

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION
PUBLIC NOTICE**

Notice is hereby given for public comment to be received by the North Carolina Department of Environmental Quality, Division of Air Quality, concerning the proposed readoption of air quality rules.

PURPOSE: To receive comments on the proposed readoption of air quality rules in several Sections of 15A NCAC 02D to meet the requirements of G.S.150B-21.3A, *Periodic Review and Expiration of Existing Rules*.

BACKGROUND: There are a total of 108 rules in 15A NCAC 02D .0403, .0500, .0615, .0900, .1400, .1700, and .2615 that are being proposed for readoption pursuant to the requirements of S.L. 2013-413 and G.S. 150-B. A total of 92 rules are being proposed for readoption without any change or without substantive changes, two rules are being proposed for repeal and nine rules are being proposed for readoption with substantive changes.

For the rules that are being proposed without any change or without substantive changes no fiscal impact is expected as a result of the changes. Changes to these rules include technical corrections for grammar and formatting updates, general formatting, updates to acronyms, removal of obsolete language and requirements, updates to the format of references, and updates of requirements to be consistent with Federal regulations.

A summary of the substantive impacts for the nine rules that are being proposed for readoption with substantive changes and two Rules proposed for readoption as repeal are provided below.

15A NCAC 02D .0403, Total Suspended Particulates, specifies the ambient air quality standards for total suspended particulates. This rule is being proposed for readoption without substantive changes to format the reference to the EPA Code of Federal Regulations sampling and analysis requirements.

15A NCAC 02D .0500, Emission Control Standards, consists of 36 rules that provide the emission control standards for both combustion and non-combustion air pollution sources. In this set of rules, three rules are being proposed for readoption with substantive changes and one Rule is being proposed for repeal.

A summary of the changes for the three Emission Control Standards rules that are being proposed for readoption with substantive changes and one rule proposed for repeal is provided below.

15A NCAC 02D .0504, Particulates from Wood Burning Indirect Heat Exchangers, is proposed for readoption with substantive changes to update the applicability requirements, update the equation for the emission limit calculation, and provide clarification of the emission limit for the removal of a wood-burning heat exchanger. Other changes include updates for technical corrections for grammar, formatting, and references.

15A NCAC 02D .0530, Prevention of Significant Deterioration, is proposed for readoption with substantive changes to update the incorporation by reference date. The changes also include clarifying that condensable particulate matter is included when determining total

particulate matter emissions, and clarifying the reporting and recordkeeping requirements in Paragraph (u). Other changes include updates for technical corrections for grammar, formatting, and references.

15A NCAC 02D .0532, Sources Contributing to an Ambient Violation, is proposed for readoption with substantive changes to remove the reference to the repealed Section 15A NCAC 02D .0800 and to update the format of the emission limits. Other changes include updates for technical corrections for grammar, formatting, and references.

15A NCAC 02D .0536, Particulate Emissions from Electric Utility Boilers, is proposed to be repealed. The annual average opacity (AAO) limits and their associated particulate matter limits found in this rule are outdated and obsolete.

15A NCAC 02D .0615, Delegation, allows the Director to delegate his administrative and approval functions to other officials in the Division of Air Quality. This rule is unnecessary and is proposed for repeal to be consistent with General Statute §150B-2(8a)(a).

15A NCAC 02D .0900, Volatile Organic Compounds, regulate sources that emit greater than or equal to 15 pounds of volatile organic compounds per day unless specified otherwise in this Section. Four rules are being proposed for readoption with substantive changes. Included in this Section are the certification requirements for gasoline cargo tanks in 15A NCAC 02D .0932 and .0960 which are proposed for modification to eliminate the NC state-certification requirement for facilities subject to this rule.

A summary of the changes for the four Volatile Organic Compounds (VOC) rules that are being proposed for readoption with substantive changes is provided below.

15A NCAC 02D .0926, Bulk Gasoline Plants, is proposed for readoption with substantive changes to clarify one definition, remove obsolete language, clarify some requirements, and update for technical corrections for grammar and formatting.

15A NCAC 02D .0927, Bulk Gasoline Terminals, is proposed for readoption with substantive changes to clarify the definitions, remove obsolete language, update format of references, and update for technical corrections for grammar and formatting.

