

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF AIR QUALITY

REPORT OF PROCEEDINGS OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO
15A NCAC 02Q .0711, EMISSION RATES
REQUIRING A PERMIT

DECEMBER 3, 2014
RALEIGH, NC

ENVIRONMENTAL MANAGEMENT COMMISSION

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CHAPTER I

Summaries and Recommendations

Proposed amendments to Rule 15A NCAC 02Q .0711.

BACKGROUND AND SUMMARY

A public hearing was held in Raleigh, NC on December 3, 2014, to take public comments on an amendment to Rule 15A NCAC 02Q. 0711 to make clerical revisions to toxic air pollutant permitting emission rates (TPER) for unobstructed and vertically oriented emission release points. Ms. Robin Barrows, Division of Air Quality Allied Programs Branch Supervisor, was appointed and acted as the hearing officer for this hearing.

Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 EMC meeting. One of the amendments was to Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit, which added an additional set of TPERs that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented.

Staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently omitted. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants. Rule 15A NCAC 02Q .0711 is proposed to be revised to update the TPERs in Paragraph (b) for these three toxic air pollutants.

The Office of State Budget and Management (OSBM) reviewed an analysis for the proposed amendment to Rule 15A NCAC 02Q .0711 in accordance with G.S. 150B-19.1, 150B-21.4, and Executive Order 70. The analysis was certified by OSBM on July 30, 2014 and proposed rule amendment was determined to not require a fiscal note.

PUBLIC COMMENTS AND RESPONSES THERETO

No comments were received during the public hearing comment period.

CONCLUSION

There were not any comments received on the proposed rule during the public comment period. No changes were made to the proposed rule as presented in Chapter IV of this hearing record.

HEARING OFFICER'S RECOMMENDATION

The Hearing Officer recommends that the proposed amendment as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.

CHAPTER II

Rule Change Formatting Key

Chapter IV of this hearing record represents the proposed rules as noticed in the *North Carolina Register* for public comment.

Chapter II represents the proposed rules as published with changes made in response to comments received during the public comment period incorporated.

For Rule Amendments:

~~Text~~ = deleted text

Text = added text

~~Text~~ = existing text in what was published in the *North Carolina Register* (NCR) that is proposed to be deleted following the comment period

Text = text proposed to be added to what was published in the NCR following the comment period

~~Text~~ = text initially proposed in the NCR to be deleted that is restored following the comment period

~~Text~~ = text proposed in the NCR to be added that is deleted following the comment period

Note: For new rules proposed for adoption, all text is initially underlined. If there are changes to the proposed new rule following publication in the NCR, the underlining is removed, deleted text is struck through, added text is underlined, and there is no highlighting.

1 15A NCAC 02Q .0711 is proposed for amendment as follows:

3 **15A NCAC 02Q .0711 EMISSION RATES REQUIRING A PERMIT**

4 (a) A permit to emit toxic air pollutants is required for any facility where one or more emission release points are
 5 obstructed or non-vertically oriented whose actual rate of emissions from all sources are greater than any one of the
 6 following toxic air pollutant permitting emissions rates:

| Pollutant (CAS Number) | Carcinogens lb/yr | Chronic Toxicants lb/day | Acute Systemic Toxicants lb/hr | Acute Irritants lb/hr |
|--|----------------------|--------------------------------|---|--------------------------|
| acetaldehyde (75-07-0) | | | | 6.8 |
| acetic acid (64-19-7) | | | | 0.96 |
| acrolein (107-02-8) | | | | 0.02 |
| acrylonitrile (107-13-1) | | 0.4 | 0.22 | |
| ammonia (7664-41-7) | | | | 0.68 |
| aniline (62-53-3) | | | 0.25 | |
| arsenic and inorganic arsenic compounds | 0.053 | | | |
| asbestos (1332-21-4) | 5.7×10^{-3} | | | |
| aziridine (151-56-4) | | 0.13 | | |
| benzene (71-43-2) | 8.1 | | | |
| benzidine and salts (92-87-5) | 0.0010 | | | |
| benzo(a)pyrene (50-32-8) | 2.2 | | | |
| benzyl chloride (100-44-7) | | | 0.13 | |
| beryllium (7440-41-7) | 0.28 | | | |
| beryllium chloride (7787-47-5) | 0.28 | | | |
| beryllium fluoride (7787-49-7) | 0.28 | | | |
| beryllium nitrate (13597-99-4) | 0.28 | | | |
| bioavailable chromate pigments, as chromium (VI) equivalent | 0.0056 | | | |
| bis-chloromethyl ether (542-88-1) | 0.025 | | | |
| bromine (7726-95-6) | | | | 0.052 |
| 1,3-butadiene (106-99-0) | 11 | | | |
| cadmium (7440-43-9) | 0.37 | | | |
| cadmium acetate (543-90-8) | 0.37 | | | |
| cadmium bromide (7789-42-6) | 0.37 | | | |

| | | | | |
|--|--------|-------|--------|-------|
| carbon disulfide (75-15-0) | | 3.9 | | |
| carbon tetrachloride (56-23-5) | 460 | | | |
| chlorine (7782-50-5) | | 0.79 | | 0.23 |
| chlorobenzene (108-90-7) | | 46 | | |
| chloroform (67-66-3) | 290 | | | |
| chloroprene (126-99-8) | | 9.2 | 0.89 | |
| cresol (1319-77-3) | | | 0.56 | |
| p-dichlorobenzene (106-46-7) | | | | 16.8 |
| dichlorodifluoromethane (75-71-8) | | 5200 | | |
| dichlorofluoromethane (75-43-4) | | 10 | | |
| di(2-ethylhexyl)phthalate (117-81-7) | | 0.63 | | |
| dimethyl sulfate (77-78-1) | | 0.063 | | |
| 1,4-dioxane (123-91-1) | | 12 | | |
| epichlorohydrin (106-89-8) | 5600 | | | |
| ethyl acetate (141-78-6) | | | 36 | |
| ethylenediamine (107-15-3) | | 6.3 | 0.64 | |
| ethylene dibromide (106-93-4) | 27 | | | |
| ethylene dichloride (107-06-2) | 260 | | | |
| ethylene glycol monoethyl ether (110-80-5) | | 2.5 | 0.48 | |
| ethylene oxide (75-21-8) | 1.8 | | | |
| ethyl mercaptan (75-08-1) | | | 0.025 | |
| fluorides | | 0.34 | 0.064 | |
| formaldehyde (50-00-0) | | | | 0.04 |
| hexachlorocyclopentadiene (77-47-4) | | 0.013 | 0.0025 | |
| hexachlorodibenzo-p-dioxin (57653- 85-7) | 0.0051 | | | |
| n-hexane (110-54-3) | | 23 | | |
| hexane isomers except n-hexane | | | | 92 |
| hydrazine (302-01-2) | | 0.013 | | |
| hydrogen chloride (7647-01-0) | | | | 0.18 |
| hydrogen cyanide (74-90-8) | | 2.9 | 0.28 | |
| hydrogen fluoride (7664-39-3) | | 0.63 | | 0.064 |
| hydrogen sulfide (7783-06-4) | | 1.7 | | |
| maleic anhydride (108-31-6) | | 0.25 | 0.025 | |
| manganese and compounds | | 0.63 | | |
| manganese cyclopentadienyl tricarbonyl (12079-65-1) | | 0.013 | | |

| | | | | |
|---|---------|--------|--------|-------|
| manganese tetroxide (1317-35-7) | | 0.13 | | |
| mercury, alkyl | | 0.0013 | | |
| mercury, aryl and inorganic compounds | | 0.013 | | |
| mercury, vapor (7439-97-6) | | 0.013 | | |
| methyl chloroform (71-55-6) | | 250 | | 64 |
| methylene chloride (75-09-2) | 1600 | | 0.39 | |
| methyl ethyl ketone (78-93-3) | | 78 | | 22.4 |
| methyl isobutyl ketone (108-10-1) | | 52 | | 7.6 |
| methyl mercaptan (74-93-1) | | | 0.013 | |
| nickel carbonyl (13463-39-3) | | 0.013 | | |
| nickel metal (7440-02-0) | | 0.13 | | |
| nickel, soluble compounds, as nickel | | 0.013 | | |
| nickel subsulfide (12035-72-2) | 0.14 | | | |
| nitric acid (7697-37-2) | | | | 0.256 |
| nitrobenzene (98-95-3) | | 1.3 | 0.13 | |
| n-nitrosodimethylamine (62-75-9) | 3.4 | | | |
| non-specific chromium (VI) compounds, as chromium (VI) equivalent | 0.0056 | | | |
| pentachlorophenol (87-86-5) | | 0.063 | 0.0064 | |
| perchloroethylene (127-18-4) | 13000 | | | |
| phenol (108-95-2) | | | 0.24 | |
| phosgene (75-44-5) | | 0.052 | | |
| phosphine (7803-51-2) | | | | 0.032 |
| polychlorinated biphenyls (1336-36-3) | 5.6 | | | |
| soluble chromate compounds, as chromium (VI) equivalent | | 0.013 | | |
| styrene (100-42-5) | | | 2.7 | |
| sulfuric acid (7664-93-9) | | 0.25 | 0.025 | |
| tetrachlorodibenzo-p-dioxin (1746-01-6) | 0.00020 | | | |
| 1,1,1,2-tetrachloro-2,2-difluoroethane (76-11-9) | | 1100 | | |
| 1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0) | | 1100 | | |
| 1,1,2,2-tetrachloroethane (79-34-5) | 430 | | | |
| toluene (108-88-3) | | 98 | | 14.4 |

