2. Failure to comply with any applicable rules or regulations in effect pursuant to this Chapter;

3. Obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts, or failure to inform the Division of modifications affecting emissions;

4. Modifications which affect emissions. In the event of modification, amendment, suspension or revocation of a permit, the Director shall serve written notice of such action on the permit holder and shall set forth in such notice the reason for the action.

5. The Director may amend any permit to establish an emission limitation based on existing equipment design and reasonable operation and maintenance practices. Such limitation shall not allow emissions greater than those allowed by other provisions and emission limits specified elsewhere in the Rules, Chapter 391-3-1.

(4) **Permits Not Transferable.**

A permit is not transferable from one person to another nor from one facility to another facility.

(5) **Permits Public Records.**

Except as to information required to be kept confidential by O.C.G.A. Section 12-9-19, as amended all applications for construction permits and operating permits shall be public record.

(6) **Exemptions.**

Unless otherwise required by the Director, SIP permits shall not be required for the following source activities. These exemptions may not be used to avoid any emission limitations or standards of the Rules for Air Quality Control Chapter 391-3-1-.02, lower the potential to emit below "major source" thresholds or to avoid any "applicable requirement" (i.e., NSPS, NESHAP, etc.) as defined in 40 CFR Part 70.2.

(a) **Mobile Sources.**

Mobile sources, such as automobiles, trucks, buses, locomotives, airplanes, boats and ships, whether or not designated as subject to mandatory inspection, maintenance, or emission requirements pursuant O.C.G.A. Section 12-9-40, et seq., as amended, the Georgia Motor Vehicle Emission Inspection and Maintenance Act. This exemption relates only to the requirement for a permit issued under the Act, not to any other requirement under the Act, and in no way affects any requirement for a permit, license, or a certificate under any other law. This limited exemption from the permit requirements of the Act shall in no way affect the applicability of any other requirement related to mobile sources, or any other requirement or limitation which may affect mobile sources.

(b) **Combustion Equipment.**

1. Fuel-burning equipment having a total heat input capacity of less than 10 MMBtu/hr per unit burning only natural gas, LPG and/or distillate fuel oil containing 0.50% sulfur by weight or less.

2. Fuel-burning equipment rated at less than 5 MMBtu/hr per unit burning a wood or fossil fuel.

3. Any fuel-burning equipment with a rated input capacity of 2.5 MMBtu/hr per unit or less.

4. Equipment used for cooking food for immediate human consumption.

5. Blacksmith forges.

6. Clean steam condensate and steam relief vents.

7. Funeral homes and crematories of any size.

8. Air curtain destructor used for land clearing at a construction site.

9. Open burning.

10. Small incinerators operating as follows:

(i) less than 8 MMBtu/hr input per unit, firing types 0, 1, 2 and/or 3 waste; or

(ii) less than 8 MMBtu/hr input per unit with no more than 10% pathological (type 4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or

(iii) less than 4 MMBtu/hr heat input per unit firing Type 4 waste.

11. Stationary engines.

(i) Burning natural gas, LPG, gasoline, dual fuel, or diesel fuel which are used exclusively as emergency generators;

(ii) Burning natural gas, LPG, and/or diesel fuel and used for peaking power (including emergency generators used for peaking power) where the peaking power use does not exceed 200 hours-per-year except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to or greater than 100 kilowatts are not exempt; or

(iii) Used for other purposes provided that the total horsepower of all non-gasoline burning engines combined are less than 1500 engine horsepower and no individual engine operates for more than 1000 hours-per-year; or

(iv) Used for other purposes provided that the total horsepower of all gasoline burning engines combined are less than 225 horsepower and no individual engine operates for more than 1000 hours-per-year.

(v) For the purpose of this subparagraph, the following definitions shall apply:

(I) An "emergency generator" means a generator whose function is to provide back-up power when electric power from the local utility is interrupted and which operates for less than 500 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such generator operates less than 200 hours-per-year.

(II) "Used for peaking power" means used to reduce the electrical power requirements on the local utility grid. This could be for supplying power during the local utility's peak demand periods, or for peak shaving by the facility.

12. Boiler water treatment operations.

13. Firefighting equipment, including fire pumps or other emergency/safety equipment used to fight fires or train firefighters or other emergency personnel.

14. Temporary stationary engines used to generate electricity that are used to replace main stationary engines during periods of maintenance or repair (provided the actual and potential emissions of the temporary sources do not exceed that of the main sources).

15. Temporary fuel-burning equipment (i.e., boilers) that are used to replace main fuel-burning equipment during periods of maintenance or repair (provided the actual and potential emissions of the temporary sources do not exceed that of the main sources.) Temporary fuel-burning equipment that remains at a location for more than 180 consecutive days is no longer considered to be a temporary boiler. Temporary fuel-burning equipment that replaces temporary fuel-burning equipment at a location and is intended to perform the same or similar function will be included in calculating the consecutive time period.

16. Onsite air curtain incinerators with mist controls used for the purpose of decontamination and disposal of livestock and materials contaminated with the avian flu virus where on-site composting and burial are not viable methods of disposal.

(c) **Storage Tanks.**

1. All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.

2. All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored.

3. All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.

4. Pressurized vessels designed to operate in excess of 30 psig storing a petroleum fuel.

5. Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities.

6. Portable drums and barrels provided that the volume of each container does not exceed 550 gal.

7. All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury.

(d) **Agricultural Operations.**

1. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and for other farm related activities.

2. Herbicide and pesticide mixing and application activities for on site use.

(e) **Maintenance, Cleaning & Housekeeping.**

1. Heating, air conditioning and ventilation systems not designed to remove air contaminants generated by or released from process or fuel-burning equipment.

2. Routine housekeeping activities such as painting buildings, roofing or paving parking lots, all clerical activities and all janitorial activities.

3. Maintenance activities such as: vehicle repair shops, brazing, soldering and welding equipment, carpenter shops, electrical charging stations, grinding and polishing operations maintenance shop vents, miscellaneous non-production surface cleaning, preparation and painting operations.

4. Miscellaneous activities such as: aerosol spray cans; air compressors; cafeteria vents; copying, photographic and blueprint machines; decommissioned equipment; dumpsters; fire training activities; fork lifts; railroad flares; refrigerators; space heaters.

5. Cold storage refrigeration equipment.

6. Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

7. Equipment used for portable steam cleaning.

8. Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

9. Portable blast-cleaning equipment.

10. Laundry dryers, extractors, or tumblers for fabric cleaned with only water solutions of bleach or detergents.

11. Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.

12. Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.

13. Steam sterilizers.

14. Portable equipment used for the on site painting of buildings, towers, bridges and roads.

15. Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.

16. Equipment used for the washing or drying of fabricated products provided that no VOCs are used in the process and that no oil or solid fuels are burned.

17. Devices used exclusively for cleaning metal parts or surfaces by burning off residual amounts of paint, varnish, or other foreign material, provided that such devices are equipped with afterburners.

18. Fresh water cooling towers provided that the total potential emissions from the entire source remain below 10 tons per year of any single hazardous air pollutant and below 25 tons per year of any combination of hazardous air pollutants.

(f) **Laboratories and Testing.**

1. Laboratory equipment used exclusively for chemical or physical analyses;

2. Sampling connections used exclusively to withdraw materials for testing and analysis, including air contaminant detectors and vent lines;

3. Vacuum producing devices;

4. Research and development facilities, quality control testing facilities and/or small pilot projects, where combined daily emissions from all operations are below all of the following thresholds:

(i) Less than 125 pounds per day of carbon monoxide;

(ii) Less than 0.8 pounds per day of lead;

(iii) Less than 50 pounds per day of particulate matter, $PM_{10}$, or sulfur dioxide;

(iv) Less than 50 pounds per day of nitrogen oxides or VOCs except in the Counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 15 pounds per day of nitrogen oxides; or VOCs; and

(v) Less than 5 pounds per day of any single hazardous air pollutant and less than 12.5 pounds per day of any combination of hazardous air pollutants.

(g) **Pollution Control.**

1. Sanitary wastewater collection and treatment systems, except incineration equipment, that are not subject to any standard, limitation or other requirement under section 111 or section 112 (excluding section 112(r)) of the federal Clean Air Act.

2. On site soil or groundwater decontamination units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

3. Bioremediation operations.

4. Garbage compactors and garbage handling equipment.

5. Municipal Solid Waste Landfills which meet the following criteria:

(i) The total design capacity of the landfill is less than or equal to 2.756 million tons (2.5 million megagrams) or 3.27 million cubic yards (2.5 million cubic meters) of solid waste; and

(ii) The emissions of VOC are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties; and

(iii) The emissions of nitrogen oxides (NOx) from operations other than the final control device are less than 25 tons per year for landfills located within Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale counties.

(h) **Industrial Operations.**

1. Concrete block, brick plants, concrete products plants, and ready-mix concrete plants producing less than 125,000 tons per year of product.

2. Small aluminum scrap metal reclaimers (non-smelters).

3. Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate (#2) fuel oil at a maximum total heat input rate of not more than 10 MMBtu/hr.

(i) Furnaces for heat treating glass or metals, the use of which does not involve molten materials, oil-coated parts, or oil quenching.

(ii) Porcelain enameling furnaces or porcelain enameling drying ovens.

(iii) Kilns for firing ceramic ware.

(iv) Crucible furnaces, pot furnaces, or induction melting and holding furnaces with a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.

(v) Bakery ovens and confection cookers.

(vi) Feed mill or grain mill ovens.

(vii) Surface coating drying ovens.

4. Grain, metal, or mineral extrusion process.

5. Equipment used exclusively for rolling, forging, pressing, stamping, spinning, or extruding either hot or cold metals or plastic such as drop hammers or hydraulic presses for forging or metalworking.

6. Die casting machines.

7. Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.

8. Equipment for the mining and screening of uncrushed native sand and gravel.

9. Ozonization process or process equipment.

10. Electrostatic powder coating booths with an appropriately designed and operated particulate control system.

11. Equipment used for the application of a hot melt adhesive.

12. Equipment used exclusively for mixing and blending water-based adhesives and coating at ambient temperatures.

13. Equipment used for compression, molding and injection of plastics.

14. Wood products operations in the following SIC categories (combustion equipment and coatings operations are not included in this exemption):

(i) 2426 Dimensional Hardwood Lumber Mills,

(ii) 2431 Lumber Millwork,

(iii) 2434 Wood Kitchen Cabinets,

(iv) 2439 Structural Wood Trusses,

(v) 2441 Wood Boxes,

(vi) 2448 Wood Pallets,

(vii) 2449 Wood Containers, and

(viii) 2499 Miscellaneous Wood Products.

15. Industrial process equipment used exclusively for educational purposes at educational institutions.

(i) **Other.**

1. Facilities where the combined emissions from all non-exempt source activities [i.e., not listed in 391-3-1-.03(6)(a)-(h)] are below the following for all pollutants:

(i) 50 tons per year of carbon monoxide;

(ii) 300 pounds per year of lead total; with a 3.0 pound per day maximum emission;

(iii) 20 tons per year of particulate matter, $PM_{10}$, or sulfur dioxide;

(iv) 20 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 5 tons per year of nitrogen oxides or VOCs is exempted; and

(v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.

2. Facilities where the combined emissions from all source activities are below the thresholds in "1" above for one or more pollutants, are not required to list those pollutants in the permit application.

3. Cumulative modifications not covered in an existing permit to an existing permitted facility where the combined emission increases (excluding any contemporaneous emission decreases, i.e., "netting" is not allowed) from all nonexempt modified activities are below the following thresholds for all pollutants:

(i) 25 tons per year of carbon monoxide;

(ii) 150 pounds-per-year total with a 1.5 pound-per-day maximum emission of lead;

(iii) 10 tons per year of particulate matter, $PM_{10}$ or sulfur dioxide;

(iv) 10 tons per year of nitrogen oxides or VOCs except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where less than 2.5 tons per year of nitrogen oxides or VOCs is exempted; and

(v) 2 tons per year total with a 15 pound per day maximum emission of any single hazardous air pollutant and less than 5 tons per year of any combination of hazardous air pollutants.

4. As an alternative to subparagraph 3, cumulative modifications not covered in an existing permit to an existing permitted facility where the combined emissions increases, including any contemporaneous emission decreases (i.e., "netting is allowed") from all nonexempt modified activities are less than 10 tons per year of particulate matter and $PM_{10}$. For the purpose of this subparagraph, "contemporaneous" means within that period beginning on the date of

issuance of the most recent permit through the date of reissuance of such permit. This shall exclude any amendment to such permit unless such amendment incorporates the previously exempted modification(s) in which case the amendment shall be considered a reissuance of such permit for the purpose of this subparagraph. Facilities using this exemption shall maintain records of all emissions increases and decreases and shall notify the Division, in writing, within 7 days after making any modification covered by this subparagraph. The Division may require the use of a Division approved form for tracking the emissions increases and decreases. If a facility elects to use this subparagraph in lieu of subparagraph 3, it shall not use subparagraph 3 with respect to particulate matter and $PM_{10}$ until such time that all modifications exempted from SIP permitting under subparagraph 4 have been incorporated into the permit. A facility may use subparagraph 3 with respect to any pollutant other than particulate matter and $PM_{10}$ while using this subparagraph. Only the following facilities are eligible for this exemption:

(i) Facilities with an SIC code of 1422 or 1423 that are not a major source subject to the provisions of 391-3-1-.03(10) (i.e., a minor or synthetic minor source).

5. Changes in a process or process equipment which do not involve installing, constructing, or reconstructing an emission unit or the primary air cleaning device of an air pollution control system provided that such changes do not result in the increase of emissions from any emission unit or the emissions of a pollutant not previously emitted. Examples of such changes in a process or process equipment include the following:

(i) Change in the supplier or formulation of similar raw materials, fuels, or paints and other coatings;

(ii) Changes in product formulations;

(iii) Change in the sequence of the process;

(iv) Change in the method of raw material addition;

(v) Change in the method of product packaging;

(vi) Change in process operating parameters;

(vii) Replacement of a fuel burner in a boiler with a more efficient burner; or

(viii) Lengthening a paint drying oven to provide additional curing time.

6. Sources of minor significance as specified by the Director.

7. Sources for which there is no applicable emission limit, standard or other emission requirement established under, by, or pursuant to the Act.

(j) **Construction Permit Exemption for Pollution Control Projects.**

Projects listed in subparagraphs 391-3-1-.01(qqqq)1. and 2. of these rules are exempt from the requirement to obtain a construction (SIP) permit as specified in paragraph 391-3-1-.03(1) of this rule provided that the project is not subject to the provisions of paragraph 391-3-1-.02(7), Prevention of Significant Deterioration of Air Quality. The Director has the authority to rebut the presumption that projects listed in subparagraphs (qqqq)1. and 2. are environmentally beneficial in accordance with the criteria specified in subparagraph (qqqq) and thus exempt from the requirement to obtain a construction (SIP) permit. Owners and operators of projects exempt from the requirement to obtain a construction (SIP) permit under this subparagraph (6)(j) shall obtain an operating permit or amendment under either paragraph 391-3-1-.03(2) or 391-3-1-.03(10) of this rule, whichever is applicable, prior to commencement of operation of the project.

(7) **Combined Permits and Applications.**

The Director may combine the requirements of and the permits for construction and operation (temporary or otherwise) into one permit. He may likewise combine the requirements of and applications for construction and operating permits into one application.

(8) **Permit Requirements.**

(a) **Each application** for a permit to construct a new stationary source or modify an existing stationary source shall be subjected to a preconstruction or premodification review by the Director. The Director shall determine prior to issuing any permit that the proposed construction or modification will not cause or contribute to a failure to maintain any ambient air quality standard, a significant deterioration of air quality, or a violation of any applicable emission limitation or standard of performance or other requirement under the Act or this Chapter (391-3-1). Each person applying to the Director for a permit to construct a new stationary source or modify an existing stationary source shall provide information required by the Director to make such determination.

(b) **In addition** to any other requirement under the Act, or this Chapter (391-3-1), no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source meets all the requirements for review and for obtaining a permit prescribed in Title I, Part C of the Federal Act, and paragraph 391-3-1-.02(7) of these Rules.

(c) **In addition** to any other requirement under the Act, or this Chapter 391-3-1, no permit to construct a new stationary source or modify an existing stationary source shall be issued unless such proposed source or modification meets all the requirements for review and for obtaining a permit prescribed in subparagraph 391-3-1-.02(9)(b)16. of this Rule.

(9) **Permit Fees.**

(a) **The owner** or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 "Permits. Amended" shall pay to the Division an annual fee or its equivalent (e.g., quarterly payments).

(b) **The dollar-per-ton fee** rate for each calendar year is specified in the table below. Each calendar year's emissions and annual permit fees shall be determined and submitted in accordance with the Georgia Department of Natural Resources' Fee Manual specified below.

| Calendar Year | $/Ton Rate | Fee Manual |
|---|---|---|
| 1991 | $25/Ton | "Procedures for Calculating Air Permit Fees" dated July 1, 1992. |
| 1992 | $25/Ton | "Procedures for Calculating 1992 Air Permit Fees" dated May 1, 1993. |
| 1993 | $25/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 1993" dated February 1, 1994. |
| 1994 | $25/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 1994" dated May 1, 1995. |
| 1995 | $25/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 1995" dated April 2, 1996. |
| 1996 | $25/Ton | "Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997" dated August 1, 1997. |
| 1997 | $28/Ton | "Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997" dated August 1, 1997. |
| 1998 | $28/Ton | "Procedures for Calculating Air |

| Calendar Year | $/Ton Rate | Fee Manual |
|---|---|---|
| | | Permit Fees for Calendar Years 1998 and 1999" dated January 19, 1999. |
| 1999 | $28/Ton | "Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999" dated January 19, 1999. |
| 2000 | $31/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2000" dated April 30, 2001. |
| 2001 | $31/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2001" dated February 26, 2002. |
| 2002 | $32.50/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2002" dated March 25, 2003. |
| 2003 | $32.50/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2003" dated April 20, 2004. |
| 2004 | $32.50/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2004" dated March 22, 2005. |
| 2005 | $33.00/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2005" dated March 15, 2006. |
| 2006 | $28.50/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2006" dated February 7, 2007. |
| 2007 | $34.00/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2007" dated April 2, 2008. |
| 2008 | $34.00/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2008" dated February 12, 2009. |
| 2009 | $34.00/Ton | "Procedures for Calculating Air Permit Fees for Calendar Year 2009" dated January 26, 2010. |
| 2010 | $35.84/Ton for coal-fired electric generating units; $34/Ton for all other sources | "Procedures for Calculating Air Permit Fees for Calendar Year 2010" dated January 31, 2011. |
| 2011 | $35.84/Ton for coal-fired electric generating units; $34/Ton for all other sources | "Procedures for Calculating Air Permit Fees for Calendar Year 2011" dated March 2, 2012. |
| 2012 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Fees for Calendar Year 2012" dated February 5, 2013. |
| 2013 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Fees for Calendar Year 2013" dated January 14, 2014. |
| 2014 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Fees for Calendar Year 2014" dated January 12, 2015. |
| 2015 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Fees for Calendar Year 2015" dated February 22, 2016. |
| 2016 | $37.34/Ton for coal-fired electric | "Procedures for Calculating Air |

| Calendar Year | $/Ton Rate | Fee Manual |
|---|---|---|
| | generating units; $35.50/Ton for all other sources | Permit Fees for Calendar Year 2016" dated February 8, 2017. |
| 2017 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Calendar Year 2017" dated February 8, 2018. |
| 2018 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2019 and June 30, 2020" dated December 26, 2018. |
| 2019 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2020 and June 30, 2021" dated February 3, 2020. |
| 2020 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2021 and June 30, 2022" dated February 3, 2021. |
| 2021 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2022 and June 30, 2023" dated February 3, 2022. |
| 2022 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2023 and June 30, 2024" dated February 3, 2023. |
| 2023 | $37.34/Ton for coal-fired electric generating units; $35.50/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2024 and June 30, 2025" dated February 2, 2024. |
| 2024 | $45.37/Ton for coal-fired electric generating units; $43.13/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2025 and June 30, 2026" dated February 3, 2025. |
| 2025 | $45.37/Ton for coal-fired electric generating units; $43.13/Ton for all other sources | "Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2026 and June 30, 2027" dated February 2, 2026. |

When no applicable calculation method or procedure is published therein, the Director may specify or approve an applicable method or procedure prior to its use.

(c) **For the purpose** of this paragraph, the following definitions shall apply:

1. "Criteria Pollutant" means volatile organic compounds, sulfur dioxide, particulate matter, and nitrogen oxides.

2. "Stationary source" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the most recent Standard Industrial Classification Manual, published by the U.S. Government Printing Office.

(d) **No annual fee shall** be collected for more than 4,000 tons per year per stationary source of any individual criteria pollutant as calculated in accordance with the Fee Manual.

(e) **The Director** may reduce any permit fee required under this Subject to take into the account the financial resources of small businesses stationary sources.

(f) **The collection** of fees pursuant to this Subject shall preclude collection of any air quality control permit fee by any other state or local government authority.

(g) **The collection** of annual fees pursuant to this paragraph shall begin on or after July 1, 1995, and shall be for the calendar year ending December 31, 1994. Thereafter, annual permit fees for each calendar year are due no later than September 1 of the following calendar year. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

(h) **The owner** of a stationary source subject to this paragraph (9), "Permit Fees" shall make a one-time payment on or before April 30, 2001, in accordance with the following schedule. This one-time payment shall serve as a credit toward the calendar year 2000 permit fees (which are to be adopted at a later date). The procedures and methods contained in the Georgia Department of Natural Resources **Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999 dated January 19, 1999** (1998/1999 Fee Manual), which is hereby incorporated by reference, along with calendar year 2000 activities and emissions shall be used to determine which, if any, of the following one-time payments are applicable to each stationary source.

1. Any Stationary Source subject to one or more Federal Standard of Performance for New Stationary Sources (NSPS) that is not classified as a Part 70 major source is defined in 40 CFR 70.2 shall pay a one-time payment of $400 unless ALL of the equipment at the stationary source that is subject to an NSPS standard is listed in the exception list found in section 2.0(a) of the 1998/1999 Fee Manual and/or did not operate during calendar year 2000.

2. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, and whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of EACH OF THE FOUR criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are less than or equal to the threshold values listed in section 3.16 of the 1998/1999 Fee Manual shall pay a one-time payment of $600.

3. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) is less than 700 tons shall pay a one-time payment of $1150. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are less than 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.

4. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose total calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar 2000 activities) of AT LEAST ONE

of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) is above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) are greater than or equal to 700 tons shall pay a one-time payment of $3000. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are greater than or equal to 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.

(i) **As part of the annual permit fees** required under this paragraph, the owner or operator of any stationary source shall also pay administrative fees in accordance with the following subparagraphs in addition to the permit fees determined in accordance with the Fee Manual(s) specified in subparagraph (b) of this paragraph.

1. The owner or operator shall pay an administrative fee of 0.05 percent of the total fee due determined in accordance with the Fee Manual(s) specified in subparagraph (b) of this paragraph for each calendar day in which the air permit fee form is submitted to the Division following the first business day of September of the calendar year in which the fee was due or October 1, 2010, whichever is later.

2. For air permit fee forms submitted using the online Georgia air emissions fee reporting form, that date on which the air permit fee form is submitted to the Division shall be the date in which the owner or operator completes a final submittal on the online reporting form. For air permit fee forms that were submitted using a hard-copy paper form, the date on which the air permit fee form is submitted to the Division shall be the date on which the permit fee form and required payment are received at the address specified in the Fee Manual or at the office of the Division's Air Protection Branch.

(j) **Beginning with calendar year 2009 fees,** when the ownership of any stationary source is transferred to a new owner or operator, the new owner or operator of the stationary source shall be responsible for paying any past due fees.

(k) **Beginning on March 1, 2019,** the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 "Permits. Amended" shall pay to the Division a processing fee when submitting an application for the following permit application types:

| Permit Type |
|---|
| Minor Source Permit or Amendment |
| Synthetic Minor Source Permit or Amendment |
| Major Source Permit or Amendment (but not subject to PSD or 112(g)) |
| Name Change |
| Permit-by-Rule |
| Title V 502(b)(10) Permit Amendment |
| Title V Minor Modification with Construction |
| Title V Minor Modification without Construction |
| Title V Significant Modification with Construction |
| Title V Significant Modification without Construction |
| PSD Permit per 391-3-1-.02(7) |
| 112(g) permit per 391-3-1-.02(9)(b)16. |

1. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

2. No final action of the Director shall occur until complete fee payment is received, unless the fee payment is waived or partially waived in accordance with subparagraph 391-3-1-.03(9)(e).

3. Application fees shall not be refunded as the fee is used to cover application processing labor.

4. Title V modification application fees are waived for applicants submitting PSD/112(g) permit applications via Title V permit applications. The PSD/112(g) fee still applies.

(l) **Beginning on July 1, 2020,** the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03(10) "Title V Operating Permits" shall pay to the Division an annual maintenance fee for Title V sources. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

(10) **Title V Operating Permits.**

(a) **General Requirements.**

1. The provisions of this paragraph (10) shall apply to any source and the owner and operator of any such source subject to any requirements under 40 Code of Federal Regulations (hereinafter, 40 CFR), Part 70.

2. All sources subject to this paragraph (10) shall have a Part 70 Permit to operate that assures compliance by the source with all applicable requirements. Such Part 70 Permits will be issued consistent with the timing established in subparagraph (10)(c).

3. The requirements of this paragraph (10), including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the federal acid rain program except as provided herein or modified in federal regulations promulgated under Title IV of the federal Clean Air Act.

4. Definitions: For the purpose of this paragraph (10), 40 CFR Part 70.2 is hereby incorporated and adopted by reference, with the following exception(s):

(i) "Potential to emit" shall have the meaning ascribed in subparagraph (ddd) of rule 391-3-1-.01.

(ii) [Reserved.]

(iii) The definition and use of the term "subject to regulation" in 40 CFR, Part 70.2 is hereby incorporated by reference; provided, however, that in the event all or any portion of 40 CFR, Part 70.2 containing that term is:

(I) declared or adjudged to be invalid or unconstitutional or stayed by the United States Court of Appeals for the Eleventh Circuit or for the District of Columbia Circuit; or

(II) withdrawn, repealed, revoked, or otherwise rendered of no force and effect by the United States Environmental Protection Agency, Congress, or Presidential Executive Order.

Such action shall render the regulation as incorporated herein, or that portion thereof that may be affected by such action as invalid, void, stayed, or otherwise without force and effect for purposes of this rule upon the date such action becomes final and effective; provided, further, that such declaration, adjudication, stay, or other action described herein, shall not affect the remaining portions, if any, of the regulation as incorporated herein, which shall remain of full force and effect as if such portion so declared or adjudged invalid or unconstitutional or stayed or otherwise invalidated or effected were not originally a part of this rule. The Board declares that it would have incorporated the remaining parts of the federal regulation if it had known that such portion hereof would be declared or adjudged invalid or unconstitutional or stayed or otherwise rendered of no force and effect.

5. The subparagraphs of paragraph (10) that incorporate by reference portions of 40 CFR, Part 70 are as promulgated and published in the Federal Register through October 18, 2016, unless otherwise specified.

(b) **Applicability.**

1. The following sources shall be subject to this paragraph (10):

(i) Any major source as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4;

(ii) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the federal Act;

(iii) Any source, including an area source, subject to a standard or other requirement under Section 112 of the federal Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the federal Act;

(iv) Any affected source as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4; and

(v) Any source in a source category designated by the EPA Administrator pursuant to 40 CFR Part 70.3.

2. The following sources shall not be subject to this paragraph (10):

(i) Any source listed in subparagraph 10(b)1.(ii) that is not a major source;

(ii) Any source required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M, National Emission Standard for Hazardous Air Pollutants for Asbestos, 61.145, Standard for Demolition and Renovation, or solely because they are subject to 40 CFR Part 60, Subpart AAA Standards of Performance for New Residential Wood Heaters; and

(iii) Any source listed in subparagraph (10)(b)1.(iii) that is an area source except those subject to an Emission Standard for Hazardous Air Pollutants under 40 CFR Part 63 that does not exempt the owner or operator from the obligation to obtain a Part 70 permit.

3. Emission units and Part 70 permits.

(i) For major sources, Part 70 permits shall include all applicable requirements for all relevant emission units in the major source.

(ii) For any non-major source subject to the requirements of this paragraph (10), Part 70 permits shall include all applicable requirements applicable to emission units that cause the source to be subject to this paragraph (10).

4. Fugitive emissions from a source subject to the requirements of this paragraph (10) shall be included in the permit application and the Part 70 permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

5. Any Part 70 source may make Section 502(b)(10) changes as defined in 40 CFR 70.2, which is incorporated by reference in subparagraph (a)4, without requiring a Part 70 permit revision, if the changes are not modifications under any provisions of Title I of the federal Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions). For each such change, the source shall provide the Director and the EPA Administrator with written notification as required below in advance of the proposed changes and shall obtain any permits required under Rules 391-3-1-.03(1) and (2). The source and the Director shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the source's written notification and application for a construction permit shall be submitted well in advance of any critical date (construction date, permit issuance date, etc.) involved in the change, but no less than seven days in advance of such change and shall include a brief description of the change within the permitted facility, the date on which the change is proposed to occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in subparagraph (d)6. shall not apply to any change made pursuant to this paragraph.

6. Off-permit Changes: Any Part 70 source may make changes that are not addressed or prohibited by the permit, other than those described in subparagraph 7., without a Part 70 permit revision, provided the following requirements are met:

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(ii) Sources must provide contemporaneous written notice to the Director and EPA Administrator of each such change, except for changes that qualify as insignificant as specified in subparagraph (g). Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(iii) The change shall not qualify for the shield under subparagraph (10)(d)6.

(iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(v) The source shall obtain any permits required under Rules 391-3-1-.03(1) and (2).

7. No Part 70 source may make, without a permit revision, any changes that are not addressed or prohibited by the Part 70 permit, if such changes are subject to any requirements under Title IV of the federal Act or are modifications under any provision of Title I of the federal Act.

(c) **Permit Applications.**

1. For each Part 70 source, the owner or operator shall submit a complete application:

(i) Within 12 months after the U.S. EPA grants approval of this paragraph (10) or on or before such earlier date as the Director may establish, for a source applying for the first time;

(ii) Within 12 months after commencing operation, for a source required to meet the requirements under Section 112(g) of the federal Clean Air Act or to have a permit under the preconstruction review program requirements of Rule 391-3-1-.03(8)(b). Where an existing Part 70 permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation;

(iii) At least six months, but not more than 18 months prior to the date of permit expiration, for a source subject to permit renewal; or

(iv) By January 1, 1996, for initial Phase II sulfur dioxide acid rain permits and by January 1,1998, for initial Phase II nitrogen oxide acid rain permits.

(v) within 12 months after commencing operation for a major source which commences operation after the date specified in subparagraph (10)(c)1.(i).

2. Standard Permit Application and Required Information. The application shall be made in a format specified by the Director. It shall be signed by a responsible official, as defined in 40 CFR 70.2, which is incorporated by reference in subparagraph (a)4, certifying its truthfulness, accuracy and completeness. For the purpose of this paragraph (10), 40 CFR 70.5(c) and 40 CFR 70.5(d) are hereby incorporated and adopted by reference. The application may require additional pertinent information which is not specified in 40 CFR 70.5(c), as incorporated by reference in this subparagraph, as the Director may require. To be deemed complete, an application must provide all information required pursuant to this subparagraph and subparagraph (g), except that applications for permit revision need supply such information only if it is related to the proposed change.

3. Unless the Director determines that an application, including renewal applications, is not complete within 60 days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in 40 CFR 70.7(a)(4) which is hereby incorporated by reference.

4. If, while processing an application that has been determined or deemed to be complete, the Director determines that additional information is necessary to evaluate or take final action on that application the Director may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a Part 70 permit shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Director.

5. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(d) **Permit Content.**

1. Standard Permit Requirements.

(i) For the purposes of this paragraph (10), 40 CFR Part 70.6(a) and 40 CFR 70.7(f) are hereby incorporated and adopted by reference.

(ii) The permit may include terms and conditions allowing for the trading of emissions changes in the permitted facility solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure that the emissions trades are quantifiable and enforceable. The Director shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The following conditions apply to the emissions trades:

(I) The permittee shall provide written notification to the Director and EPA no less than seven days in advance of any change made pursuant to this subparagraph. The written notification shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(II) The permit shield described in subparagraph (d)6. may extend to the permit terms and conditions that allow for the emissions increases and decreases described in this subparagraph.

(iii) The permit may include additional elements not specified in 40 CFR Part 70.6(a), which is incorporated by reference in subparagraph (d)1.(i), as required by the Director.

2. The Director shall specifically designate as not being federally enforceable under the federal Clean Air Act any terms and conditions included in the permit that are not required under the federal Clean Air Act or under any of its applicable requirements. If the Director does not so designate a term or condition, it shall be deemed federally enforceable.

3. Compliance Requirements. For the purposes of this paragraph (10), 40 CFR 70.6(c) is hereby incorporated and adopted by reference.

4. General Permits: For the purpose of this paragraph (10), 40 CFR 70.6(d) is hereby incorporated and adopted by reference.

5. The Director may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one chance of

location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include:

(i) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(ii) Requirements that the owner or operator notify the Director at least 30 days in advance of each change in location; and

(iii) Conditions that assure compliance with all of the provisions of this paragraph.

6. Permit Shield.

(i) Except as provided in this paragraph (10), the Director may expressly include in a Part 70 permit a provision stating that a source which is in compliance with the conditions of the permit shall be deemed to be in compliance with any applicable requirements as of the date of the permit issuance, provided that:

(I) Such applicable requirements are included and are specifically identified in the permit; or

(II) The Director, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(ii) A Part 70 permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

(iii) Nothing in this paragraph or in any Part 70 permit shall alter or affect the following:

(I) The provisions of Section 303 of the federal Clean Air Act (emergency orders), including the authority of the Administrator under that section or the provisions of O.C.G.A. Section 12-9-14;

(II) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

(III) The applicable requirements of the acid rain program, consistent with Section 408(a) of the federal Clean Air Act; or

(IV) The ability of EPA to obtain information from a source pursuant to Section 114 of the federal Clean Air Act or of the Director to obtain information from a source pursuant to paragraph 391-3-1-.02(6).

7. Emergency Provision: For the purpose of subparagraph (d)7., 40 CFR Part 70.6(g) is hereby incorporated and adopted by reference.

(e) **Permit Issuance, Renewal, Reopenings and Revisions.**

1. Action on application.

(i) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

(I) The Director has received a complete application, except that a complete application need not be received before issuance of a general permit under subparagraph (d);

(II) Except for modifications qualifying for minor permit modification procedures under subparagraphs (e)5.(i) or (e)5.(ii), the Director has complied with the requirements for public participation under subparagraph (e)8.;

(III) The Director has complied with the requirements for notifying and responding to affected States under subparagraph (f);

(IV) The conditions of the permit provide for compliance with all applicable requirements; and

(V) The EPA Administrator has received a copy of the proposed permit and any notices required under subparagraph (f) and has not objected to issuance of the permit under subparagraph (f) within the time period specified therein.

(ii) Except as provided under the initial transition plan or under regulations promulgated under Title IV of the federal Clean Air Act, the Director shall take final action on each permit application (including request for permit modification or renewal) within 18 months after receiving a complete application.

(iii) The Director shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Director shall send this statement to EPA and to any other person who requests it.

(iv) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under paragraph 391-3-1-.03(8).

2. Requirement for a permit.

Except as provided in subparagraphs (b)5., (e)5.(i)(V) and (e)5.(ii)(V), no Part 70 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under this paragraph (10). If a Part 70 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a Part 70 permit is not a violation until the Director takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit by the deadline specified in writing by the Director any additional information identified as being needed to process the application.

3. Permit renewal and expiration.

(i) Permits being renewed are subject to the same procedural requirements, including those for public participation, affected State and EPA review, that apply to initial permit issuance.

(ii) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted.

(iii) If a timely and complete application for permit renewal is submitted, but the Director has failed to issue or deny the renewal permit before the end of the term of the previous permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield that may be granted pursuant to subparagraph (d)6. shall extend beyond the original permit term until renewal.

4. Administrative permit amendments.

(i) Definitions: For the purpose of this paragraph, 40 CFR, Part 70.7(d)(1) is incorporated and adopted by reference.

(ii) Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under Title IV of the federal Clean Air Act.

(iii) An administrative permit amendment may be made by the Director consistent with the following:

(I) The Director shall take no more than 60 days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected States provided that it designates any such permit revisions as having been made pursuant to this subparagraph.

(II) The Director shall submit a copy of the revised permit to the EPA Administrator.

(III) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(iv) The Director may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield for administrative permit amendments made pursuant to 40 CFR Part 70.7(d)(1)(v), which is incorporated by reference in subparagraph (e)4.(i) of this rule, which meet the requirements for significant permit modifications.

5. Permit modification.

A permit modification is any revision to a Part 70 permit that cannot be accomplished under subparagraph 4. A permit modification for purposes of the acid rain program shall be governed by regulations promulgated under Title IV of the federal Clean Air Act.

