

**Responses to Comments Received During the Public Comment Period  
October 29, 2007 through December 28, 2007  
Proposed Revisions to Air Quality Rules, Chapter 391-3-1**

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On October 29 and November 18, 2007, EPD issued public notices requesting comments on proposed revisions to the Georgia Rules for Air Quality, Chapter 391-3-1-.02(2)(ooo) - Heavy-Duty Diesel Engine Requirements. Written comments were received during the public comment period. Public hearings were held at 3:30 p.m. on November 27, 2007 and 4:30 p.m. on December 18, 2007 in the EPD Training Center located at 4244 International Parkway, Suite 116, Atlanta, Georgia 30354. Oral comments were received during the public hearings. Comments received as of December 28, 2007, are summarized in this memo.

**Comments**

Ms. Dawn E. Friest (Environmental Policy with Engine Manufacturers Association) and Mr. Richard C. Kempf (Manager Regulatory Affairs International Truck and Engine Corporation) were the only ones that provided comments at the November 27, 2007 hearing and their comments were similar. Mr. Tim French (Legal Counsel for Engine Manufacturers Association) was the only person that provided comments at the December 18, 2007 hearing and his comments were similar to those provided at the November 27, 2007 hearing. Both Ms. Friest and Mr. French provided written comments in the form of a presentation. They each expressed concern about California Air Resource Board (CARB) certification requirements contained in section 1956.8 of Title 13 of the California Code of Regulations and requested EPD eliminate the CARB certification requirements as incorporated by Rule 391-3-1-.02(2)(ooo). Mr. French also expressed concern about adequacy of the notice and opportunity to comment.

**Response**

EPD proposed amendments include correcting a grammatical error, providing alternate method for truck labeling, and updating the rule to the most recent California Air Resource Board (CARB) standards to assure that Georgia complies with Sections 209 and 177 of the Federal Clean Air Act (CAA). Georgia's current CARB certification requirements were promulgated in accordance with the Georgia Administrative Procedures Act, including the opportunity for public notice, comment, and appeal. Unless Rule 391-3-1-.02(2)(ooo) is revoked in accordance with these procedures, it is in effect and CARB certification is required. Therefore, eliminating the rule altogether is outside the scope of the amendment request and would be a significant change to the Air Quality Rules.

In accordance with the federal Clean Air Act, states have two options in regards to heavy-duty diesel engine standards. They may either “opt-in” to the California standard or comply with the federal EPA heavy-duty diesel engine standard (i.e., no state standard). Federal regulations may not meet the air quality needs of all the states, so the CAA allows California to write their own standard and sections 209(d) and 177 of the CAA allows other states to “opt-in” to the California Standard. EPD has already adopted the California Heavy-Duty Diesel Engine Standards and requires that all new heavy-duty engines starting with the 2005 model year meet CARB emission standards. Importantly, Georgia continues to have areas that do not meet National Ambient Air Quality Standards for fine particulate matter and ozone. The CARB requirement assures that the second phase of the 2007 heavy-duty on high way engine emission reduction requirements, scheduled to become effective in 2010, is not deferred or withdrawn.

EPD met with the Engine Manufacturers Association on December 19, 2007 and reached an agreement on how to implement the rule to reduce or eliminate their concerns. The agreed upon method of implementation is also expected to lead to additional emission reductions that will benefit air quality. Ultimately, CARB certified engines are required to shutdown automatically after five minutes or meet clean idle standards. Most likely very clean diesel engines required in 2010 will be sold earlier in Georgia as part of meeting the new CARB certification requirements thereby providing additional air quality benefit.

In regards to the adequacy of the notice and opportunity for public comment, the public participation plan for this rulemaking was consistent with the recommendations of the Public Involvement Task Force adopted by the DNR Board and met or exceeded all statutory requirements. Opportunities for public input included two published notices in the Atlanta Journal-Constitution announcing public comment periods, posting of the proposed amendments on the EPD website, electronic and hard-copy notifications on two occasions, and two public hearings.