

House Bill 938

By: Representatives Allen of the 40th, Trammell of the 132nd, Dickerson of the 113th, Dreyer of the 59th, and Anulewicz of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated,
2 relating to air quality, so as to provide for certain conditions for permits for facilities that
3 emit ethylene oxide; to provide for a definition; to provide for related matters; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to air
8 quality, is amended in Code Section 12-9-3, relating to definitions, by adding a new
9 paragraph to read as follows:

10 "(16.1) 'Exhaust point' means any point in a source designed to emit solids, liquids, or
11 gases into the air, including a pipe or duct but not including flares."

12 **SECTION 2.**

13 Said article is further amended in Code Section 12-9-7, relating to permit required,
14 application, issuance, revocation, suspension, or amendment, by revising subsection (a) as
15 follows:

16 "(a)(1) As used in this subsection, the term 'off gassing' means the release of a gas that
17 was dissolved, trapped, frozen, or absorbed in a material.

18 (2) No person shall, and it shall be unlawful and a violation of this article to, construct,
19 install, modify, own, or operate any facility or stationary source or any equipment,
20 device, article, or process capable of causing or contributing to the emission of air
21 contaminants from such source or facility or designed to prevent air pollution from such
22 facility or source unless permitted by and in compliance with a permit from the director.
23 A permit shall be issued to an applicant on evidence satisfactory to the director of
24 compliance with this article and any standards, limitations, requirements, or rules and
25 regulations pursuant to this article. Notwithstanding any other provision of this article,

26 the director shall not issue a Title V permit to a facility or source if the administrator
27 objects in writing and in a timely manner to the issuance of such permit.

28 (3) As a condition of the permit, each applicant or permittee shall:

29 (A) Provide proof to the division of the installation of equipment that can detect and
30 monitor ethylene oxide emissions from each exhaust point at the applicant's or
31 permittee's location;

32 (B) Continuously monitor direct emissions of ethylene oxide and retain records of the
33 daily release of ethylene oxide from each exhaust point for the term of the permit; and

34 (C) Submit a cumulative report of ethylene oxide emissions from all exhaust points to
35 the director on June 30 and December 31 of each year.

36 (4) Off gassing shall occur for no less than 36 hours in an area of an operation that
37 utilizes a vent control system approved by the division. Off gassing shall not occur in
38 any warehouse, building, or loading dock that does not utilize a vent control system
39 approved by the division.

40 (5) Each applicant or permittee whose facilities emit ethylene oxide shall submit to the
41 division, by January 1, 2021, an ambient air monitoring plan. This plan shall include, at
42 a minimum, the following:

43 (A) Detailed plans to collect and analyze air samples of ethylene oxide on at least a
44 quarterly basis nearest the property boundaries of the sterilization sources and at
45 community locations with the highest modeled impact per the division's modeling;

46 (B) A quarterly sampling and analysis conducted over each consecutive six-day period;

47 (C) A detailed schedule for implementation of the plan;

48 (D) The name of the independent third-party company that will perform the sampling
49 and analysis along with its qualifications and experience to perform such sampling and
50 analysis; and

51 (E) Results of each quarterly sampling and analysis, which shall also be submitted to
52 the local county board of commissioners or the city council with jurisdiction thereof.

53 Such plan shall be made available for public view and comment prior to an agreement
54 with the division and shall be resubmitted every 24 months.

55 (6) Any applicant or permittee that violates paragraphs (3) through (5) of this subsection
56 shall be subject to the penalties prescribed in this article."

57 **SECTION 3.**

58 All laws and parts of laws in conflict with this Act are repealed.