(i) Minor permit modification procedures.

(I) Minor permit modification procedures may be used only for those permit modifications that:

I. Do not violate any applicable requirement;

II. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

III. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

IV. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject, including a federally enforceable emissions cap assumed to avoid classification as a modification under any provision of 391-3-1-.03(8), and an alternative emissions limit approved pursuant to regulations promulgated under Section 112(j)(5) of the federal Clean Air Act;

V. Are not modifications under any provision of 391-3-1-.03(8); and

VI. Are not required by this paragraph (10) to be processed as a significant modification.

(II) An application requesting the use of minor permit modification procedures shall meet the requirements of paragraph (8) and shall include the following:

I. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

II. The source's suggested draft permit;

III. Certification by a responsible official, consistent with subparagraph (c), that the proposed modification meets the criteria for use of minor modification procedures and a request that such procedures be used; and

IV. Completed forms for the Director to use to notify the EPA Administrator and affected States as required under subparagraph (f).

(III) Within five working days of receipt of a complete minor permit modification application, the Director shall meet his obligation under subparagraph (f)(1) and subparagraph (f)(2)(i) to notify the EPA Administrator and affected States of the requested permit modification. The Director shall promptly send any notice required under subparagraph (f)(2)(ii) to the EPA Administrator.

(IV) The Director may not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Director that EPA will not object to issuance of the permit modification, whichever is first, although the Director can approve the permit modification prior to that time. Within 90 days of the Director's receipt of an application under minor permit modification procedures or 15 days after the end of the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later, the Director shall:

I. Issue the permit modification as proposed;

II. Deny the permit modification application;

III. Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

IV. Revise the draft permit modification and transmit to the EPA Administrator the new proposed permit modification as required by subparagraph (f).

(V) The source may make changes proposed in its minor permit modification application as follows:

I. For proposed changes that require a permit in accordance with 391-3-1-.03(1), the source may make the change proposed in its minor permit modification application immediately after obtaining a permit for the modification pursuant to the requirements of 391-3-1-.03(1). After the source makes such change and until the Director takes any of the actions specified in subparagraph (IV), the source must comply with the applicable requirements governing the change, the proposed permit terms and conditions, and requirements of the construction permit issued under 391-3-1-.03(1). During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions and the requirements of the construction permit issued under 391-3-1-.03(1) during this time period, the existing permit terms and conditions it seeks to modify and the requirements of the construction permit issued under 391-3-1-.03(1) may be enforced against it.

II. For proposed changes that do not require a permit in accordance with 391-3-1-.03(1), the source may make the change proposed in its minor permit modification application upon receipt of a letter from the Division acknowledging receipt of said application. If the Director denies the permit modification application in accordance with subparagraph (IV)II, the existing terms and conditions that the applicant seeks to modify may be enforced by the Division.

(VI) The permit shield may not extend to minor permit modifications.

(ii) Group processing of minor permit modifications. The Director may modify the procedure outlined in subparagraph (e)5.(i) to process groups of a source's applications for certain modifications eligible for minor permit modification processing.

(I) Group processing of modifications may be used only for those permit modifications:

I. That meet the criteria for minor permit modification procedures under subparagraph (e)5.(i); and

II. That collectively are below 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in subparagraph (a)4., or 5 tons per year, whichever is least.

(II) An application requesting the use of group processing procedures shall meet the requirements of subparagraph (c)2. and shall include the following:

I. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.

II. The source's suggested draft permit.

III. Certification by a responsible official that the proposed modification meets the criteria for use of group processing procedures under a request that such procedures be used.

IV. A list of the source's other pending applications awaiting group processing, and determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph (e)5.(ii)(I)II.

V. Certification that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the proposed modification.

VI. Completed forms for the Director to use to notify the EPA Administrator and affected States as required under subparagraph (f).

(III) On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set in subparagraph (e)5.(ii)(I)II., whichever is earlier, the Director promptly shall comply with subparagraphs (f)(1) and (f)(2). The Director shall send any notice required under subparagraph (f)(2)(ii) to the EPA Administrator.

(IV) The provisions of subparagraph (e)5.(i)(IV) shall apply to modifications eligible for group processing, except that the Director shall take one of the actions specified in subparagraphs (e)5.(i)(IV)I. through IV. within 180 days of receipt of the application or 15 days after the end of the EPA Administrator's 45-day review period under subparagraph (f)(3), whichever is later.

(V) The provisions of subparagraph 5.(i)(V) shall apply to modifications eligible for group processing.

(VI) The provisions of subparagraph 5.(i)(VI) shall also apply to modifications eligible for group processing.

(iii) Significant modification procedures.

(I) Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative amendments. At a minimum, every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with this paragraph (10) that would render existing permit compliance terms and conditions irrelevant.

(II) Significant permit modifications shall meet all requirements of this paragraph (10), including those for applications, public participation, review by affected States, and review by EPA, as they apply to permit issuance and permit renewal.

6. Reopening for cause.

(i) A permit shall be reopened and revised under any of the following circumstances:

(I) Additional applicable requirements become applicable to a major Part 70 source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended under subparagraph (e)3.(iii).

(II) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

(III) The Director determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

(IV) The Director determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(ii) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

(i) Reopenings shall not be initiated before a notice of such intent is provided to the source by the Director at least 30 days in advance of the date that the permit is to be reopened, except that the Director may provide a shorter time period in the case of an emergency.

7. Reopenings for cause by EPA.

(i) If the EPA Administrator finds that cause exists to terminate, modify or revoke and reissue a permit pursuant to subparagraph 6. and notifies the Director of such finding in writing, the Director shall, within 90 days after receipt of such notification, forward to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate. If the EPA Administrator finds that a new or revised permit application is necessary or that the Director must require the permittee to submit additional information and extends this 90 day period, the Director shall forward the subject determination within 180 days of receipt of EPA's notification.

(ii) Within 90 days from receipt of an EPA objection, the Director shall resolve such objection and terminate, modify, or revoke and reissue the permit in accordance with EPA's objection.

8. Public participation.

40 CFR Part 70.7(h) is hereby incorporated and adopted by reference.

(f) **Permit review by EPA and affected states.**

1. The Director shall provide the EPA Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final Part 70 permit. The Director may require the applicant to provide a copy of the permit application (including the compliance plan) directly to the EPA Administrator. Upon approval by the EPA Administrator, the Director may submit to the EPA Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan.

2. Review by affected States.

(i) The Director shall give notice of each draft permit to any affected State on or before the time that the Director provides this notice to the public under subparagraph (e)8., except to the extent that subparagraphs (e)5.(i) or (e)5.(ii) require the timing of the notice to be different.

(ii) The Director, as part of the submittal of the proposed permit to the EPA Administrator [or as soon as possible after the submittal for minor permit procedures allowed under subparagraphs (e)5.(i) or (e)5.(ii)], shall notify the EPA Administrator and any affected State in writing of any refusal by the Director to accept all recommendations for the proposed permit that the affected State submitted during the public or affected State comment period. The notice shall include the Director's reasons for not accepting any such recommendation. The Director is not required to accept recommendations that are not based on applicable requirements or the requirements of this paragraph (10).

3. EPA objection.

(i) No permit for which an application must be transmitted to the EPA Administrator under subparagraph (f)1. shall be issued if the EPA Administrator objects to its issuance in writing within a timely manner pursuant to 40 CFR 70.8(c) and 40 CFR 70.8(d) which are hereby incorporated by reference.

(g) **Insignificant Activities List.**

Unless otherwise required by the Director, the following air pollutant sources/activities must be listed, but need not be described in detail, in the Part 70 permit application. Exclusion of these emissions from detailed reporting does not exclude them from inclusion in any applicability determination. Additionally, this insignificant listing may not be used to avoid any applicable requirement (i.e., NESHAP, NSPS, etc.) as defined in 40 CFR Part 70.2, which is incorporated by reference in subparagraph (a)4.

1. Mobile Sources.

(i) Cleaning and sweeping of streets and paved surfaces.

2. Combustion Equipment.

(i) Firefighting equipment, including fire pumps or other emergency/safety equipment used to fight fires or train firefighters or other emergency personnel.

(ii) Small incinerators that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act and are not considered a "designated facility" as specified in 40 CFR 60.32e of the Federal emissions guidelines for Hospital/Medical/ Infectious Waste Incinerators, that are operating as follows:

(I) Less than 8 million BTUs per hour heat input, firing types 0, 1, 2 and/or 3 waste; or

(II) Less than 8 million BTUs per hour heat input with no more than 10% pathological (Type-4) waste by weight combined with types 0, 1, 2 and/or 3 waste; or

(III) Less than 4 million BTUs per hour heat input firing Type 4 waste.

(IV) For the purpose of this subparagraph, the following definitions apply:

I. "Type 0 waste" means trash. This refers to a mixture of combustible waste such as paper, cardboard, wood and floor sweepings; which contains up to 10% petrochemical waste, 5% non-combustibles and 10% moisture, by weight; which is generated from commercial activities; and having a higher heat value (HHV) of approximately 8,500 BTU/lb.

II. "Type 1 waste" means rubbish. This refers to a mixture of combustible waste such as paper, cardboard, wood foliage and floor sweepings; which contains up to 10% petrochemical waste, 5% non-combustibles and 10% moisture, by weight; which is generated from domestic and commercial activities; and having a HHV of approximately 6,500 BTU/lb.

III. "Type 2 waste" means refuse. This refers to an evenly distributed mixture of rubbish and garbage as usually received in municipal waste; which contains up to 50% moisture content, by weight and 7% non-combustible solids; and having a HHV of approximately 4,300 BTU/lb.

IV. "Type 3 waste" means garbage. This refers to animal and vegetable wastes from restaurants, cafeterias, hotels, markets, and like installations; which contains up to 70% moisture, by weight, and 5% non-combustible solids; and having a HHV of approximately 2,500 BTU/lb.

V. "Type 4 waste" means human and animal remains. This refers to carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds; and having a HHV of approximately 1,000 BTU/lb.

(iii) Open burning in compliance with Georgia Rule 391-3-1-.02(5).

(iv) Stationary Engines Burning:

(I) Natural gas, gasoline, diesel fuel, or dual fuels which are used exclusively as emergency generators; or

(II) Natural gas, LPG, and/or diesel fuel and used for peaking power (including emergency generators used for peaking power) where the peaking power use does not exceed 200 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts are not insignificant activities; or

(III) Natural gas, LPG, and/or diesel fuel used for other purposes, provided that the output of each engine does not exceed 400 horsepower and that no individual engine operates for more than one thousand hours-per-year; or

(IV) Gasoline used for other purposes, provided that the output of each engine does not exceed 100 horsepower and that no individual engine operates for more than 500 hours-per-year except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such engines with a rated capacity equal to and greater than 100 kilowatts used for peaking power are not insignificant activities.

(V) For the purpose of this subparagraph, the following definitions shall apply:

I. An "emergency generator" means a generator whose function is to provide back-up power when electric power from the local utility is interrupted and which operates for less than 500 hours-per-year, except in the counties of Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson, and Walton where such generator operates less than 200 hours-per-year.

II. "Used for peaking power" means used to reduce the electrical power requirements on the local utility grid. This could be for supplying power during the local utility's peak demand periods or for peak shaving by the facility.

3. Trade Operations.

(i) Brazing, soldering and welding equipment, and cutting torches related manufacturing and construction activities whose emissions of hazardous air pollutants (HAPs) fall below 1,000 pounds per year.

4. Maintenance, Cleaning, and Housekeeping.

(i) Blast-cleaning equipment using a suspension of abrasive in water and any exhaust system (or collector) serving them exclusively.

(ii) Portable blast-cleaning equipment.

(iii) Non-Perchloroethylene Dry-cleaning equipment with a capacity of 100 pounds per hour or less of clothes.

(iv) Cold cleaners having an air/vapor interface of not more than 10 square feet and that do not use a halogenated solvent.

(v) Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.

(vi) Devices used exclusively for cleaning metal parts or surfaces by burning off residual amounts of paint, varnish, or other foreign material, provided that such devices are equipped with afterburners.

(vii) Cleaning Operations: Alkaline/phosphate cleaners and associated cleaners and burners.

5. Laboratories and Testing.

(i) Laboratory fume hoods and vents associated with bench-scale laboratory equipment used for physical or chemical analysis.

(ii) Research and development facilities, quality control testing facilities and/or small pilot projects, where combined daily emissions from all operations are not individually major and are not support facilities making significant contributions to the product of a collocated major manufacturing facility.

6. Pollution Control.

(i) Sanitary wastewater collection and treatment systems, except incineration equipment or equipment subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(ii) On site soil or groundwater decontamination units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(iii) Bioremediation operations units that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(iv) Landfills that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

7. Industrial Operations.

(i) Concrete block and brick plants, concrete products plants, and ready-mix concrete plants producing less than 125,000 tons per year.

(ii) Any of the following processes or process equipment which are electrically heated or which fire natural gas, LPG or distillate fuel oil at a maximum total heat input rate of not more than five million BTUs per hour:

(I) Furnaces for heat treating glass or metals, the use of which do not involve molten materials or oil-coated parts.

(II) Porcelain enameling furnaces or porcelain enameling drying ovens.

(III) Kilns for firing ceramic ware.

(IV) Crucible furnaces, pot furnaces, or induction melting and holding furnaces with a capacity of 1,000 pounds or less each, in which sweating or distilling is not conducted and in which fluxing is not conducted utilizing free chlorine, chloride or fluoride derivatives, or ammonium compounds.

(V) Bakery ovens and confection cookers.

(VI) Feed mill or grain mill ovens.

(VII) Surface coating drying ovens.

(iii) Carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, shot blasting, shot peening, or polishing; ceramics, glass, leather, metals, plastics, rubber, concrete, paper stock or wood, also including roll grinding and ground wood pulping stone sharpening, provided that:

(I) The activity is performed indoors; and

(II) No significant fugitive particulate emissions enter the environment; and

(III) No visible emissions enter the outdoor atmosphere.

(iv) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy (e.g., blueprint activity, photographic developing and microfiche).

(v) Grain, food, or mineral extrusion processes.

(vi) Equipment used exclusively for sintering of glass or metals, but not including equipment used for sintering metal-bearing ores, metal scale, clay, fly ash, or metal compounds.

(vii) Equipment for the mining and screening of uncrushed native sand and gravel.

(viii) Ozonization process or process equipment.

(ix) Electrostatic powder coating booths with an appropriately designed and operated particulate control system.

(x) Activities involving the application of hot melt adhesives where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.

(xi) Equipment used exclusively for mixing and blending water-based adhesives and coatings at ambient temperatures.

(xii) Equipment used for compression, molding and injection of plastics where VOC emissions are less than 5 tons per year and HAP emissions are less than 1,000 pounds per year.

(xiii) Ultraviolet curing processes where VOC emissions are less than five tons per year and HAP emissions are less than 1,000 pounds per year.

8. Storage Tanks and Equipment.

(i) All petroleum liquid storage tanks storing a liquid with a true vapor pressure of equal to or less than 0.50 psia as stored.

(ii) All petroleum liquid storage tanks with a capacity of less than 40,000 gallons storing a liquid with a true vapor pressure of equal to or less than 2.0 psia as stored that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(iii) All petroleum liquid storage tanks with a capacity of less than 10,000 gallons storing a petroleum liquid.

(iv) All pressurized vessels designed to operate in excess of 30 psig storing petroleum fuels that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(v) Gasoline storage and handling equipment at loading facilities handling less than 20,000 gallons per day or at vehicle dispensing facilities that are not subject to any standard, limitation or other requirement under Section 111 or 112 [excluding 112(r)] of the Federal Act.

(vi) Portable drums, barrels, and totes provided that the volume of each container does not exceed 550 gallons.

(vii) All chemical storage tanks used to store a chemical with a true vapor pressure of less than or equal to 10 millimeters of mercury (0.19 psia).

(11) **Permit by Rule.**

(a) **General Requirements.**

1. Accepting a Permit by Rule does not exempt that facility from the obligation to apply for and obtain a Construction (SIP) Permit and/or an Operating (SIP) Permit unless specifically exempted in the permit by rule. Complying with the requirements of a Permit by Rule does not relieve a facility of having to comply with other requirements of the Rules.

2. The permitting authority may, after notice and opportunity for public participation, issue a Permit by Rule covering numerous similar sources. Any Permit by Rule shall identify criteria and standards by which sources may qualify for the Permit by Rule. Any facility wishing to operate under a Permit by Rule shall certify that in writing to the permitting authority, unless specifically exempted from this requirement in the specific Permit by Rule. To sources that qualify, the permitting authority shall grant the conditions and terms of the Permit by Rule by Certification letter. Notwithstanding the shield provisions of 40 CFR Part 70.6(f), the source shall be subject to enforcement action for operation without a Part 70 Permit if the source is later determined not to qualify for the conditions and terms of the Permit by Rule.

3. It is the responsibility of any facility accepting a "Permit by Rule" to submit a report within 15 days following the last day of any month in which the facility exceeds the annual limit during the previous 12 months or monthly limit during the previous month. The report shall include the following:

(i) Facility name, ID, and location.

(ii) The "Permit by Rule" name, number and applicable limits.

(iii) A summary of the records showing the exceedance along with an explanation.

(iv) What the facility plans to do to prevent future occurrences.

(b) **Permit by Rule Standards.**

1. Fuel-Burning Equipment Burning Natural Gas/LPG and/or Distillate Oil.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with external combustion fuel burning equipment rated at less than or equal to 100 million BTU per hour, with a potential to emit in excess of the Part 70 major source threshold, without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants from external combustion fuel-burning equipment (excluding turbines) is from equipment permitted to burn natural gas/LPG and/or distillate oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record keeping. A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of distillate oil shall be recorded in gallons, consumption of LPG shall be recorded in gallons and consumption of natural gas shall be recorded in cubic feet. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Fuel Usage. Facility fuel usage shall be limited to 900 million cubic feet of natural gas (or 7.0 million gallons of LPG) and 1.6 million gallons of distillate oil during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, where fuel usage shall be limited to 300 million cubic feet of natural gas (or 1.5 million gallons of LPG) and 500,000 gallons of distillate oil during any twelve consecutive months.

2. Fuel-Burning Equipment Burning Natural Gas/LPG and/or Residual Oil.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with external combustion fuel burning equipment rated at less than or equal to 100 million BTU per hour, with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities for which the only source of regulated air pollutants from external combustion fuel burning equipment is from equipment permitted to burn only natural gas/LPG and/or residual fuel oil exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Recordkeeping. A log of the monthly fuel use must be kept. The total fuel usage for the previous twelve consecutive months must be included in each month's log. Consumption of residual fuel oil shall be recorded in gallons, consumption of LPG shall be recorded in gallons and consumption of natural gas shall be recorded in cubic feet. This log shall be kept for five years past the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Fuel Usage. Annual facility fuel usage shall be limited to 1,000 million cubic feet of natural gas (or 7.5 million gallons of LPG) and 400,000 gallons residual fuel oil during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, or Rockdale, where fuel usage shall be limited to 300 million cubic feet of natural gas (or 1.5 million gallons of LPG) and 200,000 gallons of residual fuel oil.

3. On-Site Power Generation.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Facilities that operate internal combustion engines for purposes of generating emergency power, peaking power, and/or temporary on-site power and where such equipment burns natural gas/LPG, #1 fuel oil (kerosene/JP4 or JP5) and/or #2 fuel oil/diesel exclusively shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record Keeping. A log of the monthly total horsepower-hours for the facility based on the number of hours of operation of each unit per month times the maximum horsepower rating of that unit must be included in each month's log. The total horsepower-hours for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Power Production Limits. A facility's power generation is limited to a total of no more than 6.7 million horsepower-hours during any twelve consecutive months except in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties, where the total is no more than 1.675 million horsepower-hours during any twelve consecutive months.

4. Concrete Mixing Plants.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Concrete mixing plants shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Recordkeeping. A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual Production. Production on the plant site shall be limited to 600,000 cubic yards during any twelve consecutive months.

5. Hot Mix Asphalt Plants.

(i) Notwithstanding any other provision of these Rules, this standard applies to hot mix asphalt facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Hot mix asphalt plants shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that would otherwise have potential emissions of greater than major source thresholds or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit. All facilities located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale, which were granted a Permit by Rule by certification letter dated prior to January 1, 2004 and which seek to continue to operate under this Permit by Rule, shall submit a new written certification of compliance with revised paragraphs (I) and (II) by no later than October 31, 2004.

(I) Monitoring and Record Keeping.

I. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only shall maintain a monthly log of production and hours of operation. The total production and hours of operation for the previous twelve consecutive months must be included in each month's log. These logs shall be kept for five years from the date of last entry and shall be available for inspection and/or submittal to the Division.

II. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination shall maintain a monthly log of production, hours of operation and monthly fuel use. The total production, hours of operation and fuel oil usage for the previous twelve consecutive months must be included in each month's log. Fuel oil certifications showing sulfur content equal to or less than 1.5% shall also be maintained. These logs and certifications shall be kept for five years from the date of last entry and shall be available for inspection and/or submittal to the Division.

(II) Annual Production.

I. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only shall limit:

A. Production to 400,000 tons during any twelve consecutive months; and

B. Operations to 3000 hours during any twelve consecutive months.

II. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination shall limit:

A. Production to 200,000 tons during any twelve consecutive months;

B. Fuel sulfur content to less than or equal to 1.5%;

C. Operation to 3000 hours during any twelve consecutive months; and

D. Fuel oil usage to 678,000 gallons during any twelve consecutive months.

III. New asphalt plants (which commenced construction or modification after June 11, 1973) permitted to burn natural gas/LPG and/or distillate oil only, which are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall limit:

A. Production to 300,000 tons during any twelve consecutive months; and

B. Operations to 3000 hours during any twelve consecutive months.

IV. New and existing asphalt plants permitted to burn natural gas/LPG, distillate oil, and residual oil in any combination, which are located in the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding and Rockdale shall limit:

A. Production to 125,000 tons during any twelve consecutive months;

B. Fuel sulfur content to less than or equal to 1.5%;

C. Operation to 3000 hours during any twelve consecutive months; and

D. Fuel oil usage to 250,000 gallons during any twelve consecutive months.

6. Cotton Ginning Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Cotton ginning operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A log of the monthly production must be kept. The total production for the previous twelve consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual Production. Production shall be limited to 120,000 standard bales of cotton during any twelve consecutive months.

7. Coating and/or Gluing Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in amounts equal to or exceeding the Part 70 and Part 63 major source thresholds without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 or Part 63 major source thresholds. This standard applies only to facilities:

(I) Where the actual VOC emissions from coating and/or gluing operations represent at least 90 percent of the plant wide actual VOC emissions; and

(II) Where the actual HAP emissions from coating and/or gluing operations represent at least 90 percent of the plant wide actual HAP emissions or where the actual HAP emissions from non-coating and non-gluing operations are less than 1.0 tons per year.

(ii) This standard establishes federally enforceable conditions limiting the potential to emit for VOC and HAPs. Coating and/or gluing operations shall be deemed to have a Permit by Rule if the conditions in one of the following subparagraphs (I), (II), (III), or (IV) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in subparagraphs (I), (II), (III), or (IV) and the remainder of this subparagraph shall obtain a Part 70 Permit. In accordance with the General Requirements in subparagraph (11)(a)2., the owner or operator of a facility wishing to operate under this Permit-by-Rule must also declare which of the four options are going to be met.

(I) The owner or operator of the source shall consume less than 20,000 pounds of any VOC and/or HAP containing materials during any twelve consecutive months. A log of the monthly consumption of VOC and/or HAP containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(II) The owner or operator of the facility shall use less than 250 total gallons each month, of coating, gluing, cleaning, and washoff materials at the facility. The owner or operator shall demonstrate compliance by maintaining records of the total gallons of coating, gluing, cleaning, and washoff materials used each month. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(III) The owner or operator of the source shall use less than 3,000 total gallons per rolling 12-month period, of coating, gluing, cleaning, and washoff materials at the facility. A rolling 12-month period includes the previous 12 months of operation. The owner or operator of the facility shall demonstrate compliance by maintaining records of the total gallons of coating, gluing, cleaning, and washoff materials used each month and the total gallons used each rolling 12-month period. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(IV) The owner or operator of the facility shall use materials containing less than 5 tons of any one HAP per rolling 12-month period, less than 12.5 tons of any combination of HAPs per rolling 12-month period, less than 25 tons of VOC per rolling 12-month period for sources located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties, and less than 50 tons of VOC per rolling 12-month period for facilities not located in Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale counties. The owner or operator shall demonstrate compliance by maintaining records that demonstrate that annual emissions do not exceed these levels, including monthly usage records for each finishing, gluing, cleaning, and washoff material used to include the VOC and individual HAP content of each material; certified product data sheets for these materials; summation of VOC and individual and total HAP usage on a monthly basis; and the total VOC and individual and total HAP usage each rolling 12-month period and any other records necessary to document emissions. These records shall be maintained and made readily available for inspection for a minimum of five years upon date of entry and shall be submitted to the Division upon request.

(iii) The owner or operator that chooses to comply with this Permit by Rule for Coating and/or Operations shall maintain all purchase orders and/or invoices of materials containing VOC's and HAP's for a minimum of five years. These purchase orders and/or invoices must be made available to the Division upon request for use in confirming the general accuracy of the records retained and reports submitted.

(iv) For the purpose of this paragraph, the following definitions apply:

(I) "Certified product data sheet (CPDS)" means documentation furnished by coating or adhesive suppliers or an outside laboratory that provides the Volatile Hazardous Air Pollutant (VHAP), as listed in Table 2 of 40 CFR Part 63, Subpart JJ, content of a finishing material, contact adhesive, or solvent, by percent weight, measured using Method 311 of the Georgia Department of Natural Resources Procedures for Testing and Monitoring Sources of Air Pollutants (PTM), or an equivalent or alternative method [or formulation data if the coating meets the criteria specified in 40 CFR 63.805(a)]; the solids content of a finishing material or contact adhesive by percent weight, determined using data from Method 24 of the Georgia PTM as referenced in this subparagraph, or an alternative or

equivalent method [or formulation data if the coating meets the criteria specified in 40 CFR 63.805(a)]; and the density, measured by Method 24 of the Georgia PTM as referenced in this subparagraph or an alternative or equivalent method. Therefore, the reportable VHAP content shall represent the maximum aggregate emissions potential of the finishing material, adhesive, or solvent in concentrations greater than or equal to 1.0 percent by weight or 0.1 percent for VHAP that are carcinogens, must be reported on the CPDS. The purpose of the CPDS is to assist the affected source in demonstrating compliance with the emission limitations presented in subparagraph (11)(b)7.(ii)(IV).

(Note: Because the optimum analytical conditions under Method 311 vary by coating, the coating or adhesive supplier may also choose to include on the CPDS the optimum analytical conditions for analysis of the coating, adhesive, or solvent using Method 311. Such information may include, but not be limited to, separation column, oven temperature, carrier gas, injection port temperature, extraction solvent, and internal standard.)

(II) "Coating" means a protective, decorative, or functional film applied in a thin layer to a surface. Such materials include, but are not limited to, paints, topcoats, varnishes, sealers, stains, washcoats, basecoats, enamels, inks, and temporary protective coatings. Aerosol spray paints used for touch-up and repair are not considered coatings under this subparagraph of the rule.

(III) "Gluing" means those operations in which adhesives are used to join components, for example, to apply a laminate to a wood substrate or foam to fabric.

8. Printing Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Printing operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I), and (II) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A log of the monthly consumption of VOC and/or Hazardous Air Pollutant containing material must be kept. The total consumption for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to inks, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual consumption. The consumption of any VOC and/or Hazardous Air Pollutant emitting materials (including but not limited to inks, thinners, and solvents) by the facility shall be limited to 20,000 pounds during any twelve consecutive months.

9. Non-Reactive Mixing Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Non-reactive mixing operations shall be deemed to have a Permit by Rule if the conditions in paragraphs (I) through (V) are met. Facilities that have potential emissions of greater than major source thresholds even after this rule is met or are not able to meet the conditions in this rule shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A monthly log of materials mixed must be kept. The mixing total for the previous twelve consecutive months must be included in each month's log. Records for materials (including but not limited to coatings, thinners, and solvents) shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual mixing limit. Materials mixed shall be limited to 500 tons during any twelve consecutive months.

(III) Mixing/blending tanks shall be equipped with lids.

(IV) Tank lids must be closed at all times during operation except when charging raw materials, retrieving samples, or discharging finished product.

(V) Mixing tanks must be maintained at a temperature of less than 150°F.

10. Fiberglass Molding and Forming Operations.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source thresholds. Fiberglass molding operations shall be deemed to have a Permit by Rule if the conditions in paragraph (I) and (II) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraphs (I) and (II) shall obtain a Part 70 Permit.

(I) Monitoring and Record keeping. A log of the combined monthly usage of polyester resin and gel coat must be kept. The previous twelve consecutive month material usage total must be included in each month's log. Records for the combined weight of polyester resin and gel coat shall be recorded in pounds. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Material Usage. Annual facility material usage shall be limited to 89,000 pounds during any twelve consecutive months for any combination of hand and spray lay-up operations. Annual facility material usage shall be limited to 120,000 pounds during any twelve consecutive months for spray lay-up operations only. This material input must represent the combined weight of polyester resin and gel coat used during any twelve consecutive months.

11. Peanut/Nut Shelling Operation.

(i) Notwithstanding any other provision of these Rules, this standard applies to facilities with a potential to emit in excess of the Part 70 major source threshold without existing permit conditions that are federally enforceable or enforceable as a practical matter limiting the source to below Part 70 major source threshold. Peanut/nut shelling facilities shall be deemed to have a Permit by Rule if the conditions in paragraph (I), (II) and (III) are met. Facilities that have potential emissions greater than major source thresholds even after this rule is met or are not able to meet the conditions in paragraph (I), (II) and (III) shall obtain a Part 70 Permit.

(I) Monitoring and Recordkeeping. A log of the monthly unshelled peanuts/nuts processed must be kept. The total amount of unshelled peanuts/nuts processed for the previous 12 consecutive months must be included in each month's log. This log shall be kept for five years from the date of last entry. The log shall be available for inspection or submittal to the Division.

(II) Annual Process input: Facility process input shall be limited to 130,000 tons of unshelled nuts during any twelve consecutive months.

(III) Annual hours of operation shall not exceed 5000 hours during any twelve consecutive months.

(ii) For the purposes of this standard, the term process, as it applies to peanut/nut shelling facilities, shall include all of the activities associated with the nut shelling process from nut drying, cleaning, shelling, to and including product and waste material handling at the facility.

(12) **Generic Permit.**

(a) **Under penalty** of law, the holder of any Air Quality General Generic Permit must adhere to the terms, limitations, and conditions of that permit and subsequent revisions of that permit.

(b) **The limitations**, controls, and requirements in federally enforceable operating permits are permanent, quantifiable, and otherwise enforceable as a practical matter.

(c) **Prior to the issuance** of any federally enforceable operating permit, EPA and the public will be notified and given a chance for comment on the draft permit.

(13) **Emission Reduction Credits.**

(a) **Applicability.**

This paragraph provides for the creation, banking, and transfer of nitrogen oxides and VOC Emission Reduction Credits in Federally designated ozone non-attainment areas in Georgia and any areas designated by the Director as contributing to the ambient air level of ozone in Federally designated ozone non-attainment areas in Georgia. The following sources are eligible to create and bank nitrogen oxides and VOC Emission Reduction Credits:

1. [reserved]

2. Any stationary source located within the counties of Bartow, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, and Rockdale and which has the potential to emit nitrogen oxides or VOCs in amounts greater than 100 tons-per-year.

3. Electrical Generating Units located at any stationary source within the counties of Banks, Barrow, Butts, Carroll, Chattooga, Clarke, Dawson, Floyd, Gordon, Hall, Haralson, Heard, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Oconee, Pickens, Pike, Polk, Putnam, Spalding, Troup, Upson, and Walton and which has the potential to emit nitrogen oxides in amounts greater than 100 tons-per-year.

(b) **Eligibility of Emission Reductions.**

1. In order to be approved by the Division as an Emission Reduction Credit, a reduction in emissions must be real, permanent, quantifiable, enforceable, and surplus and shall have occurred after December 31, 1996.

2. To be eligible for consideration as Emission Reduction Credits, emission reductions may be created by any of the following methods:

(i) Installation of control equipment;

(ii) A change in process inputs, formulations, products or product mix, or raw materials;

(iii) A reduction in actual emission rate;

(iv) A reduction in operating hours;

(v) Production curtailment;

(vi) Shutdown of emitting sources or facilities; or

(vii) Any other enforceable method as determined by the Division.

(c) **Quantification of Emission Reduction Credits.**

1. For purposes of calculating the amount of emission reduction that can be quantified as an Emission Reduction Credit, the following procedures must be followed:

(i) The source must calculate its average actual annual emissions prior to the emission reduction. Actual emissions prior to the reduction shall be calculated in tons per year. In calculating average actual annual emissions prior to the emission reduction, the source shall use data from the 24-month period immediately preceding the reduction in emissions. The Division may allow the use of a different time period upon determination that such period is more representative of normal source operation.

(ii) The Emission Reduction Credit generated by the emission reduction shall be calculated by subtracting the allowable annual emissions rate following the reduction from the average actual annual emissions prior to the reduction.

(d) **Discounting and Revocation of Emission Reduction Credits.**

1. Except as provided below, the Director shall not discount or otherwise reduce the value of Emission Reduction Credits banked under this paragraph.

(i) [reserved]

(ii) Discounting Based on Time Banked.

Emission Reduction Credits banked under this paragraph will not expire at any time. However, Emission Reduction Credits will be discounted at a rate of 10 percent of the original Emission Reduction Credit value per year beginning on the 11th anniversary of the date on which the reduction in emissions initially occurred, up to a maximum total discount of 50 percent of the original Emission Reduction Credit value on the 15th anniversary of the date on which the reduction in emissions initially occurred. Annual discounting under this subparagraph (ii) shall not occur if the affected Emission Reduction Credits have already been discounted by 50% or more under the following subparagraph (iii) due to the promulgation of more stringent regulations affecting the source category that created the Emission Reduction Credits.

(iii) Discounting for More Stringent Regulations.

If any State or Federal statute, rule, or regulation decreases an allowable emission rate or otherwise requires a reduction in nitrogen oxides or VOC from a particular source category or categories, any banked nitrogen oxides or VOC Emission Reduction Credits created by that source category or categories shall be reduced to reflect the new more stringent allowable emission limit or required reduction.

(iv) Discounting or Revocation for Cause.

The Director may revoke, suspend, or reduce the value of Emission Reduction Credits for cause, including evidence of noncompliance with permit conditions imposed to make the emission reductions permanent and enforceable; failure to achieve in practice the emission reductions on which the Emission Reduction Credits are based; or misrepresentations made in the Emission Reduction Credit application or any other applications on which the Emission Reduction Credits are based, supporting data entered therein or attached thereto, or any subsequent submittal or supporting data.

2. The owner of a Certificate of Emissions Reduction Credit may submit an application to re-evaluate a Certificate of Emission Reduction Credit to determine whether the amount of credits specified in the Certificate of Emission Reduction Credit has been discounted or revoked in accordance with subparagraph 1., above. Such application shall be submitted on forms and contain information specified by the Division.

(e) **Creation and Banking of Emission Reduction Credits.**

1. Sources seeking to create and bank Emission Reduction Credits must submit an application on forms supplied by the Division and signed by the applicant. The application shall include, at a minimum, the following information:

(i) The company name, contact person and phone number, and street address of the source seeking the Emission Reduction Credit;

(ii) A description of the type of source, including SIC code, where the proposed emission reduction shall occur;

(iii) A detailed description of the method or methods to be employed by the source to create the emission reduction;

(iv) The date the emission reduction occurred or is to occur;

(v) Quantification of the Emission Reduction Credit, as required under subparagraph (c);

(vi) The proposed method for ensuring the reductions are permanent and enforceable, including any necessary application to amend the source's operating permit or, in the case of a shutdown of process equipment or an entire source, request for permit revocation;

(vii) Whether any portion of the reduction in emissions to be used to create the Emission Reduction Credit has previously been used to avoid New Source Review through a "netting demonstration;" and

(viii) Any other information that may be required to demonstrate that the reduction in emissions is real, permanent, quantifiable, enforceable, and surplus, as defined in subparagraph (b).

2. The Division will determine whether the application is complete and will notify the source seeking the Emission Reduction Credit of its determination. A Certificate of Emission Reduction Credit will be issued to the source upon a determination by the Director that the emission reduction meets the requirements of this paragraph. Upon issuance of the Certificate, the Division will simultaneously take any action required to ensure the reduction is permanent and enforceable, including issuance of a revised permit or revocation of a permit.

3. Certificates of Emission Reduction Credit shall be issued by the Director and shall contain the following information:

(i) The amount of the credit, in tons per year;

(ii) The pollutant reduced (nitrogen oxides or VOC);

(iii) The date the reduction occurred;

(iv) The street address and county of the source where the reduction occurred; and

(v) The date of issuance of the Certificate.