| | | | | |
|---|------|-------|-----|------|
| toluene diisocyanate,2,4-(584-84-9) and 2,6-(91-08-7) isomers | | 0.003 | | |
| trichloroethylene (79-01-6) | 4000 | | | |
| trichlorofluoromethane (75-69-4) | | | 140 | |
| 1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1) | | | | 240 |
| vinyl chloride (75-01-4) | 26 | | | |
| vinylidene chloride (75-35-4) | | 2.5 | | |
| xylene (1330-20-7) | | 57 | | 16.4 |

- 1
- 2 (b) A permit to emit toxic air pollutants is required for any facility where all emission release points are
- 3 unobstructed and vertically oriented whose actual rate of emissions from all sources are greater than any one of the
- 4 following toxic air pollutant permitting emissions rates:

5

| Pollutant (CAS Number) | Carcinogens lb/yr | Chronic Toxicants lb/day | Acute Systemic Toxicants lb/hr | Acute Irritants lb/hr |
|---|------------------------|--------------------------------|---|--------------------------|
| acetaldehyde (75-07-0) | | | | 28.43 |
| acetic acid (64-19-7) | | | | 3.90 |
| acrolein (107-02-8) | | | | 0.08 |
| acrylonitrile (107-13-1) | | 1.3 | 1.05 | |
| ammonia (7664-41-7) | | | | 2.84 |
| aniline (62-53-3) | | | 1.05 | |
| arsenic and inorganic arsenic compounds | 0.194 | | | |
| asbestos (1332-21-4) | 7.748×10^{-3} | | | |
| aziridine (151-56-4) | | 0.3 | | |
| benzene (71-43-2) | 11.069 | | | |
| benzidine and salts (92-87-5) | 1.384×10^{-3} | | | |
| benzo(a)pyrene (50-32-8) | 3.044 | | | |
| benzyl chloride (100-44-7) | | | 0.53 | |
| beryllium (7440-41-7) | 0.378 | | | |
| beryllium chloride (7787-47-5) | 0.378 | | | |
| beryllium fluoride (7787-49-7) | 0.378 | | | |
| beryllium nitrate (13597-99-4) | 0.378 | | | |
| bioavailable chromate pigments, | 0.008 | | | |

| | | | | |
|--|----------|----------------------|-------------|-------------|
| as chromium (VI) equivalent | | | | |
| bis-chloromethyl ether (542-88-1) | 0.034 | | | |
| bromine (7726-95-6) | | | | 0.21 |
| 1,3-butadiene (106-99-0) | 40.585 | | | |
| cadmium (7440-43-9) | 0.507 | | | |
| cadmium acetate (543-90-8) | 0.507 | | | |
| cadmium bromide (7789-42-6) | 0.507 | | | |
| carbon disulfide (75-15-0) | | 7.8 | | |
| carbon tetrachloride (56-23-5) | 618.006 | | | |
| chlorine (7782-50-5) | | 1.6 | | 0.95 |
| chlorobenzene (108-90-7) | | 92.7 | | |
| chloroform (67-66-3) | 396.631 | | | |
| chloroprene (126-99-8) | | 18.5 | 3.69 | |
| cresol (1319-77-3) | | | 2.32 | |
| p-dichlorobenzene (106-46-7) | | | | 69.50 |
| dichlorodifluoromethane (75-71-8) | | 10445.4 | | |
| dichlorofluoromethane (75-43-4) | | 21.1 | | |
| di(2-ethylhexyl)phthalate (117-81-7) | | 1.3 | | |
| dimethyl sulfate (77-78-1) | | 0.1 | | |
| 1,4-dioxane (123-91-1) | | 23.6 | | |
| epichlorohydrin (106-89-8) | 7655.891 | | | |
| ethyl acetate (141-78-6) | | | 147.41 | |
| ethylenediamine (107-15-3) | | 12.6 | 2.63 | |
| ethylene dibromide (106-93-4) | 36.896 | | | |
| ethylene dichloride (107-06-2) | 350.511 | | | |
| ethylene glycol monoethyl ether (110-80-5) | | 5.1 | <u>2.00</u> | <u>2.00</u> |
| ethylene oxide (75-21-8) | 2.490 | | | |
| ethyl mercaptan (75-08-1) | | | 0.11 | |
| fluorides | | 0.7 | 0.26 | |
| formaldehyde (50-00-0) | | | | 0.16 |
| hexachlorocyclopentadiene (77-47-4) | | 2.5×10^{-2} | 0.01 | |
| hexachlorodibenzo-p-dioxin (57653- 85-7) | 0.007 | | | |
| n-hexane (110-54-3) | | 46.3 | | |
| hexane isomers except n-hexane | | | | 379.07 |
| hydrazine (302-01-2) | | 2.5×10^{-2} | | |
| hydrogen chloride (7647-01-0) | | | | 0.74 |

| | | | | |
|---|------------------------|----------------------|-------|--------------|
| hydrogen cyanide (74-90-8) | | 5.9 | 1.16 | |
| hydrogen fluoride (7664-39-3) | | 1.3 | | 0.26 |
| hydrogen sulfide (7783-06-4) | | 5.1 | | |
| maleic anhydride (108-31-6) | | 0.5 | 0.11 | |
| manganese and compounds | | 1.3 | | |
| manganese cyclopentadienyl tricarbonyl (12079-65-1) | | 2.5×10^{-2} | | |
| manganese tetroxide (1317-35-7) | | 0.3 | | |
| mercury, alkyl | | 2.5×10^{-3} | | |
| mercury, aryl and inorganic compounds | | 2.5×10^{-2} | | |
| mercury, vapor (7439-97-6) | | 2.5×10^{-2} | | |
| methyl chloroform (71-55-6) | | 505.4 | | 257.98 |
| methylene chloride (75-09-2) | 2213.752 | | 1.79 | |
| methyl ethyl ketone (78-93-3) | | 155.8 | | 93.19 |
| methyl isobutyl ketone (108-10-1) | | 107.8 | | <u>31.59</u> |
| methyl mercaptan (74-93-1) | | | 0.05 | |
| nickel carbonyl (13463-39-3) | | 2.5×10^{-2} | | |
| nickel metal (7440-02-0) | | 0.3 | | |
| nickel, soluble compounds, as nickel | | 2.5×10^{-2} | | |
| nickel subsulfide (12035-72-2) | 0.194 | | | |
| nitric acid (7697-37-2) | | | | 1.05 |
| nitrobenzene (98-95-3) | | 2.5 | 0.53 | |
| n-nitrosodimethylamine (62-75-9) | 4.612 | | | |
| non-specific chromium (VI) compounds, as chromium (VI) equivalent | 0.008 | | | |
| pentachlorophenol (87-86-5) | | 0.1 | 0.03 | |
| perchloroethylene (127-18-4) | 17525.534 | | | |
| phenol (108-95-2) | | | 1.00 | |
| phosgene (75-44-5) | | 0.1 | | |
| phosphine (7803-51-2) | | | | 0.14 |
| polychlorinated biphenyls (1336-36-3) | 7.656 | | | |
| soluble chromate compounds, as chromium (VI) equivalent | | 2.6×10^{-2} | | |
| styrene (100-42-5) | | | 11.16 | |
| sulfuric acid (7664-93-9) | | 0.5 | 0.11 | |
| tetrachlorodibenzo-p-dioxin (1746-01-6) | 2.767×10^{-4} | | | |

| | | | | |
|---|----------|----------------------|--------|---------|
| 1,1,1,2-tetrachloro-2,2,-difluoroethane (76-11-9) | | 2190.2 | | |
| 1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0) | | 2190.2 | | |
| 1,1,2,2-tetrachloroethane (79-34-5) | 581.110 | | | |
| toluene (108-88-3) | | <u>197.96</u> | | 58.97 |
| toluene diisocyanate,2,4-(584-84-9) and 2,6- (91-08-7) isomers | | 8.4×10^{-3} | | |
| trichloroethylene (79-01-6) | 5442.140 | | | |
| trichlorofluoromethane (75-69-4) | | | 589.66 | |
| 1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1) | | | | 1000.32 |
| vinyl chloride (75-01-4) | 35.051 | | | |
| vinylidene chloride (75-35-4) | | 5.1 | | |
| xylene (1330-20-7) | | 113.7 | | 68.44 |

(c) For the following pollutants, the highest emissions occurring for any 15-minute period shall be multiplied by four and the product shall be compared to the value in Paragraph (a) or (b) as applicable. These pollutants are:

- (1) acetaldehyde (75-07-0);
- (2) acetic acid (64-19-7);
- (3) acrolein (107-02-8);
- (4) ammonia (7664-41-7);
- (5) bromine (7726-95-6);
- (6) chlorine (7782-50-5);
- (7) formaldehyde (50-00-0);
- (8) hydrogen chloride (7647-01-0);
- (9) hydrogen fluoride (7664-39-3); and
- (10) nitric acid (7697-37-2).

