

Concept

Session Law 2013-413 (H74) Readoption of Group 5 Air Quality Rules 15A NCAC 02D (547)

Reason for Action

To readopt several sections of the air quality rules in 15A NCAC Section 02D consistent with provisions of G.S. 150B-21.3A.

Scope/Nature/Summary

G.S. 150B-21.3A requires agencies to review and update their rules every 10 years. All 320 existing air quality rules in 15A NCAC 02D and 02Q are to be readopted by the EMC by December 31, 2020. To accomplish this task, the DAQ has initially divided the rules into six groups of rule sections to receive comment on from stakeholders and take through the rulemaking process. Some rules within sections of a given group may need to be shifted to other groups depending on the nature of potential changes identified or the associated review needed. The fifth group of rules for consideration, Group 5, includes the following rules:

15A NCAC 02D SECTION .0600 - MONITORING: RECORDKEEPING: REPORTING

- 02D .0601 PURPOSE AND SCOPE
- 02D .0602 DEFINITIONS
- 02D .0604 EXCEPTIONS TO MONITORING AND REPORTING REQUIREMENTS
- 02D .0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS
- 02D .0606 SOURCES COVERED BY APPENDIX P OF 40 CFR PART 51
- 02D .0607 LARGE WOOD AND WOOD-FOSSIL FUEL COMBINATION UNITS
- 02D .0608 OTHER LARGE COAL OR RESIDUAL OIL BURNERS
- 02D .0610 FEDERAL MONITORING REQUIREMENTS
- 02D .0611 MONITORING EMISSIONS FROM OTHER SOURCES
- 02D .0612 ALTERNATIVE MONITORING AND REPORTING PROCEDURES
- 02D .0613 QUALITY ASSURANCE PROGRAM
- 02D .0614 COMPLIANCE ASSURANCE MONITORING
- 02D .0615 DELEGATION

15A NCAC 02D SECTION .2100 – RISK MANAGEMENT PROGRAM

- 02D .2101 APPLICABILITY
- 02D .2102 DEFINITIONS
- 02D .2103 REQUIREMENTS
- 02D .2104 IMPLEMENTATION

15A NCAC 02D SECTION .2600 - SOURCE TESTING

- 02D .2601 PURPOSE AND SCOPE
- 02D .2602 GENERAL PROVISIONS ON TEST METHODS AND PROCEDURES
- 02D .2603 TESTING PROTOCOL
- 02D .2604 NUMBER OF TEST POINTS
- 02D .2605 VELOCITY AND VOLUME FLOW RATE
- 02D .2606 MOLECULAR WEIGHT
- 02D .2607 DETERMINATION OF MOISTURE CONTENT
- 02D .2608 NUMBER OF RUNS AND COMPLIANCE DETERMINATION

- 02D .2609 PARTICULATE TESTING METHODS
- 02D .2610 OPACITY
- 02D .2611 SULFUR DIOXIDE TESTING METHODS
- 02D .2612 NITROGEN OXIDE TESTING METHODS
- 02D .2613 VOLATILE ORGANIC COMPOUND TESTING METHODS
- 02D .2614 DETERMINATION OF VOC EMISSION CONTROL SYSTEM EFFICIENCY
- 02D .2615 DETERMINATION OF LEAK TIGHTNESS AND VAPOR LEAKS
- 02D .2616 FLUORIDES
- 02D .2617 TOTAL REDUCED SULFUR
- 02D .2618 MERCURY
- 02D .2619 ARSENIC, BERYLLIUM, CADMIUM, HEXAVALENT CHROMIUM
- 02D .2620 DIOXINS AND FURANS
- 02D .2621 DETERMINATION OF FUEL HEAT CONTENT USING F-FACTOR

There is also one section of rules from the initial Group 1 previously held for further staff review, Section .2300 Banking Emissions Reduction Credits, that is proposed to move forward with Group 5.

15A NCAC 02D SECTION .2300 – BANKING EMISSION REDUCTION CREDITS

- 02D .2301 PURPOSE
- 02D .2302 DEFINITIONS
- 02D .2303 APPLICABILITY AND ELIGIBILITY
- 02D .2304 QUALIFICATION OF EMISSION REDUCTION CREDITS
- 02D .2305 CREATING AND BANKING EMISSION REDUCTION CREDITS
- 02D .2306 DURATION OF EMISSION REDUCTION CREDITS
- 02D .2307 USE OF EMISSION REDUCTION CREDITS
- 02D .2308 CERTIFICATES AND REGISTRY
- 02D .2309 TRANSFERRING EMISSION REDUCTION CREDITS
- 02D .2310 REVOCATION AND CHANGES OF EMISSION REDUCTION CREDITS
- 02D .2311 MONITORING

Changes anticipated throughout these rule sections include primarily administrative updates such as updating referenced website addresses, updating regulatory references, any needed updates to reflect the current electronic nature of business, and updating rule formatting for consistency with current publication requirements and whether any other existing language needs to be clarified or updated for approvability based on agency experience with review of rules by the Rules Review Commission and its staff. Other changes may include updating text to reflect North Carolina's current attainment status relevant to national ambient air quality standards where referenced.

Prior to stakeholder discussion, initial input is being sought from DAQ staff most involved in day to day implementation of the rules regarding any challenges experienced in interpreting and implementing the rules and any needed updates. Additional amendments may be identified as stakeholder input continues.

Amendments to some rules in the identified sections may be delayed until a later group depending on the nature of analysis needed, the nature of comments received and associated time needed to address them as well as other factors such as subject matter related litigation at the state or federal level or issuance of new related federal or state legislative requirements.

Statutory Authority

The statutory authority for each of the Group 5 rules is identified below.

15A NCAC 02D SECTION .0600 - MONITORING: RECORDKEEPING: REPORTING

- .0601 -.0602, .0604-.0606, .0608, .0610-.0613 G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4)
- .0605 G.S. 143-215.3(a)(1); 143-215-65; 143-215.66; 143-215.107(a)(4)
- .0607 G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5)
- .0614 G.S. 143-215.3(a)(3); 143-215.65; 143-215.66; 143-215.107(a)(4)
- .0615 G.S. 143-215.3(a)(1); 143-215.3(a)(4)

15A NCAC 02D SECTION .2100 – RISK MANAGEMENT PROGRAM

- .2101 -.2104 G.S. 143-215.3(a)(1); 143-215.107(a)(10)

15A NCAC 02D SECTION .2600 - SOURCE TESTING

- .2601-.2613, .2616-.2621 G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5)
- .2614 G.S. 143-215.3(a)(1); 143-215.68; 143-215.107(a)(5)
- .2615 G.S. 143-215.3(a)(1); 143-215.107(a)(5)

15A NCAC 02D SECTION .2300 – BANKING EMISSION REDUCTION CREDITS

- .2301-.2310 G.S. 143-215.3(a)(1); 143-215.107(a)(12)
- .2311 G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(12)