4. The Division shall maintain an Emission Reduction Credit registry that constitutes the official record of all Certificates of Emission Reduction Credit issued and all withdrawals made. The registry shall be available for public review. For each certificate issued, the registry will indicate the amount of the Emission Reduction Credit, the pollutant reduced, the location of the facility generating the Emission Reduction Credit, and the facility contact person.

(f) [reserved]

(g) **Transfer of Certificates of Emission Reduction Credit.**

1. If the owner of a Certificate of Emission Reduction Credit transfers the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner and shall revoke the certificate held by the current owner of record.

2. If the owner of a Certificate of Emission Reduction Credit transfers part of the Emission Reduction Credits represented by the Certificate to a new owner, the Division shall issue a Certificate of Emission Reduction Credit to the new owner reflecting the transferred amount and shall issue a Certificate of Emission Reduction Credit to the current owner of record reflecting the amount of Emission Reduction Credit remaining after the transfer. The original Certificate of Emission Reduction credit shall be revoked.

(h) **Administrative Fees.**

1. Any Source or person seeking to create, certify, bank, transfer, or re-evaluate Emission Reduction Credits shall pay fees to the Division in accordance with the following schedule:

(i) $6000 per application to create, certify and bank emission credits in accordance with subparagraph (e) of this paragraph.

(ii) [reserved]

(iii) $3000 per application to transfer a Certificate of Emission Reductions Credit as per subparagraph (g) of this paragraph. If a re-evaluation of the Certificate of Emission Reduction Credit has been completed by the Division in accordance with subparagraph (d)2. of this paragraph within 12 months prior to submission of an application to transfer the Certificate of Emission Reduction Credit, the administrative fee to transfer the Certificate of Emission Reduction Credit shall be reduced by the amount administrative fee paid for re-evaluation. The 12-month period shall be based on the date of written notification of the owner of the results of the re-evaluation by the Division.

(iv) $2500 per application to re-evaluate a Certificate of Emission Reduction Credit as per subparagraph (d)2. of this paragraph.

2. Payment of administrative fees required by this subparagraph shall be submitted along with an application to create, certify, bank, transfer, or re-evaluate Emission Reduction Credits.

(i) **Definitions.**

For the purposes of this paragraph, the following definitions shall apply:

1. "Electrical Generating Unit" means a fossil fuel fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that produces electricity for sale.

2. "Enforceable" means enforceable by the Division. Methods for ensuring that Emission Reduction Credits are enforceable shall include, but not be limited to, conditions in air quality construction or operating permits issued by the Division.

3. "Netting Demonstration" means the act of calculating a "net emissions increase" under the preconstruction review requirements of Title I, Part D of the Federal Act and the regulations promulgated thereunder.

4. "Permanent" means assured for the life of the corresponding Emission Reduction Credit through an enforceable mechanism such as a permit condition or revocation.

5. "Quantifiable" means that the amount, rate and characteristics of the Emission Reduction Credit can be estimated through a reliable method and are approved by the Division.

6. "Real" means a reduction in actual emissions emitted into the air.

7. "Surplus" means not required by any local, state, or federal law, regulation, order, or requirement and in excess of reductions used by the Division in issuing any other permit or to demonstrate attainment of federal ambient air quality standards or reasonable further progress towards achieving attainment of federal ambient air quality standards. For the purpose of determining the amount of surplus emission reductions, any seasonal emission limitation or standard shall be assumed to apply throughout the year. Emission reductions which have previously been used to avoid New Source Review through a netting demonstration are not considered surplus.

**Cite as** Ga. Comp. R. & Regs. R. 391-3-1-.03

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

**HISTORY:** Original Rule entitled "Permits" adopted. F. Sept. 6, 1973; eff. Sept. 26, 1973.

**Amended:** F. June 30, 1975; eff. July 20, 1975.

**Amended:** F. Oct. 31, 1975; eff. Nov. 20, 1975.

**Amended:** F. Mar. 20, 1979; eff. Apr. 9, 1979.

**Amended:** F. Aug. 27, 1982; eff. Sept. 16, 1982.

**Amended:** F. Dec. 9, 1986; eff. Dec. 29, 1986.

**Amended:** F. Dec. 20, 1990; eff. Jan. 9, 1991.

**Amended:** F. Aug. 27, 1992; eff. Sept. 16, 1992.

**Amended:** F. Nov. 2, 1992; eff. Nov. 22, 1992.

**Amended:** F. July 1, 1993; eff. July 21, 1993.

**Amended:** F. Oct. 28, 1993; eff. Nov. 17, 1993.

**Amended:** F. May 24, 1994; eff. June 13, 1994.

**Amended:** F. July 28, 1994; eff. August 17, 1994.

**Amended:** F. Oct. 31, 1994; eff. Nov. 20, 1994.

**Amended:** F. June 30, 1995; eff. July 20, 1995.

**Amended:** F. June 3, 1996; eff. June 23, 1996.

**Amended:** F. June 3, 1997; eff. June 23, 1997.

**Amended:** F. Dec. 5, 1997; eff. Dec. 25, 1997.

**Amended:** F. May 26, 1998; eff. June 15, 1998.

**Amended:** F. June 18, 1999; eff. July 8, 1999.

**Amended:** F. Sept. 17, 1999; eff. Oct. 7, 1999.

**Amended:** F. Jan. 27, 2000; eff. Feb. 16, 2000.

**Amended:** F. July 27, 2000; eff. August 16, 2000.

**Amended:** F. Dec. 8, 2000; eff. Dec. 28, 2000.

**Amended:** F. June 28, 2001; eff. July 18, 2001.

**Amended:** F. Dec. 6, 2001; eff. Dec. 26, 2001.

**Amended:** F. June 27, 2002; eff. July 17, 2002.

**Amended:** F. Mar. 31, 2003; eff. Apr. 20, 2003.

**Amended:** F. June 4, 2003; eff. June 24, 2003.

**Amended:** F. July 8, 2004; eff. July 28, 2004.

**Amended:** F. June 30, 2005; eff. July 20, 2005.

**Amended:** F. Mar. 7, 2006; eff. Mar. 27, 2006.

**Amended:** F. Mar. 30, 2006; eff. Apr. 19, 2006.

**Amended:** F. June 23, 2006; eff. July 13, 2006.

**Amended:** F. July 24, 2006; eff. August 13, 2006.

**Amended:** F. Feb. 20, 2007; eff. Mar. 12, 2007.

**Amended:** F. July 5, 2007; eff. July 25, 2007.

**Amended:** F. Aug. 22, 2008, eff. Sept. 11, 2008.

**Amended:** F. June 30, 2009; eff. July 20, 2009.

**Amended:** F. June 21, 2010; eff. July 11, 2010.

**Amended:** F. Dec. 9, 2010; eff. Dec. 29, 2010.

**Amended:** F. Aug. 24, 2011; eff. Sept. 13, 2011.

**Amended:** F. July 20, 2012; eff. Aug. 9, 2012.

**Amended:** F. July 12, 2013; eff. Aug. 1, 2013.

**Amended:** F. Aug. 16, 2013; eff. Sept. 5, 2013.

**Amended:** F. July 30, 2014; eff. Aug. 19, 2014.

**Amended:** F. Sept. 24, 2014; eff. Oct. 14, 2014.

**Amended:** F. June 22, 2015; eff. July 12, 2015.

**Amended:** F. July 14, 2015; eff. August 3, 2015.

**Amended:** F. July 25, 2016; eff. August 14, 2016.

**Amended:** F. June 1, 2017; eff. June 21, 2017.

**Amended:** F. June 30, 2017; eff. July 20, 2017.

**Amended:** F. May 29, 2018; eff. June 18, 2018.

**Amended:** F. July 3, 2018; eff. July 23, 2018.

**Amended:** F. Apr. 29, 2019; eff. May 19, 2019.

**Amended:** F. Sept. 6, 2019; eff. Sept. 26, 2019.

**Amended:** F. June 12, 2020; eff. July 2, 2020.

**Amended:** F. July 9, 2020; eff. July 29, 2020.

**Amended:** F. June 10, 2021; eff. June 30, 2021.

**Amended:** F. June 1, 2022; eff. June 21, 2022.

**Amended:** (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023.

**Note:** Rule 391-3-1-.03, correction of administrative typographical error in Rule History, **"Amended:** F. May 30, 2023; eff. June 19, 2023." corrected to **"Amended:** (i.e., paragraphs (1), (6)(j), (8), (9)(b), (9)(k), (10)(c), (11)(b)7., (13), as specified by the Agency.) F. May 30, 2023; eff. June 19, 2023." Effective June 19, 2023.

**Amended:** F. May 22, 2024; eff. June 11, 2024.

**Amended:** F: May 27, 2025; eff. June 16, 2025.

**Amended:** F. May 20, 2026; eff. June 9, 2026.

# Department 391. RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES

# Chapter 391-4. WILDLIFE RESOURCES DIVISION

# Subject 391-4-2. HUNTING REGULATIONS

## 391-4-2-.43 Canada Geese, Snow Geese, White-fronted Geese and Brant

(1) The open seasons for hunting Canada Geese are the first Saturday in September and 22 days thereafter; the second Saturday in October and 15 days thereafter; the Saturday preceding Thanksgiving Day and 8 days thereafter; and, from December 12 through January 31.

(2) Snow Geese (including Blue Geese) and White-Fronted Geese may be taken during open seasons for hunting Canada Geese except during September.

(2) The daily bag limits on Canada Geese and White-Fronted Geese combined are five (5) per day. The daily bag limit on Snow Geese is five (5).

(3) The season is closed on Atlantic Brant.

**Cite as** Ga. Comp. R. & Regs. R. 391-4-2-.43

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-3-15**.**

**HISTORY:** Original Rule entitled "Rabbit" was filed on October 19, 1973; effective November 8, 1973.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

**Amended:** Rule repealed and a new Rule entitled "Quail" adopted. Filed August 5, 1976; effective August 25, 1976.

**Amended:** Rule repealed. Filed September 14, 1977; effective October 4, 1977.

**Adopted:** New Rule entitled "Canada Geese, Snow Geese, White-fronted Geese and Brant." F. June 13, 2013; eff. July 3, 2013.

**Repealed:** New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

**Repealed:** New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

**Repealed:** New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

**Repealed:** New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

**Repealed:** New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

**Repealed:** New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

**Repealed:** New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

**Amended:** F. May 6, 2021; eff. May 26, 2021.

**Repealed:** New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

## 391-4-2-.45 Coots

(1) The open seasons for hunting coots are the Saturday preceding Thanksgiving Day and 8 days thereafter and from December 12 through January 31.

(2) The daily bag limit is fifteen (15).

**Cite as** Ga. Comp. R. & Regs. R. 391-4-2-.45

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-3-15**.**

**HISTORY:** Original Rule entitled "Squirrel" was filed on October 19, 1973; effective November 8, 1973.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed July 22, 1974; effective August 11, 1974.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed December 9, 1975; effective December 29, 1975.

**Amended:** Rule repealed and a new Rule entitled "Raccoon" adopted. Filed August 5, 1976; effective August 25, 1976.

**Amended:** Rule repealed. Filed September 14, 1977; effective October 4, 1977.

**Adopted:** New Rule entitled "Coots." F. June 13, 2013; eff. July 3, 2013.

**Repealed:** New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

**Repealed:** New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

**Repealed:** New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

**Repealed:** New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

**Repealed:** New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

**Repealed:** New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

**Repealed:** New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

**Amended:** F. May 6, 2021; eff. May 26, 2021.

**Repealed:** New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

## 391-4-2-.47 Ducks

(1) The open seasons for hunting ducks are the Saturday preceding Thanksgiving Day and 8 days thereafter and from December 12 through January 31.

(2) The department is authorized to annually determine and publish daily or seasonal bag and possession limits for ducks compliant with the federal frameworks established by the United States Fish and Wildlife Service.

(3) The season is closed on harlequin ducks.

**Cite as** Ga. Comp. R. & Regs. R. 391-4-2-.47

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-3-15**.**

**HISTORY:** Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

**Repealed:** Rule reserved. F. July 22, 1974; eff. August 11, 1974.

**Amended:** New Rule entitled "Rails" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

**Repealed:** Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

**Amended:** New Rule entitled "Rails" adopted. F. Dec. 10, 1975; eff. Dec. 30, 1975.

**Repealed:** F. Aug. 5, 1976; eff. Aug. 25, 1976.

**Amended:** New Rule entitled "Mourning Doves" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

**Amended:** F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

**Amended:** F. Aug. 11, 1978; eff. Aug. 31, 1978.

**Repealed:** F. Sept. 6, 1978; eff. Sept. 26, 1978.

**Amended:** New Rule entitled "Mourning Doves" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

**Amended:** F. Aug. 6, 1980; eff. Aug. 26, 1980.

**Amended:** F. Aug. 6, 1981; eff. Aug. 26, 1981.

**Amended:** F. July 29, 1982; eff. August 18, 1982.

**Amended:** F. July 25, 1983; eff. August 14, 1983.

**Amended:** F. July 30, 1984; eff. August 19, 1984.

**Amended:** F. July 17, 1985; eff. August 6, 1985.

**Amended:** F. July 31, 1986; eff. August 20, 1986.

**Amended:** F. July 16, 1987; eff. August 5, 1987.

**Amended:** F. July 15, 1988; eff. August 4, 1988.

**Amended:** F. July 17, 1989; eff. August 6, 1989.

**Amended:** F. July 24, 1990; eff. August 13, 1990.

**Amended:** F. July 17, 1991; eff. August 6, 1991.

**Amended:** F. June 5, 1992; eff. June 25, 1992.

**Amended:** F. June 2, 1994; eff. June 22, 1994.

**Amended:** F. Apr. 30, 1999; eff. May 20, 1999.

**Amended:** F. May 30, 2003; eff. June 19, 2003.

**Repealed:** New Rule of same title adopted. F. July 1, 2004; eff. July 21, 2004.

**Amended:** F. May 29, 2008; eff. June 18, 2008.

**Amended:** F. Sept. 2, 2008; eff. Sept. 22, 2008.

**Amended:** F. Sept. 1, 2010; eff. Sept. 21, 2010.

**Repealed:** New Rule entitled "Ducks" adopted. F. June 13, 2013; eff. July 3, 2013.

**Repealed:** New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

**Repealed:** New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

**Repealed:** New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

**Repealed:** New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

**Repealed:** New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

**Repealed:** New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

**Repealed:** New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

**Amended:** F. May 6, 2021; eff. May 26, 2021.

**Repealed:** New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

**Repealed:** New Rule of same title adopted. F. June 28, 2023; eff. July 18, 2023.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

## 391-4-2-.49 Gallinules (Common Moorhen)

(1) The open seasons for hunting gallinules are the Saturday preceding Thanksgiving Day and 8 days thereafter and from December 12 through January 31.

(2) The daily bag limit on gallinules is fifteen (15).

**Cite as** Ga. Comp. R. & Regs. R. 391-4-2-.49

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-3-15**.**

**HISTORY:** Original Rule entitled "Turkey" adopted. F. Oct. 19, 1973; eff. Nov. 8, 1973.

**Amended:** F. Jan. 21, 1974; eff. Feb. 10, 1974.

**Repealed:** Rule reserved. F. July 22, 1974; eff. August 11, 1974.

**Amended:** New Rule entitled "Mourning Doves" adopted. F. Oct. 15, 1974; eff. Nov. 4, 1974.

**Repealed:** Rule reserved. F. Dec. 9, 1975; eff. Dec. 29, 1975.

**Amended:** New Rule entitled "Mourning Doves" adopted. F. Dec. 9, 1975; adopted. F. Dec. 10, 1975, eff. Dec. 30, 1975.

**Repealed:** F. Aug. 5, 1976; eff. Aug. 25, 1976.

**Amended:** New Rule entitled "Woodcock" adopted. F. Aug. 24, 1976; eff. Sept. 13, 1976.

**Amended:** F. Sept. 2, 1977; eff. Aug. 26, 1977; the date of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

**Amended:** F. Aug. 11, 1978; eff. Aug. 31, 1978.

**Repealed:** F. Sept. 6, 1978; eff. Sept. 26, 1978.

**Amended:** Rule entitled "Woodcock" adopted. F. Aug. 9, 1979; eff. Aug. 29, 1979.

**Amended:** F. Aug. 6, 1980; eff. Aug. 26, 1980.

**Amended:** F. Aug. 6, 1981; eff. Aug. 26, 1981.

**Amended:** F. July 29, 1982; eff. August 18, 1982.

**Amended:** F. July 25, 1983; eff. August 14, 1983.

**Amended:** F. July 30, 1984; eff. August 19, 1984.

**Amended:** F. July 17, 1985; eff. August 6, 1985.

**Amended:** F. July 31, 1986; eff. August 20, 1986.

**Amended:** F. July 16, 1987; eff. August 5, 1987.

**Amended:** F. July 15, 1988; eff. August 4, 1988.

**Amended:** F. June 3, 1993; eff. June 23, 1993.

**Amended:** F. Aug. 27, 1997; eff. Sept. 16, 1997.

**Amended:** F. Aug. 27, 1998; eff. Sept. 16, 1998.

**Amended:** F. Aug. 26, 1999; eff. Sept. 15, 1999.

**Amended:** F. Aug. 28, 2000; eff. Sept. 17, 2000.

**Amended:** F. May 29, 2001; eff. June 18, 2001.

**Amended:** F. May 30, 2003; eff. June 19, 2003.

**Amended:** F. June 16, 2005; eff. July 6, 2005.

**Amended:** F. May 24, 2007; eff. June 13, 2007.

**Amended:** F. May 27, 2009; eff. June 16, 2009.

**Amended:** F. Jun. 1, 2011; eff. Jun. 21, 2011.

**Amended:** F. Sep. 5, 2012; eff. Sept. 25, 2012.

**Repealed:** New Rule entitled "Gallinules (Common Moorhen)" adopted. F. June 13, 2013; eff. July 3, 2013.

**Repealed:** New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

**Repealed:** New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

**Repealed:** New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

**Repealed:** New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

**Repealed:** New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

**Repealed:** New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

**Repealed:** New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

**Amended:** F. May 6, 2021; eff. May 26, 2021.

**Repealed:** New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

## 391-4-2-.50 Mergansers

(1) The open seasons for hunting mergansers are the Saturday preceding Thanksgiving Day and 8 days thereafter and from December 12 through January 31.

(2) In addition to the limits applying to other ducks during the regular duck season, the daily bag limit on mergansers is five (5).

**Cite as** Ga. Comp. R. & Regs. R. 391-4-2-.50

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-3-15**.**

**HISTORY:** Original Rule entitled "Rails" was filed on November 14, 1973; effective December 4, 1973.

**Amended:** Rule repealed. Filed July 22, 1974; effective August 11, 1974.

**Amended:** Rule entitled "Common (Wilson's) Snipe" adopted. Filed October 15, 1974; effective November 4, 1974.

**Amended:** Rule repealed. Filed December 9, 1975; effective December 29, 1975.

**Amended:** Rule entitled "Common (Wilson's) Snipe" adopted. Filed August 24, 1976; effective September 13, 1976.

**Amended:** Rule repealed and a new Rule of the same title adopted. Filed September 2, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed August 11, 1978; effective August 31, 1978.

**Amended:** Rule repealed. Filed September 6, 1978; effective September 26, 1978.

**Amended:** Rule entitled "Common (Wilson's) Snipe" adopted. Filed August 9, 1979; effective August 29, 1979.

**Amended:** Filed August 6, 1980; effective August 26, 1980.

**Amended:** Filed August 6, 1981; effective August 26, 1983.

**Amended:** Filed July 30, 1984; effective August 19, 1984.

**Amended:** Filed July 17, 1985; effective August 6, 1985.

**Amended:** Filed July 31, 1986; effective August 20, 1986.

**Amended:** Filed July 16, 1987; effective August 5, 1987.

**Amended:** Filed July 15, 1988; effective August 4, 1988.

**Amended:** F. Sept. 10, 1991; eff. Sept. 30, 1991.

**Amended:** F. Aug. 25, 1995; eff. Sept. 14, 1995.

**Repealed:** New Rule entitled "Mergansers" adopted. F. June 13, 2013; eff. July 3, 2013.

**Repealed:** New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

**Repealed:** New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

**Repealed:** New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

**Repealed:** New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

**Repealed:** New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

**Repealed:** New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

**Repealed:** New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

**Amended:** F. May 6, 2021; eff. May 26, 2021.

**Repealed:** New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

## 391-4-2-.53 Sea Ducks (Scoters, Eiders, Long-tailed Ducks)

(1) The open seasons for hunting scoters, eiders, and long-tailed ducks are the Saturday preceding Thanksgiving Day and 8 days thereafter and from December 12 through January 31.

(2) The daily bag limit on sea ducks is four (4) and applies to the six (6) duck daily bag limit. This limit cannot include more than three (3) scoters daily; nor more than three (3) eiders daily of which no more than one (1) may be a hen; and no more than three (3) long-tailed ducks daily.

**Cite as** Ga. Comp. R. & Regs. R. 391-4-2-.53

**AUTHORITY: O.C.G.A. §§** 27-1-4**,** 27-3-15**.**

**HISTORY:** Original Rule entitled "Common (Wilson's) Snipe" was filed on November 14, 1973; effective December 4, 1973.

**Amended:** Rule repealed. Filed July 22, 1974; effective August 11, 1974.

**Amended:** Rule entitled "Extra Blue-Winged Teal Limit" adopted. Filed October 15, 1974; effective November 4, 1974.

**Amended:** Rule repealed. Filed December 9, 1975; effective December 29, 1975.

**Amended:** Rule entitled "Extra Blue Winged Teal Limit" adopted. Filed December 10, 1975; effective December 30, 1975.

**Amended:** Rule repealed. Filed August 5, 1976; effective August 25, 1976.

**Amended:** Rule entitled "Extra Scaup Limit" adopted. Filed October 26, 1976; effective November 15, 1976.

**Amended:** Rule repealed and a new Rule of same title adopted. Filed September 16, 1977; effective August 26, 1977; the day of adoption, in accordance with Ga. L. 1977, pp. 396, 455.

**Amended:** Rule repealed. Filed September 6, 1978; effective September 26, 1978.

**Amended:** Rule entitled "Extra Scaup Limit" adopted. Filed November 2, 1978; effective September 29, 1978, as specified by Certification of said Rule in accordance with Ga. Code. Sec. 45-513(d).

**Amended:** Rule repealed. Filed October 14, 1988; effective November 3, 1988.

**Adopted:** New Rule entitled "Sea Ducks (Scoters, Eiders, Long-tailed Ducks)." F. June 13, 2013; eff. July 3, 2013.

**Repealed:** New Rule of same title adopted. F. Aug. 28, 2013; eff. Sept. 17, 2013.

**Repealed:** New Rule of same title adopted. F. Sep. 3, 2014; eff. Sept. 23, 2014.

**Repealed:** New Rule of same title adopted. F. Aug. 31, 2015; eff. Sept. 20, 2015.

**Repealed:** New Rule of same title adopted. F. May 26, 2016; eff. June 15, 2016.

**Repealed:** New Rule of same title adopted. F. May 1, 2017; eff. May 21, 2017.

**Repealed:** New Rule of same title adopted. F. May 29, 2018; eff. June 18, 2018.

**Repealed:** New Rule of same title adopted. F. May 9, 2019; eff. May 29, 2019.

**Repealed:** New Rule of same title adopted. F. May 1, 2020; eff. May 21, 2020.

**Amended:** F. May 6, 2021; eff. May 26, 2021.

**Repealed:** New Rule of same title adopted. F. May 25, 2022; eff. June 14, 2022.

**Note:** Rule 391-4-2-.53, correction of non-substantive typographical errors in paragraph (2), "... four (3) scoters daily;... four (3) eiders daily... and no more than four (3) long-tailed ducks daily." corrected to "... three (3) scoters daily;... three (3) eiders daily... and no more than three (3) long-tailed ducks daily.", as requested by the Agency. Effective July 18, 2022.

**Amended:** F. May 11, 2026; eff. May 31, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-1. ADMINISTRATIVE UNIT

# Subject 560-1-2. COLLECTIONS

## 560-1-2-.01 [Effective 6/11/2026] Responsible Party Liability for Trust Fund Taxes

(1) **Purpose.** O.C.G.A. § 48-2-52 permits the collection of an Entity's unpaid trust fund taxes from the party(ies) responsible for collecting, paying over, and accounting for such taxes on behalf of an Entity. The Department of Revenue uses this as a collection mechanism when taxes are not fully collected or collectible from the Entity itself. This regulation sets forth the Department's policies for determining, assessing, and collecting against a Responsible Party, as well as procedures for protesting a Responsible Party assessment with the Department.

(2) **Definitions.**

(a) "Entity" as used in this regulation means any limited liability entity incorporated or organized under Title 14 of the O.C.G.A.

(b) "Person" shall have the meaning set forth in O.C.G.A. § 48-1-2(18).

(3) **Trust Fund Taxes.** O.C.G.A. § 48-2-52 applies to taxes that are required to be collected and held in trust. Trust fund taxes include sales, withholding, and prepaid 911 tax, and include any amounts that are required to be collected and remitted to the Department.

(4) **Incorporation of IRS Law.** O.C.G.A. § 48-2-52 mirrors the federal responsible party statute, I.R.C. § 6672. Responsible Party liability is a two-prong test: 1) the Person must be "responsible," and 2) the nonpayment of the tax must be "willful."

(5) **Prong 1: Identifying the Responsible Party.**

(a) Definitions. A "Responsible Party" is:

A Person who has control over, or entitlement to, the funds or assets of the Entity, such that the Person has the ability to directly or indirectly control, manage, or direct the disposition of the Entity's funds and/or assets. Providing capital to an Entity, with no corresponding ability to control, is insufficient.

(b) **Registration.** Every Entity that is legally required to collect trust fund taxes must register with the Department.

1. **Identification.** Each registered Entity must identify the Person(s) responsible for collecting, paying over, or accounting for state taxes. An Entity may identify multiple Persons and designate each such Person's responsibility for a respective tax type.

(i) Any Entity that has previously registered with the Department but has not provided Responsible Party information must identify the Responsible Party.

(ii) Any change of Responsible Party information must be reported to the Department. It is the taxpayer's burden to update this information.

(iii) An Entity may add, remove, or otherwise edit its Responsible Party information any time by accessing its online Georgia Tax Center account.

2. **Presumption of Responsibility.** Failure to identify the Responsible Party creates a rebuttable presumption that those Persons identified as the Entity's officers in the registration with the Department are responsible.

(c) **Indicia of Responsibility.** Merely holding the title of officer in a corporation, partner in a limited liability partnership, or member in a limited liability company is insufficient to conclusively establish responsibility. The key determination is whether the Person has the duty and authority to make payments. Thus, Responsible Party status is a functional determination, and liability will be imposed upon those actually responsible for failure to collect and/or pay over the tax.

1. Factors suggesting responsibility include, but are not limited to:

(i) Holding the position of officer, director, partner, member, manager, or principal;

(ii) Duties described by corporate by-laws, corporate operating agreement, partnership agreement, or other Entity records;

(iii) Day-to-day involvement in or responsibility for management of the business;

(iv) Control over financial affairs and payment of debts;

(v) Signing tax returns;

(vi) Ability to hire and fire employees;

(vii) Authority to sign checks or otherwise make payments on behalf of the Entity;

(viii) Knowledge of failure to pay the tax; and

(ix) Receipt of substantial income or benefits from the Entity.

(d) **Delegation of Responsibility.** Delegating authority to an employee or a third-party does not relieve a Responsible Party of liability.

1. Determination of responsibility will be based on case-specific factors, including, but not limited to:

(i) The Responsible Party's knowledge of a pattern of noncompliance by the third-party payer;

(ii) The third-party's use of fraud to cover up the non-payment of taxes; and

(iii) Receipt of notices of nonpayment by the Responsible Party and actions taken subsequent to such receipt.

(e) **Multiple Responsible Parties.** The Department may designate more than one Person responsible. The existence of one Responsible Party does not negate another Person's liability as a Responsible Party.

(6) **Prong Two: Willfulness.** A Responsible Party's nonpayment of the tax will be willful if the failure to pay the tax is voluntary and knowing, or reckless. Willfulness does not require a bad motive or intent to defraud the state.

(a) **Knowledge.** Willfulness requires that the Responsible Party has knowledge of the tax liability and ability to pay such liability but chooses not to pay the tax.

(b) **Reckless Disregard.** Reckless disregard for the duty to pay the tax can constitute willfulness. Examples of such reckless disregard include, but are not limited to, ignoring an obvious risk of nonpayment, failing to investigate a risk of nonpayment, or failing to inquire into the status of taxes when the entity is in financial trouble.

(c) **Examples of willfulness** include, but are not limited to:

1. Deliberate choice to pay other creditors of the Entity before paying the tax;

2. Knowledge of the tax liability but no action to arrange for payment;

3. Failure to investigate or correct mismanagement to address the unpaid tax; and

4. Action or inaction that results in failure to satisfy the Entity's tax liability.

(7) **Assessments.** All Responsible Party assessments will conform to the procedures set forth in this paragraph.

(a) **Assessment amount.** Once a Person is designated as a Responsible Party, the Department may issue an assessment against that Person for the delinquent trust fund taxes owed by the Entity. Such assessment will reflect the taxes owed for the periods for which the Person is responsible. Once the assessment against the Responsible Party is issued, interest and appropriate penalties on the assessed tax will begin to accrue consistent with O.C.G.A. § 48-2-40. See O.C.G.A. § 48-2-52(b)(providing that assessment and collection under the responsible party statute is the same as for the underlying Entity's tax liability).

(b) **Assessment Process.** Upon determination and designation of responsibility, the Department will first issue a Proposed Assessment to the Responsible Party. The Proposed Assessment will state the basis of the liability (O.C.G.A. § 48-2-52), the Entity for which the Person is being held responsible, the tax type, and the periods for which the Person is liable. This Proposed Assessment will include information for how to protest the Proposed Assessment (procedures for which are discussed in Paragraph 8 in detail). If the Person does not properly protest, the Department will issue an Official Assessment and Demand for Payment. The Official Assessment may be appealed in accordance with O.C.G.A. § 48-2-59.

(c) **Statute of Limitations**

1. An assessment against a Responsible Party follows the time limitations set forth in O.C.G.A. § 48-2-49. Thus, an assessment against a Responsible Party must be made within three years after the relevant Entity's return or report is filed. If the Entity does not file a return or the filed return is fraudulent, the liability may be assessed at any time.

2. An Entity's consent or waiver of the statute of limitations in accordance with O.C.G.A. § 48-2-49(d) is also effective against a Responsible Party.

3. A Responsible Party's liability survives the dissolution of the underlying Entity.

(d) **Joint & Several Liability.** Because more than one Person may be liable as a Responsible Party, the total liability can be collected from any one or a combination of such assessed Responsible Parties. The Department will only collect the Entity's total liability once.

(8) **Protests.** A Person may protest a Responsible Party Proposed Assessment to the Department within 45 days of the Issue Date of the Assessment. O.C.G.A. § 48-2-46. The Person must complete and submit the Protest of Proposed Assessment or Refund Denial Form (TSD-1), available on the Department's website. ***Only this form and no other correspondence will constitute a Protest.*** Once the Department receives this form, all collections activities against the Person for the Responsible Party liability will be stayed, and the statute of limitations for issuing a final assessment will be tolled. O.C.G.A § 48-2-46. If the Person desires a conference with the Department for consideration of the protest, the Person must check the appropriate box on the form.

(a) **Conferences.** Upon receipt of a written request for a conference, a representative from the Department will schedule an informal conference at a time and in a manner convenient for both the Responsible Party and the representative.

1. **Informal Conference.** Informal conferences shall be conducted as provided in Ga. Comp. R. & Regs. R. 560-1-1-.12.

2. **Representation.** If the Responsible Party chooses to be represented by an attorney, accountant, or other third party, as provided in Ga. Comp. R. & Regs. R. 560-1-1-.12(6), such representatives should submit a Power of Attorney and Declaration of Representative Form (FORM RD-1061).

3. **Content.** The conference is an opportunity for the Person to present evidence challenging the bases for the assessment. Such evidence may include, but is not limited to, proof of the Person's cessation of control of the Entity, proof of the Person's ignorance of the tax liability, contracts showing limitation of duties, or other proof of the Person's inability to exercise authority over collection and/or payment of the tax.

4. **Settlement.** The Department's representative and the Responsible Party may come to a mutual settlement to resolve the tax liability. Such settlement agreement will be memorialized in writing and signed by the Responsible Party and the Department's representative.

5. **Decision.** Absent a settlement, the Department's representative will issue a written determination letter to the Responsible Party who filed the protest. The letter will state the outcome of the conference, including any adjustments made by the Department following the Department's review of the protest and the information submitted. The letter will also detail how the Department intends to proceed.

(b) **Protests without a Conference.** If a protest is filed, but the conference checkbox is not checked, the Department will consider any and all information submitted with the protest and the underlying facts to make a determination. The Department may contact the Responsible Party with additional questions or to discuss the possibility of settlement, if appropriate. Absent a settlement, the Department will issue a written determination letter. The letter will state the outcome of the conference, including any adjustments made by the Department following the Department's review of the protest and the information submitted. The letter will also detail how the Department intends to proceed.

(9) **Disclosures.** A Person may request from the Department the information used to conclude that the Person is a Responsible Party. Information about third parties is subject to confidentiality laws. O.C.G.A. § 48-2-15.

(a) **Disclosure of third-party information.** The Department cannot disclose any information regarding collections activities against other Persons. O.C.G.A. § 48-2-15.

(b) **Entity Information.** Because the Person was assessed as a Responsible Party for an Entity's debt, such Person may request the tax return information of that Entity. This includes information on any payments made toward the Entity's total liability owed.

**Cite as** Ga. Comp. R. & Regs. R. 560-1-2-.01

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-2-52**.**

**HISTORY:** Original Rule entitled "Responsible Party Liability for Trust Fund Taxes" adopted. F. Aug. 26, 2015; eff. Sept. 15, 2015.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

## 560-1-2-.02 [Effective 6/11/2026] Collection Fees

(1) **Imposition.** The collection fees authorized under O.C.G.A. § 48-16-10(a) are hereby imposed.

(2) **Rate.** When the Department issues a Notice of State Tax Execution, the cost of collection fee is calculated at the rate of 20% of the assessed tax liability. The collection fee shall be in addition to all other penalties, fees, expenses, or costs associated with the collection process.

(3) **Waiver.** The Department may waive the cost of collection fee when it is reasonably determined that the deficiency is due to reasonable cause and is not the result of negligence, intentional disregard of administrative rules

and regulations, or fraud. A taxpayer may request a waiver of the collection fee along with, or in the alternative of, a penalty waiver.

(4) **Collection Agencies.** The Department may employ the services of a contracted debt collection agency or attorney for the collection of any debt once the imposition of the collection fee has been added to the debt, pursuant to paragraph (1).

**Cite as** Ga. Comp. R. & Regs. R. 560-1-2-.02

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-16-10**,** 48-16-11**.**

**HISTORY:** Original Rule entitled "Collection Fees" adopted. F. Jan. 14, 2016; eff. Feb. 3, 2016.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-6. COMPLIANCE DIVISION

# Subject 560-6-3. FORMS (FORMS APPLICABLE TO ALL TAXES ADMINISTERED BY STATE REVENUE COMMISSIONER)

## 560-6-3-.01 [Effective 6/11/2026] Notice to Appear

Both a Revocation Hearing Letter and a Notice to Submit Records are notices requiring a taxpayer to appear at a given time and place, with records relating to his or her taxation, in order that his or her tax liability may be determined and reported to the Commissioner for appropriate action.

**Cite as** Ga. Comp. R. & Regs. R. 560-6-3-.01

**AUTHORITY: O.C.G.A. §§** 48-2-8**,** 48-2-12**,** 48-8-55**,** 48-8-62**.**

**HISTORY:** Original Rule was filed on May 20, 1976; effective June 9, 1976.

**Amended:** New title, "Notice to Appear." F. May 22, 2026; eff. June 11, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-7. INCOME TAX DIVISION

# Subject 560-7-4. NET TAXABLE INCOME (INDIVIDUAL)

## 560-7-4-.01 [Effective 6/11/2026] Net Taxable Income (Individual). Amended

(1) The Georgia taxable net income of an individual shall be computed pursuant to O.C.G.A. § 48-7-27.

(2) There shall be added to "net income" the amount of deductions reflected therein which resulted from transactions occurring in years in which the individual was not subject to Georgia income tax. Such deductions shall include but not be limited to, contribution carryovers, capital loss carryovers, and net operating loss carryovers.

(3) Net Operating Losses

(a) An appropriate adjustment shall be made to such "net income" for a net operating loss carryover.

(b) For any taxable year in which the taxpayer claims a net operating loss deduction on the Federal income tax return, the amount of such deduction shall be added back to "net income". There shall be allowed as a separate deduction from "net income" an amount equal to the aggregate of the Georgia net operating loss carryovers to such year, plus the Georgia net operating loss carrybacks to such year if such carrybacks are allowed by the Internal Revenue Code of 1986. Any limitations included in the Internal Revenue Code of 1986 on the amount of net operating loss that can be used in a taxable year shall be applied; provided, however, that such limitations, including, but not limited to, the 80 percent limitation, shall be applied to Georgia taxable net income.