History Note: Authority G.S. 143-215.3(a)(1); 143-215-107; 143-215.108; 143B-282;

Rule originally codified as part of 15A NCAC 02H .0610;

Eff. July 1, 1998;

Amended Eff. March 1, 2015; July 7, 2014; May 1, 2014; January 1, 2010; June 1, 2008; April 1, 2005; February 1, 2005; April 1, 2001.

CHAPTER III
REPORT OF PROCEEDINGS

Introduction

The Department of Environment and Natural Resources, Division of Air Quality, held a public hearing on December 3, 2014 at 3:00pm in Raleigh, NC.

The hearing considered an amendment to Rule 15A NCAC 02Q. 0711 to make clerical revisions toxic air pollutant permitting emission rates (TPER) for unobstructed and vertically oriented emission release points.

The proposed effective date for these rules is projected to be March 1, 2015.

A public notice announcing this hearing was emailed to each person on the interested party email distribution list. The public notice was also published in the North Carolina Register at least 15 days before the public hearing and posted on the North Carolina Division of Air Quality website at least 30 days prior to the public hearing.



ENVIRONMENTAL MANAGEMENT COMMISSION

NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES

Benne C. Hutson
Chairman
Kevin Martin
Vice Chairman

Pat McCrory, Governor
John Skvarla, Secretary

David W. Anderson
Gerard P. Carroll
Charles Carter
Tommy Craven
Daniel E. Dawson
Charles B. Elam
E. O. Ferrell

Manning Puette
Dr. Lawrence W. Raymond
Dr. Albert R. Rubin
Clyde E. Smith, Jr.
Steve W. Tedder
Julie A. Wilsey

September 23, 2014

MEMORANDUM

To: Robin Barrows, DAQ
From: Benne C. Hutson *Benne C. Hutson*
Subject: Hearing Officer Appointment

A public hearing has been scheduled for December 3, 2014 at 3:00 p.m. at the Division of Air Quality central office in Raleigh, Room 1210, to receive public comments on proposed clerical amendments to 15A NCAC 02Q .0711, Emission Rates Requiring a Permit. The attached public notice describes the hearing's purpose.

I am hereby appointing you to serve as hearing officer for this hearing. Please receive all relevant public comment and report your findings and recommendations to the Environmental Management Commission. Ms. Joelle Burleson will provide staff support for you.

If you have any questions, please feel free to contact Joelle Burleson at (919) 707-8720, or me.

SCH/jb

Attachment

cc: Sheila Holman
Lois Thomas
Hearing Record File

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

PUBLIC NOTICE

Notice is hereby given for one public hearing to be heard by the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality (DAQ) concerning the proposed amendments to air quality rules.

PURPOSE: To receive comments on clerical revisions to 15A NCAC 02Q .0711, Emission Rates Requiring a Permit.

Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 Environmental Management Commission (EMC) meeting. Amendments to Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit, added an additional set of toxic air pollutant permitting emission rates (TPER) that would apply to situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented. Staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. Rule 15A NCAC 02Q .0711 is proposed to be revised to reflect the TPER values in Paragraph (b) for these three toxic air pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently left out. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene is to be reflected in the column for chronic toxicants.

NOTE: The proposed amendments considered in this hearing, if adopted, will be effective statewide; if they are later adopted by a local air pollution control agency, then that agency will enforce them in its area of jurisdiction.

DATES AND LOCATION: December 3, 2014, 3:00 P.M.
Training Room (#1210), DENR Green Square Office Building, 217 West Jones Street, Raleigh, NC, 27603

COMMENT PROCEDURES:

All persons interested in these matters are invited to attend the public hearings. **Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing.** The hearing officer may limit oral presentation lengths if many people want to speak. The hearing record will remain open until December 15, 2014 to receive additional written statements. To be included, the statement must be received by the Division by December 15, 2014.

INFORMATION:

Copies of the proposed rule changes may be downloaded at <http://daq.state.nc.us/Rules/Hearing/>. Copies of the proposals may also be reviewed at the regional offices of the North Carolina Department of Environment and Natural Resources, Division of Air Quality, located at the following cities:

| | |
|---------------|--------------|
| Asheville | 828/296-4500 |
| Fayetteville | 910/433-3300 |
| Mooresville | 704/663-1699 |
| Raleigh | 919/791-4200 |
| Washington | 252/946-6481 |
| Wilmington | 910/796-7215 |
| Winston-Salem | 336/771-5000 |

Comments should be sent to and additional information concerning the hearings or the proposals may be obtained by contacting:

Ms. Joelle Burleson
Division of Air Quality
1641 Mail Service Center
Raleigh, North Carolina 27699-1641
(919) 707-8720 Phone/Fax
daq.publiccomments@ncdenr.gov
(Please type Toxics Clerical Revisions in subject line.)

DATE: 10/14/14



Sheila Holman,
DAQ Director

Transcript

A transcript of the December 3, 2014 hearing has not been prepared; however, an audio recording of the proceeding will be kept on file with the Division of Air Quality for one year from the date of the final actions by the Environmental Management Commission.

A list of those attending the hearing as follows:

Hearing Officer

Ms. Robin Barrows, DAQ Allied Programs Branch Supervisor

Staff Members

Ms. Joelle Burleson, DAQ Rule Development Branch Supervisor

Mr. Patrick Knowlson, DAQ, DENR

Mr. Glenn Sappie, DAQ, DENR

Mr. Vladimir Zaytsev, DAQ, DENR

Members of the General Public

No members of general public attended public hearing.

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- (5) to enforce compliance with all conditions of the ~~Office's~~ Division of Social Services grants; and
- (6) to oversee the extent and the quality of the participation of the poor in the program of the agency.

Authority G.S. 143B-153; 42 USC 9907; 42 USC 9910.

10A NCAC 97C .0111 CITIZEN PARTICIPATION

(a) Each grant recipient funded under Rule .0108(a)(1) of this Section is required to establish citizen participation policy and procedures. Grant recipients are required to hold public hearings to meet the requirements of Rule .0401(5) of Subchapter 97B only during the initial planning when a new multi-year plan is to be developed.

(b) The following special requirements on the Community Anti-Poverty Plan (application for CSBG funds) shall be ~~met~~ met by each grant recipient:

- (1) Community action agencies funded under Rule .0108(a)(1) of this Section shall meet the following requirements:
 - (A) Submit their Community Anti-Poverty Plan to their local board(s) of county commissioners in each county served by the agency for their review and comment prior to submission to the ~~Office.~~ Division of Social Services. County commissioners will be given 30 days to comment on the application.
 - (B) Hold one public hearing for review and comment in each county it serves prior to submission of the Community Anti-Poverty Plan to the ~~Office.~~ Division of Social Services.
- (2) ~~Limited purpose agencies shall meet the public review requirements by submitting a copy of their plan to the State Clearinghouse, Department of Administration for review. Any comments from the State Clearinghouse shall be submitted to the Office by the applicant within 10 working days of receipt of the Work Plan. Grant recipients funded under Rule .0108(a)(3) of this Section shall meet the public review requirements by submitting a copy of their plan to the review body established by the Division of Social Services.~~

(c) Each grant recipient is responsible for establishing special procedures to ensure that the poor are able to participate meaningfully in the decisions and activities of the grant recipient. These procedures shall include provisions for:

- (1) Advance notice of and the agenda (an outline of matters to be considered) for any board or committee meetings. These shall be provided individually to all members of the board and/or committees in writing at least five days before the meeting. In addition, notices should

be given to the local public media and posted in all the grant recipient's neighborhood and/or community centers.