15A NCAC 02D .0932, Gasoline Cargo Tanks and Vapor Collection Systems, is proposed for readoption with substantive changes to update definitions, revise the method for certification, revise the recordkeeping requirements, remove obsolete language, update format of references, and update for technical corrections for grammar and formatting.

15A NCAC 02D .0960, Cargo Tank Leak Tester Report, is proposed for readoption with substantive changes to revise the certification requirements for cargo tanks. This includes removing the North Carolina specific gasoline cargo tank leak tightness certification requirements using EPA Method 27, instead allowing these cargo tanks to be certified using either EPA Method 27 or the US Department of Transportation (USDOT) Title 49 CFR 180.407 test method by federally certified inspection facilities. Other changes include updates for technical corrections for grammar, formatting, and references.

15A NCAC 02D .1400, Nitrogen Oxides, consist of 16 rules which regulate sources of nitrogen oxides. The rules are proposed for readoption without substantive changes.

15A NCAC 02D .1700, Municipal Solid Waste Landfills, consists of 10 rules which regulates North Carolina's implementation of federal regulations including Standards of Performance for Municipal Solid Waste Landfills and Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.

Nine rules in this Section are proposed for readoption without substantive changes. Rule 15A NCAC 02D .1702, Applicability, is proposed for readoption with substantive changes to update rule references, resulting in minor administrative changes to respective permits.

15A NCAC 02D .2615, Determination of Leak Tightness and Vapor Leaks, outlines the procedures and test methods to be used in determining leaks from gasoline cargo tanks for compliance with 15A NCAC 02D .0932. The rule also provides the test methods that are to be used for annual certification of these gasoline cargo tanks.

This rule is being proposed for readoption with substantive changes to allow the use of the USDOT method (49 CFR Part 180.407) for determining the leak tightness of gasoline cargo tanks for annual certification. In addition, the changes include general formatting, updates to the format of references, and updates of requirements to be consistent with Federal regulations.

A fiscal note was submitted to the Office of State Budget and Management (OSBM) for review. The OSBM determined the proposed rule changes have little to no impact on local governments, substantive impact on private sector and state government and the fiscal note was approved on December 06, 2019 and posted on OSBM's website at the following URL: https://files.nc.gov/ncosbm/documents/files/DEQ_2019-12-06.pdf.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rules proposed for readoption without substantive changes are not required to be published in the North Carolina Register. The text of the rules without substantive changes are available on the DAQ website: <http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>.

NOTE: If readopted, the proposed rule actions considered in this hearing will become effective statewide and submitted to the United States Environmental Protection Agency to be included in the North Carolina State Implementation Plan (SIP). If the revisions are later adopted by a local air pollution control agency, then that agency will enforce them in its area of jurisdiction.

DATE AND
LOCATION:

March 31, 2020, 6:00 PM
DEQ Green Square Office Building, 1st Floor Training Room (#1210),
217 West Jones Street, Raleigh NC 27603

COMMENT
PROCEDURES:

All persons interested in these matters are invited to attend the public hearing. **Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing.** Please note that the hearing officer may limit the length of oral presentations if many people wish to speak. The public comment period is open beginning February 17, 2020, through April 17, 2020. To be included in the hearing record, all comments must be postmarked, emailed, or received by the Division (if delivering in person) no later than April 17, 2020.

INFORMATION:

Copies of the proposed rule changes may be downloaded <http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>. Copies of the proposals may also be reviewed at the regional offices of the North Carolina Department of Environmental Quality, Division of Air Quality, located at the following cities:

Asheville	(828) 296-4500
Fayetteville	(910) 433-3300
Mooreville	(704) 663-1699
Raleigh	(919) 791-4200
Washington	(252) 946-6481
Wilmington	(910) 796-7215
Winston-Salem	(336) 776-9800

Comments should be submitted to; and additional information concerning the hearing or the proposals may be obtained by contacting:

Mr. Patrick Knowlson
Division of Air Quality
1641 Mail Service Center
Raleigh, North Carolina 27699-1641
(919) 707-8711 Phone
(919) 715-0717 Fax (Please address it to "Patrick Knowlson")
daq.publiccomments@ncdenr.gov
(Please type "Group 6 Hearing" in the subject line)

DATE:

2/14/20


Michael A. Abraczinskas, DAQ Director