(c) For any taxable year in which the taxpayer has a Federal net operating loss, the Georgia net operating loss for such taxable year shall be computed by making the same adjustments to the Federal net operating loss that are made to Federal adjusted gross income to determine Georgia taxable net income. In the case of nonresident individuals, trusts, and estates doing business both within and without Georgia, the loss attributable to operations within Georgia shall be computed as provided in O.C.G.A. § 48-7-30. The term "Georgia net operating loss" shall mean the loss computed as provided in this subparagraph. In the event the net Georgia adjustments completely offset the federal net operating loss, there shall be no Georgia net operating loss for the taxable year, and any excess of net Georgia adjustments over the Federal net operating loss shall constitute Georgia taxable net income.

(d) The procedural sequence of taxable years to which a Georgia net operating loss may be carried back or carried over, and the number of years for which a net operating loss may be carried back or carried over, shall be the same as provided in the Internal Revenue Code as adopted for Georgia purposes. The extent to which Georgia adopts the Internal Revenue Code is set forth in the definition of "Internal Revenue Code" in O.C.G.A. § 48-1-2. The terms "Georgia net operating loss carryback" and "Georgia net operating loss carryover" shall mean the Georgia net operating loss carried back or carried over in the manner and for the number of years as provided in this subparagraph.

(e) In the event the net operating loss is allowed to be carried back and the taxpayer elects to forgo the carryback period for the federal net operating loss as allowed under the Internal Revenue Code, the taxpayer shall also forgo the carryback period for Georgia purposes. If the taxpayer does not have a federal net operating loss, the taxpayer may make an irrevocable election to forgo the carryback period for the Georgia net operating loss, provided the loss is allowed to be carried back and an affirmative statement is attached to the Georgia return for the year of the loss. Such election (the affirmative statement) must be made on or before the due date for filing the income tax return for the taxable year wherein the loss was incurred, including any extensions which have been granted. For tax years ending prior to January 1, 2023, Form 500-NOL must also be separately filed when the taxpayer forgoes the carryback so that the net operating loss can be established on the Department's system for future years. Such filing must occur on or before the due date for filing the income tax return for the taxable year wherein the loss was

incurred, including any extensions which have been granted. Form 500-NOL cannot be filed as an attachment to Form 500. If the net operating loss is allowed to be carried back and if the taxpayer does not elect to forgo the carryback period for the federal net operating loss, the election to forgo the net operating loss period shall not be allowed for Georgia purposes. For tax years beginning on or after January 1, 2023, the establishment of a net loss shall be made via an application schedule contained with the Form 500 individual return.

(f) Claim for Refund.

1. In the event the taxpayer is entitled to a refund of income taxes by reason of a net operating loss carryback, a net operating loss carryback adjustment claim for refund will be filed on Form 500-NOL and in accordance with O.C.G.A. § 48-7-21(b)(10.1). The taxpayer must file such claim for refund within three years after the due date for filing the income tax return for the taxable year wherein the loss was incurred (including any extensions which have been granted) as prescribed in O.C.G.A. § 48-7-21(b)(10.1). Such claim for refund shall constitute a claim for credit or refund for purposes of O.C.G.A. § 48-2-35. Within a period of ninety (90) days from the last day of the month in which such claim for refund is filed, the Commissioner shall make, to the extent he or she deems practicable in such period, an examination of the claim for refund to determine the amount of tax decrease attributable to such carryback adjustment upon the basis of the claim for refund and the examination. The decrease so determined shall be applied against any unpaid amount of the tax and the remainder shall, within such ninety (90) day period, be either credited against any income tax then due from the taxpayer, or refunded to the taxpayer. Any such credit or refund made within such ninety (90) day period shall be without interest as provided in O.C.G.A. § 48-7-21(b)(10.1) and shall be subject to further examination as provided in subparagraph (3)(f)3.

2. If such claim for refund contains errors of computation which the Commissioner deems cannot be corrected within such ninety (90) day period or which contains material omissions, the Commissioner may disallow without further action any such claim for refund. Alternatively, the Commissioner may request that the taxpayer correct such errors or omissions. In either case, the date upon which the taxpayer later corrects such errors or omissions shall be considered the filing date for the claim for refund for purposes of the aforementioned (90) day no interest period.

3. The Commissioner may further examine, subject to the applicable statute of limitations, such claim for refund at a later time and assess as necessary.

(g) The provisions of Sections 108, 381, 382, and 384 of the Internal Revenue Code of 1986, as amended, as they relate to net operating losses also apply for Georgia purposes. These shall be applied as provided in O.C.G.A. § 48-7-21(b)(10.1)(D) and the regulations thereunder.

(4) The subtraction provided by subsection (d) of O.C.G.A. § 48-7-27 shall be allowed for the Texas Franchise Tax and for other states which have a tax on the entity which is on or measured by income. Such subtraction shall not be available for a tax on the entity which is on or measured by gross receipts and other taxes which are not on or measured by income. Such subtraction shall be computed as provided in this paragraph. First, determine the Georgia taxable net income before apportionment of the entity. For purposes of this paragraph, Georgia taxable net income shall include income, gains, losses, and deductions from the entity which are separately reported and included on the partners', shareholders', or members' returns. For purposes of this paragraph, Georgia taxable net income shall not include wages paid to the partner, shareholder, or member. However, if such wages are taxed by another state, the partner, shareholder, or member may be eligible for the credit provided by O.C.G.A. § 48-7-28. Second, multiply such Georgia taxable net income by the entity's apportionment ratio in Texas or such other state. Third, multiply such result by the partner's, member's, or shareholder's direct or indirect distributive share percentage used for Federal income tax purposes. Provided, however, if any separately reported item (such as guaranteed payments) is allocated directly to a partner, shareholder, or member, such item shall be excluded from the above computation and allocated to such partner, member, or shareholder and multiplied by the entity's apportionment ratio in Texas or such other state and then combined with the result above.

(a) For example, an individual has a 50% distributive share percentage of partnership A which paid the Texas Franchise Tax. Partnership A's apportionment ratio in Texas was 80%. Partnership A's Georgia taxable net income before directly allocated items and before apportionment was $10,000. $2,000 of guaranteed payments were deducted to arrive at the $10,000 and were paid to the individual. 50% of partnership A's income of $10,000 was included on the individual's federal income tax return. Partnership B also has a 50% distributive share percentage of

Partnership A. As such, 50% of partnership A's income of $10,000 was reported on Partnership B's return. The individual who has a distributive share percentage of Partnership A also has a 40% distributive share percentage of Partnership B. 40% of partnership B's income was included on the individual's federal income tax return. The percentage the individual would be allowed is 70% (50% for Partnership A plus 40% of 50% for Partnership B). As such, $5,600 (70% x $10,000 x 80%) of the Georgia taxable net income before directly allocated items could be subtracted by the individual. The individual would also include $1,600 of the guaranteed payment ($2,000 x 80%). As such, a total of $7,200 could be subtracted by the individual.

**Cite as** Ga. Comp. R. & Regs. R. 560-7-4-.01

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-7-27**.**

**HISTORY:** Original Rule entitled "Gross Income Defined" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Net Taxable Income (Individual)" adopted. F. Feb. 16, 1972; eff. Mar. 7, 1972.

**Repealed:** New Rule of same title adopted. F. Dec. 2, 2005; eff. Dec. 22, 2005.

**Amended:** F. Dec. 7, 2006; eff. Dec. 27, 2006.

**Repealed:** New Rule of same title adopted. F. Nov. 5, 2009; eff. Nov. 25, 2009.

**Amended:** F. Oct. 9, 2015; eff. Oct. 29, 2015.

**Amended:** F. Oct. 20, 2017; eff. Nov. 9, 2017.

**Amended:** F. Nov. 29, 2018; eff. Dec. 19, 2018.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-7. INCOME TAX DIVISION

# Subject 560-7-8. RETURNS AND COLLECTIONS

## 560-7-8-.34 [Effective 6/11/2026] Withholding on Nonresident Members of Partnerships, S Corporations, and Limited Liability Companies; Composite Return Alternative

(1) **Definitions. As used in this regulation, the following terms are defined as follows:**

(a) **Taxable income sourced to this state.** The term "taxable income sourced to this state" means the entity's income allocated or apportioned to Georgia pursuant to Code Section 48-7-31 or as otherwise provided by law. The entity's income shall include the sum of the following items:

1. The nonresident member's share of the Georgia separately stated income, guaranteed payments, loss, deduction or expense of the entity; and

2. The nonresident member's share of the Georgia nonseparately stated income, loss, deduction or expense of the entity;

(b) **Entity.** The term "entity" shall mean a Subchapter 'S' corporation, a partnership, or a limited liability company which is treated as a partnership or Subchapter 'S' corporation for Federal income tax purposes and which is required to file a partnership or Subchapter 'S' corporation return. However, the term "entity" does not include a Subchapter 'S' corporation that is treated as a 'C' corporation for Georgia purposes.

(c) **Nonresident.** The term "nonresident" shall mean an individual or fiduciary member who resides outside this state and all other members whose headquarters or principal place of business is located outside this state. Such nonresident determination shall be made on the last day of the tax year of the entity.

(d) **Individual.** The term "individual" shall mean a natural person.

(2) **Withholding.**

(a) **Withholding Requirements.** Withholding is required at the rate of 4 percent with respect to the nonresident member's share of taxable income sourced to this state, unless exempted by this regulation or O.C.G.A. § 48-7-129. The filing of estimated tax payments by the member does not relieve the entity from the responsibility of the withholding requirement.

(b) **Certain Retirement Accounts.** A member which is an individual retirement account as defined by Internal Revenue Code §§ 408(a) and 408(b), a Roth IRA as defined by Internal Revenue Code § 408A, or a qualified employer plan as defined by Internal Revenue Code § 409A(d)(2) is not subject to withholding. On a one time basis, the administrator of such retirement account or plan must certify to the entity in writing using Form NRW-Exemption, that this exception applies. Such certification must be attached to the entity's income tax return each year.

(c) **Annual Income Less than $1,000.00.** An entity is not required to withhold tax for a nonresident member if the aggregate annual nonresident member's share of taxable income sourced to this state is less than $1,000.00.

(d) **Withholding Under other Provisions of Law, Ordering, etc.** The nonresident member's share of taxable income sourced to this state is not subject to withholding under O.C.G.A. § 48-7-129 if such income is subject to

withholding under other provisions of Georgia law. The nonresident member's share of taxable income sourced to this state shall not include payments to a member in a capacity other than as a member (e.g., salaries from Subchapter 'S' corporations, rents, or royalties).

(e) **Exempt Organizations.** The nonresident member's share of taxable income sourced to this state of an exempt organization which results in unrelated business taxable income, as defined by Internal Revenue Code § 512, will be subject to withholding. The nonresident member's share of taxable income sourced to this state of an exempt organization that does not result in unrelated business taxable income is not subject to withholding. In such latter case, the exempt organization shall annually certify in writing to the entity using Form NRW-Exemption, that the nonresident member's share of taxable income sourced to this state does not result in unrelated business taxable income. Such certification must be attached to the entity's income tax return each year.

(f) **Insurance Companies.** An insurance company which actually pays a tax to Georgia on its premium income is not subject to Georgia income tax and the withholding requirements under O.C.G.A. § 48-7-129. In this case, the insurance company shall annually certify in writing to the entity using Form NRW-Exemption, that this applies. Such certification must be attached to the entity's income tax return each year.

(g) **C-Corporation, Individual, or Fiduciary Members.**

1. Withholding is not required for the nonresident member's share of taxable income sourced to this state for a C-Corporation, an individual, or a fiduciary member which meets the conditions listed below. On a one time basis and on or before the due date (without extension) for filing the entity's income tax return for the taxable year for which the withholding is required, such member must certify to the entity in writing that this exception applies. Such certification must be attached to the entity's income tax return each year. Such member must:

(i) Agree to be subject to personal jurisdiction in this State for all income tax purposes, file returns, and pay all Georgia tax liabilities due, for the current year and future years in which it is a member and the entity owns property in Georgia, does business in Georgia, or otherwise derives income from Georgia sources; and

(ii) Will make estimated income tax payments if required.

2. In the event such member certifies to such entity and such member fails to satisfy the requirements of subparagraph (g)1. of this paragraph, then withholding will be due as originally required as if such certification had not been made for the year or years of such failure.

3. Entities except Subchapter 'S' corporations shall provide the certification required by subparagraph (g)1. of this paragraph on Form NRW-Exemption. Subchapter 'S' corporations shall use Form 600S-CA. A Subchapter 'S' corporation that has already obtained the Form 600S-CA for purposes of the Georgia Subchapter 'S' corporation election shall not be required to obtain the form a second time.

(h) **Partnerships and Limited Liability Companies.** See paragraph (4) relating to "Tiered Situations" and paragraph (5) relating to "Exception in Tiered Situations" for additional rules applicable to partnerships and limited liability companies (treated as partnerships for Federal income tax purposes) that are members of entities subject to this regulation.

(3) **Composite Returns.**

(a) **Alternative to Withholding.** In lieu of withholding, the entity may elect to file a composite income tax return for one or all of its nonresident members using Form IT-CR. The filing of the composite return shall constitute the election. Such election shall be irrevocable and must be made by the due date of the composite return (including extensions, if approved). Once the due date has expired, the composite return shall not be amended to include or exclude members. However the return must be amended to exclude members who, pursuant to subparagraph (d) of this paragraph, were not eligible to be included on the composite return (i.e. members having income within Georgia from sources other than the entity). The computation of tax is done by creating a schedule as described in subparagraph (b) of this paragraph. Individuals, corporations, partnerships, limited liability companies, estates, trusts, Qualified Subchapter S Trusts, and Electing Small Business Trusts may be included on the composite return.

However, a corporation is still required to file a separate net worth tax return to pay the net worth tax that is due to Georgia. Nonresident members whose aggregate annual share of taxable income sourced to this state is less than $1,000.00 may also be included on the composite return.

(b) **Creating a Schedule.** The entity will create its own schedule following the examples on Form IT-CR showing the name, address, and identification number, and amount of income as provided in subparagraph (c) of this paragraph for each member included in the computation. The schedule must also include the name, address, identification number, and amount of the nonresident member's share of taxable income sourced to this state of any nonresident member not included in the computation of the composite return.

(c) **Computing the Tax.** Using the schedule created pursuant to subparagraph (b) of this paragraph, the members shall compute the tax as indicated in subparagraphs 1. and 2. of this subparagraph. The election of options may be changed annually; however, such election shall not be changed after the filing of the return. The member's income from the entity's business done in Georgia shall be the nonresident member's share of taxable income sourced to this state adjusted as provided in this subparagraph. Deductions will not be allowed on the composite return for items of loss, deduction or expense which are subject to other limitations imposed on computing either Federal taxable income, Federal adjusted gross income, or Georgia taxable income, or are otherwise limited by the Internal Revenue Code or the O.C.G.A., such as charitable contributions, investment interest expense, I.R.C. § 179 expense, casualty losses, capital losses, etc. Also, deductions based on self-employment, self-employed health insurance, Keogh or SEP or other deductions normally allowed in computing Adjusted Gross Income are not allowed on a composite return.

1. The following three options shall be available for individual members. Option 1 and Option 2 are only available for nonresident individual members not having income within Georgia from sources other than the entity:

(i) Option 1 - Filing Status. For tax years beginning prior to January 1, 2024, the entity may elect to compute the tax by multiplying the member's income from the entity's business done in Georgia by the applicable tax rate. The "applicable tax rate" shall be that rate provided in O.C.G.A. § 48-7-20 which applies to each individual member based on the individual member's filing status. For tax years beginning on or after January 1, 2024, the entity may elect to compute the tax by multiplying the member's income from the entity's business done in Georgia by the tax rate provided in O.C.G.A. § 48-7-20 regardless of filing status.

(ii) Option 2 - Standard Deduction and Dependents. For tax years beginning prior to January 1, 2024, the entity may elect to compute the tax by reducing the member's income from the entity's business done in Georgia by the personal exemption and credit for dependents as provided below and then multiplying such income by the applicable tax rate. The "applicable tax rate" shall be that rate provided in O.C.G.A. § 48-7-20 which applies to each individual member based on the individual member's filing status. Under this option, the member is allowed to take a standard deduction and a personal exemption and credit for dependents; however, the member should apportion these adjustments so that adjustments are allowed only to the extent that they apply to Georgia income. For tax years beginning on or after January 1, 2024, the entity may elect to compute the tax by reducing the member's income from the entity's business done in Georga by the member's standard deduction and credit for dependent and multiplying such income by the tax rate provided in O.C.G.A. § 48-7-20 regardless of filing status.

(iii) Option 3 - Highest Marginal Tax Rate. If the above Option 1 and Option 2 are not available for use by the entity in computing the tax due for an individual member who has income within Georgia from sources other than the entity or if the entity otherwise elects for such individual, a composite return may be filed using this third option. In such case the individual member shall be allowed to be included on the composite return provided the highest marginal tax rate provided in O.C.G.A. § 48-7-20 for tax years beginning prior to January 1, 2024 is applied to the member's income from the entity's business done in Georgia to determine the amount of the tax. For tax years beginning on or after January 1, 2024 the specified tax rate provided in O.C.G.A. § 48-7-20 shall be used. Should such individual member be required to otherwise file a Georgia return, then the income that was included using Option 3 shall be excluded from the individual member's return.

(iv) For each individual member for whom the entity uses either Option 1 or Option 2 in computing the tax liability, the entity must obtain a signed statement each year from the respective individual member, using Form CR-AFF,

verifying that the member does not have income from sources within Georgia other than the entity and verifying the individual member's Georgia filing status.

2. All non-individual members shall apply the tax rate provided in subsection (a) of O.C.G.A. § 48-7-21 to the member's income from the entity's business done in Georgia to determine the amount of tax.

(d) **Members Excluded from the Composite Return.** Any nonresident member excluded from the composite return is subject to the withholding provisions and is required to file a Georgia income tax return, unless otherwise exempted by this regulation or O.C.G.A. § 48-7-129. Likewise, any nonresident member included in the computation of a composite return is not subject to the withholding provisions and is not required to file a Georgia income tax return to report the entity's income. Except as provided in subparagraph (c)(1)(iii) of this paragraph, nonresident members having income within Georgia from sources other than the entity may not be included in the entity's composite return and shall be subject to the withholding tax imposed by O.C.G.A. § 48-7-129, unless otherwise exempted by this regulation or O.C.G.A. § 48-7-129.

(e) **Composite Return Due Date.** The due date of the composite return of a calendar year entity is the same as for a calendar year individual. Extension dates are the same as for individuals. A fiscal year entity should file its return on a fiscal year basis and should file its return by the 15th day of the fourth month after the fiscal year end. Estimated tax payment dates are the same as for individuals. A fiscal year entity shall adjust its estimated payment dates and extension dates as if it is an individual filing a fiscal year return. Form IT-303 (application for extension) should be used if an extension of time to file is needed. Form IT-303 only extends the time to file. Accordingly, any tax that is due should be remitted by the original due date of the composite return on Form IT560C. Tax remitted at the time the IT-CR is due should be remitted along with the payment voucher (Form CR-PV).

(f) **Amended Composite Returns.** Except as prohibited by subparagraph (a) of this paragraph, amended composite returns may be filed during the same periods as individual returns, and may be filed by using the Form IT-CR and checking the amended box.

(g) **Consent Agreements.** When filing a composite return for shareholders, it is not necessary to include copies of the consent agreements required by O.C.G.A. § 48-7-27(d)(2). However, consent agreements must be attached to the S Corporation return as provided in such code section.

(h) **Composite Return Net Operating Losses.** The following shall apply with regard to net operating losses:

1. A net operating loss computed on a composite return may be carried forward to another composite return year for each member. A net operating loss computed on a composite return may not be carried back. For an individual member, the income for the year or years that the loss is being carried to, must be recomputed using the option (as specified in subparagraph (3)(c)1.) that was used for the loss year before the loss is carried to that year.

2. A net operating loss cannot be carried from a year whereby the member was excluded on the composite return to a year whereby the member is included on the composite return.

3. A net operating loss must be carried forward from a year where the member was included on the composite return to a year the member files the member's own tax return.

4. Any limitations included in the Internal Revenue Code of 1986 on the amount of net operating loss that can be used in a taxable year shall be applied for each member; provided, however, that such limitations, including, but not limited to, the 80 percent limitation, shall be applied to the income computed pursuant to this paragraph.

(4) **Tiered Situations.** Except as provided in paragraph (5), in situations whereby the nonresident member is an entity, or where such nonresident member is owned by subsequent entities, the following shall apply:

(a) Withholding is only required by an entity that:

1. Does business in Georgia on its own and not as a result of being a member; or

2. Owns property in Georgia on its own and not as a result of being a member;

(b) Any withholding that occurs may be passed through each tier by attaching the G-2-A, of the entity in the tiered situation that was required to withhold pursuant to subparagraph (4)(a), and providing a schedule which allocates such withholding tax between the members at each tier based upon the profit/loss percentage. Failure to include this documentation will result in the disallowance of the withholding credit. A composite return may be completed at any level. However, if the composite return is not filed by the entity meeting either condition 1. or 2. of subparagraph (a) of this paragraph, withholding is still required by such entity, unless otherwise exempted by this regulation or O.C.G.A. § 48-7-129. Tax withheld at one level can be claimed on a composite return at another level.

(c) A member which is an entity or a corporation must include its pro rata share of the entity's gross receipts in its own single factor apportionment formula in determining how much of its income is Georgia income. In determining its income, the member includes its share of the entity's income before the entity apportions and allocates its income.

(d) In determining whether withholding is required, only the members that directly own an interest in the entity subject to withholding shall be considered.

For example:

1. An entity that is subject to the nonresident withholding requirements has several members. One nonresident member is also a member in several other entities that are subject to the withholding requirements. Each of the entities must withhold on that nonresident member whether or not the total income/loss from all the entities would result in a net loss for that member. A loss from one entity cannot be used to offset the income in another entity for that member.

2. Company A is subject to the nonresident withholding requirements and is in a tiered situation. Company B is a nonresident member of Company A. Company B has nonresident members, of which one is an exempt organization called Company C. Company A is required to withhold on all of Company B's share of taxable income sourced to this state.

(5) **Exception in Tiered Situations.**

(a) Nonresident withholding shall not be required for a member which is also an entity provided such entity on an annual basis in writing:

1. Elects to withhold at the rate of 4 percent with respect to its nonresident members' shares of taxable income sourced to this state in the same manner and subject to the same requirements, exceptions (including the exception provided in this paragraph but excluding the exception provided in subparagraph (2)(c)), etc. as if such entity itself was subject to O.C.G.A. § 48-7-129 and this regulation;

2. Agrees to be subject to personal jurisdiction in this State for all income tax purposes including the withholding required by O.C.G.A. § 48-7-129, together with related interest and penalties; and

3. Provides such election and such agreement in writing to the entity in which it is a member, using Form NRW-Exemption, on or before the due date (without extension) for filing the entity's income tax return for the taxable year for which the withholding is required. Form NRW-Exemption must be attached to the entity's income tax return each year.

(b) In the event such entity makes the election as provided in subparagraph (a)1. of this paragraph and such entity does not withhold at the rate of 4% if required to do so, then such exception shall not apply and withholding will be due as originally required as if such election had not been made.

(c) Each entity in subsequent tiers shall be entitled to make such election and such agreement provided the entity in which it is a member makes such election. However, failure by any entity in any tier to withhold at the rate of 4% if required to do so shall cause withholding to be due as originally required and as if such elections were not made by any entity in any tier.

(6) **Withholding Procedures.**

(a) **Registration.** All entities required to withhold taxes under O.C.G.A. § 48-7-129 must register with the Georgia Department of Revenue by completing Registration Application CRF-002. Registration for withholding requirements is to be separate and apart from the registration required for the payment of payroll taxes.

(b) **Payment of Taxes.**

1. With respect to the nonresident member's share of taxable income sourced to this state, payment of taxes withheld shall be due on or before the due date for filing the income tax return for the partnership, Subchapter 'S' corporation, or limited liability company as prescribed in subsection (a) of O.C.G.A. § 48-7-56 without regard to any extension of time for filing such income tax return. Payment should be remitted with the required Form G-7-NRW.

(c) **Withholding Statement.** A Form G-2-A (Withholding on Nonresident Members Share of Taxable Income Sourced to Georgia) showing the amount of the nonresident member's share of taxable income sourced to this state, the nonresident member's name, address, tax identification number, the amount of the Georgia tax withheld, and any other information the Commissioner requires must be furnished to the nonresident member and filed in duplicate with the Commissioner on or before the earlier of the date the income tax return is filed or the due date for filing the income tax return of such partnership, Subchapter 'S' corporation, or limited liability company as prescribed in subsection (a) of O.C.G.A. § 48-7-56 without regard to any extension of time for filing such income tax return. The duplicate Form G-2-A must be submitted to the Department of Revenue along with Form G-1003 (transmittal form) and Forms G2-RP and G2-LP, if applicable, for such taxable year.

(d) **Credit for Withholding; Tax Year for Which Credit can be Claimed.** Nonresident members are required to submit a copy of Form G-2-A with their Georgia Income Tax Return in order to receive credit for any Georgia income taxes withheld. Tax withheld from an on resident member's share of taxable income sourced to this state must be claimed as a credit for the member's tax year in which the withholding tax year of the entity ends.

For example:

1. **Calendar Year Taxpayers.** A calendar year S Corporation withholds for the 2012 calendar year. An individual shareholder may claim a credit on the shareholder's 2012 individual income tax return (generally filed on or before April 15, 2013) for the 2012 taxes withheld by the S Corporation on the shareholder's behalf.

2. **Other than Calendar Year Member.** A calendar year partnership remits with holding taxes for 2012 during 2013 and has a corporate partner with a March 31 year end. The corporate partner may claim a credit in its entirety on its corporate income tax return for the year ended March 31, 2013 (generally filed on or before June 15, 2013) for the 2012 taxes withheld by the partnership on its behalf.

3. **Other than Calendar Year Entity.** An S Corporation with a January 31, 2012 year end remits withholding taxes on behalf of its nonresident shareholders. A calendar year end shareholder may claim a credit on the shareholder's 2012 individual income tax return (generally filed on or before April 15, 2013) for the taxes withheld by the S Corporation on the shareholder's behalf.

(7) **Undue Hardship.**

(a) **Establishing Undue Hardship.** To qualify for undue hardship, the entity must be experiencing a significant hardship. The entity must establish undue hardship and each determination will be considered on a case-by-case basis. A written petition must be filed with the Commissioner or his/her delegate requesting an exemption from withholding for an entity based on undue hardship. The petition shall be made at least sixty (60) days prior to the day on which the withholding tax is due and shall be accompanied by a full and complete explanation of the hardship incurred. This sixty (60) day period may be modified or waived by the Commissioner for reasonable cause. The Commissioner or his/her delegate will carefully consider the basis of the hardship and notify the entity in writing whether the petition is accepted or rejected. An accepted petition is valid for one year only, and petitions for

undue hardship must be requested annually. Failure to receive the Commissioner's notice shall not relieve the entity from withholding in the manner prescribed by O.C.G.A. § 48-7-129.

(b) **Circumstances Which do not Qualify.** The following circumstances will not be considered to constitute undue hardship:

1. Inability to pay;

2. Additional cost of record keeping;

3. Paperwork too cumbersome;

4. Missing K-1 data, such as social security number, address, etc.;

5. Unfamiliarity of the filing requirements; or

6. Inadequate records.

(8) **Anti-avoidance Clause.** If the Commissioner reasonably determines that a transaction or payment has been entered into for the purpose of avoiding the provisions of this regulation and O.C.G.A. § 48-7-129, he or she may characterize any payment, or portion thereof, made by the entity to its member so as to reflect the true substance of the transaction.

(9) **Effective Date.** The provisions set forth in this regulation will apply to taxable years beginning on or after January 1, 2024. Taxable years beginning before January 1, 2024 will be governed by the regulations of Chapter 560-7 as they exist before January 1, 2024 in the same manner as if the amendments thereto set forth in this regulation had not been promulgated.

**Cite as** Ga. Comp. R. & Regs. R. 560-7-8-.34

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-7-129**.**

**HISTORY:** Original Rule entitled "Withholding on Distributions to Nonresident Members of Partnerships, S Corporations, and Limited Liability Companies" adopted. F. Dec. 15, 1993; eff. Jan. 4, 1994.

**Amended:** F. Feb. 6, 2001; eff. Feb. 26, 2001.

**Repealed:** New Rule of same title adopted. F. Dec. 19, 2005; eff. Jan. 8, 2006.

**Repealed:** New Rule entitled "Withholding on Distributions to Nonresident Members of Partnerships, S Corporations, and Limited Liability Companies; Composite Return Alternative" adopted. F. Dec. 29, 2008; eff. Jan. 18, 2009.

**Amended:** Rule retitled "Withholding on Nonresident Members of Partnerships, S Corporations, and Limited Liability Companies; Composite Return Alternative." F. Aug. 13, 2012; eff. Sept. 2, 2012.

**Amended:** F. Nov. 29, 2018; eff. Dec. 19, 2018.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

# Subject 560-8-1. GENERAL PROVISIONS

## 560-8-1-.01 Definitions - General

As used in these rules:

(a) "**Alternative nicotine product**" means any material that contains nicotine, but does not contain tobacco leaf, and is intended for human consumption, whether such material is chewed, absorbed, dissolved, or ingested by any other means. Such term shall include, but shall not be limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets. Such term shall not include little cigars, cigars, cigarettes, loose tobacco or smokeless tobacco, consumable vapor products, or any product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

(b) "**Carrier**" means any person whose business is to transport goods or people while acting in the capacity as common, private or contract transporter of a product or service using its facilities or those of other carriers.

(c) "**Cigar**" means any roll for smoking made wholly or in part of tobacco when the cover of the roll is also tobacco.

(d) "**Cigarette**" means any roll for smoking made wholly or in part of tobacco when the cover of the roll is paper or any substance other than tobacco.

(e) "**Closed system**" means any disposable container which is prefilled and sealed by the manufacturer, not easily refillable nor intended or designed to be refillable, and intended or used to dispense consumable vapor products by way of a vapor device that is intended or designed to be reused.

(f) "**Code**" means the Official Code of Georgia Annotated.

(g) "**Commissioner**" means the State Revenue Commissioner or the Commissioner's designated representative.

(h) "**Consumable vapor product**" means any liquid solution, whether it contains nicotine or not, that is intended to be heated into an aerosol state and inhaled by an individual. Such term shall include, but shall not be limited to, e-liquid, e-juice, vape juice, and cartridges that are prefilled with such a solution. Such term shall not include any alternative nicotine product, cigar, cigarette, loose tobacco or smokeless tobacco, perfume, potpourri, essential oil, or product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

(i) "**Consumer promotions**" means:

1. A manufacturer's promotion of cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products that:

(i) Is only for use by the consumer;

(ii) Is designed and intended to induce the consumer to purchase a specified cigar, loose tobacco or smokeless tobacco product, vapor product, or alternative nicotine product; and

(iii) Features cigars, loose tobacco or smokeless tobacco product, vapor product, or alternative nicotine product packaged with distinct promotional labeling from the manufacturer.

2. The promotional component of consumer promotions for cigars, little cigars, loose tobacco or smokeless tobacco, vapor product, or alternative nicotine product is not subject to state excise tax.

(j) "**Counterfeit cigarette**" means cigarettes that are manufactured, fabricated, assembled, processed, packaged, or labeled by any person other than the trademark owner of a cigarette brand or the owner's designated agent.

(k) "**Counterfeit vapor product**" means vapor products that are manufactured, fabricated, assembled, processed, packaged, or labeled by any person other than the trademark owner of a vapor product brand or the owner's designated agent.

(l) "**Dealer**" means any person located within the borders of this state that sells or distributes cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products to a consumer in this state.

(m) "**Department**" means the Georgia Department of Revenue.

(n) "**Distributor**" means any person, other than a dealer, importer, or manufacturer:

1. Who sells or distributes any or all of the following tobacco products in this state:

(i) cigarettes;

(ii) cigars, little cigars;

(iii) loose tobacco or smokeless tobacco;

(iv) vapor products; or

(v) alternative nicotine products.

2. Who maintains a warehouse, warehouse personnel, and salespeople who regularly contact and call on dealers.

3. Who is engaged in the business of importing cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products into this state or who purchases cigarettes, cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products from other manufacturers or distributors.

4. Who sells cigarettes, cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products to dealers for resale in this state but is not in the business of selling cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products directly to the ultimate consumer.

Such term shall not include any cigarette manufacturer, export warehouse proprietor, or cigarette importer with a valid permit under 26 U.S.C. Section 5712 if such person sells or distributes cigarettes in this state to cigarette distributors who hold valid and current licenses under Code Section 48-11-4 or include any export warehouse proprietor or another cigarette manufacturer with a valid permit under 26 U.S.C. Section 5712.

(o) "**Distributor promotions**" means any of the following:

1. Manufacturer's promotions for cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products that are

(i) Only for use by a distributor who is licensed by this State; and

(ii) Intended to induce a distributor to purchase a specific product or products for resale to the retailer.

2. Distributor promotions for cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products are:

(i) Monetary discounts offered directly to a distributor for the purchase of such products;

(ii) Free product offered to a distributor to induce it to purchase a specific product item of such products; or

(iii) Monetary discounts to pay within a certain time or purchase a large quantity of such products.

All such discounts and allowances are included in the computation of the wholesale cost price and subject to state excise tax.

(p) "**Export cigarettes**" means any finished cigarette packaged and marked for export and not for consumption in the United States. Export cigarettes may also be referred to as Gray cigarettes

(q) "**First taxable transaction**" means the first sale, receipt, purchase, possession, consumption, handling, distribution, or use of cigars, little cigars, cigarettes, loose tobacco or smokeless tobacco, or vapor products within this state.

(r) "**Importer**" means any person who imports into this state from a foreign country, or who brokers in the United States, either directly or indirectly, for sale or distribution any of the following products in finished form: tobacco products, vapor products, or alternative nicotine products.

(s) "**Individual**" means a natural person.

(t) "**Licensee**" means any person who has been granted a license or permit by the Department concerning the manufacturing, importing, wholesaling, shipping, distribution, or sale of tobacco products, vapor products, or alternative nicotine products or who deals in such products.

(u) "**Little cigars**" means cigars not weighing more than three pounds per thousand.

(v) "**Loose tobacco or smokeless tobacco**" means granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff or snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but does not include cigarettes or cigars, little cigars, or tobacco purchased for the manufacture of cigarettes, cigars, or little cigars by cigarette manufacturers or cigar manufacturers.

(w) "**Manufacturer**" means any person who manufactures, fabricates, assembles, processes, or labels any of the following products in finished form: tobacco products, vapor products, or alternative nicotine products.

(x) "**Open system**" means any method or manner used to contain a consumable vapor product that is not a closed system.

(y) "**Package**" means a pack, carton, or container of any kind in which tobacco products, vapor products, or alternative nicotine products are offered for sale, sold, otherwise distributed, or intended for distribution to consumers.

(z) "**Person**" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision whether public, private, or quasi-public.

(aa) "**Place of business**" means the premises of a licensed manufacturer, importer, wholesaler or dealer described in the license application.

(bb) "**Premises**" means one physically identifiable business location operated by the same ownership and overall management with only one address registered as a single place of business with the local licensing authority and the state.

(cc) "**Promotional activities**" means any activity other than those set forth in the definitions for "consumer promotions" and "distributor promotions" directed to the consumer by the manufacturer or importer, including solicitation of orders, demonstration and sampling, arranging of displays, distribution of literature, posting of advertising, exchange of fresh stock, and similar activities for promoting the sale or use of tobacco products, vapor products, or alternative nicotine products.

(dd) "**Regulations**" means regulations promulgated by the Commissioner pursuant to the Code.

(ee) "**Related machinery**" means any item, device, conveyance, or vessel of any kind or character used in manufacturing, packaging, labeling, stamping, transporting, distributing, selling, or possessing counterfeit cigarettes.

(ff) "**Representative**" means a person, employee, agent, independent contractor, or salesperson acting on behalf of or at the direction of the licensee, with or without compensation, representing the licensee to a third party.

(gg) "**Sale**" means any sale, transfer, exchange, theft, barter, gift, offer for sale, or offer for distribution, in any manner or by any means.

(hh) "**Special event tobacco permit**" means a special event tobacco permit for off-premises sales of tobacco products for a special event at a temporary location offsite from the licensed location.

(ii) "**Stamp**" means any impression, device, stamp, label, or print manufactured, printed, made, or affixed, as provided by the Commissioner.

(jj) "**State**" means the State of Georgia.

(kk) "**Tobacco product**" means cigars, cigarettes, little cigars, loose tobacco or smokeless tobacco, or any product derived either from tobacco or any of its derivates.

(ll) "**Tobacco-related objects**" means the same as set forth under O.C.G.A. § 16-12-170(1).