- (2) Adequate information about standards of program effectiveness. This information shall be given to the representatives of the poor to permit them to plan for and evaluate agency programs and to set priorities for the use of funds and other resources. Evaluations of programs and their operation shall consider the views of the poor on the board, as well as the views of program participants and area residents.
- (3) Adequate information and training for board members about their functions, duties, and responsibilities and the issues which will come before them. This will permit board members to make the fullest possible contribution to the work of the board. In this connection, the by-laws of the agency shall be distributed and fully explained to members of the board.
- (4) Developing effective involvement of the poor in each major program. This involvement may be in the form of a program advisory committee or neighborhood council made up of target area residents. The committee and council may advise the grant recipient on program priorities, participate in the development of pertinent parts of the grant application, review and comment on programs and policies, and participate in the evaluation of programs.
- (5) The grant recipient in the planning process of its Anti-Poverty Plan, shall annually hold a sufficient number of meetings to ascertain from low-income residents their suggestions, recommendations, and priorities for eliminating poverty. The grant recipient shall provide adequate information and training to the low-income residents to ensure their effective and meaningful involvement in this planning process. The recommendations, suggestions, and priorities of the low-income residents will be reviewed by the board of directors in its determination of programs to be implemented by the grant recipient, and will be maintained by the grant recipient for public inspection.

Authority G.S. 143B-153; 42 USC 9901; 42 USC 9907.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 02Q .0711.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://www.ncair.org/rules/hearing/>

Proposed Effective Date: March 1, 2015

Public Hearing:

Date: December 3, 2014

Time: 3:00 p.m.

Location: Training Room (#1210), DENR Green Square Office Building, 217 West Jones Street, Raleigh, NC 27603

Reason for Proposed Action: Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 EMC meeting. One of the amendments was to Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit, which added an additional set of toxic air pollutant permitting emission rates (TPER) that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented. Staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently left out. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants. Rule 15A NCAC 02Q .0711 is proposed to be revised to update the TPERs in Paragraph (b) for these three toxic air pollutants.

Comments may be submitted to: Joelle Burleson, Division of Air Quality, 1641 Mail Service Center, Raleigh, NC 27699-1641, phone (919) 707-8720, fax (919) 707-8720, email daq.publiccomments@ncdenr.gov (please type Toxics Clerical Revisions in subject line)

Comment period ends: December 15, 2014

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact ($\geq \$1,000,000$)
☒ No fiscal note required by G.S. 150B-21.4

CHAPTER 02 – ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02Q – AIR QUALITY PERMITS PROCEDURES

SECTION .0700 – TOXIC AIR POLLUTANT PROCEDURES

15A NCAC 02Q .0711 EMISSION RATES REQUIRING A PERMIT

(a) A permit to emit toxic air pollutants is required for any facility where one or more emission release points are obstructed or non-vertically oriented whose actual rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

| Pollutant (CAS Number) | Carcinogens lb/yr | Chronic Toxicants lb/day | Acute Systemic Toxicants lb/hr | Acute Irritants lb/hr |
|---|----------------------|--------------------------------|---|--------------------------|
| acetaldehyde (75-07-0) | | | | 6.8 |
| acetic acid (64-19-7) | | | | 0.96 |
| acrolein (107-02-8) | | | | 0.02 |
| acrylonitrile (107-13-1) | | 0.4 | 0.22 | |
| ammonia (7664-41-7) | | | | 0.68 |
| aniline (62-53-3) | | | 0.25 | |
| arsenic and inorganic arsenic compounds | 0.053 | | | |
| asbestos (1332-21-4) | 5.7×10^{-3} | | | |
| aziridine (151-56-4) | | 0.13 | | |
| benzene (71-43-2) | 8.1 | | | |

| | | | | |
|--|--------|--------|--------|-------|
| benzidine and salts (92-87-5) | 0.0010 | | | |
| benzo(a)pyrene (50-32-8) | 2.2 | | | |
| benzyl chloride (100-44-7) | | | 0.13 | |
| beryllium (7440-41-7) | 0.28 | | | |
| beryllium chloride (7787-47-5) | 0.28 | | | |
| beryllium fluoride (7787-49-7) | 0.28 | | | |
| beryllium nitrate (13597-99-4) | 0.28 | | | |
| bioavailable chromate pigments, as chromium (VI) equivalent | 0.0056 | | | |
| bis-chloromethyl ether (542-88-1) | 0.025 | | | |
| bromine (7726-95-6) | | | | 0.052 |
| 1,3-butadiene (106-99-0) | 11 | | | |
| cadmium (7440-43-9) | 0.37 | | | |
| cadmium acetate (543-90-8) | 0.37 | | | |
| cadmium bromide (7789-42-6) | 0.37 | | | |
| carbon disulfide (75-15-0) | | 3.9 | | |
| carbon tetrachloride (56-23-5) | 460 | | | |
| chlorine (7782-50-5) | | 0.79 | | 0.23 |
| chlorobenzene (108-90-7) | | 46 | | |
| chloroform (67-66-3) | 290 | | | |
| chloroprene (126-99-8) | | 9.2 | 0.89 | |
| cresol (1319-77-3) | | | 0.56 | |
| p-dichlorobenzene (106-46-7) | | | | 16.8 |
| dichlorodifluoromethane (75-71-8) | | 5200 | | |
| dichlorofluoromethane (75-43-4) | | 10 | | |
| di(2-ethylhexyl)phthalate (117-81-7) | | 0.63 | | |
| dimethyl sulfate (77-78-1) | | 0.063 | | |
| 1,4-dioxane (123-91-1) | | 12 | | |
| epichlorohydrin (106-89-8) | 5600 | | | |
| ethyl acetate (141-78-6) | | | 36 | |
| ethylenediamine (107-15-3) | | 6.3 | 0.64 | |
| ethylene dibromide (106-93-4) | 27 | | | |
| ethylene dichloride (107-06-2) | 260 | | | |
| ethylene glycol monoethyl ether (110-80-5) | | 2.5 | 0.48 | |
| ethylene oxide (75-21-8) | 1.8 | | | |
| ethyl mercaptan (75-08-1) | | | 0.025 | |
| fluorides | | 0.34 | 0.064 | |
| formaldehyde (50-00-0) | | | | 0.04 |
| hexachlorocyclopentadiene (77-47-4) | | 0.013 | 0.0025 | |
| hexachlorodibenzo-p-dioxin (57653- 85-7) | 0.0051 | | | |
| n-hexane (110-54-3) | | 23 | | |
| hexane isomers except n-hexane | | | | 92 |
| hydrazine (302-01-2) | | 0.013 | | |
| hydrogen chloride (7647-01-0) | | | | 0.18 |
| hydrogen cyanide (74-90-8) | | 2.9 | 0.28 | |
| hydrogen fluoride (7664-39-3) | | 0.63 | | 0.064 |
| hydrogen sulfide (7783-06-4) | | 1.7 | | |
| maleic anhydride (108-31-6) | | 0.25 | 0.025 | |
| manganese and compounds | | 0.63 | | |
| manganese cyclopentadienyl tricarbonyl (12079-65-1) | | 0.013 | | |
| manganese tetroxide (1317-35-7) | | 0.13 | | |
| mercury, alkyl | | 0.0013 | | |
| mercury, aryl and inorganic compounds | | 0.013 | | |

| | | | | |
|---|---------|-------|--------|-------|
| mercury, vapor (7439-97-6) | | 0.013 | | |
| methyl chloroform (71-55-6) | | 250 | | 64 |
| methylene chloride (75-09-2) | 1600 | | 0.39 | |
| methyl ethyl ketone (78-93-3) | | 78 | | 22.4 |
| methyl isobutyl ketone (108-10-1) | | 52 | | 7.6 |
| methyl mercaptan (74-93-1) | | | 0.013 | |
| nickel carbonyl (13463-39-3) | | 0.013 | | |
| nickel metal (7440-02-0) | | 0.13 | | |
| nickel, soluble compounds, as nickel | | 0.013 | | |
| nickel subsulfide (12035-72-2) | 0.14 | | | |
| nitric acid (7697-37-2) | | | | 0.256 |
| nitrobenzene (98-95-3) | | 1.3 | 0.13 | |
| n-nitrosodimethylamine (62-75-9) | 3.4 | | | |
| non-specific chromium (VI) compounds, as chromium (VI) equivalent | 0.0056 | | | |
| pentachlorophenol (87-86-5) | | 0.063 | 0.0064 | |
| perchloroethylene (127-18-4) | 13000 | | | |
| phenol (108-95-2) | | | 0.24 | |
| phosgene (75-44-5) | | 0.052 | | |
| phosphine (7803-51-2) | | | | 0.032 |
| polychlorinated biphenyls (1336-36-3) | 5.6 | | | |
| soluble chromate compounds, as chromium (VI) equivalent | | 0.013 | | |
| styrene (100-42-5) | | | 2.7 | |
| sulfuric acid (7664-93-9) | | 0.25 | 0.025 | |
| tetrachlorodibenzo-p-dioxin (1746-01-6) | 0.00020 | | | |
| 1,1,1,2-tetrachloro-2,2,-difluoroethane (76-11-9) | | 1100 | | |
| 1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0) | | 1100 | | |
| 1,1,2,2-tetrachloroethane (79-34-5) | 430 | | | |
| toluene (108-88-3) | | 98 | | 14.4 |
| toluene diisocyanate, 2,4-(584-84-9) and 2,6-(91-08-7) isomers | | 0.003 | | |
| trichloroethylene (79-01-6) | 4000 | | | |
| trichlorofluoromethane (75-69-4) | | | 140 | |
| 1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1) | | | | 240 |
| vinyl chloride (75-01-4) | 26 | | | |
| vinylidene chloride (75-35-4) | | 2.5 | | |
| xylene (1330-20-7) | | 57 | | 16.4 |