(mm) "**Unregistered nonparticipating manufacturer**" means a manufacturer of cigarettes that:

1. Is not a signatory to the Master Settlement Agreement (MSA) with the state.

2. Is not registered with the Attorney General of the state.

(nn) "**Vapor device**" means any system or device developed or intended to deliver a consumable vapor product to an individual who inhales from the device. Such term shall include, but not be limited to, an electronic nicotine delivery system, an electronic cigarette, electronic cigar, electronic pipe, vape pen, vape tool, or electronic hookah. Such term shall not include a fragrance or essential oil diffuser, an air freshener, or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

(oo) "**Vapor product**" means any consumable vapor product or vapor device.

(pp) "**Vending machine**" means any coin-in-the-slot device or other automated device that accepts payment and is used for the automatic merchandising of cigars, cigarettes, or loose or smokeless tobacco.

(qq) "**Vending machine operator**" means the person responsible for supplying products for, operation of, or maintenance of the vending machine.

(rr) "**Warehouse**" means any place of business of a wholesaler, manufacturer, importer, or shipper which is used to store tobacco products, vapor products, or alternative nicotine products in accordance with the express written approval of the Commissioner.

(ss) "**Wholesale cost price**" concerns cigars, loose tobacco or smokeless tobacco, or vapor products. It shall be computed as follows:

1. If a manufacturer is shipping to a state licensee untaxed cigars, loose tobacco or smokeless tobacco, or vapor products, the wholesale cost price shall be the manufacturer's invoice price at the time of sale, including the cost of shipping and handling, if not itemized. The value of any distributor promotions shall also be included in the wholesale cost price and shall not be subtracted or excluded from the wholesale cost price. Consumer promotions shall not be included in the wholesale cost price.

2. If a distributor sells to another distributor untaxed cigars, loose tobacco or smokeless tobacco, or vapor products, the wholesale list price shall be the selling distributor's sales price, including the cost of shipping and handling, if not itemized. The value of any distributor promotions shall also be included in the wholesale cost price and shall not be subtracted or excluded from the wholesale cost price. Consumer promotions shall not be included in the wholesale cost price.

3. If a distributor sells to a dealer untaxed cigars, loose tobacco or smokeless tobacco, or vapor products, the wholesale list price shall be the selling distributor's sales price, including the cost of shipping and handling, if not itemized. The value of any distributor promotions shall also be included in the wholesale cost price and shall not be subtracted or excluded from the wholesale cost price. Consumer promotions shall not be included in the wholesale cost price.

Wholesale cost price is not used to calculate the excise taxes on consumable vapor products in a closed system pursuant to O.C.G.A. § 48-11-2(a)(5).

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.01

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-1**.**

**HISTORY:** Original Rule entitled "Functions" adopted. F. and eff. June 30, 1965.

**Amended:** F. Aug. 5, 1970; eff. Aug. 25, 1970.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Repealed:** F. May 5, 1982; adopted as ER. 560-8-1-0.22-.01. F. and eff. May 10, 2007, the date of adoption.

**Amended:** ER. 560-8-1-0.25-.01 adopted. F. and eff. September 7, 2007, the date of adoption.

**Amended:** Permanent Rule of same title adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.02 Licensing - General

(1) No person shall engage in or conduct the business of manufacturing, purchasing, selling, consigning, vending, dealing in, or distributing cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products in this state without first obtaining a license from the Commissioner.

(2) The license issued by the Commissioner shall apply only to the premises for which it is issued. A separate license shall be required for each place of business.

(3) No person shall store any cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products at any location other than that for which a license is issued except upon the written approval of the Commissioner.

(4) Every person applying for a state license, permit, or registration shall apply on forms furnished and in a manner and format reasonably prescribed by the Commissioner; shall under oath answer all questions; shall supply all information, personnel statements, and information regarding an applicant's employees; and, if requested, shall furnish all certificates, affidavits, bonds, and other supporting data or documents, as reasonably required by the Commissioner. All license applications under these regulations shall be kept by the Commissioner as a permanent record. Willful failure to furnish the Commissioner with any of the required information shall constitute grounds for denial or revocation of a license.

(5) Applications for a state license, permit, or registration shall specify the premises of the licensee's place of business and such location shall not be changed without the express written approval of the Commissioner during the term of the license.

(6) Any legal entity that is lawfully registered and doing business under the laws of this state or the laws of another state, and authorized by the Georgia Secretary of State to conduct business in Georgia, which seeks to obtain a license for tobacco products, vapor products, or alternative nicotine products shall apply for such license in the name of the legal entity as registered with the Office of the Secretary of State in this state. Provided:

(a) In its application, such legal entity shall provide the Commissioner with the name of its agent authorized to receive service of process under the laws of the state, and also provide the Commissioner with the address of its registered office together with a listing of current officers and their respective addresses.

(b) Any legal entity that is not required to register with the Office of the Secretary of State shall provide the Commissioner with the relevant information, including the name and address of a designated responsible corporate officer or partner.

(c) Any change in the status of a licensee's registered agent, sole proprietorship or responsible corporate officer, including but not limited to change of address or name, shall be reported to the Commissioner within five days of such occurrence.

(d) In the event that a legal entity shall fail to appoint or maintain a registered agent in this state as required by law, or whenever its registered agent cannot with due diligence be found at the registered office of the agent as designated in the entity's license application, the Commissioner shall be appointed as agent or designee to receive any citation issued by the Department for violation of relevant laws.

(e) Process may be served upon the Commissioner by leaving duplicate copies of such citations with the Commissioner.

(f) In the event that such notice of citation is served upon the Commissioner or one of the Commissioner's designated agents, the Commissioner shall immediately cause one of the copies of such citation to be forwarded to the legal entity at its registered office. No action on the citation shall occur within thirty (30) days from the date the Commissioner forwards the citation to the legal entity at its registered office.

(g) The Commissioner shall keep a record of all such citations received under this regulation for three years and shall record therein the time of receipt and disposition of that service.

(7) Licenses shall have the following valid periods and renewal dates:

(a) Manufacturers, Importers, and Distributors -- The state license for manufacturers, importers, and distributors shall be valid for the state fiscal year (July 1 through June 30). Using the Georgia Tax Center, accessible through the Department's website, a licensee must apply for a license and annually renew the license. A licensee that desires to continue in business for the subsequent state fiscal year must submit an application at least thirty days (30) before the expiration of the license.

(b) Dealers -- The state license for dealers shall be valid for 12 months beginning on the date of issue for the initial license, and the first day of the month of issue for subsequent licenses and shall expire on the last day of the month preceding the month in which the initial license was issued. Using the Georgia Tax Center, a licensee must apply for

a license and annually renew the license. A licensee that desires to continue in business for the subsequent year must submit an application at least thirty days (30) before the expiration of the license.

(8) In the event a licensee ceases to be actively engaged in such business, the state license shall become invalid, and the licensee shall immediately notify and return the state license to the Department.

(9) No license application will be granted where it would lead to a violation of local ordinances or is in contradiction with any Department regulations or other laws of the state.

(10) No state license may be transferred from one person to another person. At the Commissioner's discretion, a transfer of license from one location to another location may be granted.

(11) Any untrue, misleading, or omitted statement or information from such application shall be cause for the denial thereof and, if any license has been granted, shall constitute cause for revocation.

(12) The failure of any applicant, or any person having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or any other law or regulation of the state shall constitute grounds for denial of the license, permit, or registration for which application is made.

(13) To protect the public interest and welfare, the Commissioner may decline to issue a tobacco license to:

(a) Any person determined by the Commissioner, by reason of such person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which they have resided, to be unlikely to maintain the operation for which they are seeking a license in conformity with federal, state, or local laws.

(b) Any person convicted of a felony who served any part of a criminal sentence, including probation, within ten (10) years immediately preceding the date of receipt of the license or renewal application.

(c) Any person convicted of a misdemeanor who served any part of a criminal sentence, including probation, within two (2) years immediately preceding the date of receipt of the license or renewal application and whose misdemeanor conviction is the result of a tobacco-related or vapor-related offense or whose misdemeanor conviction is for a crime involving moral turpitude.

(14) The Commissioner may decline to issue a state license for the operation of a place of business when any person having any interest in the operation of the place of business or control over the place of business does not meet the same requirements as set forth for the licensee.

(15) If the Commissioner has reason to believe that an applicant is not entitled to the license for which the applicant has applied, the Commissioner shall notify the applicant. The applicant shall have thirty (30) days from the date of the notice to request in writing a hearing on the application. Upon receipt of an applicant's written request, the Commissioner shall provide the applicant with due notice and opportunity for a hearing on the application conducted by the Commissioner or his or her duly appointed hearing officer pursuant to Regulation 560-8-6 *et seq*. If the Commissioner, after providing notice and opportunity for a hearing, determines that the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which the license denial is based.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.02

**AUTHORITY: O.C.G.A. §§** 48-11-4**,** 48-11-6**.**

**HISTORY:** Original Rule entitled "Organization" adopted. F. and eff. June 30, 1965.

**Repealed:** F. Aug. 5, 1970; eff. Aug. 25, 1970.

**Amended:** New Rule entitled "Licensing - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. Mar. 10, 2008; eff. Mar. 30, 2008.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.03 Failure to Comply with Tax Laws - General

(1) No application for any license pursuant to the Code and these regulations will be considered as long as the applicant, or any person or entity holding an interest in a business for which application is made, has failed to meet any obligations imposed by any tax law or regulation of this state.

(2) The failure of any licensee, or any person or entity holding an interest in a business for which a license has been issued, to meet any obligations imposed by any tax law of this state shall constitute grounds for suspension or revocation of the license.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.03

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-4**,** 48-11-6**.**

**HISTORY:** Original Rule entitled "Failure to Comply with Tax Laws - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.04 Violations: Unlawful Activities - General

(1) Any person holding any license, permit, or registration issued pursuant to the Code and these regulations who violates any provision of the Code or these regulations, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly, shall by such conduct, subject the license to suspension, revocation, or cancellation.

(a) For purposes of administering and enforcing the Code, any act committed by an employee, representative, or agent of a licensee shall be deemed to be an act of the licensee.

(2) It shall be a violation of the Code and these regulations for any licensee, permittee, or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the place of business that is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency.

(a) With respect to any such activity, it shall be rebuttably presumed that the act was done with the knowledge or the consent of the licensee; provided however, that this presumption may be rebutted only by evidence which precludes every other reasonable hypothesis such that the licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.04

**AUTHORITY: O.C.G.A. §** 48-2-12**.**

**HISTORY:** Original Rule entitled "Violations; Unlawful Activities - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 20, 2013; eff. June 9, 2013.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.05 Inspection of Licensed Premises and Records - General

(1) The Commissioner or the Commissioner's agents may enter the licensed premises of any person engaged in the manufacture, transportation, distribution, sale, storage, or possession of any cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products at any time for the purpose of inspecting the premises and enforcing the Code and regulations. The Commissioner and the Commissioner's agents shall have access during the inspection to all areas of the premises and to all books, records, and supplies relating to the manufacture, transportation, distribution, sale, storage, or possession of cigarettes, cigars, little cigars, loose tobacco, smokeless tobacco, vapor products, and alternative nicotine products.

(2) It shall be a violation of these regulations for any licensee, its employee, or anyone acting on behalf of or with the approval of the licensee, to hinder or interfere with an agent in the performance of the agent's duties or to fail to cooperate with all aspects of an inspection. Interference or hindrance of an agent shall include but not be limited to the following:

(a) Disorderly conduct including behaving in any manner that tends to threaten, or to appear to threaten, the agent or members of the public during an inspection or performance of the agent's duty.

(b) Disturbing the peace including, but not limited to, exhibiting loud, boisterous, threatening, abusive, insulting, or indecent language during an inspection or performance of the agent's duty.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.05

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-4**,** 48-11-11**,** 48-11-19**.**

**HISTORY:** Original Rule entitled "Inspection of Licensed Premises and Records - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.06 Records - General

(1) Each manufacturer, importer, distributor, or dealer shall retain for three years from the date of receipt by the Commissioner complete and accurate records of all tobacco products, vapor products, and alternative nicotine products manufactured, produced, purchased, or sold.

(2) The records shall be of a kind and in a form prescribed by the Commissioner.

(3) No manufacturer, importer, distributor, or dealer shall store any record concerning the shipping, invoicing, sale, payment, or storage of tobacco products, vapor products, or alternative nicotine products at any other location than that for which a license has been issued except upon the written approval of the Commissioner.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.06

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-2**,** 48-11-11**,** 48-11-14**.**

**HISTORY:** Original Rule entitled "Records - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.07 Computation of Tax for Tobacco Products and Vapor Products - General

In using the alternate method for computing the tax on cigars, loose tobacco or smokeless tobacco, and vapor products, the wholesale cost price shall include all distributor promotions, and distributor promotions may not be

subtracted or excluded from wholesale cost price. Any costs incurred for consumer promotions shall not be included in the calculation of the wholesale cost price.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.07

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-2**,** 48-11-3**.**

**HISTORY:** Original Rule entitled "Computation of Tax for Loose Tobacco, Smokeless Tobacco, Cigars, Little Cigars" adopted as ER. 560-8-1-0.22-.07. F. and eff. May 10, 2007, the date of adoption.

**Amended:** ER. 560-8-1-0.25-.07 entitled "Computation of Tax for Loose Tobacco, Smokeless Tobacco, Cigars" adopted. F. and eff. September 7, 2007, the date of adoption.

**Amended:** Permanent Rule entitled "Computation of Tax for Loose Tobacco, Smokeless Tobacco, Cigars - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Computation of Tax for Tobacco Products and Vapor Products - General." F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.08 Monthly Report of Shipments; Invoices - General

Every manufacturer or importer, distributor, and dealer of tobacco products, vapor products, or alternative nicotine products who ships any tobacco products, vapor products, or alternative nicotine products from a location outside this state to any distributor or dealer located within this state shall, on or before the tenth day of the month following such shipment, make a report of all such shipments to the Commissioner electronically using the Georgia Tax Center, accessible through the Department's website.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.08

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-10**.**

**HISTORY:** Original Rule entitled "Monthly Report of Shipments; Invoices - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.09 Warehouse Monthly Reports - General

(1) All warehouse operators shall make monthly reports on forms provided by the Commissioner. The reports shall disclose:

(a) The number of cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco products, vapor products, and alternative nicotine products on hand for both the first and last days of the calendar month;

(b) The number of cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco products, vapor products, and alternative nicotine products received, the number shipped into this state, the number shipped out of this state, and to whom all shipments were delivered.

(2) The reports shall be made on or before the tenth day of each month and shall cover the preceding calendar month.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.09

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-10**.**

**HISTORY:** Original Rule entitled "Warehouse Monthly Reports - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.10 Carrier's Monthly Reports - General

(1) All carriers transporting tobacco products, vapor products, or alternative nicotine products into this state for delivery to distributors and retailers located within this state shall make monthly reports on forms provided by the Commissioner.

(2) The reports shall disclose:

(a) The number of cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco products, vapor products, and alternative nicotine products transported, from whom the contents were shipped, and to whom such shipments were delivered.

(b) The number of non-tax paid cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco products, vapor products, and alternative nicotine products lost, stolen, or damaged in transit.

(c) The number of non-tax paid cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco products, vapor products, and alternative nicotine products refused or returned to the carrier.

(3) The reports shall be made on or before the tenth day of each month and shall cover the preceding calendar month.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.10

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-10**,** 48-11-11**.**

**HISTORY:** Original Rule entitled "Carrier's Monthly Reports - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.11 Sales to Minors - General

No licensee, employee of such licensee, representative, or any person acting on behalf of such licensee shall sell or barter, directly or indirectly, tobacco products, vapor products, tobacco-related objects, vapor-related objects, or alternative nicotine products to any person who is under 21 years of age. Any act committed by an employee, representative, or agent of a licensee shall be deemed to be an act of the licensee.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.11

**AUTHORITY: O.C.G.A. §§** 16-12-176**,** 48-2-12**.**

**HISTORY:** Original Rule entitled "Sales to Minors - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. Feb. 10, 2022; eff. Mar. 2, 2022.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.12 Export Cigarettes and Vapor Products - General

(1) No licensee shall buy, sell, store, or distribute cigarettes or vapor products that are packaged with the label, "For Export Only, U.S. Tax Exempt, For Use Outside U.S.," or a label with similar wording, indicating that the manufacturer did not intend for the product to be sold in the United States.

(2) The purchase or sale of such cigarettes or vapor products will result in the revocation or suspension of the license or other disciplinary action.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.12

**AUTHORITY: O.C.G.A. §** 48-11-23.1**.**

**HISTORY:** Original Rule entitled "Export Cigarettes - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.13 Criminal Penalties - General

(1) Superior Courts of the state have jurisdiction over certain offenses set forth in Chapter 11 of Title 48 of the Code that are punishable by fine or imprisonment or both.

(2) Penalties for the following offenses are set forth in O.C.G.A. § 48-11-22 *et seq*.

(a) Transportation of unstamped or non-tax paid tobacco products or vapor products.

(b) Possession of unstamped or non-tax paid tobacco products or vapor products.

(c) Operation of unlicensed business or activity.

(d) Failure to file a report or filing false report.

(e) False entries or invoices.

(f) Possession, use, manufacture or other unlawful activities involving counterfeited stamps or tampering with metering machines.

(g) Swearing and testifying falsely with respect to matters governed by Chapter 11 of Title 48 of the Code.

(h) Possession or sale of counterfeit cigarettes or counterfeit vapor products.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.13

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-21 **to** 48-11-30**.**

**HISTORY:** Original Rule entitled "Criminal Penalties - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.14 Assessments, Civil Penalties, and Collection Actions- General

(1) The Commissioner may make assessments, assess civil penalties, and take collection actions as set forth in O.C.G.A. §§ 48-11-12, 48-11-14, and 48-11-17:

(a) Assessment of deficiencies for nonpayment of taxes; penalties for incorrect or unfiled reports; penalties for deficiencies due to fraud.

(b) Assessment of penalties for failure to register; penalties for failure to timely report; penalties for failure to timely remit taxes.

(c) Amount of unpaid tax as lien against property; seizure and sale.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.14

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-12**,** 48-11-14**,** 48-11-17**.**

**HISTORY:** Original Rule entitled "Civil Penalties - General" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Assessments, Civil Penalties, and Collection Actions- General." F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.15 Manufacturer, Distributor, and Dealer to Make Accurate Invoice

(1) The sale or delivery of any tobacco products, vapor products, or alternative nicotine products by a manufacturer, distributor, or dealer, or its agents or employees shall include a written invoice delivered contemporaneously with the sale or delivery to any manufacturer, distributor, or dealer.

(2) Each sales invoice shall have printed or clearly written thereon:

(a) Name, address, and tobacco license number of the purchaser and the seller;

(b) Date of delivery or shipment and invoice number;

(c) Brand, type, and quantity of tobacco products, vapor products, and alternative nicotine products received;

(d) The place from which the tobacco products, vapor products, and alternative nicotine products were shipped.

(3) A manufacturer, distributor, or dealer, or its agents or employees shall not, in a sale to a manufacturer, distributor, or dealer:

(a) Create or knowingly accept an invoice which falsely states prices or any terms of any sale;

(b) Issue an invoice which does not clearly specify the sum of Georgia excise tax.

(4) All invoices shall:

(a) If excise tax has been paid, be boldly marked either "GEORGIA EXCISE TAX PAID" or similar language indicating state excise tax has been paid.

(b) If excise tax has not been paid, be boldly marked "PURCHASER RESPONSIBLE FOR EXCISE TAX" or "NO GEORGIA EXCISE TAX PAID - PURCHASER RESPONSIBLE."

If an invoice is only for the sale of tax stamped cigarettes, then subsection (4) of this regulation shall not apply.

(5) The Commissioner may suspend the tobacco license of any person or entity found to be in violation of this regulation.

(6) The Commissioner may revoke such tobacco license after a hearing pursuant to O.C.G.A. § 48-11-6.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.15

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-2**,** 48-11-6**.**

**HISTORY:** Original Rule entitled "Manufacturer, Distributor, and Dealer to Make Accurate Invoice" adopted. F. Jan. 11, 2010; eff. Jan. 31, 2010.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.16 Invalid Checks

(a) Dealers offering checks in payment for purchases of merchandise from a distributor, whether the dealer is the maker or endorser of such checks, shall upon notification that any such check has been dishonored make immediate payment for same. Dealers failing to comply with this regulation may be subject to a citation.

(b) Distributors who receive a dishonored check from a dealer and secure a criminal warrant against the dealer must notify the Commissioner, in writing, within ten (10) days of the date of issuance of the warrant. Such notification shall include all pertinent information associated with the criminal warrant, including the county where the warrant was secured, the warrant number, docket number, and/or a copy of the warrant.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.16

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-3**.**

**HISTORY:** Original Rule entitled "Invalid Checks" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.17 Notification of Disciplinary Action

(1) If any disciplinary action is taken against the licensee, its employees, or its place of business by any authority, the licensee shall notify the Commissioner within fifteen (15) days of such action.

(a) The notification must include the complete details of the action taken;

(b) Any licensee who fails to notify the Commissioner or the Commissioner's agents of such action within the prescribed time may be cited and required to appear before the Commissioner to show cause as to why the license should not be suspended, revoked, or cancelled.

(2) Disciplinary action as used in this regulation means any action taken by any municipal, county, state, or federal authority in this state or any other state against the licensee, its employees, or its place of business, including but not limited to:

(a) Arrests by local, state, or federal authorities of the licensee or any of its employees;

(b) Citations issued by local, state, or federal authorities to the licensee or any of its employees;

(c) Indictments, presentments, or accusations in any local, state, or federal courts against the licensee or any of its employees;

(d) Convictions of the licensee or any of its employees or penalties imposed pursuant to a plea of nolo contendere or non vult against the licensee or any of its employees in any local, state, or federal court;

(e) Penalties imposed by any regulatory agency against the licensee or any of its employees; or

(f) Any other written charges or reprimand by local, state, or federal authorities.

(3) Traffic citations written to the licensee or any of its employees need not be reported to the Commissioner or the Commissioner's agents.

(4) The licensee shall report civil actions or accusations against the licensee, or any person having any interest in the operation of the place of business or control over the place of business in accordance with paragraph (1) of this regulation.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.17

**AUTHORITY: O.C.G.A. §** 48-2-12**.**

**HISTORY:** Original Rule entitled "Notification of Disciplinary Action" adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-1-.18 Subterfuge - General Provisions

Any act which may be construed as subterfuge in an effort to circumvent any of these regulations shall be deemed a violation of the regulation attempted to be circumvented.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-1-.18

**AUTHORITY: O.C.G.A. §** 48-2-12**.**

**HISTORY:** Original Rule entitled "Subterfuge - General Provisions" adopted. F. May 20, 2013; eff. June 9, 2013.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

# Subject 560-8-2. DEALER PROVISIONS

## 560-8-2-.01 Application for License - Dealer

(1) To be licensed as a dealer of tobacco products, vapor products, or alternative nicotine products each person shall apply to the Commissioner.

(a) Using the Georgia Tax Center, accessible through the Department's website, an individual must apply for a tobacco license. Each dealer's license shall be valid for 12 months beginning the date of issue for the initial license, and the first day of the month of issue for subsequent licenses and shall expire on the last day of the month preceding the month in which the initial license was issued.

(2) A dealer's license shall not be issued to:

(a) A person who maintains a warehouse, warehouse personnel, and salespersons who regularly contact and calls on dealers.

(b) A vending machine operator or a vending machine owner of loose tobacco or smokeless tobacco, cigar, little cigar, or cigarette vending machines.

(c) A person who is licensed as a distributor.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-2-.01

**AUTHORITY: O.C.G.A. §§** 42-2-12**,** 48-11-4**.**

**HISTORY:** Original Rule entitled "Brewers Registration" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Registration Requirements; Labels; Bond" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Application for License - Dealer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 20, 2013; eff. June 9, 2013.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-2-.02 Reporting of Shipment by Nonresident of Tobacco Products and Vapor Products and Payment of Tax - Dealer

A dealer shall be deemed a distributor if such dealer purchases and receives any shipment of tobacco products or vapor products from any nonresident who is not licensed in this state. Such dealer shall:

(1) File a report electronically with the Commissioner through the Georgia Tax Center within twenty-four (24) hours of receipt of the shipment. If the shipment contains untaxed tobacco products or vapor products, then the report must include the identification of the seller.

(2) Maintain books and records to account for all untaxed tobacco products and vapor products received.

(3) Report monthly the receipt of such untaxed tobacco products or vapor products electronically through the Georgia Tax Center.

(4) Remit appropriate tax to the Department for the purchase price of such tobacco products and vapor products no later than the tenth day of the month following the month of purchase.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-2-.02

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-2 **to** 48-11-5**,** 48-11-8**,** 48-11-11**,** 48-11-12**.**

**HISTORY:** Original Rule entitled "Approved Size and Rates; Forfeiture" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Shipper's Monthly Report" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Reporting of Shipment by Nonresident of Untaxed Loose Tobacco, Smokeless Tobacco, Cigars, Little Cigars and Cigarettes and Payment of Tax - Dealer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Reporting of Shipment by Nonresident of Tobacco Products and Vapor Products and Payment of Tax - Dealer." F. May 4, 2026; eff. May 24, 2026.

## 560-8-2-.03 Tax Stamps - Dealer

(1) Any dealer coming into possession of any cigars, little cigars, loose tobacco or smokeless tobacco, or vapor products for which the tax has not been paid under the alternate method or cigarettes not bearing the required tax stamps shall, within twenty-four (24) hours, exclusive of weekends and state and federal holidays, report same to the Commissioner on a form furnished by the Commissioner.

(2) Alternatively, any dealer who expects to come into possession of any cigars, little cigars, loose tobacco or smokeless tobacco, or vapor products for which tax has not been paid under the alternate method or cigarettes not bearing tax stamps may in advance of coming into possession file the report as required in subsection (1) of this regulation.

(3) Any dealer coming into possession of any untaxed cigars, little cigars, loose tobacco or smokeless tobacco, or vapor products for which the tax has not been paid shall pay the tax due under the alternate method before selling, using, or otherwise disposing of same.

(4) All invoices covering the purchase of cigars, little cigars, loose tobacco or smokeless tobacco, or vapor products shall note the payment of tax.

(5) Any dealer within twenty-four (24) hours, exclusive of weekends and state and federal holidays, who comes into possession of any cigarettes not bearing the proper tax stamps shall either:

(a) Before selling or using, deliver all untaxed product to a licensed distributor who, at its option, may affix the appropriate tax stamps and invoice the dealer at licensed distributor's cost to affix same;

(b) Return the cigarettes to the seller of such cigarettes and retain proof of their return; or

(c) At no cost to the Department, deliver and relinquish ownership of all untaxed cigarettes to the Department for disposal.

(6) If a licensed distributor agrees to affix the tax stamps, such distributor shall affix to each individual package of cigarettes the stamps necessary to evidence payment of the tax.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-2-.03

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-3**,** 48-11-4**,** 48-11-8**.**

**HISTORY:** Original Rule entitled "Rate of Taxation" adopted. F. and eff. June 30, 1965.

**Amended:** F. Sept. 19, 1966; eff. Oct. 8, 1966.

**Amended:** F. and eff. September 5, 1968, as specified by the Agency.

**Repealed:** New Rule entitled "Shipper's Failure to Report" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Tax Stamps - Dealer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

# Subject 560-8-3. DISTRIBUTOR PROVISIONS

## 560-8-3-.01 Application for License - Distributor

(1) To be licensed as a distributor of cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, or alternative nicotine products each person shall apply to the Commissioner.

(a) Such application shall be submitted before July 1 on forms provided for that purpose by the Commissioner. Using the Georgia Tax Center, accessible through the Department's website, a person must apply for a tobacco license for the state of Georgia's fiscal year and annually renew the license.

(b) An application for an initial state license shall include:

(i) An application fee of $250.00.

(ii) An additional fee of $10.00 for those licenses that include vapor products.

(iii) Payment of a bond, on a form provided by the Commissioner, in an amount equal to $5,000.00.

(c) The state license issued for a distributor shall be valid from the date of issuance until the following June 30.

(d) A renewal application shall include:

(i) A renewal fee of $10.00.

(ii) An additional fee of $10.00 for those licenses that include vapor products.

(iii) Payment of a bond, on a form provided by the Commissioner, in an amount equal to one percent (1%) of gross sales of cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, vapor products, and alternative nicotine products during the preceding license year. In no circumstance shall the bond be less than $1,000.

(2) A distributor shall obtain a separate license in accordance with the provisions of this regulation for all places of business it maintains.

(3) A distributor's license shall not be issued to:

(a) A person who does not maintain a warehouse, warehouse personnel, and salespersons who regularly contact and call on dealers.

(b) A vending machine operator or a vending machine owner of loose tobacco, smokeless tobacco, cigar, little cigar, or cigarette vending machines.

(c) A person who is licensed as a dealer.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.01

**AUTHORITY: O.C.G.A. §§** 42-2-12**,** 48-11-4**,** 48-11-7**.**

**HISTORY:** Original Rule entitled "Manufacturer's Agreement; Surety Bond" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Definition" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Application for License - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 20, 2013; eff. June 9, 2013.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.02 License; Nonresident Applicant - Distributor

(1) A nonresident person of this state may be licensed to distribute loose tobacco or smokeless tobacco, cigars, little cigars, cigarettes, vapor products, or alternative nicotine products at wholesale in this state and either purchase and affix Georgia cigarette tax stamps or pay loose tobacco or smokeless tobacco, cigar, little cigar, or vapor product taxes under the alternate method provided that the state of residence of the nonresident applicant reciprocates the privilege to a resident of this state.

(2) A nonresident applicant shall agree:

(a) In a form satisfactory to the Commissioner, to submit to the Commissioner's regulatory authority with respect to its person, activities, and place or places of business outside this state as fully and completely as if such nonresident person, its activities and its place or places of business were located in this state.

(b) To submit all books, accounts, and records for examination by the Commissioner or a duly authorized agent during reasonable business hours.

(c) To comply faithfully with all rules and regulations hereafter promulgated by the Commissioner, particularly those concerning nonresident distributors, their activities, and their places of business.

(d) To be subject to service of process in accordance with the provisions of the Code relating to any matter involving taxes imposed by the Code.

(e) That any violation of any law of this state, or any applicable rule or regulation, shall be cause for revoking any license issued and forfeiture of the bond.

(3) A nonresident applicant shall post a bond with the Commissioner in an amount not less than $1,000.00, as determined by the Commissioner and in a form prescribed by the Commissioner. The condition of said bond shall be payment of any tax, penalty, or interest due the state by such nonresident distributor and compliance with this regulation.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.02

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-5**,** 48-11-7**.**

**HISTORY:** Original Rule entitled "Standard Stock Crown" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "License Fee" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "License; Nonresident Applicant - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.03 Representative Permit - Distributor

(1) No individual and no employee or agent of a distributor shall engage in selling loose tobacco or smokeless tobacco, cigars, little cigars, cigarettes, vapor products, or alternative nicotine products to dealers in this state for resale unless such individual is permitted by the Commissioner.

(2) No individual shall be a salesperson or representative of a licensed distributor unless:

(a) The distributor shall have notified the Department of the individual's appointment as a representative.

(b) The representative has completed and filed under oath an application for a representative permit in a form prescribed by the Commissioner.

(c) The representative has received from the Commissioner a representative permit for which the application was made by the representative. The representative permit shall expire upon notice to the Commissioner by the distributor that it no longer employs or contracts with the representative.

(d) No fee shall be required for the representative permit, and the representative permit shall not be transferable to any other individual.

(3) It shall be a violation of this regulation for a representative of a licensed distributor to:

(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency.

(b) Cause tobacco products, vapor products, or alternative nicotine products to be delivered to an unlicensed place of business.

(4) A representative of a licensed distributor who violates these regulations may be cited and required to show cause why a valid representative permit should not be suspended or revoked.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.03

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-4**.**

**HISTORY:** Original Rule entitled "Private Decorated Crown" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Collection of Taxes" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Representative License - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Representative Permit - Distributor." F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.04 Sale Without Tax Stamp; Notification - Distributor

(1) No distributor shall sell or deliver to any other distributor or dealer:

(a) Any cigarettes which do not bear the required tax stamps.

(b) Any loose tobacco or smokeless tobacco, cigars, little cigars, or vapor products for which tax has not been paid under the alternate method.

(2) Distributors may receive and stamp untaxed cigarettes from dealers provided:

(a) Within twenty-four (24) hours, exclusive of weekends and federal and state holidays, of receipt of untaxed cigarettes, and prior to any transaction involving untaxed cigarettes, the distributor shall notify the Commissioner of such cigarettes using the Georgia Tax Center, accessible through the Department's website.

(b) Dealers are required to pay distributors for all costs related to affixing the tax stamps.

(c) Failure by the distributor to notify the Commissioner will constitute cause for revocation of the distributor's license.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.04

**AUTHORITY: O.C.G.A. §§** 48-11-3**,** 48-11-8**.**

**HISTORY:** Original Rule entitled "Manufacturer's Monthly Report" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Bonds" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Sale Without Tax Stamp; Notification - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.05 Shipment by Nonresident Non-manufacturer - Distributor

Every distributor who is not a dealer in this state who receives any shipment of tobacco products vapor products, or alternative nicotine products from any nonresident who is not the manufacturer of the tobacco products, vapor products, or alternative nicotine products shall file a report of the shipment with the Commissioner on forms provided by the Commissioner and submitted through the Georgia Tax Center, accessible through the Department's website, no later than three business days from receipt of the shipment.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.05

**AUTHORITY: O.C.G.A. §§** 48-11-3**,** 48-11-5**,** 48-11-8**,** 48-11-11**.**

**HISTORY:** Original Rule entitled "Failure to Report; License Revocation" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Monthly Report; Remittance of Taxes" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** New Rule of same title adopted. F. Nov. 17, 1978; eff. Dec. 7, 1978.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Shipment by Nonresident Non-manufacturer - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.06 Alternate Method of Tax for Cigars, Little Cigars, Loose Tobacco or Smokeless Tobacco, and Vapor Products - Distributor

(1) Taxes on loose tobacco or smokeless tobacco, cigars, little cigars, and vapor products shall not be paid by affixing tax stamps thereon, but by filing monthly reports on all such products received, purchased, possessed, consumed, handled, distributed, or used within this state during such month.

(2) Distributors and persons deemed to be distributors pursuant to O.C.G.A. § 48-11-2 shall file monthly reports using the Georgia Tax Center, accessible through the Department's website, on or before the tenth day of each month.

(3) The report shall contain:

(a) The number of cigars, containers of loose tobacco or smokeless tobacco, and vapor products purchased or received during the report month.

(b) The wholesale cost price of all loose tobacco or smokeless tobacco, cigars, and vapor products purchased or received during the report month.

(4) The report must be accompanied by the total payment of the taxes due, payable through the Georgia Tax Center.

(5) The amount of tax due shall be computed on the actual sale or consumption of the tobacco product or vapor product within the state of Georgia and shall be payable when the tobacco product or vapor product leaves the control of the distributor for sale or consumption of the tobacco product or vapor product within the state of Georgia.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.06

**AUTHORITY: O.C.G.A. §§** 48-11-3**,** 48-11-8**,** 48-11-12**.**

**HISTORY:** Original Rule entitled "Failure to Report; Failure to Remit; Penalty; Extension; Interest" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Alternate Method of Tax for Loose Tobacco, Smokeless Tobacco, Cigars, and Little Cigars - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Alternate Method of Tax for Cigars, Little Cigars, Loose Tobacco or Smokeless Tobacco, and Vapor Products - Distributor." F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.07 Cigarettes - Tax Stamping Methods and Discounts - Distributor

(1) Licensed distributors of cigarettes shall use only tax stamping methods and tax stamps approved by the Commissioner.

(2) The Commissioner adopts one uniform single bracket for discounts concerning cigarette stamps.

(3) For the single bracket, licensed distributors of cigarettes shall be allowed to purchase cigarette tax stamps at a discount of four percent (4%) of the face value of the cigarette stamps purchased.

(4) Licensed distributors shall affix a certain color cigarette tax stamp, specified by the Commissioner, to a specific category of cigarette products. The categories are:

(a) Cigarette products produced by a manufacturer listed as a participant for tobacco manufacture and brand compliance for Master Settlement Agreement as set forth on the Georgia Attorney General's website.

(b) Cigarette products produced by a manufacturer listed as a non-participant for tobacco manufacture and brand compliance for Master Settlement Agreement as set forth on the Georgia Attorney General's website.

(5) The primary color(s) of the cigarette tax stamps in subparagraph (4)(b) shall be different from the primary color(s) of the cigarette tax stamps in subparagraph (4)(a) of this regulation.

(6) Failure to apply the appropriate cigarette tax stamp as provided for in this regulation shall result in administrative action by the Department including revocation or suspension of license.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.07

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-3**.**

**HISTORY:** Original Rule entitled "Records to Be Kept" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Cigarettes - Tax Stamping Methods and Discounts - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** ER. 560-8-3-0.37-.07 adopted. F. and eff. December 1, 2008, the date of adoption.

**Amended:** Permanent Rule adopted. F. Jan. 26, 2009; eff. Feb. 15, 2009.

**Amended:** ER. 560-8-3-0.39-.07 adopted. F. and eff. March 30, 2009, the date of adoption.

**Amended:** Permanent Rule adopted. F. May 13, 2009; eff. June 2, 2009.

**Repealed:** New Rule of same title adopted. F. Aug. 20, 2009; eff. Sept. 9, 2009.

**Repealed:** New Rule of the same title adopted. F. Oct. 1, 2010; eff. Oct. 21, 2010.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.08 Claims for Refund or Credit - Distributor

(1) The Commissioner will refund the cost price of stamps affixed to any package of cigarettes or will refund the tax paid on cigars, little cigars, loose tobacco or smokeless tobacco, or vapor products under the alternate method when it is shown to the Commissioner's satisfaction that any of these products:

(a) Have become unfit for use, consumption, or sale.

(b) Have been destroyed or shipped out of this state and then were destroyed.

(2) A claim for refund or credit shall be submitted on a form provided by the Commissioner and shall be accompanied by a signed affidavit from the licensee for refund or credit attesting that the cigarettes, cigars, little cigars, loose tobacco or smokeless tobacco, or vapor products that were destroyed or shipped out-of-state were unfit for use, consumption, or sale based upon currently published manufacturer's standards.

(3) A copy of the published standards shall accompany the affidavit and claim for refund or credit.

(4) A request for a refund or credit shall be submitted to the Commissioner no later than one year from the date the tax payment was received by the Commissioner. Upon the occurrence of a rate change, a request for a refund or credit shall be received by the Commissioner no later than thirty (30) days from the effective date of the rate change.

(5) No refund or credit of taxes related to contraband tobacco products or vapor products shall be granted to any person.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.08

**AUTHORITY: O.C.G.A. §§** 48-11-4**,** 48-11-14**,** 48-11-15**.**

**HISTORY:** Original Rule entitled "Responsibility for Tax" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Claims for Refund or Credit - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. Mar. 10, 2008; eff. Mar. 30, 2008.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.09 Report of Loss, Damage, and Refusal of Non-Tax Paid Tobacco Products and Vapor Products - Distributor

All distributors shall file within twenty-four (24) hours, exclusive of weekends and federal and state holidays, reports of all losses and damages in transit of non-tax-paid tobacco products and vapor products and of all non-tax-paid tobacco products and vapor products refused or returned to the carrier on forms, electronic or otherwise, provided by the Commissioner.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.09

**AUTHORITY: O.C.G.A. §** 48-11-15**.**

**HISTORY:** Original Rule entitled "Penalty; Deficiency of Payment" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Report of Loss, Damage, and Refusal of Non-Tax Paid Tobacco Products - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.10 Conducting Business in Multiple States - Distributor

(1) A distributor who conducts business in multiple states including Georgia and, in the course of its business, who possesses at the same location both Georgia-stamped cigarettes and cigarettes stamped for sale in another state shall store cigarettes stamped for sale in another state in a locked separate room, locker, cage, or area to prevent commingling with Georgia-stamped cigarettes.

(2) In this state, a distributor who is licensed to sell cigarettes in multiple states is prohibited from selling over the counter any cigarettes not bearing Georgia stamps.

(3) A distributor who conducts business in multiple states including Georgia and, in the course of its business, who possesses at the same location both tobacco products, vapor products, or alternative nicotine products for sale in

Georgia and tobacco products, vapor products, or alternative nicotine products for sale in another state shall store the tobacco products, vapor products, and alternative nicotine products for sale in another state in a locked separate room, locker, cage, or area to prevent commingling with tobacco products, vapor products, and alternative nicotine products to be sold in Georgia.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.10

**AUTHORITY: O.C.G.A. §§** 48-11-3 **to** 48-11-5**.**

**HISTORY:** Original Rule entitled "Sales for Cash Only" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Conducting Business in Multiple States - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-3-.11 Promotional Activities - Distributor

(1) Every person engaged in promotional activities in this state on behalf of a distributor of tobacco products, vapor products, or alternative nicotine products shall do so only if licensed by the Commissioner.

(2) Each person shall apply for a license for a period commencing from date of issuance of the license until June 30 prior to engaging in "promotional activities."

(a) A renewal license application must be filed prior to June 15 or the application will be considered an initial application.

(b) Applications shall be completed on a form provided by the Commissioner.

(c) The license fee shall be $10.00 per license. An additional fee of $10.00 will be applied for each vapor license.

(d) Licenses are not transferable to any other person.

(3) Licensing hereunder shall not apply to persons employed by licensed distributors or dealers who are licensed under these regulations.

(4) Any untrue, misleading, or omitted statement or information contained in such application shall constitute cause for the denial thereof and, if any license has been granted, shall constitute cause for revocation.

(5) To protect the public interest and welfare, the Commissioner may decline to issue a state license to engage in promotional activities on behalf of a distributor of tobacco products, vapor products, or alternative nicotine products of any kind when:

(a) Any person determined by the Commissioner, by reason of such person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, to be unlikely to maintain the operation for which he is seeking a license in conformity with federal, state, or local laws, shall be deemed unqualified to receive a license to engage in promotional activity for a distributor.

(b) Any person convicted of a felony who served any part of a criminal sentence, including probation, at any time within ten (10) years immediately preceding the date of receipt of submission of an application shall be deemed unqualified to receive a license to engage in promotional activity for a distributor.

(c) Any person convicted of a misdemeanor who served any part of a criminal sentence, including probation, at any time within five (5) years immediately preceding the date of receipt of submission of an application shall be deemed unqualified to receive a license to engage in promotional activity for a distributor.

(6) If the Commissioner has reason to believe that an applicant is not entitled to the license for which the applicant has applied, the Commissioner shall notify the applicant. The applicant shall have thirty (30) days from the date of the notice to request in writing a hearing on the application. Upon receipt of applicant's written request, the Commissioner shall provide the applicant with due notice and opportunity for hearing on the application conducted by the Commissioner or his or her duly appointed hearing officer pursuant to Regulation 560-8-6 *et seq*. If the Commissioner, after providing notice and opportunity for a hearing, determines that the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which such denial is based.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-3-.11

**AUTHORITY: O.C.G.A. §§** 48-11-3**,** 48-11-4**.**

**HISTORY:** Original Rule entitled "Refunds, Discounts, Gifts to Retailers" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Promotional Activities - Distributor" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

# Subject 560-8-4. MANUFACTURER/IMPORTER PROVISIONS

## 560-8-4-.01 Application for License - Manufacturer or Importer

(1) To be licensed as a manufacturer or importer of tobacco products, vapor products, or alternative nicotine products each person shall apply to the Commissioner.

(a) Using the Georgia Tax Center, accessible through the Department's website, an individual on behalf of each applicant must apply for a tobacco license for the state of Georgia's fiscal year and annually renew the license. The term shall be for a period commencing on the date of issuance of the license through June 30.

(b) Such application shall be submitted before July 1 on forms adopted by the Commissioner for that purpose.

(2) A manufacturer's or importer's license shall not be issued to:

(a) A person who does not maintain a warehouse or employ warehouse personnel and salespeople who regularly contact and call on distributors.

(b) An operator of cigarette, cigar, little cigar, or loose tobacco or smokeless tobacco vending machines.

(c) A person who is licensed as a dealer.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-4-.01

**AUTHORITY: O.C.G.A. § 48-11-4.**

**HISTORY:** Original Rule entitled "Definitions" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Definition; Limitations" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Application for License - Manufacturer or Importer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 20, 2013; eff. June 9, 2013.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

## 560-8-4-.02 Representative or Salesperson Permit - Manufacturer or Importer

(1) No person, as an employee or otherwise of a manufacturer, shall engage in selling in this state, tobacco products, vapor products, or alternative nicotine products to distributors in this state unless such person obtains a permit.

(2) No person shall be a salesperson or representative of a licensed manufacturer unless:

(a) The employing manufacturer shall have notified the Department of the person's appointment as a representative.

(b) The representative has completed and filed, under oath, an application for a permit as such in the form provided by the Commissioner.

(c) The representative has received the permit from the Commissioner for which the application is made. The permit shall expire upon notice to the Commissioner by the manufacturer that it no longer employs the representative.

(d) A ten dollar ($10.00) fee has been paid for the permit. The permit shall not be transferable to any other person.

(3) It shall be a violation of this regulation for a representative of a licensed manufacturer to:

(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency.

(b) Cause tobacco products, vapor products, or alternative nicotine products to be delivered to an unlicensed place of business.

(4) A representative of a licensed manufacturer violating these regulations may be cited to show cause why his or her permit should not be suspended or revoked.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-4-.02

**AUTHORITY: O.C.G.A. § 48-11-4.**

**HISTORY:** Original Rule entitled "Sales for Cash Only" adopted. F. and eff. June 30, 1965.

**Amended:** F. Dec. 18, 1967; eff. Jan. 6, 1968.

**Repealed:** New Rule entitled "Sales for Cash Only; Exceptions" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Representative or Salesperson License - Manufacturer or Importer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Representative or Salesperson Permit - Manufacturer or Importer." F. May 4, 2026; eff. May 24, 2026.

## 560-8-4-.03 Tax on Sample Tobacco Products and Vapor Products - Manufacturer or Importer

(1) Tax must be paid on all tobacco products and vapor products distributed as samples.

(2) Manufacturers and importers may distribute samples inside this state without having tax stamps affixed thereon.

(3) The tax due on sample tobacco products and vapor products must be paid to the Commissioner by the manufacturer or importer on or before the tenth day of each month for all samples received during the previous month.

(4) The manufacturer or importer shall submit to the Commissioner invoices for all shipments of samples for the preceding month along with payment of all tax due.

(5) All packages or containers of samples must have written thereon the words "Not For Sale", or a similar statement, indicating that such samples are not for sale. All packages of sample cigarettes must contain a minimum of two cigarettes.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-4-.03

**AUTHORITY: O.C.G.A. §§** 48-11-2**,** 48-11-3**.**

**HISTORY:** Original Rule entitled "Invalid Checks" adopted. F. and eff. June 30, 1965.

**Amended:** F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Tax on Sample Loose Tobacco, Smokeless Tobacco, Cigars, and Cigarettes - Manufacturer or Importer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Tax on Sample Tobacco Products and Vapor Products - Manufacturer or Importer." F. May 4, 2026; eff. May 24, 2026.

## 560-8-4-.04 Promotional Activities; Licensing - Manufacturer or Importer

(1) Every person engaged in promotional activities in this state on behalf of a manufacturer or importer of tobacco products, vapor products, or alternative nicotine products shall do so only if licensed by the Commissioner under Regulation 560-8-1-.02

(2) Prior to engaging in promotional activities, a person shall apply and obtain a license for a period commencing on the date of issuance and ending June 30 prior to engaging in promotional activities.

(a) A renewal license application must be filed prior to July 1.

(b) Applications shall be completed on a form provided by the Commissioner.

(c) The license fee shall be ten dollars ($10.00) per license, per period.

(d) Licenses are not transferable to any other person.

(3) Licensing hereunder shall not apply to persons employed by licensed distributors or dealers who are licensed under these regulations.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-4-.04

**AUTHORITY: O.C.G.A. §** 48-11-4**.**

**HISTORY:** Original Rule entitled "Refunds, Discounts, Gifts to Retailers" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Free Goods; Advertising Material" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Promotional Activities; Licensing - Manufacturer or Importer" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

# Subject 560-8-5. VENDING MACHINES

## 560-8-5-.01 Vending Machine Route Person Permit

(1) Any individual who services tobacco product vending machines, or delivers tobacco products to such machines must be permitted as a tobacco product vending machine route person.

(2) No individual shall be a vending machine route person unless:

(a) The employing distributor notifies the Department of the individual's appointment as a vending machine route person.

(b) The vending machine route person has completed and filed under oath an application for a permit as such on a form provided by the commissioner.

(c) The vending machine route person has received the permit for which the application was made from the commissioner. The permit shall expire upon notice to the commissioner by the distributor that it no longer employs the vending machine route person or by order of the commissioner.

(3) No fee shall be required for the permit and the permit shall not be transferable to any other individual.

(4) It shall be a violation of this regulation for a vending machine route person of a licensed distributor to:

(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency.

(b) Cause tobacco products to be delivered to an unlicensed place of business.

(5) A vending machine route person who violates these regulations may be cited to show cause why his or her permit should not be suspended or revoked.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-5-.01

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-4**.**

**HISTORY:** Original Rule entitled "Areas Ceded to United States" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Definition" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Cigar and Cigarette Vending Machine Route Person License - Vending Machines" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Vending Machine Route Person Permit." F. May 4, 2026; eff. May 24, 2026.

## 560-8-5-.02 Tobacco Product Vending Machines

(1) Every tobacco product vending machine purchased or transported into this State for use in this State shall be of such design as to provide:

(a) A glass-covered opening of such dimensions as to permit visibility of not less than three packages of loose tobacco, smokeless tobacco, cigars, little cigars, or cigarettes in each column across either the front or rear panel of the vending machine in order to provide a clear view of the tobacco product being sold.

(b) The cigarettes to be sold from the vending machine shall be so stamped and inserted that the tax stamps on the individual packages shall be clearly visible from the outside of the machine through said opening.

(c) If loose tobacco, smokeless tobacco, cigars, or little cigars for which tax has been paid under the alternate method are dispensed by the machine, the operator of such machine upon inspection must present evidence to prove that the tax on such tobacco products has been paid.

(2) Any vending machine found to contain or disburse cigarettes that do not bear the required tax stamps for cigarettes or any loose tobacco, smokeless tobacco, cigars, or little cigars for which the tax has not been paid under the alternate method, shall be considered contraband and seized and handled in a manner prescribed by law.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-5-.02

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-4**,** 48-11-9**.**

**HISTORY:** Original Rule entitled "All Sales to Licensed Distributors" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Areas Ceded to United States" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Loose Tobacco, Smokeless Tobacco, Cigar or Cigarette Vending Machines - Vending Machines" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Tobacco Product Vending Machines." F. May 4, 2026; eff. May 24, 2026.

## 560-8-5-.03 Sales from Vending Machines

(1) Any person who maintains in such place of business a vending machine which dispenses tobacco products, or tobacco related objects shall place or cause to be placed in a conspicuous place on such vending machine a sign containing the following statement:

"THE PURCHASE OF CIGARETTES, TOBACCO PRODUCTS, TOBACCO RELATED OBJECTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS FROM THIS VENDING MACHINE BY ANY PERSON UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW."

(2) It shall be a violation for any person holding any license issued pursuant to the Code and these regulations and who maintains in such person's place of business a vending machine which dispenses tobacco products or tobacco related objects to allow individuals under 21 years of age to operate the vending machine.

(3) The sale or offering for sale of tobacco products or tobacco related objects from vending machines shall not be permitted except:

(a) In locations which are not readily accessible to individuals under the age of 21 years, including but not limited to:

1. Factories, businesses, offices, and other places which are not open to the general public;

2. Places open to the general public that do not admit individuals under the age of 21 years;

3. Places where alcoholic beverages are offered for sale;

(b) In areas which are in the immediate vicinity, in plain view, and under the continuous supervision of the proprietor of an establishment or an employee who can observe the purchase of tobacco products and tobacco related objects from the vending machine; and

(c) In rest areas adjacent to roads and highways of the State.

(4) Any person who maintains in such person's place of business a vending machine which dispenses tobacco products or tobacco related objects shall not dispense any non-tobacco product, other than matches, in such vending machine.

(5) Vapor products may not be sold from vending machines.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-5-.03

**AUTHORITY: O.C.G.A. §§** 16-12-173**,** 48-2-12**,** 48-11-4**,** 48-11-4.1**.**

**HISTORY:** Original Rule entitled "Military Beer" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Jurisdiction Over Territory Ceded to United States" adopted. F. Dec. 30, 1975; eff. Jan. 19, 1976.

**Repealed:** F. May 5, 1982; eff. May 25, 1982.

**Amended:** New Rule entitled "Sales from Vending Machines - Vending Machines" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Sales from Vending Machines." F. May 4, 2026; eff. May 24, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-8. ALCOHOL AND TOBACCO DIVISION (TOBACCO)

# Subject 560-8-6. ADMINISTRATIVE HEARINGS

## 560-8-6-.03 Intra-Agency Appeal Procedure; Post Hearing Motions - Administrative Hearings

(1) The following two-step appeal procedure shall be the exclusive administrative remedy for appealing decisions entered pursuant to these regulations.

(a) Step One - Request for Reconsideration:

1. Prior to an Executive Order becoming final, the Hearing Officer may reconsider his or her decision to correct errors or omissions of fact or law.

2. A licensee or applicant who is aggrieved by the Executive Order entered by the Hearing Officer may appeal by filing a Request for Reconsideration with the Hearing Officer who heard the case no later than ten (10) days after service.

3. The Hearing Officer shall review the request and either deny the request or modify the initial Executive Order by an Order on Reconsideration.

(b) Step Two - Motion for Review:

1. Provided a timely Request for Reconsideration was filed with the initial Hearing Officer, a licensee or applicant shall have ten (10) days from the date of receipt of the Hearing Officer's Order on Reconsideration (or denial of request) to file with the Commissioner a written Motion for Review.

2. The motion shall set forth a concise statement of the basis upon which the appeal is made together with supporting arguments setting forth an enumeration of erroneous conclusions of law or determinations.

3. On review, the Commissioner may consider the whole record or such portions of it as may be cited by the parties. No evidence outside the record shall be considered.

4. After due consideration and as soon as practicable, the Commissioner or his/her designee shall either grant or deny the Motion for Review.

5. If the Motion is denied, the Hearing Officer's Executive Order shall automatically become the Final Decision of the Department.

6. If the Motion is granted, the Commissioner will either remand the case to the Hearing Officer for additional proceedings or issue a Final Order either modifying or upholding the Executive Order.

7. With the exception of an Order remanding the case to the Hearing Officer, either the Commissioner's Order denying a Motion for Review or the Commissioner's Final Order entered pursuant to this procedure shall constitute final Department action, and the matter shall not be further appealable within the Department.

(2) Application to Stay Execution of Order: The filing of a Request for Reconsideration or Motion for Review does not automatically, of itself, stay the execution and enforcement of any Order of the Hearing Officer or Commissioner.

(a) A request to stay the execution and enforcement of any Order may be made with the Request for Reconsideration or Motion for Review and the Hearing Officer or Commissioner may grant such request to stay upon appropriate terms for good cause shown.

(3) Waiver of Administrative Appeal: The failure to follow the intra-agency appeal procedure as outlined in this Regulation shall constitute a waiver of Department appeal rights. Absent the initiation of the intra-agency appeal procedure, the Hearing Officer's Executive Order shall automatically become the Final Decision of the Department and the Commissioner ten (10) days after service.

(4) Any person aggrieved because of any action or decision of the commissioner, after an administrative hearing has been conducted, may appeal the decision to the superior court of the county in which the appellant resides.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-6-.03

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-4**,** 48-11-6**,** 48-11-18**.**

**HISTORY:** Original Rule entitled "Shipment by Non-Resident, Non-Manufacturer" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Shipment by Nonresident or Nonmanufacturer" adopted. F. Feb. 8, 2005; eff. Feb. 28, 2005.

**Repealed:** New Rule of same title adopted. F. Mar. 29, 2005; eff. Apr. 18, 2005.

**Repealed:** New Rule entitled "Appeals of Commissioner's Order - Administrative Hearings" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** New title, "Intra-Agency Appeal Procedure; Post Hearing Motions - Administrative Hearings." F. May 4, 2026; eff. May 24, 2026.

## 560-8-6-.06 Evidence; Official Notice - Administrative Hearings

The rules of evidence in hearings covered by this Chapter shall be substantially as follows:

(a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(b) The rules of evidence as applied in the trial of civil non-jury cases in superior courts shall be followed as far as is practicable.

(c) When necessary to ascertain facts not reasonably ascertainable of proof under such rules, evidence not admissible under superior court rules may be admitted, except where precluded by statute, if it is a type commonly relied upon by reasonably prudent persons.

(d) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, the parties shall be given an opportunity to compare the copy with the original or have it established as documentary evidence according to the rules of evidence applicable to superior courts of Georgia.

(e) A party may conduct such cross-examination as shall be required for a full and true disclosure of the facts.

(f) Official notice may be taken of judicially recognizable facts and generally recognized technical facts or records within the Department's specialized knowledge. The parties shall be notified of any material so noticed and shall be afforded the opportunity to contest such material.

**Cite as** Ga. Comp. R. & Regs. R. 560-8-6-.06

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-11-6**,** 48-11-18**.**

**HISTORY:** Original Rule entitled "Monthly Report of Shipments; Invoices" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule of same title adopted. F. Feb. 8, 2005; eff. Feb. 28, 2005.

**Repealed:** New Rule of same title adopted. F. Mar. 29, 2005; eff. Apr. 18, 2005.

**Repealed:** New Rule entitled "Evidence; Official Notice - Administrative Hearings" adopted. F. Sept. 26, 2007; eff. Oct. 16, 2007.

**Amended:** F. May 4, 2026; eff. May 24, 2026.

# Department 560. RULES OF DEPARTMENT OF REVENUE

# Chapter 560-12. SALES AND USE TAX DIVISION

# Subject 560-12-2. SUBSTANTIVE RULES AND REGULATIONS

## 560-12-2-.03 [Effective 6/11/2026] Agriculture Exemptions

(1) **Purpose.** This Rule addresses the sales and use tax exemptions in O.C.G.A. § 48-8-3.3 for Agricultural Production Inputs, Agricultural Machinery and Equipment, Energy Used in Agriculture, and diesel exhaust fluid.

(2) **Definitions.** For purposes of this Rule only:

(a) "Agricultural Machinery and Equipment" means:

1. Machinery and Equipment used in Agricultural Operations, examples of which are provided in paragraph (5); or

2. Machinery or Equipment expressly included in O.C.G.A. § 48-8-3.3(a)(1)(B):

(i) Farm tractors and attachments to the tractors used in Agricultural Operations;

(ii) Any off-road vehicle used in Agricultural Operations;

(iii) Self-propelled fertilizer or chemical application Equipment sold to persons engaged primarily in producing Agricultural Products for sale and that are used exclusively in tilling, planting, cultivating, and harvesting Agricultural Products;

(iv) Devices and containers used in the transport and shipment of Agricultural Products;

(v) Aircraft exclusively used for spraying agricultural crops;

(vi) Pecan sprayers, pecan shakers, and other Equipment used in harvesting pecans sold to persons engaged in the growing, harvesting, and production of pecans;

(vii) Off-road Equipment and related attachments that are sold to or used by persons engaged primarily in the growing or harvesting of timber and that are used exclusively in site preparation, planting, cultivating, or harvesting timber;

(viii) Grain bins and attachments to grain bins that are used in Agricultural Operations regardless of whether such grain bins or attachments become incorporated into Real Property;

(ix) Trailers used to transport Agricultural Products;

(x) All-terrain vehicles and multi-passenger rough-terrain vehicles that are used in Agricultural Operations; and

(xi) Any Repair, Replacement, or Component Parts installed on Agricultural Machinery and Equipment.

(b) "Agricultural Operations" is used synonymously with the term "Agricultural Purposes" and "Agricultural Uses".

1. Except as otherwise provided in this Rule, "Agricultural Operations" means the following activities:

(i) Raising, growing, harvesting, or storing of crops, including but not limited to soil preparation and crop production services, such as plowing, fertilizing, seed bed preparation, planting, cultivating, and crop protecting services;

(ii) Feeding, breeding, or managing Livestock, equine, or poultry;

(iii) Producing or storing feed for use in the production of Livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including but not limited to chickens, hens, ratites, and turkeys;

(iv) Producing plants, trees, fowl, equine, or other Animals;

(v) Producing aquacultural, horticultural, viticultural, silvicultural, grass sod, dairy, Livestock, poultry, egg, and apiarian products;

(vi) Processing poultry;

(vii) Post-harvest services on crops with the intent of preparing them for market or further processing, including but not limited to crop cleaning, drying, shelling, fumigating, curing, sorting, grading, packing, ginning, canning, pickling and cooling.

(viii) Slaughtering poultry and other Animals; and

(ix) Manufacturing dairy products.

2. "Agricultural Operations" excludes constructing, installing, altering, repairing, dismantling, or demolishing Real Property structures or Fixtures, including but not limited to grain bins, irrigation equipment, and fencing.

(c) "Agricultural Production Inputs" means the following when used for Agricultural Purposes:

1. Seed;

2. Seedlings;

3. Plants grown from seed, cuttings, or liners;

4. Fertilizers;

5. Insecticides;

6. Livestock and poultry feeds, drugs, and instruments used for the administration of such drugs;

7. Fencing products and materials regardless of whether the fencing products or materials become incorporated into Real Property;

8. Fungicides;

9. Rodenticides;

10. Herbicides;

11. Defoliants;

12. Soil fumigants;

13. Plant growth regulating chemicals;

14. Desiccants, including but not limited to shavings and sawdust from wood, peanut hulls, fuller's earth, straw, and hay;

15. Feed for Animals, including but not limited to Livestock, fish, equine, hogs, or poultry;

16. Sugar used as food for honeybees kept for the commercial production of honey, beeswax, and honeybees;

17. Cattle, hogs, sheep, equine, poultry, or bees when sold for breeding purposes;

18. Ice or other refrigerants, including but not limited to nitrogen, carbon dioxide, ammonia, and propylene glycol used in the processing for market or the chilling of Agricultural Products in storage facilities, rooms, compartments, or delivery trucks;

19. Materials, containers, crates, boxes, labels, sacks, bags, or bottles used for packaging Agricultural Products when the product is either sold in the containers, sacks, bags, or bottles directly to the consumer or when such use is incidental to the sale of the product for resale; and

20. Containers, plastic, canvas, and other fabrics used in the care and raising of Agricultural Products or canvas used in covering feed bins, silos, greenhouses, and other similar storage structures.

(d) "Agricultural Products" means items produced by Agricultural Operations.

(e) "Animals" is synonymous with "Livestock" and means living organisms that are commonly regarded as farm animals, organisms that produce tangible personal property for sale, or organisms that are processed, manufactured, or converted into articles of tangible personal property for sale. The term does not include living organisms that are commonly regarded as domestic pets or companion animals.

(f) "Aquaculture" means an operation or integrated series of operations in the growing of marine or freshwater organisms for sale. Aquaculture involves the cultivating of aquatic populations under controlled conditions, as contrasted with commercial fishing, where the conditions are not controlled.

(g) "Consumable Supplies" means tangible personal property, other than Machinery, Equipment, Agricultural Production Inputs, and energy, that is readily disposable, or is immediately consumed or expended.

(h) "Energy Used in Agriculture" means fuels used for Agricultural Purposes, other than fuels subject to prepaid tax as defined in O.C.G.A. § 48-8-2.

(i) "Farm" means a parcel or tract of land or contiguous tracts or parcels of land, or, for Aquaculture, an area of lake, river or sea, devoted primarily to growing or raising, and actively maintaining, plants and Animals for Agricultural Purposes.

(j) "Fixtures" means tangible personal property that has been installed or attached to land or to any building thereon and that is intended to remain permanently in its place. A consideration for whether property is a Fixture is whether its removal would cause significant damage to such property or to the Real Property to which it is attached. Fixtures are classified as Real Property. Examples of Fixtures include but are not limited to plumbing, lighting fixtures, slabs, and foundations.

(k) "Local Sales and Use Tax" means any sales or use tax that is levied and imposed in an area consisting of less than the entire state, however authorized.

(l) "Machinery" is used synonymously with "Equipment" and means any device or apparatus other than Real Property, Agricultural Production Inputs, energy, and Consumable Supplies. The terms "Machinery" and "Equipment" include Repair, Replacement, or Component Parts.

(m) "Motor Vehicle" means any self-propelled vehicle designed for operation or required to be licensed for operation upon the public highways.

(n) "Qualified Agricultural Producer" means a person defined as such by the Georgia Department of Agriculture.

(o) "Real Property" means land, buildings, or Fixtures attached to land or buildings.

(p) "Repair Part," "Replacement Part," or "Component Part" means a part for Agricultural Machinery and Equipment. Repair, Replacement, or Component Parts must be used to maintain, repair, restore, install, or upgrade such Agricultural Machinery and Equipment. Examples of Repair, Replacement, or Component Parts may include but are not limited to oils, greases, hydraulic fluids, coolants, lubricants, and other interchangeable tooling.

(3) **Scope of exemptions: Activities that are not Agricultural Operations.** Except as otherwise provided in this Rule, inputs, machinery, equipment, and energy used in the following activities do not qualify for exemption:

(a) Activities occurring after a finished product has been loaded in or on a truck or other vehicle for transport for sale;

(b) Research and development activities;

(c) Landscaping activities for recreation or beautification, such as the maintenance of lawns or golf courses;

(d) The operation of a sales facility;

(e) Subsistence farming, hobby farming, and activities that will generate less than $5,000.00 in sales annually; and

(f) Administrative activities, including but not limited to sales promotion, general office work, credit and collection, purchasing, and clerical work.

(4) **Exemption for Agricultural Production Inputs.** Sales of Agricultural Production Inputs, as defined in this Rule, to Qualified Agricultural Producers holding a Georgia Agriculture Tax Exemption (GATE) Certificate issued by the Georgia Department of Agriculture are exempt from state sales and use tax and all Local Sales and Use Tax.

(5) **Exemption for Agricultural Machinery and Equipment.** Sales (including leases) of Agricultural Machinery and Equipment, as defined in this Rule, to Qualified Agricultural Producers holding a GATE Certificate are exempt from state sales and use tax and all Local Sales and Use Tax. The exemption includes Machinery and Equipment expressly listed in O.C.G.A. § 48-8-3.3(a)(1)(B) and Machinery and Equipment used in Agricultural Operations.

(a) Machinery and Equipment used in Agricultural Operations**.** Agricultural Operations can differ significantly from one to another. Thus, when determining whether Machinery or Equipment is used in Agricultural Operations, the Department of Revenue may evaluate the facts and circumstances of each case.

1. Examples of Machinery or Equipment that are not used in Agricultural Operations at any time generally include but are not limited to:

(i) Motor Vehicles;

(ii) Power lines or transformers that provide electricity to an agricultural operation;

(iii) Real Property, other than grain bins, fencing, and irrigation equipment used in an Agricultural Operation, including but not limited to concrete slabs and foundations, and structures or Fixtures used for ventilation, heating, cooling, illumination, communications, plumbing, or the personal comfort and convenience of employees;

(iv) Administrative Machinery or Equipment, including computers, related computer peripherals, servers, copiers, telephones, facsimile machines, office furniture, office furnishings, office supplies such as paper and pencils, and

educational materials used for non-agricultural functions, including but not limited to sales, marketing, research and development, accounting and payroll, and purchasing;

(v) Machinery or Equipment that is not operated under the control of the Qualified Agricultural Producer's employees or other persons under the Qualified Agricultural Producer's direction and control; and

(vi) Living organisms of any kind, including but not limited to people, Animals, and bacteria utilized in irrigation.

2. Except as otherwise provided in this Rule, Machinery and Equipment used in Agricultural Operations generally include but are not limited to Machinery and Equipment used:

(i) In the production of poultry and eggs for sale, including but not limited to brooder bulbs and Machinery and Equipment used in the cleaning or maintenance of poultry houses;

(ii) In the hatching and breeding of poultry and the breeding of Livestock and equine;

(iii) In the production, processing, and storage of fluid milk for sale;

(iv) In the drying, ripening, cooking, further processing, or storage of Agricultural Products;

(v) In the production of poultry, eggs, fluid milk, equine, or Livestock for sale;

(vi) For the purpose of harvesting Agricultural Products to be used on the Farm by that producer as feed for poultry, equine, or Livestock;

(vii) In tilling the soil or in Animal husbandry;

(viii) Exclusively for irrigation of Agricultural Products, including but not limited to fruit, vegetable, and nut crops regardless of whether the irrigation Machinery or Equipment becomes incorporated into Real Property;

(ix) To cool Agricultural Products in storage facilities;

(x) To produce Aquacultural products;

(xi) To maintain, clean, repair, restore, install, or upgrade Agricultural Machinery and Equipment;

(xii) To provide worker safety or to protect the quality of the Agricultural Product, including but not limited to safety Machinery and Equipment required by federal or state law, gloves, ear plugs, face masks, protective eyewear, hard hats or helmets, and breathing apparatuses, regardless of whether the items would otherwise be considered Consumable Supplies; and

(xiii) In harvesting timber, including all off-road Equipment and related attachments used in every forestry procedure starting with the severing of a tree from the ground until and including the point at which the tree or its parts in any form has been loaded in the field in or on a truck or other vehicle for transport to the place of use. Such off-road Equipment includes but is not limited to skidders, feller bunchers, debarkers, delimbers, chip harvesters, tub-grinders, woods cutters, chippers of all types, loaders of all types, dozers, mid-motor graders, and the related attachments.

3. Primary purpose. Except as otherwise provided in this Rule, an item of Machinery or Equipment qualifies for exemption only if its primary purpose is for use in an Agricultural Operation. "Primary purpose" means the purpose for which an item of tangible personal property is used more than one-half of the total amount of time that the item is in use. Alternatively, instead of time, the purpose may be measured in terms of other applicable criteria such as the number of items produced. The Department of Revenue may consider any reasonable methodology for measuring the primary purpose of Machinery or Equipment for which the primary purpose is not readily identifiable.

(b) Parts withdrawn from inventory. Miscellaneous parts for which the ultimate use is unknown at the time of purchase are eligible for the exemption as Repair, Replacement, or Component Parts. However, use tax must be accrued and remitted if parts are withdrawn from the inventory of parts and used for any purpose other than to maintain, repair, restore, install, or upgrade Agricultural Machinery and Equipment.

(6) **Exemption for Energy Used in Agriculture.** Sales of Energy Used in Agriculture, as defined in this Rule, to Qualified Agricultural Producers holding a GATE Certificate are exempt from state sales and use tax and all Local Sales and Use Tax.

(a) Metered energy. In order to purchase metered Energy Used in Agriculture without the payment of tax, the energy must be metered separately from energy used for non-agricultural purposes. Qualified Agricultural Producers must present to their energy providers the GATE Certificate and the account numbers and service addresses of meters to which the exemption applies.

1. De minimis use exception**.** If a single meter supplies energy for Agricultural Purposes and energy for de minimis non-agricultural purposes, a GATE Certificate holder is permitted to purchase all of the energy supplied from the meter without the payment of tax, so long as that meter does not supply energy for a personal residence. De minimis use means use that represents ten (10) percent or less of the total amount of energy supplied by a single meter.

(b) Non-metered energy. Qualified Agricultural Producers holding the GATE Certificate are permitted to purchase non-metered energy, such as propane and wood, tax exempt. Producers, however, must accrue and remit use tax on any portion of the energy that is not used for Agricultural Purposes.

(c) Examples of Energy Used in Agriculture. Energy Used in Agriculture includes but is not limited to:

1. Off-road diesel, propane, butane, electricity, natural gas, wood, wood products, wood by-products and liquefied petroleum gas;

2. Fuel used in structures in which broilers, pullets, or other poultry are raised, in which swine are raised, in which dairy Animals are raised or milked or where dairy products are stored on a Farm, in which Agricultural Products are stored, and in which plants, seedlings, nursery stock, or floral products are raised primarily for the purpose of making sales of such plants, seedlings, nursery stock, or floral products for resale;

3. Fuel for the operation of an irrigation system which is used on a Farm exclusively for the irrigation of Agricultural Products; and

4. Fuel used in the drying, cooking, or further processing of raw Agricultural Products.

(d) Examples of energy that is not exempt under O.C.G.A. § 48-8-3.3.

1. Energy not used for Agricultural Purposes;

2. Gasoline, clear diesel, and aviation gasoline;

3. Liquefied petroleum gas and special fuel (including compressed natural gas) when used to propel a Motor Vehicle on the public highways;

4. Energy used for administrative activities; and

5. Energy used in a personal residence.

(7) **Exemption for diesel exhaust fluid.** Effective July 1, 2024, sales of diesel exhaust fluid to Qualified Agricultural Producers for Agricultural Uses only are exempt from state sales and use tax and all Local Sales and Use Taxes. The exemption is available only to Qualified Agricultural Producers holding a GATE Certificate.

(8) **Certificates of exemption.** Department of Revenue Agricultural Certificate of Exemption (Form ST-Al) is not valid for purchases occurring on or after January 1, 2013.

(a) GATE Certificate. Any person making a sale or lease of Agricultural Production Inputs, Agricultural Machinery and Equipment, or Energy Used in Agriculture must collect sales and use tax unless such person, in good faith, takes from the purchaser or lessee a GATE Certificate.

1. Qualified Agricultural Producers may obtain a GATE Certificate from the Georgia Department of Agriculture.

2. GATE Certificate holders must meet the requirements of this Rule to qualify for the exemptions in O.C.G.A. § 48-8-3.3.

3. Effective May 3, 2018, GATE card applicants are required by O.C.G.A. § 48-8-3.3(d)(2) to provide to the Georgia Department of Agriculture a valid state taxpayer identification number. For out-of-state GATE applicants that are not required to file any Georgia tax returns, "a state taxpayer identification number" means, for purposes of this Rule only, a social security number or a federal employer identification number (FEIN or EIN). For all other applicants, "a state taxpayer identification number" means, for purposes of this Rule only, the applicant's Georgia sales and use tax account number, Georgia individual income tax account number (social security number), or Georgia corporate income tax account number (federal employer identification number).