(b) A permit to emit toxic air pollutants is required for any facility where all emission release points are unobstructed and vertically oriented whose actual rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

| Pollutant (CAS Number) | Carcinogens lb/yr | Chronic Toxicants lb/day | Acute Systemic Toxicants lb/hr | Acute Irritants lb/hr |
|---|----------------------|--------------------------------|---|--------------------------|
| acetaldehyde (75-07-0) | | | | 28.43 |
| acetic acid (64-19-7) | | | | 3.90 |
| acrolein (107-02-8) | | | | 0.08 |
| acrylonitrile (107-13-1) | | 1.3 | 1.05 | |
| ammonia (7664-41-7) | | | | 2.84 |
| aniline (62-53-3) | | | 1.05 | |
| arsenic and inorganic arsenic compounds | 0.194 | | | |

| | | | | |
|--|--------------------------|------------------------|-------------|-------------|
| asbestos (1332-21-4) | 7.748 x 10 ⁻³ | | | |
| aziridine (151-56-4) | | 0.3 | | |
| benzene (71-43-2) | 11.069 | | | |
| benzidine and salts (92-87-5) | 1.384 x 10 ⁻³ | | | |
| benzo(a)pyrene (50-32-8) | 3.044 | | | |
| benzyl chloride (100-44-7) | | | 0.53 | |
| beryllium (7440-41-7) | 0.378 | | | |
| beryllium chloride (7787-47-5) | 0.378 | | | |
| beryllium fluoride (7787-49-7) | 0.378 | | | |
| beryllium nitrate (13597-99-4) | 0.378 | | | |
| bioavailable chromate pigments, as chromium (VI) equivalent | 0.008 | | | |
| bis-chloromethyl ether (542-88-1) | 0.034 | | | |
| bromine (7726-95-6) | | | | 0.21 |
| 1,3-butadiene (106-99-0) | 40.585 | | | |
| cadmium (7440-43-9) | 0.507 | | | |
| cadmium acetate (543-90-8) | 0.507 | | | |
| cadmium bromide (7789-42-6) | 0.507 | | | |
| carbon disulfide (75-15-0) | | 7.8 | | |
| carbon tetrachloride (56-23-5) | 618.006 | | | |
| chlorine (7782-50-5) | | 1.6 | | 0.95 |
| chlorobenzene (108-90-7) | | 92.7 | | |
| chloroform (67-66-3) | 396.631 | | | |
| chloroprene (126-99-8) | | 18.5 | 3.69 | |
| cresol (1319-77-3) | | | 2.32 | |
| p-dichlorobenzene (106-46-7) | | | | 69.50 |
| dichlorodifluoromethane (75-71-8) | | 10445.4 | | |
| dichlorofluoromethane (75-43-4) | | 21.1 | | |
| di(2-ethylhexyl)phthalate (117-81-7) | | 1.3 | | |
| dimethyl sulfate (77-78-1) | | 0.1 | | |
| 1,4-dioxane (123-91-1) | | 23.6 | | |
| epichlorohydrin (106-89-8) | 7655.891 | | | |
| ethyl acetate (141-78-6) | | | 147.41 | |
| ethylenediamine (107-15-3) | | 12.6 | 2.63 | |
| ethylene dibromide (106-93-4) | 36.896 | | | |
| ethylene dichloride (107-06-2) | 350.511 | | | |
| ethylene glycol monoethyl ether (110-80-5) | | 5.1 | <u>2.00</u> | <u>2.00</u> |
| ethylene oxide (75-21-8) | 2.490 | | | |
| ethyl mercaptan (75-08-1) | | | 0.11 | |
| fluorides | | 0.7 | 0.26 | |
| formaldehyde (50-00-0) | | | | 0.16 |
| hexachlorocyclopentadiene (77-47-4) | | 2.5 x 10 ⁻² | 0.01 | |
| hexachlorodibenzo-p-dioxin (57653- 85-7) | 0.007 | | | |
| n-hexane (110-54-3) | | 46.3 | | |
| hexane isomers except n-hexane | | | | 379.07 |
| hydrazine (302-01-2) | | 2.5 x 10 ⁻² | | |
| hydrogen chloride (7647-01-0) | | | | 0.74 |
| hydrogen cyanide (74-90-8) | | 5.9 | 1.16 | |
| hydrogen fluoride (7664-39-3) | | 1.3 | | 0.26 |
| hydrogen sulfide (7783-06-4) | | 5.1 | | |
| maleic anhydride (108-31-6) | | 0.5 | 0.11 | |
| manganese and compounds | | 1.3 | | |
| manganese cyclopentadienyl tricarbonyl (12079-65-1) | | 2.5 x 10 ⁻² | | |
| manganese tetroxide (1317-35-7) | | 0.3 | | |

| | | | | |
|---|------------------------|----------------------|--------|--------------|
| mercury, alkyl | | 2.5×10^{-3} | | |
| mercury, aryl and inorganic compounds | | 2.5×10^{-2} | | |
| mercury, vapor (7439-97-6) | | 2.5×10^{-2} | | |
| methyl chloroform (71-55-6) | | 505.4 | | 257.98 |
| methylene chloride (75-09-2) | 2213.752 | | 1.79 | |
| methyl ethyl ketone (78-93-3) | | 155.8 | | 93.19 |
| methyl isobutyl ketone (108-10-1) | | 107.8 | | <u>31.59</u> |
| methyl mercaptan (74-93-1) | | | 0.05 | |
| nickel carbonyl (13463-39-3) | | 2.5×10^{-2} | | |
| nickel metal (7440-02-0) | | 0.3 | | |
| nickel, soluble compounds, as nickel | | 2.5×10^{-2} | | |
| nickel subsulfide (12035-72-2) | 0.194 | | | |
| nitric acid (7697-37-2) | | | | 1.05 |
| nitrobenzene (98-95-3) | | 2.5 | 0.53 | |
| n-nitrosodimethylamine (62-75-9) | 4.612 | | | |
| non-specific chromium (VI) compounds, as chromium (VI) equivalent | 0.008 | | | |
| pentachlorophenol (87-86-5) | | 0.1 | 0.03 | |
| perchloroethylene (127-18-4) | 17525.534 | | | |
| phenol (108-95-2) | | | 1.00 | |
| phosgene (75-44-5) | | 0.1 | | |
| phosphine (7803-51-2) | | | | 0.14 |
| polychlorinated biphenyls (1336-36-3) | 7.656 | | | |
| soluble chromate compounds, as chromium (VI) equivalent | | 2.6×10^{-2} | | |
| styrene (100-42-5) | | | 11.16 | |
| sulfuric acid (7664-93-9) | | 0.5 | 0.11 | |
| tetrachlorodibenzo-p-dioxin (1746-01-6) | 2.767×10^{-4} | | | |
| 1,1,1,2-tetrachloro-2,2-difluoroethane (76-11-9) | | 2190.2 | | |
| 1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0) | | 2190.2 | | |
| 1,1,2,2-tetrachloroethane (79-34-5) | 581.110 | | | |
| toluene (108-88-3) | | <u>197.96</u> | | 58.97 |
| toluene diisocyanate, 2,4-(584-84-9) and 2,6-(91-08-7) isomers | | 8.4×10^{-3} | | |
| trichloroethylene (79-01-6) | 5442.140 | | | |
| trichlorofluoromethane (75-69-4) | | | 589.66 | |
| 1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1) | | | | 1000.32 |
| vinyl chloride (75-01-4) | 35.051 | | | |
| vinylidene chloride (75-35-4) | | 5.1 | | |
| xylene (1330-20-7) | | 113.7 | | 68.44 |

(c) For the following pollutants, the highest emissions occurring for any 15-minute period shall be multiplied by four and the product shall be compared to the value in Paragraph (a) or (b) as applicable. These pollutants are:

- (1) acetaldehyde (75-07-0);
- (2) acetic acid (64-19-7);
- (3) acrolein (107-02-8);
- (4) ammonia (7664-41-7);
- (5) bromine (7726-95-6);
- (6) chlorine (7782-50-5);
- (7) formaldehyde (50-00-0);
- (8) hydrogen chloride (7647-01-0);
- (9) hydrogen fluoride (7664-39-3); and
- (10) nitric acid (7697-37-2).