(b) Refunds. When tax is remitted on the purchase or lease of exempt Agricultural Production Inputs, Machinery, Equipment, or Energy Used in Agriculture, Qualified Agricultural Producers holding a GATE Certificate may apply to the Department of Revenue for a refund pursuant to O.C.G.A. § 48-2-35. For purchases occurring on or after January 1, 2013, tax will not be refunded unless the purchaser held a GATE Certificate at the time of purchase.

(9) **Non-transferability.** Exemptions under this Rule are non-transferable.

(10) **Manufacturers.** Every person defined as a "dealer" in O.C.G.A. § 48-8-2 is required to file a sales and use tax registration for each place of business in this state. A dealer that qualifies for manufacturing exemptions under O.C.G.A. § 48-8-3.2 and agricultural exemptions under O.C.G.A. § 48-8-3.3 at a single place of business may avail itself of the exemptions under either O.C.G.A. § 48-8-3.2 or O.C.G.A. § 48-8-3.3, but not both, for that place of business in any one calendar year.

(11) **Contractors.** Notwithstanding subsection (c) of O.C.G.A. § 48-8-63, contractors will not incur any use tax on:

(a) Tangible personal property that a Qualified Agricultural Producer purchases tax-exempt under O.C.G.A. § 48-8-3.3 and furnishes to such contractor for use in the performance of an agricultural operation, so long as such property retains the character of tangible personal property and is returned to the Qualified Agricultural Producer upon the completion of the contract; or

(b) Grain bins, irrigation equipment, and fencing or the Repair, Replacement, or Component Parts to grain bins, irrigation equipment, or fencing that a Qualified Agricultural Producer purchases tax-exempt under O.C.G.A. § 48-8-3.3 for use in an agricultural operation and furnishes to such contractor for installation into Real Property.

**Cite as** Ga. Comp. R. & Regs. R. 560-12-2-.03

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-8-2**,** 48-8-3.3**.**

**HISTORY:** Original Rule was filed on June 30, 1965.

**Amended:** Filed January 13, 1975; effective February 2, 1975.

**Amended:** F. Oct. 30, 2013; eff. Nov. 19, 2013.

**Amended:** F. May 29, 2015; eff. June 18, 2015.

**Amended:** F. July 1, 2016; eff. July 21, 2016.

**Amended:** F. Sep. 27, 2018; eff. Oct. 17, 2018.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

## 560-12-2-.20 [Effective 6/11/2026] Competitive Projects of Regional Significance

(1) **Purpose.** This Rule only addresses sales of tangible personal property used for and in the construction of a Competitive Project of Regional Significance.

(2) **Definitions.** For purposes of this Rule only,

(a) "Competitive Project of Regional Significance" (hereinafter "Project") means the location or expansion of some or all of a business enterprise's operations in Georgia where the commissioner of economic development determines that the Project would have a significant regional impact.

(b) "Energy" means natural or artificial gas, oil, gasoline, electricity, solid fuel, wood, waste, ice, steam, water, and other materials necessary and integral for heat, light, power, refrigeration, climate control, processing, or any other use in any phase of the manufacture of tangible personal property.

(3) Construction exemption. To qualify for exemption, property must be:

(a) used exclusively for and in the construction of a Project; and

(b) purchased prior to completion of the construction of the Project.

(4) Property used exclusively for and in the construction of a Project.

(a) Property used exclusively for and in the construction of a Project excludes:

1. Property brought onto the construction site, but not used in furtherance of the completion of a Project, such as a wrench used only to repair a worker's personal vehicle or nails that remain in the original store packaging;

2. Property used for administrative activities on the construction site, such as sales promotion, general office work, credit and collection, purchasing, and clerical work;

3. Power lines or transformers that bring electricity into the construction site;

4. Property used for personal comfort or convenience at the construction site, such as portable toilets, food, heaters, and air conditioning units;

5. Hotel accommodations;

6. Motor vehicles; and

7. Property that is owned or possessed by a contractor or a related party after completion of the Project's construction.

(b) Property used exclusively for and in the construction of a Project includes only tangible personal property that:

1. remains tangible personal property at a Project's location after the completion of construction;

2. is incorporated into the real property structures at a Project's location; or

3. is used by contractors for the sole purpose of constructing a Project's real property structures.

(c) Energy.

1. Energy used in construction. Sales of Energy used for and in the construction of a Project are exempt from all state and local sales and use taxes pursuant to O.C.G.A. § 48-8-3(93), including sales and use taxes for educational purposes.

2. Energy necessary and integral to manufacturing. Beginning April 19, 2012, manufacturers that qualify as a Project and qualify for the manufacturing exemption in O.C.G.A § 48-8-3.2 are exempt from all state and local sales and use taxes on the sale and use of Energy that is necessary and integral to the manufacture of tangible personal property, except:

(i) Sales and use tax for educational purposes. Energy otherwise exempt under O.C.G.A § 48-8-3.2 is not exempt from the sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 and Article VIII, Section VI, Paragraph IV of the Constitution or from local sales and use taxes for educational purposes authorized by or pursuant to local constitutional amendment.

(ii) Energy used to produce electricity. The exemption in O.C.G.A § 48-8-3.2 for the sale and use of Energy that is necessary and integral to the manufacture of tangible personal property does not apply to Energy purchased by a manufacturer that is primarily engaged in producing electricity for resale.

(5) Letter of authorization. Following notification from the commissioner of economic development that a Project has been certified, the Department of Revenue may issue a letter of authorization to each location within the Project. Sellers are required to collect sales tax unless they take in good faith a letter of authorization.

(6) Expiration of letters of authorization. A letter of authorization expires with respect to a location within a Project when that location commences business operations.

(7) Contractor purchases. A Project may authorize contractors to use the letter of authorization to make exempt purchases. By January 31 of each year, a Project must provide to the Department of Revenue a list of all contractors authorized in the previous calendar year and include for each contractor the business name, address, telephone number, and Georgia sales tax number.

(8) Contractors' use tax liability. Notwithstanding O.C.G.A. § 48-8-63(b) and (c), contractors will not incur use tax on tangible personal property qualifying for exemption under this Rule that is purchased by or furnished to the contractor, regardless of whether the property retains the character of tangible personal property or becomes incorporated into real property.

**Cite as** Ga. Comp. R. & Regs. R. 560-12-2-.20

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-8-2**,** 48-8-3**,** 48-8-3.2**.**

**HISTORY:** Original Rule entitled "Cemeteries and Crematoriums" adopted. F. and eff. June 30, 1965.

**Repealed:** F. Feb. 17, 2000; eff. Mar. 8, 2000.

**Adopted:** New Rule entitled "Competitive Projects of Regional Significance" adopted. F. Sep. 18, 2015; eff. Oct. 8, 2015.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

## 560-12-2-.62 [Effective 6/11/2026] Manufacturing Machinery and Equipment, Industrial Materials, and Packaging Supplies

(1) **Purpose.** This Rule explains the sales and use tax exemptions in O.C.G.A § 48-8-3.2 for machinery and equipment necessary and integral to the manufacture of tangible personal property in a manufacturing plant, for repair and replacement parts associated with such machinery and equipment, and for industrial materials and packaging supplies.

(2) **Definitions.** For purposes of this Rule, the following definitions and explanations apply:

(a) "Consumable supplies" means tangible personal property, other than machinery, industrial materials, packaging supplies, and energy, that is consumed or expended during the manufacture of tangible personal property. The term includes but is not limited to water treatment chemicals for use in, on, or in conjunction with machinery or equipment and items that are readily disposable.

(b) "Energy" means natural or artificial gas, oil, gasoline, electricity, solid fuel, wood, waste, ice, steam, water, and other materials necessary and integral for heat, light, power, refrigeration, climate control, processing, or any other use in any phase of the manufacture of tangible personal property. The term excludes energy purchased by a manufacturer that is primarily engaged in producing electricity for resale.

(c) "Equipment" means tangible personal property, other than machinery, industrial materials, and energy. The term "equipment" includes durable devices and apparatuses that are generally designed for long-term continuous or repetitive use. The term also includes consumable supplies. Examples of equipment include but are not limited to machinery clothing, cones, cores, pallets, hand tools, tooling, molds, dies, waxes, jigs, patterns, conveyors, safety devices, and pollution control devices. The term includes components and repair or replacement parts. The term "equipment" excludes real property.

(d) "Fixtures" means tangible personal property that has been installed or attached to land or to any building thereon and that is intended to remain permanently in its place. A consideration for whether tangible property is a fixture is whether its removal would cause significant damage to such property or to the real property to which it is attached. Fixtures are classified as real property. Examples of fixtures include but are not limited to plumbing, lighting fixtures, slabs, and foundations.

(e) "Industrial materials" means materials that are purchased for future processing, manufacture, or conversion into articles of tangible personal property for resale when the industrial materials become a component part of the finished product. The term also means materials that are coated upon or impregnated into the product at any stage of its processing, manufacture, or conversion, even though such materials do not remain a component part of the finished product for sale. The term "industrial materials" includes raw materials.

(f) "Local sales and use tax" means any sales or use tax that is levied and imposed in an area consisting of less than the entire state.

(g) "Machinery" means an assemblage of parts that transmits force, motion, and energy one to the other in a predetermined manner to accomplish a specific objective. The term "machinery" includes a machine and all of its components, including but not limited to belts, pulleys, shafts, gauges, gaskets, valves, hoses, pipes, wires, blades, bearings, operational structures attached to the machine including stairways and catwalks, and other devices that are required to regulate or control the machine, allow access to the machine, or to enhance or alter its productivity or functionality. The term "machinery" includes repair or replacement parts. The term excludes real property, energy, and consumable supplies.

(h) "Machinery clothing" means felts, screen plates, wires or any other items used to carry, form, or dry work in process through the manufacture of tangible personal property.

(i) "Manufacture of tangible personal property," used synonymously with the term "manufacturing," means a manufacturing operation, series of continuous manufacturing operations, or series of integrated manufacturing operations, engaged in at a manufacturing plant or among manufacturing plants to change, process, transform, or convert industrial materials by physical or chemical means, into articles of tangible personal property for sale, for promotional use, or further manufacturing that have a different form, configuration, utility, composition, or character. The term includes but is not limited to the storage, preparation, or treatment of industrial materials;

assembly of finished units of tangible personal property to form a new unit or units of tangible personal property; movement of industrial materials and work in process from one manufacturing operation to another; temporary storage between two points in a continuous manufacturing operation; random and sample testing that occurs at a manufacturing plant; and a packaging operation that occurs at a manufacturing plant.

(j) "Manufacturer" means a person or business, or a location of a person or business that is engaged in the manufacture of tangible personal property for sale, promotional use, or further manufacturing.

1. To be considered a manufacturer, the person or business, or the location of a person or business, must be:

(i) Classified as a manufacturer under the 2007 North American Industrial Classification System Sectors 21, 31, 32, or 33; or North American Industrial Classification Systems industry code 22111 or specific code 511110; or

(ii) Generally regarded as a manufacturer.

2. Businesses that are primarily engaged in providing personal or professional services, or in the operation of retail outlets, generally including but not limited to grocery stores, pharmacies, bakeries, or restaurants, are not considered manufacturers.

(k) "Manufacturing plant" means any facility, site, or other area where a manufacturer engages in the manufacture of tangible personal property.

(l) "Packaging operation" means bagging, boxing, crating, canning, containerizing, cutting, measuring, weighing, wrapping, labeling, palletizing, or other similar processes necessary to prepare or package manufactured products in a manner suitable for sale or delivery to customers as finished goods, or suitable for the transport of work in process at or among manufacturing plants for further manufacturing, and the movement of such finished goods or work in process to a storage or distribution area at a manufacturing plant.

(m) "Packaging supplies" means materials, whether reusable or single-use, used in a packaging operation solely for packaging tangible personal property. The term includes but is not limited to containers, sacks, boxes, wraps, fillers, cones, cores, pallets, and bags. The term also includes such items as labels, invoices, packing slips, tags, and plates affixed to the product or affixed to or inserted into product packaging.

(n) "Real property" means land, any buildings thereon, and any fixtures attached thereto.

(o) "Repair or replacement part" means a part that is used to maintain, repair, restore, install, or upgrade machinery or equipment that is necessary and integral to the manufacture of tangible personal property. Examples of repair and replacement parts may include but are not limited to oils, greases, hydraulic fluids, coolants, lubricants, machinery clothing, molds, dies, waxes, jigs, and other interchangeable tooling.

(p) "Substantial purpose" means the purpose for which an item of tangible personal property is used more than one-third of the total amount of time that the item is in use. Alternatively, instead of time, the purpose may be measured in terms of other applicable criteria such as the number of items produced.

(3) Machinery and Equipment Exemption. The sale, use and storage of machinery or equipment that is necessary and integral to the manufacture of tangible personal property are exempt from sales and use tax.

(a) General requirements. In order to qualify for the manufacturing machinery and equipment exemption in O.C.G.A § 48-8-3.2, the property purchased or leased must:

1. Have the character of machinery or equipment, or of repair or replacement parts to machinery or equipment, at the time of sale or lease, or consist of components which, when assembled, will have the character of machinery or equipment;

2. Be used at a manufacturing plant; and

3. Be necessary and integral to the manufacture of tangible personal property for sale, for promotional use, or further manufacturing.

(b) Leases. The exemption under O.C.G.A § 48-8-3.2 applies to all lease payments for machinery or equipment made on or after the date that the machinery or equipment qualifies for the exemption, even if the machinery or equipment did not qualify for the exemption at the date of lease inception.

(c) Parts withdrawn from inventory. Miscellaneous spare parts, the ultimate use of which is unknown at the time of purchase, are eligible for the exemption as components or repair or replacement parts. However, use tax must be accrued and remitted if spare parts are withdrawn from the inventory of spare parts and used for any purpose other than to maintain, repair, restore, install, or upgrade machinery or equipment that is necessary and integral to the manufacture of tangible personal property.

(d) Application of Machinery and Equipment Exemption: Necessary and Integral. When determining whether machinery or equipment is necessary and integral to the manufacture of tangible personal property, the Commissioner shall evaluate the facts and circumstances of each case.

1. Examples of machinery or equipment that generally does not qualify as necessary and integral to the manufacture of tangible personal property at any time include but are not limited to:

(i) Motor vehicles that are required to be registered for operation on public highways;

(ii) Power lines or transformers that bring electricity into a manufacturing plant;

(iii) Real property. Examples include but are not limited to concrete slabs and foundations, and structures or fixtures used for general manufacturing plant ventilation, heating, cooling, illumination, communications, plumbing, or the personal comfort and convenience of the manufacturer's employees;

(iv) Storage tanks, containers, racking systems, or other machinery or equipment used to handle, store, or distribute finished goods upon completion of the packaging operation unless exempted by another code section;

(v) Administrative machinery or equipment including computers, related computer peripherals, servers, copiers, telephones, facsimile machines, office furniture, office furnishings, office supplies such as paper and pencils, and educational materials used for non-manufacturing functions, including but not limited to sales, marketing, research and development, accounting and payroll, purchasing, finished goods inventory control, warehousing, and distribution;

(vi) Machinery or equipment that is not operated under the control of the manufacturer's employees or other persons under the manufacturer's direction and control. Customer self-service or vending machinery or equipment is not considered to be operated under the manufacturer's direction and control; and

(vii) Machinery or equipment used in quarrying and mining for site preparation, including the removal and clearing of overburden.

2. Examples of machinery or equipment that generally qualifies as necessary and integral to the manufacture of tangible personal property include but are not limited to:

(i) Machinery or equipment used to convey or transport industrial materials, work in process, consumable supplies, or packaging supplies at or among manufacturing plants, or to convey and transport finished goods to a distribution or storage point at the manufacturing plant. Specific examples may include but are not limited to forklifts, conveyors, cranes, hoists, and pallet jacks;

(ii) Machinery or equipment used to gather, arrange, sort, mix, measure, blend, heat, cool, clean, or otherwise treat, prepare, or store industrial materials for further manufacturing;

(iii) Machinery or equipment used to control, regulate, heat, cool, or produce energy for other machinery or equipment that is necessary and integral to the manufacture of tangible personal property. Specific examples may include but are not limited to boilers, chillers, condensers, water towers, dehumidifiers, humidifiers, heat exchangers, generators, transformers, motor control centers, solar panels, air dryers, and air compressors;

(iv) Testing and quality control machinery or equipment located at a manufacturing plant used to test the quality of industrial materials, work in process, or finished goods;

(v) Starters, switches, circuit breakers, transformers, wiring, piping, and other electrical components, including associated cable trays, conduit, and insulation, located between a motor control center and exempt machinery or equipment, or between separate units of exempt machinery or equipment;

(vi) Machinery or equipment used to provide safety for the employees working at a manufacturing plant or to protect the quality of the product, including but not limited to safety machinery and equipment required by federal or state law, gloves, ear plugs, face masks, protective eyewear, hard hats or helmets, or breathing apparatuses;

(vii) Machinery or equipment used to condition air or water to produce conditions necessary for the manufacture of tangible personal property, including water treatment systems;

(viii) Machinery or equipment used in quarrying and mining activities, including blasting, extraction, and crushing;

(ix) Machinery or equipment, including repair, replacement and component parts, used to maintain, clean, repair, restore, install, upgrade or manufacture machinery or equipment that is necessary and integral to the manufacture of tangible personal property;

(x) Machinery or equipment used in pollution control, sanitizing, sterilizing, or recycling processes. Pollution control machinery or equipment that is necessary and integral to the manufacture of tangible personal property is not required to be certified by the Environmental Protection Division, Georgia Department of Natural Resources as being adequate and necessary for the purpose of eliminating or reducing air or water pollution; and

(xi) Maintenance and replacement parts for machinery or equipment, stationary or in transit, used to mix, agitate, and transport freshly mixed concrete in a plastic and unhardened state, including but not limited to mixers and components, engines and components, interior and exterior operational controls and components, hydraulics and components, all structural components, and all safety components.

(I) Sales and use taxes on motor fuel used as energy in a concrete mixer truck are not exempt or refundable.

(II) Subparagraph (3)(d)2.(xi) is effective for the period commencing on July 1, 2021, and ending on June 30, 2031.

3. For machinery or equipment that has multiple purposes, some purposes necessary and integral to the manufacture of tangible personal property, and some purposes not necessary and integral to the manufacture of tangible personal property, the substantial purpose of such machinery or equipment will prevail for purposes of determining the eligibility for exemption. The Commissioner may consider any reasonable methodology for measuring the substantial purpose of machinery or equipment for which the substantial purpose is not readily identifiable.

(e) Application of Machinery and Equipment Exemption: Manufacture of Tangible Personal Property. The manufacture of tangible personal property commences as industrial materials are received at a manufacturing plant and concludes once the packaging operation is complete and the tangible personal property is ready for sale or shipment, regardless of whether the manufacture of tangible personal property occurs at one or more separate manufacturing plants.

Examples of activities that are not considered the manufacture of tangible personal property:

1. Research and development activities;

2. Storage, general handling, and distribution of finished goods inventory; and

3. Any other activity that occurs prior to industrial materials being received at a manufacturing plant or after the completion of the packaging operation at a manufacturing plant.

(4) Industrial Materials Exemption. The sale, use, storage, and consumption of industrial materials are exempt from sales and use tax. In order to qualify for the exemption, the materials must be used for the processing or manufacture of, or conversion into, articles of tangible personal property; and the industrial materials must:

(a) become a component part of the finished product or

(b) be coated upon or impregnated into the product at any stage of its processing, manufacture, or conversion, even though such materials do not remain a component part of the finished product for sale.

(5) Exemption for Packaging Supplies. The sale, use, storage, or consumption of packaging supplies is exempt from sales and use tax.

(6) Certificates of Exemption.

(a) Any person making a sale or lease of machinery or equipment (including components and repair or replacement parts) that is necessary and integral to the manufacture of tangible personal property, packaging supplies, or industrial materials must collect sales tax unless such person takes a direct pay permit from the purchaser or lessee or, in good faith, accepts from the purchaser or lessee a properly completed Form ST-5M Certificate of Exemption.

(b) Where a certificate of exemption or direct pay permit has not been previously obtained and submitted and tax is remitted on the purchase or lease of exempt property, the purchaser or lessee may apply to the Commissioner for a refund of such tax.

(7) Agriculture Producers. Every person defined as a dealer in O.C.G.A. § 48-8-2 is required to file a sales and use tax registration for each place of business in this state. A dealer that performs both manufacturing and agricultural operations at a single place of business may avail itself of the exemptions under either O.C.G.A. § 48-8-3.2 or O.C.G.A. § 48-8-3.3, but not both, for that place of business in any one calendar year.

**Cite as** Ga. Comp. R. & Regs. R. 560-12-2-.62

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-8-3.2**.**

**HISTORY:** Original Rule entitled "Machinery, Manufacturing" was filed and effective on June 30, 1965.

**Amended:** Filed April 27, 1966; effective May 16, 1966.

**Amended:** Filed January 13, 1975; effective February 2, 1975.

**Repealed:** New Rule of same title adopted. F. Aug. 19, 1994; eff. Sept. 8, 1994.

**Amended:** F. Sept. 5, 1995; eff. Sept. 25, 1995.

**Repealed:** New Rule of same title adopted. F. Dec. 21, 2000; eff. Jan. 10, 2001.

**Repealed:** New Rule entitled "Manufacturing Machinery and Equipment" adopted. F. July 9, 2009; eff. July 29, 2009.

**Amended:** F. Nov. 19, 2009; eff. Dec. 9, 2009.

**Amended:** Title changed to "Manufacturing Machinery and Equipment, Industrial Materials, and Packaging Supplies." F. Feb. 10, 2014; eff. Mar. 2, 2014.

**Amended:** F. Nov. 17, 2014; eff. Dec. 7, 2014.

**Amended:** F. July 7, 2017; eff. July 27, 2017.

**Amended:** F. Sep. 6, 2017; eff. Sept. 26, 2017.

**Amended:** F. Aug. 31, 2021; eff. Sept. 20, 2021.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

## 560-12-2-.64 [Effective 6/11/2026] Energy Necessary and Integral to Manufacturing

(1) **Purpose.** This Rule addresses the sales and use tax exemptions for Energy used in manufacturing.

(2) **Definitions.** The terms defined in Rule 560-12-2-.62 entitled "Manufacturing Machinery and Equipment, Industrial Materials, and Packaging Supplies" apply to this Rule. In addition, for purposes of this Rule, "Energy" means natural or artificial gas, oil, gasoline, electricity, solid fuel, wood, waste, ice, steam, water, and other materials necessary and integral for heat, light, power, refrigeration, climate control, processing, or any other use in any phase of the manufacture of tangible personal property. The term excludes energy purchased by a manufacturer that is primarily engaged in producing electricity for resale.

(3) Exemption under O.C.G.A § 48-8-3.2.

(a) Requirements. Except as otherwise provided in this paragraph, the sale and use of Energy are exempt from sales and use tax if the Energy is:

1. necessary and integral to the manufacture of tangible personal property and

2. sold, used, stored, or consumed at a manufacturing plant in Georgia.

(b) Energy used to produce electricity. This exemption does not apply to energy purchased by a manufacturer that is primarily engaged in producing electricity for resale.

(c) Sales and use tax for educational purposes. Energy otherwise exempt under O.C.G.A § 48-8-3.2 is not exempt from the sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 and Article VIII, Section VI, Paragraph IV of the Constitution or from local sales and use taxes for educational purposes authorized by or pursuant to local constitutional amendment.

(4) Exemption from the Special District Transportation Sales and Use Tax and the Special District Mass Transportation Sales and Use Taxes.

(a) Requirements. Except as otherwise provided in this paragraph, the sale and use of Energy are exempt from the Special District Transportation Sales and Use Tax (O.C.G.A. Title 48, Chapter 8, Article 5) and the Special District Mass Transportation Sales and Use Taxes (O.C.G.A. Title 48, Chapter 8, Article 5A, Parts 1, 2, and 3) if the Energy is:

1. necessary and integral to the manufacture of tangible personal property and

2. sold, used, stored, or consumed at a manufacturing plant.

(b) No phase-in period. This exemption is not subject to a phase-in period.

(c) Energy used to produce electricity. This exemption does not apply to energy purchased by a manufacturer primarily engaged in producing electricity for resale.

(5) Scope of the exemptions: Necessary and integral to the manufacture of tangible personal property. Energy used for any purpose at a manufacturing plant is considered necessary and integral to the manufacture of tangible personal property. This includes, for example, Energy used:

(a) to operate machinery or equipment;

(b) to create conditions necessary for the manufacture of tangible personal property;

(c) to perform an actual part of the manufacture of tangible personal property;

(d) in administrative or other ancillary activities that are located and performed at the manufacturing plant;

(e) in related operations that convey, transport, handle, or store raw materials or finished goods at the manufacturing plant; and

(f) for heating, cooling, ventilation, illumination, fire safety or prevention, or personal comfort and convenience of the manufacturer's employees at the manufacturing plant.

(6) **Examples.**

(a) A manufacturer uses fuel gases to perform repairs for unrelated parties at a Georgia manufacturing plant. The fuel gases are not exempt because they are not used in the manufacture of tangible personal property and, therefore, do not meet the definition of "Energy."

(b) A manufacturer uses fuel gases to perform repairs to its own machinery and equipment at a Georgia manufacturing plant. The fuel gases are exempt to the extent provided in this Rule because they are used in the manufacture of tangible personal property.

(7) Certificates of exemption.

(a) Any person making a sale of Energy that is necessary and integral to the manufacture of tangible personal property must collect sales and use tax unless the purchaser furnishes the supplier with a properly completed certificate of exemption or a direct pay permit.

(b) Where a certificate of exemption or direct pay permit has not been previously obtained and submitted and tax is remitted on the sale of exempt Energy, the purchaser may apply to the Commissioner for a refund of such tax.

(8) Transaction date. For purposes of this Rule, a transaction occurs on the date of purchase or, in the case of Energy billed on a monthly basis, on the billing date.

**Cite as** Ga. Comp. R. & Regs. R. 560-12-2-.64

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-8-3**,** 48-8-3.2**,** 48-8-241**,** 48-8-269**,** 48-8-269.15**,** 48-8-269.30**.**

**HISTORY:** Original Rule entitled "Manufacturers" adopted. F. and eff. June 30, 1965.

**Amended:** F. Jan. 13, 1975; eff. Feb. 2, 1975.

**Amended:** Title changed to "Energy Necessary and Integral to Manufacturing." F. Feb. 10, 2014; eff. Mar. 2, 2014.

**Amended:** F. Dec. 18, 2015; eff. Jan. 7, 2016.

**Amended:** F. Mar. 16, 2017; eff. Apr. 5, 2017.

**Note:** Correction of administrative typographical error on the Rules and Regulations website, Rule corrected to reflect the numbering and text of paragraphs "(7) Certificates of Exemption." and "(8) Transaction date.," as

originally filed March 16, 2017, effective April 5, 2017. The error was discovered by the Agency and correction request submitted April 28, 2021. Effective April 28, 2021.

**Amended:** F. May 22, 2026; eff. June 11, 2026.

## 560-12-2-.107 [Effective 6/11/2026] Computer Equipment for High Technology Companies

(1) **Exemption.** In accordance with O.C.G.A. § 48-8-3(68) and subject to this Regulation, sales of Computer Equipment are exempt from sales and use tax.

(a) "Computer Equipment" means any individual computer or organized assembly of hardware or software, including, but not limited to, a server farm, mainframe or midrange computer, mainframe driven high-speed print and mailing devices, and workstations connected to those devices via high bandwidth connectivity such as a local area network, wide area network, or any other data transport technology which performs one of the following functions: storage or management of production data, hosting of production applications, hosting of application systems development activities, or hosting of applications systems testing.

1. Beginning January 1, 2001, "Computer Equipment" excludes:

(i) Telephone central office equipment or other voice data transport technology, including any wireline or wireless telecommunication system; and

(ii) Equipment with imbedded computer hardware or software which is primarily used for training, product testing, or in a manufacturing process.

2. Beginning January 1, 2024, "Computer Equipment" also excludes:

(i) Computers or devices issued to employees, including, but not limited to, smartphones, tablets, wearables, personal computers, and laptops; and

(ii) Prewritten computer software.

3. Examples of items that do not qualify as Computer Equipment include, but, are not limited to: cable; telephone central office equipment; voice data transmission equipment; equipment with imbedded hardware or software used primarily for training, product testing or in manufacturing; scanners; printers and paper; ink and toner; wrist and mouse pads; tools; all removable storage media such as, diskettes, compact disks or tapes; and parts for maintenance or repair of computer system hardware.

(2) **Exemption limitation.** Pursuant to O.C.G.A. § 48-8-3(68)(A)(ii), beginning January 1, 2024, each taxpayer claiming the exemption must pay ten percent of all state and local sales and use taxes imposed under the laws of this state on the first $15 million of Computer Equipment purchased each year for which this exemption is claimed. Taxpayer's additional purchases of Computer Equipment in the calendar year, specifically, purchases that exceed the first $15 million, can be purchased tax-exempt.

(a) Persons making a tax-free purchase under this exemption must report and remit to the Department the tax imposed under O.C.G.A. § 48-8-3(68)(A)(ii) on the sales and use tax return that is next due after the purchase.

(b) Persons claiming this exemption by refund will receive a refund of ninety percent of tax imposed on the first $15 million of eligible purchases for which exemption is claimed under O.C.G.A. § 48-8-3(68).

(3) **Exemption requirements.** To qualify for the exemption,

(a) The Computer Equipment must be purchased or leased exclusively for operational use in this state at a High-Technology Company. For purposes of this Regulation,

1. "High-Technology Company" means a business entity or Company Facility classified under the North American Industrial Classification System codes ("NAICS code") specified in O.C.G.A. § 48-8-3(68).

(i) For taxpayers other than those applying on a Company Facility basis, the NAICS code on a taxpayer's income tax return determines whether the taxpayer is a High-Technology Company, unless the commissioner, in his or her sole discretion, determines that the NAICS code does not accurately reflect the taxpayer's business activity.

2. "Company Facility" means a single physical establishment in this state, as defined in the North American Industrial Classification System (NAICS) United States Manual, where the primary business activity is designated within the NAICS codes as specified in O.C.G.A. § 48-8-3(68)(A) and approved by the commissioner.

(i) For taxpayers applying on a Company Facility basis, the NAICS code designated on the Application for Certificate of Exemption (Form ST-CE1) determines whether the facility is a High-Technology Company, unless the commissioner, in his or her sole discretion, determines that the NAICS code does not accurately reflect the facility's business activity.

(b) The total combined value of all Computer Equipment purchased or leased during any calendar year must meet the following thresholds:

1. From January 1, 2001 through December 31, 2023, the total fair market value of Computer Equipment purchased or leased during any calendar year must exceed $15 million.

2. Beginning January 1, 2024, the total fair market value of taxable Computer Equipment purchased or leased during any calendar year must equal or exceed $15 million.

3. For calculating the $15 million threshold, the fair market value of leased Computer Equipment is the book value of the Computer Equipment at the time of lease's inception. The book value of leased Computer Equipment counts toward the exemption threshold for the initial calendar year of the lease and does not count toward the threshold in subsequent years. In addition, the exercise of any option to purchase such Computer Equipment under a qualifying lease must not be used in subsequent years to meet the $15 million requirement.

(c) For entities qualifying for the exemption on a Company Facility basis, only Computer Equipment purchased or leased exclusively for operational use at the Company Facility are eligible for the exemption and count toward the threshold.

(d) Beginning July 1, 2021, each taxpayer claiming the exemption must comply with the reporting requirement in paragraph (6) of this Regulation.

(e) The eligible purchasers or lessees of such Computer Equipment must obtain a Certificate of Exemption from the commissioner as provided in paragraph (4) of this Regulation. The application for such Certificate must contain a specific schedule of planned purchases or leases, or both, of qualified Computer Equipment for the calendar year for which the application is filed.

(f) The Computer Equipment must be purchased or leased exclusively for operational use in this state by a High-Technology Company.

(g) A High-Technology Company, other than a Company Facility, that is affiliated in any manner with a nonqualified corporation, partnership, limited liability company, or other similar entity, must derive more than fifty (50) percent of its gross revenues from the activities designated by its NAICS code in arms-length transactions with entities with which it has no affiliation.

(4) **Certificates of exemption.**

(a) Any purchaser or lessee desiring to secure the benefits of the exemption provided by O.C.G.A. § 48-8-3(68) must file an Application for Certificate of Exemption (Form ST-CE1). The application must include disclosure of

business name, address, specific Company Facility location (if applicable), NAICS code as indicated on the federal income tax return for the High-Technology Company, NAICS code for a specific Company Facility (if applicable), whether equipment is purchased, leased or both, anticipated dates of purchase or lease, and a schedule of the Computer Equipment to be purchased or leased for the entire calendar year including purchase price, or in the case of a lease, the book value. In addition, the commissioner may require such other information as deemed necessary for the determination of the claim for exemption. These requirements are applicable to all purchasers and lessees, including holders of direct pay permits.

(b) Upon approval of an application, the commissioner will issue a certificate of exemption (Form ST-CE2) to the company. The certificate of exemption relieves the Computer Equipment supplier from the collection of the sales and use tax on Computer Equipment if the supplier accepts the certificate in accordance with O.C.G.A. § 48-8-38, from a High-Technology Company.

(c) Where the certificate of exemption (Form ST-CE2) has not previously been obtained and tax is collected on the purchase or lease of Computer Equipment that may be qualified for exemption, the purchaser or lessee may apply for a refund of such tax. The Claim for Refund (Form ST-12) must be accompanied by an Application for Exemption (Form ST-CE1). As provided by O.C.G.A. § 48-2-35.1, refunds issued pursuant to this exemption do not bear interest.

(5) **Tax, penalty, and interest.** If any purchases or leases fail to meet the requirements of this exemption, the High-Technology Company will be liable for tax, penalty, and interest on the purchases or leases.

(6) **Reporting.**

(a) Beginning July 1, 2021, each High-Technology Company that has been issued a certificate of exemption must report to the Department a list of the facilities into which Computer Equipment exempted under O.C.G.A. § 48-8-3(68) during the preceding calendar year was incorporated, as well as the amount of taxes exempted under O.C.G.A. § 48-8-3(68) during the preceding calendar year.

(b) The report is due by March 31st of each year following the year the High-Technology Company utilized a certificate of exemption pursuant to O.C.G.A. § 48-8-3(68).

(c) The report is subject to the confidentiality provisions of O.C.G.A. § 48-2-15.

(d) The Department will not issue a certificate of exemption under O.C.G.A. § 48-8-3(68) for the calendar year following the reporting year to any High-Technology Company that has failed to comply with the reporting required by O.C.G.A. § 48-8-3(68).

(e) The report must be submitted by email to the Department's Tax Policy Division at tax.policy@dor.ga.gov.

**Cite as** Ga. Comp. R. & Regs. R. 560-12-2-.107

**AUTHORITY: O.C.G.A. Secs. §§** 48-2-12**,** 48-8-3**.**

**HISTORY:** Original Rule entitled "Computer Equipment" adopted. F. Dec. 21, 2000; eff. Jan. 10, 2001.

**Repealed:** New Rule of same title adopted. F. Sept. 23, 2002; eff. Oct. 13, 2002.

**Amended:** F. Aug. 18, 2025; eff. Sept. 7, 2025.

**Amended:** New title, "Computer Equipment for High Technology Companies." F. May 22, 2026; eff. June 11, 2026.

## 560-12-2-.109 [Repealed effective 6/11/2026] Film Producer or Film Production Company

(1) A Film Producer or Film Production Company is primarily engaged in the production of feature films, training films, series, pilots, movies for television, commercials, music videos or sound recordings captured on film, video or digital format. Such entities are subject to sales and use tax on all purchases and taxable services unless otherwise exempt within the Act and this Regulation.

(2) **Definitions.** For purposes of qualifying for the exemption provided for by O.C.G.A. § 48-8-3(73), and as used in this Regulation, the following definitions and explanation of terms shall apply:

(a) "Certified Film Producer or Certified Film Production Company" means any person that is certified by the Georgia Film and Videotape Office of the Department of Industry, Trade and Tourism that is engaged in the business of organizing and supervising qualified production activities.

(b) "Film Producer" means any person engaged in the business of organizing and supervising qualified production activities. Such person may also be engaged in the business of organizing and supervising nonqualified production activities.

(c) "Film Production Company" means any company that employs one or more film producers and whose goal is to engage in film production activity. Such company may also be engaged in the business of organizing and supervising nonqualified production activities.

(d) "Nation-Wide Commercial Distribution" means intended for commercial distribution extending outside the State of Georgia. Such term shall not mean distribution primarily via Internet or live coverage of an event, including, but not limited to news, sporting events, and concerts.

(e) "Production Equipment" means items purchased or leased for use exclusively in qualified production activities in Georgia, including, but not limited to, cameras, camera supplies, camera accessories, lighting equipment, cables, wires, generators, motion picture film and videotape stock, cranes, booms, dollies and teleprompters.

(f) "Production Services" means services purchased for use exclusively in qualified production activities in Georgia, including, but not limited to, digital or tape editing, film processing, transfers of film or tape or digital format, sound mixing, computer graphics services, special effects services, animation services and script production.

(g) "Qualified Production Activities" means the production or postproduction of film or video projects including feature films, series, pilots, movies for television, commercials, music videos or sound recordings used in feature films, series, pilots or movies for television, for which the film producer or film production company will be compensated and which are intended for nation-wide commercial distribution.

(3) **Purchases.** Except as provided for in paragraph (4) of this Regulation, the tax does not apply to all tangible personal property or taxable services purchased, leased, or rented for use in production activities. Such purchases include, but are not limited to, office equipment, furniture or supplies, maintenance or janitorial equipment and supplies, motor vehicles, trailers and motor homes, nonqualified production equipment, telecommunications equipment, catering services, including food and beverages and restaurant meals, any fuel or gas, lodging, flowers and gifts.

(4) **Production Equipment or Production Services Exemption.**

(a) In accordance with O.C.G.A. § 48-8-3(73), transactions occurring on or after January 1, 2002, which involve the purchase of production equipment or production services for exclusive use in Georgia, not otherwise exempt under Chapter 8 of Title 48 of the Official Code of Georgia Annotated, will be exempt from sales and use tax.

(b) **General Requirements for the Production Equipment or Production Services Exemption.** In order to qualify for the production equipment or production services exemption provided for in O.C.G.A. § 48-8-3(73) and this Regulation, the following conditions must be met:

1. The qualified purchasers, renters or lessees of such production equipment or production services must obtain a Certificate of Exemption from the Commissioner as provided in paragraph (4)(c) of this Regulation. The application for such Certificate of Exemption must be requested using the Application for Certificate of Exemption (Form ST-PE1) and contain an itemized listing of the production equipment or production services.

2. The production equipment or production services must be purchased, rented or leased for exclusive use in this state by a certified film producer or certified film production company.

3. As a condition precedent to the issuance of the Certificate of Exemption, a film producer or film production company must submit an application to the Commissioner with their designation as a certified film producer or certified film production company.

4. The application shall not be valid without prior written approval by the Georgia Film and Videotape Office of the Department of Industry, Trade and Tourism designating the film producer or film production company to be a certified film producer or certified film production company.

(c) **Application and Certificate of Exemption.**

1. Any purchaser or lessee desiring to secure the benefits of the exemption provided by O.C.G.A. § 48-8-3(73) must file an Application for Certificate of Exemption (Form ST-PE1). The application shall include the following information: name of the producer, name of the production company, title of the project, type of project (feature film, television series, commercial, etc.), dates of project (production through final shoot day), federal employer's identification number, description of the property anticipated to be purchased, including the sales price or rental or lease amount payable, and a copy of the certification from the Georgia Film and Videotape Office of the Department of Industry, Trade and Tourism. In addition thereto, the Commissioner may require such other information as deemed necessary for the determination of the claim for exemption.

2. Upon approval of an application, the Commissioner will issue a Certificate of Exemption (Form ST-PE2) for presentation by the purchaser, renter or lessee to the production equipment or production service suppliers, whereupon the purchaser or lessee shall be relieved from the payment of the tax and the equipment suppliers shall be relieved from the collection of the tax.

3. Where the Certificate of Exemption (Form ST-PE2) has not previously been obtained and tax is collected or accrued on the purchase or lease of production equipment or production services, which may qualify for exemption, the purchaser or lessee may apply for a refund of such tax. The Claim for Refund (Form ST-12) shall be accompanied by an Application for Certificate of Exemption (Form ST-PE1) and any other documentation deemed necessary by the Commissioner.

(d) **Specific Applications; Exemptions and Exceptions Relating Thereto.**

1. Production equipment when sold or leased to a certified film producer or certified film production company and used exclusively in connection with a qualified film production activity in Georgia is exempt from Georgia sales and use tax. Such equipment shall include, but is not limited to:

(i) Camera equipment, supplies and accessories;

(ii) Motion picture film and videotape stock;

(iii) Digital discs and masters;

(iv) Lighting equipment, including gel, bulbs and lamps;

(v) Stage equipment;

(vi) Cranes, booms, dollies and jibs;

(vii) Electric stands, cables and wires;

(viii) Generators used to operate tax exempt lighting and stage equipment;

(ix) Time code equipment;

(x) VTR and digital editing equipment;

(xi) Switchers;

(xii) Character generators;

(xiii) Sound recording equipment;

(xiv) Costumes, props, scenery and materials to construct them;

(xv) Design equipment;

(xvi) Heating and air conditioning equipment that is not a part of the realty and is used on the set;

(xvii) Drafting equipment;

(xviii) Special effects supplies and equipment;

(xix) Photographic film;

(xx) Animation equipment;

(xxi) Computer graphic and image equipment;

(xxii) Motor vehicle rentals and leases that are exclusively used on film production sets; and

(xxiii) Equipment and supplies for dubbing, mixing, editing and cutting.

2. Production or post production services when sold to a certified film producer or certified film production company and used exclusively in connection with a qualified film production activity in Georgia are services exempt from Georgia sales and use tax. Such services shall include, but are not limited to:

(i) Film processing;

(ii) Computer graphics services;

(iii) Photography on the set used in the film; and

(iv) Fabrication, printing, or production of scripts, storyboards, costumes, wardrobes, props, scenery or special effects.

3. The exemption provided for under O.C.G.A. § 48-8-3(73) shall not extend to:

(i) Leases or rentals that are continuous in nature where the leased or rented equipment is not exclusively for use in Georgia;

(ii) Equipment used for both qualifying production activities and non-qualifying production activities;

(iii) Any person who contracts to furnish tangible personal property and perform services under a real property contract. Contractors are deemed to be the consumers of all tangible personal property used in a real property contract and shall pay the tax at the time of purchase; and

(iv) Items not considered production equipment or production services. Such items include, but are not limited to, office supplies and furniture, bottled water, catered food and beverages, crew uniforms, flowers and plants used off the set, personal gifts, utilities, cell phones, pagers and battery chargers, hotel rooms and lodging, reusable shipping cases and packaging materials, janitorial supplies, make-up, motor fuel, repairs to equipment, transportation services, purchases of motor vehicles or motor vehicle leases or rentals used to transport items or individuals and any other tangible personal property or taxable services not specifically exempt under this Regulation.

4. If, after obtaining the Certificate of Exemption required under paragraph (4)(c) of this Regulation, the actual purchase(s) or lease(s) fails to meet the requirements for this exemption, the dealer will be liable for tax, penalty and interest on the purchase(s) or lease(s).

(5) **Sales.**

(a) Charges for services rendered by a film producer or film production company are exempt when performing production or postproduction work on a motion picture master under the direction of another producer or production or post-production company. Postproduction work includes, but is not limited to, editing and synchronization of a motion picture master.

(b) The sale or rental of master tapes or master records that are used by the recording industry in reproducing audio recordings and visual images for showing on screens or television are not considered subject to sales and use tax.

(c) Sales of training films or other non-qualified production activities that are not reproduced are subject to sales and use tax.

(d) Retail sales of any film producer's or production company's assets that would not otherwise be exempt from Georgia sales and use tax, are subject to sales and use tax.

(e) A transaction involving only a charge for a copyright license and does not include a sale, lease, or rental of video tape or motion picture film would not be considered taxable.

**Cite as** Ga. Comp. R. & Regs. R. 560-12-2-.109

**AUTHORITY: O.C.G.A. §§** 48-2-12**,** 48-8-3**.**

**HISTORY:** Original Rule entitled "Film Producer or Film Production Company" adopted. F. Feb. 7, 2002; eff. Feb. 27, 2002.

**Repealed:** F. May 22, 2026; eff. June 11, 2026.

# Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

# Chapter 700-2. QUALIFICATIONS FOR ADMISSION TO EXAMINATION

## 700-2-.02 Application for Licensure for Veterinarians. Amended.

(1) An applicant for licensure as a veterinarian shall make application on forms provided by the Board.

(2) With the completed application form(s) the applicant for licensure shall submit:

(a) The application fee in an amount established by the Board;

(b) Proof of graduation submitted directly from an accredited college or school of veterinary medicine certifying completion of a Doctor of Veterinary Medicine program and the award of the Doctor of Veterinary Medicine degree; If a transcript is not yet available, the Board will accept a letter from the Dean of the college or school of veterinary medicine certifying the date that graduation occurred; or, an electronic submission of proof of graduation submitted directly from the accredited college or school of veterinary medicine followed by the submission of an official transcript within thirty days;

(c) All scores of the applicant from the North American Veterinary Licensure Examination (NAVLE) or the Clinical Competency Test (CCT) and the National Board Examination (NBE) or an equivalent examination acceptable to the Board;

(d) Proof of a passing score on the Georgia Veterinary Law Exam.

(3) In addition to meeting the requirements stated above, graduates of a foreign college or school of veterinary medicine must submit one of the following:

(a) The Education Commission for Foreign Veterinary Graduates (ECFVG) certificate from the American Veterinary Medical Association; or,

(b) Proof of completion of the PAVE program from the American Association of Veterinary State Boards; or,

(c) An equivalent document acceptable to the Board.

(4) An applicant must furnish evidence satisfactory to the Board of all qualifications for licensure.

(5) All applications for licensure must be complete within the timeframe indicated in the Joint Secretary rules and policies and there shall be no refunds of the application fee.

**Cite as** Ga. Comp. R. & Regs. R. 700-2-.02

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-50-21**,** 43-50-31**,** 43-50-110**.**

**HISTORY:** Original Rule entitled "Examinations" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule entitled "Qualifications for Admission to Examination" adopted. F. Oct. 8, 1974; eff. Oct. 28, 1974.

**Amended:** F. Apr. 16, 1976; eff. May 6, 1976.

**Amended:** F. Mar. 18, 1980 eff. Apr. 7, 1980.

**Amended:** F. Aug. 4, 1982; eff. Aug. 24, 1982.

**Amended:** F. Apr. 23, 1984; eff. May 13, 1984.

**Amended:** F. July 31, 1984; eff. Aug. 20, 1984.

**Amended:** F. Oct. 5, 1992; eff. Oct. 25, 1992.

**Repealed:** New Rule entitled "Application for Licensure" adopted. F. Dec. 9, 2002; eff. Dec. 29, 2002.

**Repealed:** New Rule of same title adopted. F. Apr. 8, 2010; eff. Apr. 28, 2010.

**Amended:** New title "Application for Licensure for Veterinarians." F. Mar. 24, 2021; eff. Apr. 13, 2021.

**Amended:** New title "Application for Licensure for Veterinarians. Amended." F. May 18, 2026; eff. June 7, 2026.

# Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

# Chapter 700-6. REGISTRATION OF VETERINARY TECHNICIANS

## 700-6-.01 Application for Veterinary Technician License

(1) Application for licensure of Veterinary Technicians shall be made on forms furnished by the Georgia State Board of Veterinary Medicine.

(2) All applicants shall meet the following requirements as provided in Code Section 43-50-52 of the Georgia Veterinary Practice Act:

(a) The applicant has attained the age of 18;

(b) The applicant is of good moral character; and

(c) The applicant is a graduate of a Veterinary Technician program approved by the American Veterinary Medical Association. The veterinary technician program may provide the electronic submission of proof of graduation or an official transcript. The Board will review all other programs on an individual basis.

(3) All applicants for licensure must present proof of having obtained a passing scaled score of at least 425 where the scores range from 200-800 or a passing score of at least 75 when the range is from 0-100 on the National Veterinary Technician Examination or other examination similar in nature and scope as the Board from time to time will adopt.

(a) Such previous scores must be reported to the Georgia Board of Veterinary Medicine by the Interstate Reporting Service.

(b) Candidates desiring to transfer scores must pay all applicable fees.

(4) Proof of a passing score on the Georgia Veterinary Technician Law Exam.

(5) All applications for licensure must be complete within the timeframe indicated in the Joint Secretary rules and/or policies. All applications not completed within the designated timeframe shall be considered "expired" and there shall be no refund of the application fee. Following expiration of an application, a new application in its entirety, to include all required fees, shall be required for consideration of licensure.

(6) Licenses shall be renewable biennially by December 31 of the year in which the license expires.

(a) Licenses must be renewed within the period established by the division director with the payment of the renewal and late fees.

(b) Failure to comply voids the license.

**Cite as** Ga. Comp. R. & Regs. R. 700-6-.01

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-50-21**,** 43-50-52**,** 43-50-110**.**

**HISTORY:** Original Rule entitled "Application for Registration of Animal Technician" adopted. F. Oct. 8, 1974; eff. Oct. 28, 1974.

**Amended:** F. Apr. 16, 1976; eff. May 6, 1976.

**Repealed:** New Rule entitled "Application for Registration of Veterinary Technicians" adopted. F. Aug. 31, 1984; eff. Sept. 20, 1984.

**Amended:** F. Nov. 10, 1998; eff. Nov. 30, 1998.

**Repealed:** New Rule of same title adopted. F. Apr. 8, 2002; eff. Apr. 28, 2002.

**Repealed:** New Rule of same title adopted. F. Apr. 3, 2003; eff. Apr. 23, 2003.

**Repealed:** New Rule of same title adopted. F. Apr. 8, 2004; eff. Apr. 28, 2004.

**Repealed:** New Rule of same title adopted. F. Aug. 5, 2004; eff. Aug. 25, 2004.

**Amended:** F. Feb. 4, 2010; eff. Feb. 24, 2010.

**Repealed:** New rule of same title adopted. F. Jun. 19, 2012; eff. July 9, 2012.

**Amended:** F. Mar. 1, 2023; eff. Mar. 21, 2013.

**Amended:** New title "Application for Veterinary Technician License." F. Mar. 24, 2021; eff. Apr. 13, 2021.

**Amended:** F. May 14, 2026; eff. June 3, 2026.

# Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

# Chapter 700-7. RENEWAL OF LICENSE

## 700-7-.03 Continuing Veterinary Education

The Georgia State Board of Veterinary Medicine in accordance with the provisions of State Law and for the purpose of establishing certain minimum standards for continuing education in the best interest of and for the protection of the public health, safety and welfare hereby adopts the following rule:

(a) General Requirements:

1. Each veterinarian and veterinary faculty member licensed to practice in the State of Georgia must obtain thirty (30) hours of Board approved continuing education per biennium for license renewal.

(i) Of the thirty (30) hours required, two (2) per renewal period must be acquired in Georgia laws, rules and professionalism (LEAP). Continuing education hours may be acquired in person, by live, interactive webinars, or pre-recorded, non-interactive webinars that incorporate measures to ensure active participation throughout the course, to include, but not limited to, content-based, post-course test with a minimum of five questions per CE credit. Georgia licensees that do not practice in the State of Georgia are not required to meet the two (2) hour requirement in Georgia laws, rules and professionalism; and

(ii) Eighteen (18) of the thirty (30) hours must include scientific subject matter. Scientific subject matter includes all conventional medical and surgical sub-categories that are evidence based in addition to the science of diagnosis, treatment and prevention of disease as it relates directly to patients and includes a comprehensive range of the practice of veterinary medicine.

2. At the time of license renewal, each veterinarian shall certify to the Georgia State Board of Veterinary Medicine that he/she has completed the continuing education required for license renewal.

3. Veterinarians and veterinary faculty members licensed during the first year of a biennium must obtain fifteen (15) hours of continuing education and are not required to meet the two (2) hour requirement in Georgia laws, rules and professionalism. Veterinarians and veterinary faculty members licensed during the second year of a biennium are exempt from obtaining continuing education for that renewal period. After this time period, the entire thirty (30) hours is required for each renewal.

4. In the event that a veterinarian or a veterinary faculty member fails to verify or submit documentation of continuing education credits at the same time of renewal of his/her license, the Board will not process his/her renewal until continuing education requirements have been met and proof of such has been received and approved by the Board.

5. If documentation of continuing education is requested in conjunction with any audit and not received by the Board on or before the deadline date provided, the licensee will be subject to disciplinary action.

6. A veterinarian or veterinary faculty member may not carry over continuing education credits from one biennium license renewal period to the next.

7. Each veterinarian or veterinary faculty member must maintain a record of credit hours earned and proof of attendance of such hours for a period of three years from the date of the preceding renewal period and must provide the Board with said documentation upon request.

8. Veterinarians or veterinary faculty members who attend programs where more than one course is taught must maintain proof of the courses attended and the number of hours awarded for each course.

(b) Approved Continuing Education Programs and Hours:

1. Blanket approval is awarded to any National, State and International veterinary association meetings, United States Department of Agriculture and Georgia Department of Agriculture sponsored meeting, Board Certified Specialties programs recognized by the American Veterinary Medical Association, all AVMA accredited veterinary college or school sponsored classes and programs, all AAVSB RACE approved programs, any GVMA constituent organization programs, AAHA programs, programs sponsored by the United States or Southern Animal Health Association and any course approved by another state board.

2. Blanket approval does not apply to any continuing education programs on Georgia laws, rules and professionalism (LEAP).

(i) All LEAP courses and any other (non-LEAP) continuing education course which is not offered by a blanket approved organization must be awarded Board approval before the court is offered.

(I) Veterinarians who provide proof of completion of Level 1 accreditation of the USDA-APHIS modules may be awarded 1 hour to meet the LEAP requirement.

(II) Veterinarians who provide proof of completion of Level 2 accreditation of the USDA-APHIS modules may be awarded 2 hours to meet the LEAP requirement.

(ii) If the LEAP course is a pre-recorded, non-interactive webinar, the provider must ensure that a passing score of 80% is achieved on the content-based post course test before awarding credit for the course.

3. Providers may be awarded Board approval for a continuing education course by submitting the following for consideration by the Board:

(i) A continuing education application form;

(ii) A detailed course outline or syllabus;

(iii) A current curriculum vitae or resume must be provided for each speaker or lecturer;

(iv) The procedure to be used for recording attendance; and,

(v) The number of continuing education hours for which the course sponsor requests approval.

4. In addition to the LEAP requirements, the remaining credit hours may be earned as follows:

(i) One (1) hour may be given for each 50 minutes of contact time. Seminars are composed of lectures or labs; welcoming remarks, business sessions, unstructured demonstrations or degree programs are not considered seminars.

(ii) Three (3) hours can be for journal studies where follow-up testing is required. Fifteen (15) hours of non-interactive computer-generated courses will be allowed. Follow-up testing is required.

(iii) A maximum of twelve (12) hours will be allowed per calendar day.

(iv) A maximum of six (6) hours for veterinarians can be acquired through in-house training at the licensees' place of employment.

(v) A maximum of ten (10) hours can be acquired through in-house training for veterinary faculty at AVMA accredited institutions. For the purposes of this rule, "in-house training" refers to programs that are only offered to employees of the institution.

(vi) A maximum of three (3) hours can be acquired by licensees who conducted peer reviews for the Board.

(vii) Two (2) hours of continuing education credit per lecture for a subject area, regardless of the number of times the licensee presents the course, for a maximum of five different subjects.

(c) Continuing Education Audit:

1. During the renewal period, the Board staff will randomly select a percentage of its licensees to audit for continuing education compliance.

2. If selected for continuing education audit, each licensee must submit continuing education records to meet the renewal requirements for that license renewal period.

(d) Provider and Sponsor Criteria: All providers and sponsors must provide the following information to the Board if they have not been awarded blanket approval:

1. Each sponsor or provider shall have an administrator whose responsibility is to maintain the criteria for quality in programming.

2. Providers shall use qualified personnel to develop and present the programs, which shall utilize appropriate instructional materials and resources.

3. Providers shall provide to the Board adequate advanced promotional information, material about target audiences, program content, faculty credentials and fees.

4. Providers shall provide a means of registration of the participants at each program and maintain a record of attendance for a period of three years from the date of the program.

5. Providers shall develop policies and procedures for the management of grievances.

6. Providers shall provide each participant with adequate documentation of his/her successful completion of the program. The documentation shall include:

(i) Name and license number of participant;

(ii) Name of provider;

(iii) Name and title of program to include the date and time each individual course was offered;

(iv) Hours/CEU's completed;

(v) Date of completion; and

(vi) Authorizing signature.

7. All continuing education providers seeking approval of the continuing education program by the Georgia State Board of Veterinary Medicine shall submit a current Program Approval Form for each program presented to include all program materials requested. These forms must be complete and should be submitted 60 days in advance in order to be considered by the Board.

8. If the continuing education application and materials are not submitted 60 days in advance of the date the course is to be offered, the continuing education provider will be assessed penalties as follows:

(i) First offense: Assessed a monetary penalty of $100.00 to be paid in full at the time of application submission.

(ii) Second offense:

(I) Assessed a monetary penalty of $200.00 to be paid in full at the time of application submission.

(II) The continuing education provider will not be allowed to submit any additional courses for approval for a period of ninety (90) days from the Board's decision on the continuing education application in question.

(iii) Third offense:

(I) Assessed a monetary penalty of $300.00 to be paid in full at the time of application submission.

(II) The continuing education provider will not be allowed to submit any additional courses for approval for a period of six (6) months from the Board's decision on the continuing education application in question.

(iv) Forth offense: The continuing education provider will be presented to the Board to determine the next course of action.

**Cite as** Ga. Comp. R. & Regs. R. 700-7-.03

**AUTHORITY: O.C.G.A. §§** 43-1-25**,** 43-50-21**,** 43-50-40**,** 43-50-50**,** 43-50-52**,** 43-50-110**.**

**HISTORY:** Original Rule entitled "Continuing Veterinary Education" was filed November 4, 1988: effective November 24, 1988.

**Amended:** F. Dec. 19, 1990: eff. Jan. 8, 1991.

**Amended:** F. Jun. 20, 1997; eff. July 10, 1997.

**Repealed:** New Rule of same title adopted. F. Apr. 8, 2002; eff. Apr. 28, 2002.

**Repealed:** New Rule of same title adopted. F. Feb. 6, 2005; eff. Feb. 26, 2005.

**Amended:** F. Aug. 24, 2007; eff. Sept. 13, 2007.

**Amended:** F. Sept. 2, 2008; eff. Sept. 22, 2008.

**Repealed:** New Rule of the same title adopted. F. Aug. 12, 2010; eff. Sept. 1, 2010.

**Repealed:** New Rule of the same title adopted. F. Jun. 19, 2012; eff. July 9, 2012.

**Amended:** F. Nov. 5, 2014; eff. Nov. 25, 2014.

**Amended:** F. May 26, 2017; eff. June 15, 2017.

**Amended:** F. Mar. 16, 2018; eff. Apr. 5, 2018.

**Amended:** F. Mar. 24, 2021; eff. Apr. 13, 2021.

**Amended:** F. May 14, 2026; eff. June 3, 2026.

## 700-7-.04 Veterinary Technician Continuing Education

The Georgia State Board of Veterinary Medicine in accordance with the provisions of State Law and for the purpose of establishing certain minimum standards for continuing education in the best interest of and for the protective of the public health, safety and welfare hereby adopts the following rule:

(a) General Requirements:

1. Each veterinary technician licensed to practice in the State of Georgia must obtain eleven (11) hours of Board approved continuing education per biennium for license renewal. Of the eleven (11) hours required, one (1) per renewal period must be acquired in Georgia laws, rules and professionalism (LEAP). Continuing education hours may be acquired in person, by live, interactive webinars, or pre-recorded, non-interactive webinars that incorporate measures to ensure active participation throughout the course, to include, but not limited to, a content-based, post-course test with a minimum of five questions per CE credit. Georgia licensees who do not practice in the State of Georgia are not required to meet the one (1) hour requirement in Georgia laws, rules and professionalism.

2. At the time of license renewal, each veterinary technician shall certify to the Georgia State Board of Veterinary Medicine that he/she has completed the continuing education required for license renewal.

(i) If the LEAP course is a pre-recorded, non-interactive webinar, the provider must ensure that a passing score of 80% is achieved on the content-based, post-course test before awarding credit for the course.

(ii) Veterinary technicians may satisfy the LEAP requirement by providing proof of completion of three USDA-APHIS modules.

3. A veterinary technician licensed during the first year of a biennium must obtain five (5) hours of continuing education and is not required to meet the one (1) hour requirement in Georgia laws, rules and professionalism. A veterinary technician licensed during the second year of the biennium is exempt from obtaining continuing education for that renewal period. After this time period, the entire eleven (11) hours is required for each renewal.

4. In the event that a veterinary technician fails to verify or submit documentation of continuing education credits at the same time of renewal of his/her license, the Board will not process his/her renewal until continuing education requirements have been met and proof of such has been received and approved by the Board. If documentation of continuing education is requested and not received by the Board prior to the expiration date, the license will expire.

5. A veterinary technician may not carry over continuing education credits from one biennium license renewal period to the next.

6. Each veterinary technician must maintain a record of credit hours earned and proof of attendance of such hours for a period of three years from the date of the preceding renewal period and must provide the Board with said documentation upon request.

7. Veterinary technicians who attend programs where more than one course is taught must maintain proof of the courses attended and the number of hours awarded for each course.

(b) Approved Continuing Education Programs and Hours:

1. Blanket approval is awarded to any National, State and International veterinary association meetings, United States Department of Agriculture and Georgia Department of Agriculture sponsored meeting, Board Certified Specialties programs recognized by the American Veterinary Medical Association, all AVMA accredited veterinary college or school sponsored classes and programs, all AAVSB RACE approved programs, any GVMA constituent organization programs, AAHA programs, programs sponsored by the United State or Southern Animal Health Association and any course approved by another state board. Blanket approval does not apply to any continuing education programs on Georgia laws, rules and professionalism.

2. All continuing education courses on Georgia laws, rules and professionalism (LEAP) or any continuing education course which is not offered by a blanket approved organization must be awarded Board approval. Providers may be awarded Board approval for a continuing education course by submitting the following:

(i) A continuing education application form;

(ii) A detailed course outline or syllabus;

(iii) A current curriculum must be provided for each speaker or lecturer;

(iv) The procedure to be used for recording attendance;

(v) The number of continuing education hours for which the course sponsor requests approval.

3. In addition to the LEAP hour requirement for resident veterinary technicians, the remaining credit hours may be earned as follows:

(i) One (1) hour may be given for each 50 minutes of contact time. Seminars are composed of lectures or labs; welcoming remarks, business sessions, unstructured demonstrations or degree programs are not considered seminars.

(ii) Not more than four (4) hours can be obtained from veterinary journal studies or non-interactive computer-generated courses where follow-up testing is required.

(iii) A maximum of three (3) hours for veterinary technicians can be acquired through in-house training at the licensees' place of employment.

(iv) A maximum of five (5) hours can be acquired through in-house training for veterinary technicians at AVMA accredited institutions.

(c) Continuing Education Audit:

1. During the renewal period, the Board staff will randomly select up to 25% of its licensees to audit for continuing education compliance. If selected for continuing education audit, each licensee must submit continuing education records to meet the renewal requirements for that license renewal period.

(d) Provider and Sponsor Criteria: All providers and sponsors must provide the following information to the Board if they have not been awarded blanket approval:

1. Each sponsor or provider shall have an administrator whose responsibility is to maintain the criteria for quality in programming.

2. Providers shall use qualified personnel to develop and present the programs, which shall utilize appropriate instructional materials and resources.

3. Providers shall provide to the Board adequate advanced promotional information, material about target audiences, program content, faculty credentials and fees.

4. Providers shall provide a means of registration of the participants at each program and maintain a record of attendance for a period of three years from the date of the program.

5. Providers shall develop policies and procedures for the management of grievances.

6. Providers shall provide each participant with adequate documentation of his/her successful completion of the program. The documentation shall include:

(i) Name and license number of participant;

(ii) Name of provider;

(iii) Name and title of program;

(iv) Hours/CEU's completed;

(v) Date of completion; and

(vi) Authorizing signature.

7. All continuing education providers seeking approval of the continuing education program by the Georgia State Board of Veterinary Medicine shall submit a Program Approval Form for each program presented. These forms should be submitted 60 days in advance.

8. If the continuing education application and materials are not submitted sixty (60) days in advance of the date the course is to be offered, the continuing education provider will be assessed penalties as follows:

(i) First offense: Assessed a monetary penalty of $100.00 to be paid in full at the time of application submission.

(ii) Second offense:

(I) Assessed a monetary penalty of $200.00 to be paid in full at the time of application submission.

(II) The continuing education provider will not be allowed to submit any additional courses for approval for a period of ninety (90) days from the Board's decision on the continuing education application in question.

(iii) Third offense:

(I) Assessed a monetary penalty of $300.00 to be paid in full at the time of application submission.

(II) The continuing education provider will not be allowed to submit any additional courses for approval for a period of six (6) months from the Board's decision on the continuing education application in question.

(iv) Fourth offense: The continuing education provider will be presented to the Board to determine the next course of action.

**Cite as** Ga. Comp. R. & Regs. R. 700-7-.04

**AUTHORITY: O.C.G.A. §** 43-1-25**,** 43-50-2**,** 43-50-21**,** 43-50-40**,** 43-50-50**,** 43-50-52**,** 43-50-110**.**

**HISTORY:** Original Rule entitled "Veterinary Technician Continuing Education" adopted. F. Sept. 2, 2008; eff. Sept. 22, 2008.

**Repealed:** New Rule of the same title adopted. F. Aug. 12, 2010; eff. Sept. 1, 2010.

**Repealed:** New Rule of the same title adopted. F. Jun. 19, 2012; eff. July 9, 2012.

**Amended:** F. Nov. 5, 2014; eff. Nov. 25, 2014.

**Amended:** F. Apr. 13, 2017; eff. May 3, 2017.

**Amended:** F. Mar. 16, 2018; eff. Apr. 5, 2018.

**Amended:** F. May 14, 2026; eff. June 3, 2026.

# Department 700. RULES OF GEORGIA STATE BOARD OF VETERINARY MEDICINE

# Chapter 700-8. UNPROFESSIONAL CONDUCT

## 700-8-.01 Unprofessional Conduct. Amended.

Unprofessional conduct shall include, but not be limited to, the following:

(a) Advertising - defined: Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or registrant. Advertising shall include but not be limited to, a communication, published or displayed through the use of newspaper, internet, telephone directory, pamphlets or handouts, radio, television, signs, billboard, window display or any other means of medium.

1. A licensee or registrant shall not make any false, misleading or deceptive communication in any form of advertising.

2. Advertisement of prices must contain a complete description of veterinary services included in any advertised price and disclosure of any extra charges that may be required to serve the consumer's needs.

(b) Professional Relationships:

1. It shall be unprofessional conduct for a licensee or registrant without just cause and in bad faith or for the purpose of soliciting patronage or personal pecuniary gain to disparage the profession or professional capabilities of another licensee or registrant.

2. It shall be unprofessional conduct to aid any person, firm, or corporation to engage in the unauthorized practice of veterinary medicine.

3. It shall be unprofessional conduct for a licensee or registrant to guarantee a cure or to offer his name in a commercial setting in a testimonial as to virtues of proprietary remedies or foods.

4. Consultation by an attending veterinarian with other veterinarian expert in the particular matter on which consultation is sought is in the public interest and thus is expected of the attending veterinarian when the need arises. But such consultation is discouraged if the consulting veterinarian employs the relationship so created to disparage the attending veterinarian or to solicit business; such practices are not in the public interest.

(i) It shall therefore be unprofessional conduct for a licensee called as a consulting veterinarian to disparage in the presence of the client the competence of the attending veterinarian. The Board does, however, expect any incompetence or negligence to be reported to it and nothing in this rule prohibits such reports or the giving of testimony in public or private litigation.

(ii) It shall be unprofessional conduct for a consulting veterinarian to assume unauthorized control of the case or to utilize the consulting relationship to solicit business for himself or others.

5. It shall be unprofessional conduct for a licensee employed to render professional advice by one party in negotiations concerning the sale of an animal to accept a fee from the other party.

(c) Failure to Maintain Patient Records:

1. A veterinarian shall prepare and maintain a record reflecting the care and treatment of animals treated or boarded.

2. These records shall contain clinical information sufficient to justify the diagnosis and warrant treatment and shall, if applicable, include but not be limited to the following information:

(i) Name, address, and telephone number of the animal's owner;

(ii) Name of attending veterinarian and staff rendering care;

(iii) Patient identification, including name, ages, sex and breed;

(iv) Dates of examination, treatment and custody of the animal;

(v) Patient history;

(vi) Presenting complaint;

(vii) Vaccination history;

(viii) Findings from physical examination, including temperature and weight for each examination;

(ix) Clinical lab reports, if applicable;

(x) Medication prescribed or recommended, including dose, strength, and frequency;

(xi) Anesthetic, including dose, strength, type, amount and monitoring of vital signs at frequent intervals, if applicable;

(xii) Details of surgical procedure including complications and/or abnormalities noted with documentation of suture materials used;

(xiii) Progress and disposition of the case to include client communications and copies of any written instructions for home care;

(xiv) Differential diagnoses; and

(xv) Radiographs to include radiographic interpretations.

3. All records shall be kept in a readily retrievable form, shall be recorded contemporaneously, and shall be filed promptly following treatment.

4. Patient records shall be kept by a veterinarian for three (3) years after a patient's last visit, notwithstanding any other provisions of law.

5. Copies of patient records must be made available to the owner of the animal upon written request to the veterinarian who treated the animal or to the veterinarian facility where the treatment was provided. Such records must be made available within ten (10) business days from request. The veterinarian may charge a reasonable charge for the search, retrieval, duplication and, if applicable, mailing of the patient records.

6. A veterinarian shall respond to an inquiry by the Board within fifteen (15) days and/or provide the Board with evidence that requested records have been released to the client.

7. Failure to keep records as required by this subparagraph shall constitute a failure to conform to the minimal standards of acceptable and prevailing veterinary medical practice.

(d) Failure to have an appropriate Veterinarian/Client/Patient Relationship. An appropriate veterinarian/client/patient relationship will exist when:

1. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian;

2. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian is personally acquainted with the keeping and care of the animal(s) by virtue of:

(i) An examination of the animal by the veterinarian within the last twelve (12) months, or

(ii) Medically appropriate and timely visits by the veterinarian to the premises where the patient is kept.

3. A veterinarian/client/patient relationship cannot be established solely by telephone, computer, or other electronic means; however,

(i) Once a veterinarian/client/patient relationship is established, it may be maintained telephonically, electronically, or by any other method of communication between:

(I) In person medically necessary examinations; or,

(II) Visits to the premises where the animal is kept, provided that it is within the periods of time that are appropriate for the medical issue in question and the species and age of the animal; and,

(III) A failure to require in person examinations or visits in accordance with the minimum standard of care for the diagnosis, treatment, or other practice of veterinary medicine for an animal shall be considered unprofessional conduct.

I. A licensed veterinarian may provide advice and recommendations via electronic means in an emergency where death is imminent if an in-person examination of the patient will be conducted within 60 minutes of the provision of such advice or recommendations; and,

4. A licensed veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

(e) Prescription Drugs:

1. It is unlawful for a veterinarian to release, prescribe, and/or dispense any prescription drugs without having established a valid veterinary/client/patient relationship.

2. After a valid veterinary/client/patient relationship has been established, a veterinarian must make available, upon request, at a reasonable cost, a written prescription.

(f) Failure to cooperate with an investigation of the board to include but not limited to allowing agents of the Board to inspect veterinary premises and equipment, including mobile veterinary clinics.

**Cite as** Ga. Comp. R. & Regs. R. 700-8-.01

**AUTHORITY: O.C.G.A. §§** 43-1-19**,** 43-1-25**,** 43-50-3**,** 43-50-21**,** 43-50-41**,** 43-50-90**,** 43-50-110**.**

**HISTORY:** Original Rule entitled "Unprofessional Conduct" adopted. F. Oct. 8, 1974; eff. Oct. 28, 1974.

**Amended:** F. Feb. 15, 1983; eff. Mar. 7, 1983.

**Amended:** F. July 9, 1984; eff. July 29, 1984.

**Amended:** F. Aug. 31, 1984; eff. Sept. 20, 1984.

**Amended:** F. Nov. 8, 1995; eff. Nov. 28, 1995.

**Amended:** F. Sept. 11, 1998; eff. Oct. 1, 1998.

**Repealed:** New Rule of same title adopted. F. Apr. 8, 2002; eff. Apr. 28, 2002.

**Repealed:** New Rule of same title adopted. F. Jan. 29, 2003; eff. Feb. 18, 2003.

**Repealed:** New Rule of same title adopted. F. Apr. 8, 2004; eff. Apr. 28, 2004.

**Repealed:** New Rule of same title adopted. F. Aug. 24, 2007; eff. Sept. 13, 2007.

**Amended:** F. Dec. 8, 2011; eff. Dec. 28, 2011.

**Amended:** F. Mar. 1, 2013; eff. Mar. 21, 2013.

**Amended:** F. Sep. 15, 2015; eff. Oct. 7, 2015.

**Amended:** F. Mar. 11, 2016; eff. Mar. 31, 2016.

**Amended:** F. Dec. 9, 2022; eff. Dec. 29, 2022.

**Amended:** New title "Unprofessional Conduct. Amended." F. May 18, 2026; eff. June 7, 2026.