Authority G.S. 143-215.3(a)(1); 143-215-107; 143-215.108; 143B-282.

TITLE 20 – DEPARTMENT OF STATE TREASURER

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of State Treasurer intends to repeal the rules cited as 20 NCAC 01G .0101-.0109, .0201-.0204, .0207, .0301-.0307, .0401-.0409, .0501-.0508; 01H .0101-.0104, .0201-.0205, .0301-.0307, and .0401-.0402.

Agency obtained G.S. 150B-19.1 certification:

- ☐ OSBM certified on:
☒ RRC certified on: August 21, 2014
☐ Not Required

Link to agency website pursuant to G.S. 150B-19.1(c):

<https://www.nctreasurer.com/inside-the-department/OpenGovernment/proposed-rules/Pages/default.aspx>

Proposed Effective Date: February 1, 2015

Public Hearing:

Date: November 6, 2014

Time: 10:00 a.m.

Location: State Treasurer's Conference Room – First Floor (Dawson Conference Room), 325 N. Salisbury Street, Albemarle Building, Raleigh, NC 27603

Reason for Proposed Action: *The rules proposed for repeal are unnecessary, unduly burdensome, and/or inconsistent with the principles and requirements of G.S. 150B-19.1 and do not reflect the current state of investment management employed by*

the Department of State Treasurer Investment Management Division.

Comments may be submitted to: Ana-Laura Diaz, 325 N. Salisbury Street, Raleigh, NC 27603; phone (919) 807-3027; email Ana-Laura.Diaz@nctreasurer.com

Comment period ends: December 15, 2014

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or

facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☐ Local funds affected
☐ Substantial economic impact (≥\$1,000,000)
☒ No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 01G - INVESTMENT PROGRAM

SECTION .0100 - GENERAL PROVISIONS

20 NCAC 01G .0101 DESCRIPTION OF THE PROGRAM

(a) ~~The Pooled Investment Program is established pursuant to G.S. 147-69.3 to provide a convenient means for investing temporarily idle cash balances and for investing moneys of specific trust funds in equities real estate, and in short term and long term fixed income securities.~~

(b) ~~There shall be separate investment funds for the following:~~

- ~~(1) Short Term Investments,~~
- ~~(2) Long Term Investments,~~
- ~~(3) Equity Investments,~~
- ~~(4) Real Estate Investments.~~

Authority G.S. 147-69.3.

20 NCAC 01G .0102 DEFINITIONS

~~The following words and phrases defined herein shall have the meanings indicated when used in this Subchapter, unless the context clearly requires another meaning:~~

- ~~(1) "Department" means the Department of State Treasurer.~~
- ~~(2) "Division" means the Division of Investment and Banking of the department.~~
- ~~(3) "Trust fund" means the funds listed in G.S. 147-169.2(a)(1) through (19), plus any other eligible entities specifically authorized by the Council of State to invest in one or more of the investment funds.~~
- ~~(4) "Investment fund" means an investment fund established under this Subchapter.~~
- ~~(5) "State" means the State of North Carolina.~~
- ~~(6) "Participant" means an entity with moneys invested in an investment fund.~~

Authority G.S. 147-69.3.

20 NCAC 01G .0103 PRINCIPLES OF ACCOUNTING AND VALUATION

~~The principles of accounting and valuation shall be those principles of accounting and valuation in general use by public pension funds, provided that exchanges of fixed income securities shall be accounted for as provided in Rule .0104 of~~

Hearing Officer's Suggested Hearing Comments

INTRODUCTION

[Hearing officer]:

Good evening ladies and gentlemen. My name is Robin Barrows. I am the Division of Air Quality Allied Programs Branch Supervisor. My role as hearing officer is to listen to all relevant comment on these proceedings and report them to the Environmental Management Commission. Sitting with me is Ms. Joelle Burleson. She is the Division of Air Quality Rule Development Branch Supervisor.

Some of the staff from the Division of Air Quality are here to assist. Ms. Burleson, please introduce the staff present.

[Ms. Burleson] (Introduces staff)

[Hearing officer]:

This afternoon we are conducting a public hearing to receive comments concerning the amendments to the Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit. The Office of State Budget and Management (OSMB) reviewed an analysis for the proposed amendments in accordance with General Statutes 150B-19.1 and 150B-21.4, and Executive Order 70. The analysis was certified by OSBM on July 30, 2014 and the proposed rule amendments were determined to not require a fiscal note. This hearing will be held according to the North Carolina Administrative Procedures Act. The public notice for these hearings has been advertised in the North Carolina Register and on the Division of Air Quality website. Copies of the notice have been sent to those on the official DAQ mailing list. I will enter the public notice, proposed amendments and fiscal note into the hearing record without reading them at this time.

It would be helpful if any person desiring to comment would also submit a written statement for inclusion into the hearing record. Once called to speak, please come to the podium and state your name clearly, identify the rule or rules you are commenting on, and whom you represent.

[Hearing officer]:

I will now open the hearing on the amendment to Rule 15A NCAC 02Q. 0711.

Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 EMC meeting. One of the amendments to Rule 15A NCAC 02Q .0711 added an additional set of toxic air pollutant permitting emission rates (TPER) that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented.

Staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently omitted. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants.

{ optional script if there are a large number of speakers }

[Hearing officer]: Optional Time Limit

Many people have requested to speak at this hearing. Due to time constraints, speakers' presentations will be limited to ____ minutes.

[Hearing officer]:

I will now take any comments that you may have.

[SPEAKERS]

[Hearing officer]:

Is there anyone else who would like to comment? If there are no more comments, then this hearing is closed. The hearing record will remain open until December 15, 2014 for additional written comments.

CHAPTER V

COMMENTS DURING THE COMMENT PERIOD

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NAMEREPRESENTINGPAGE

No comments were received.

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CHAPTER VI
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ATTACHMENTS

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Analysis: Clerical Revision to 15A NCAC 02Q .0711 (526)

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**ENVIRONMENTAL MANAGEMENT COMMISSION
ANALYSIS FOR PROPOSED AMENDMENT TO AIR TOXICS RULE**

Rule Amendments: 15A NCAC 02Q .0711 Emission Rates Requiring a Permit

Rule Topic: Clerical Revision to 15A NCAC 02Q .0711 (526)

DENR Division: Division of Air Quality

Agency Contact: Joelle Burleson, Rule Development Branch Supervisor
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Impact Summary: State government: No
Local government: No
Substantial impact: No

Statutory Authority: G.S. 143-215.3(a)(1); 143-215-107; 143-215.108; 143B-282;

Necessity: To make clerical revisions to reflect toxic air pollutant permitting emission rates (TPER) for unobstructed and vertically oriented emission release points in appropriate columns.

I. Executive Summary

An amendment to Rule 15A NCAC 02Q .0711, *Emission Rates Requiring a Permit*, was approved by the Environmental Management Commission (EMC) on March 13, 2014 and became effective on May 1, 2014. Staff of the Division of Air Quality (DAQ) identified clerical issues with three toxic air pollutants during that rulemaking. Rule 15A NCAC 02Q .0711 needs to be revised to update the toxic pollutant emission rates (TPERs) in Paragraph (b) for these three toxic air pollutants. This rule amendment will not have a fiscal impact since the fiscal impact was originally accounted for in the May 1, 2014 amendments.

II. Background

Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 EMC meeting. The rule became effective on May 1, 2014. One of the amendments was to Rule 15A NCAC 02Q .0711, *Emission Rates Requiring a Permit*, which added an additional set of TPERs that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented.

DAQ staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently left out. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants.

III. Description of Existing Rule

Rule 15A NCAC 02Q .0711, *Emission Rates Requiring a Permit*, sets out the toxic pollutant emission rates (TPER) for which a permit to emit toxic air pollutants is required. The TPERs are used in the first step of evaluating a facility's toxic air emissions. The facility-wide emissions level is simply compared to the TPER for a given toxic air pollutant to determine whether further analysis (modeling) is necessary. One can think of this as a simple screening step. The TPERs are conservatively set thresholds below which, even under the worst case air pollutant dispersion conditions, impacts at the property boundary would not be expected to approach the health based ambient air levels (AALs) that are defined in Rule 15A NCAC 02D .1104, *Toxic Air Pollutant Guidelines*.

IV. Motivation for Proposed Rule

The Division of Air Quality developed a separate set of screening thresholds for analyzing toxic air pollutants emitted from unobstructed vertical emission release points (stacks) at a facility. This additional set of TPERs were added as a table in Paragraph (b) of Rule 15A NCAC .0711 and became effective on May 1, 2014. The TPERs are back-calculated from the AAL guidelines in Rule 15A NCAC 2D .1104 using conservative assumptions about emissions and dispersion characteristics (e.g. worst case meteorology and stack parameters). There would be a corresponding TPER in Paragraph (b) of Rule 15A NCAC .0711 for each AAL in Rule 15A NCAC 2D .1104.

After the rule became effective on May 1, 2014, DAQ staff identified clerical issues for three toxic air pollutants in the spreadsheet used to calculate the TPER values in the table in Paragraph (b) of the rule. The intent of the amendment that became effective on May 1, 2014 was to reduce unnecessary regulatory burden to facilities that emit toxic air pollutants from unobstructed, vertical emission points. The proposed rule amendment will provide the regulatory relief and clarity for these three pollutants as originally intended.

V. Changes from the Regulatory Baseline

The regulatory baseline is the current rule, 15A NCAC 02Q .0711, that was amended and became effective on May 1, 2014. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two other toxic air pollutants, the TPER values were inadvertently left out in the table in Paragraph (b). The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in

the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants.

VI. Estimating the Fiscal Impacts to Affected Sources

A fiscal note was developed for the May 1, 2014 amendment and was approved by the Office of State Budget and Management (OSBM) on June 28, 2013. It was published on their website at http://www.osbm.state.nc.us/files/pdf_files/DENR06282013.pdf.

The above fiscal note estimated the impacts for adding the new set of TPERs for unobstructed vertical stacks. The estimate was for all the pollutants in the table. Impacts were not pollutant-specific. Annual fiscal impacts of \$53,120 were estimated for fiscal years 2013 through 2018. The fiscal impacts for the three pollutants, ethylene glycol monoethyl ether, methyl isobutyl ketone, and toluene, were included in that estimate. The estimated fiscal impact can be found on Pages 15 and 16 of the above referenced fiscal note.

The proposed clerical revision to Rule 15A NCAC .0711 to reflect the correct TPER values for the three toxic air pollutants will not have a fiscal impact. The fiscal impact was accounted for in the original fiscal note.

VII. Public Health

The proposed rule amendment does not change the AAL for any toxic air pollutant emitted from an affected facility. The AAL is a health based standard and is designed to protect public health by minimizing exposure to and the resulting risk from toxic air pollutants emitted from a facility. The rule amendment is a clerical revision.

Appendix A

15A NCAC 02Q .0711 is proposed for amendment as follows:

15A NCAC 02Q .0711 EMISSION RATES REQUIRING A PERMIT

(a) A permit to emit toxic air pollutants is required for any facility where one or more emission release points are obstructed or non-vertically oriented whose actual rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

| Pollutant (CAS Number) | Carcinogens lb/yr | Chronic Toxicants lb/day | Acute Systemic Toxicants lb/hr | Acute Irritants lb/hr |
|--|----------------------|--------------------------------|---|--------------------------|
| acetaldehyde (75-07-0) | | | | 6.8 |
| acetic acid (64-19-7) | | | | 0.96 |
| acrolein (107-02-8) | | | | 0.02 |
| acrylonitrile (107-13-1) | | 0.4 | 0.22 | |
| ammonia (7664-41-7) | | | | 0.68 |
| aniline (62-53-3) | | | 0.25 | |
| arsenic and inorganic arsenic compounds | 0.053 | | | |
| asbestos (1332-21-4) | 5.7×10^{-3} | | | |
| aziridine (151-56-4) | | 0.13 | | |
| benzene (71-43-2) | 8.1 | | | |
| benzidine and salts (92-87-5) | 0.0010 | | | |
| benzo(a)pyrene (50-32-8) | 2.2 | | | |
| benzyl chloride (100-44-7) | | | 0.13 | |
| beryllium (7440-41-7) | 0.28 | | | |
| beryllium chloride (7787-47-5) | 0.28 | | | |
| beryllium fluoride (7787-49-7) | 0.28 | | | |
| beryllium nitrate (13597-99-4) | 0.28 | | | |
| bioavailable chromate pigments, as chromium (VI) equivalent | 0.0056 | | | |
| bis-chloromethyl ether (542-88-1) | 0.025 | | | |
| bromine (7726-95-6) | | | | 0.052 |
| 1,3-butadiene (106-99-0) | 11 | | | |
| cadmium (7440-43-9) | 0.37 | | | |

| | | | | |
|--|--------|-------|--------|-------|
| cadmium acetate (543-90-8) | 0.37 | | | |
| cadmium bromide (7789-42-6) | 0.37 | | | |
| carbon disulfide (75-15-0) | | 3.9 | | |
| carbon tetrachloride (56-23-5) | 460 | | | |
| chlorine (7782-50-5) | | 0.79 | | 0.23 |
| chlorobenzene (108-90-7) | | 46 | | |
| chloroform (67-66-3) | 290 | | | |
| chloroprene (126-99-8) | | 9.2 | 0.89 | |
| cresol (1319-77-3) | | | 0.56 | |
| p-dichlorobenzene (106-46-7) | | | | 16.8 |
| dichlorodifluoromethane (75-71-8) | | 5200 | | |
| dichlorofluoromethane (75-43-4) | | 10 | | |
| di(2-ethylhexyl)phthalate (117-81-7) | | 0.63 | | |
| dimethyl sulfate (77-78-1) | | 0.063 | | |
| 1,4-dioxane (123-91-1) | | 12 | | |
| epichlorohydrin (106-89-8) | 5600 | | | |
| ethyl acetate (141-78-6) | | | 36 | |
| ethylenediamine (107-15-3) | | 6.3 | 0.64 | |
| ethylene dibromide (106-93-4) | 27 | | | |
| ethylene dichloride (107-06-2) | 260 | | | |
| ethylene glycol monoethyl ether (110-80-5) | | 2.5 | 0.48 | |
| ethylene oxide (75-21-8) | 1.8 | | | |
| ethyl mercaptan (75-08-1) | | | 0.025 | |
| fluorides | | 0.34 | 0.064 | |
| formaldehyde (50-00-0) | | | | 0.04 |
| hexachlorocyclopentadiene (77-47-4) | | 0.013 | 0.0025 | |
| hexachlorodibenzo-p-dioxin (57653- 85-7) | 0.0051 | | | |
| n-hexane (110-54-3) | | 23 | | |
| hexane isomers except n-hexane | | | | 92 |
| hydrazine (302-01-2) | | 0.013 | | |
| hydrogen chloride (7647-01-0) | | | | 0.18 |
| hydrogen cyanide (74-90-8) | | 2.9 | 0.28 | |
| hydrogen fluoride (7664-39-3) | | 0.63 | | 0.064 |
| hydrogen sulfide (7783-06-4) | | 1.7 | | |
| maleic anhydride (108-31-6) | | 0.25 | 0.025 | |

| | | | | |
|--|---------|--------|--------|-------|
| manganese and compounds | | 0.63 | | |
| manganese cyclopentadienyl tricarbonyl (12079-65-1) | | 0.013 | | |
| manganese tetroxide (1317-35-7) | | 0.13 | | |
| mercury, alkyl | | 0.0013 | | |
| mercury, aryl and inorganic compounds | | 0.013 | | |
| mercury, vapor (7439-97-6) | | 0.013 | | |
| methyl chloroform (71-55-6) | | 250 | | 64 |
| methylene chloride (75-09-2) | 1600 | | 0.39 | |
| methyl ethyl ketone (78-93-3) | | 78 | | 22.4 |
| methyl isobutyl ketone (108-10-1) | | 52 | | 7.6 |
| methyl mercaptan (74-93-1) | | | 0.013 | |
| nickel carbonyl (13463-39-3) | | 0.013 | | |
| nickel metal (7440-02-0) | | 0.13 | | |
| nickel, soluble compounds, as nickel | | 0.013 | | |
| nickel subsulfide (12035-72-2) | 0.14 | | | |
| nitric acid (7697-37-2) | | | | 0.256 |
| nitrobenzene (98-95-3) | | 1.3 | 0.13 | |
| n-nitrosodimethylamine (62-75-9) | 3.4 | | | |
| non-specific chromium (VI) compounds, as chromium (VI) equivalent | 0.0056 | | | |
| pentachlorophenol (87-86-5) | | 0.063 | 0.0064 | |
| perchloroethylene (127-18-4) | 13000 | | | |
| phenol (108-95-2) | | | 0.24 | |
| phosgene (75-44-5) | | 0.052 | | |
| phosphine (7803-51-2) | | | | 0.032 |
| polychlorinated biphenyls (1336-36-3) | 5.6 | | | |
| soluble chromate compounds, as chromium (VI) equivalent | | 0.013 | | |
| styrene (100-42-5) | | | 2.7 | |
| sulfuric acid (7664-93-9) | | 0.25 | 0.025 | |
| tetrachlorodibenzo-p-dioxin (1746-01-6) | 0.00020 | | | |
| 1,1,1,2-tetrachloro-2,2-difluoroethane (76-11-9) | | 1100 | | |
| 1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0) | | 1100 | | |

| | | | | |
|---|------|-------|-----|------|
| 1,1,2,2-tetrachloroethane (79-34-5) | 430 | | | |
| toluene (108-88-3) | | 98 | | 14.4 |
| toluene diisocyanate,2,4-(584-84-9) and 2,6-(91-08-7) isomers | | 0.003 | | |
| trichloroethylene (79-01-6) | 4000 | | | |
| trichlorofluoromethane (75-69-4) | | | 140 | |
| 1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1) | | | | 240 |
| vinyl chloride (75-01-4) | 26 | | | |
| vinylidene chloride (75-35-4) | | 2.5 | | |
| xylene (1330-20-7) | | 57 | | 16.4 |

(b) A permit to emit toxic air pollutants is required for any facility where all emission release points are unobstructed and vertically oriented whose actual rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

| Pollutant (CAS Number) | Carcinogens lb/yr | Chronic Toxicants lb/day | Acute Systemic Toxicants lb/hr | Acute Irritants lb/hr |
|---|------------------------|--------------------------------|---|--------------------------|
| acetaldehyde (75-07-0) | | | | 28.43 |
| acetic acid (64-19-7) | | | | 3.90 |
| acrolein (107-02-8) | | | | 0.08 |
| acrylonitrile (107-13-1) | | 1.3 | 1.05 | |
| ammonia (7664-41-7) | | | | 2.84 |
| aniline (62-53-3) | | | 1.05 | |
| arsenic and inorganic arsenic compounds | 0.194 | | | |
| asbestos (1332-21-4) | 7.748×10^{-3} | | | |
| aziridine (151-56-4) | | 0.3 | | |
| benzene (71-43-2) | 11.069 | | | |
| benzidine and salts (92-87-5) | 1.384×10^{-3} | | | |
| benzo(a)pyrene (50-32-8) | 3.044 | | | |
| benzyl chloride (100-44-7) | | | 0.53 | |
| beryllium (7440-41-7) | 0.378 | | | |
| beryllium chloride (7787-47-5) | 0.378 | | | |
| beryllium fluoride (7787-49-7) | 0.378 | | | |

| | | | | |
|--|----------|----------------------|-------------|-------------|
| beryllium nitrate (13597-99-4) | 0.378 | | | |
| bioavailable chromate pigments, as chromium (VI) equivalent | 0.008 | | | |
| bis-chloromethyl ether (542-88-1) | 0.034 | | | |
| bromine (7726-95-6) | | | | 0.21 |
| 1,3-butadiene (106-99-0) | 40.585 | | | |
| cadmium (7440-43-9) | 0.507 | | | |
| cadmium acetate (543-90-8) | 0.507 | | | |
| cadmium bromide (7789-42-6) | 0.507 | | | |
| carbon disulfide (75-15-0) | | 7.8 | | |
| carbon tetrachloride (56-23-5) | 618.006 | | | |
| chlorine (7782-50-5) | | 1.6 | | 0.95 |
| chlorobenzene (108-90-7) | | 92.7 | | |
| chloroform (67-66-3) | 396.631 | | | |
| chloroprene (126-99-8) | | 18.5 | 3.69 | |
| cresol (1319-77-3) | | | 2.32 | |
| p-dichlorobenzene (106-46-7) | | | | 69.50 |
| dichlorodifluoromethane (75-71-8) | | 10445.4 | | |
| dichlorofluoromethane (75-43-4) | | 21.1 | | |
| di(2-ethylhexyl)phthalate (117-81-7) | | 1.3 | | |
| dimethyl sulfate (77-78-1) | | 0.1 | | |
| 1,4-dioxane (123-91-1) | | 23.6 | | |
| epichlorohydrin (106-89-8) | 7655.891 | | | |
| ethyl acetate (141-78-6) | | | 147.41 | |
| ethylenediamine (107-15-3) | | 12.6 | 2.63 | |
| ethylene dibromide (106-93-4) | 36.896 | | | |
| ethylene dichloride (107-06-2) | 350.511 | | | |
| ethylene glycol monoethyl ether (110-80-5) | | 5.1 | <u>2.00</u> | <u>2.00</u> |
| ethylene oxide (75-21-8) | 2.490 | | | |
| ethyl mercaptan (75-08-1) | | | 0.11 | |
| fluorides | | 0.7 | 0.26 | |
| formaldehyde (50-00-0) | | | | 0.16 |
| hexachlorocyclopentadiene (77-47-4) | | 2.5×10^{-2} | 0.01 | |
| hexachlorodibenzo-p-dioxin (57653- 85-7) | 0.007 | | | |
| n-hexane (110-54-3) | | 46.3 | | |
| hexane isomers except n-hexane | | | | 379.07 |

| | | | | |
|---|-----------|----------------------|-------|--------|
| hydrazine (302-01-2) | | 2.5×10^{-2} | | |
| hydrogen chloride (7647-01-0) | | | | 0.74 |
| hydrogen cyanide (74-90-8) | | 5.9 | 1.16 | |
| hydrogen fluoride (7664-39-3) | | 1.3 | | 0.26 |
| hydrogen sulfide (7783-06-4) | | 5.1 | | |
| maleic anhydride (108-31-6) | | 0.5 | 0.11 | |
| manganese and compounds | | 1.3 | | |
| manganese cyclopentadienyl tricarbonyl (12079-65-1) | | 2.5×10^{-2} | | |
| manganese tetroxide (1317-35-7) | | 0.3 | | |
| mercury, alkyl | | 2.5×10^{-3} | | |
| mercury, aryl and inorganic compounds | | 2.5×10^{-2} | | |
| mercury, vapor (7439-97-6) | | 2.5×10^{-2} | | |
| methyl chloroform (71-55-6) | | 505.4 | | 257.98 |
| methylene chloride (75-09-2) | 2213.752 | | 1.79 | |
| methyl ethyl ketone (78-93-3) | | 155.8 | | 93.19 |
| methyl isobutyl ketone (108-10-1) | | 107.8 | | 31.59 |
| methyl mercaptan (74-93-1) | | | 0.05 | |
| nickel carbonyl (13463-39-3) | | 2.5×10^{-2} | | |
| nickel metal (7440-02-0) | | 0.3 | | |
| nickel, soluble compounds, as nickel | | 2.5×10^{-2} | | |
| nickel subsulfide (12035-72-2) | 0.194 | | | |
| nitric acid (7697-37-2) | | | | 1.05 |
| nitrobenzene (98-95-3) | | 2.5 | 0.53 | |
| n-nitrosodimethylamine (62-75-9) | 4.612 | | | |
| non-specific chromium (VI) compounds, as chromium (VI) equivalent | 0.008 | | | |
| pentachlorophenol (87-86-5) | | 0.1 | 0.03 | |
| perchloroethylene (127-18-4) | 17525.534 | | | |
| phenol (108-95-2) | | | 1.00 | |
| phosgene (75-44-5) | | 0.1 | | |
| phosphine (7803-51-2) | | | | 0.14 |
| polychlorinated biphenyls (1336-36-3) | 7.656 | | | |
| soluble chromate compounds, as chromium (VI) equivalent | | 2.6×10^{-2} | | |
| styrene (100-42-5) | | | 11.16 | |

| | | | | |
|---|------------------------|----------------------|--------|---------|
| sulfuric acid (7664-93-9) | | 0.5 | 0.11 | |
| tetrachlorodibenzo-p-dioxin (1746- 01-6) | 2.767×10^{-4} | | | |
| 1,1,1,2-tetrachloro-2,2,-difluoroethane (76-11-9) | | 2190.2 | | |
| 1,1,2,2-tetrachloro-1,2-difluoroethane (76-12-0) | | 2190.2 | | |
| 1,1,2,2-tetrachloroethane (79-34-5) | 581.110 | | | |
| toluene (108-88-3) | | 197.96 | | 58.97 |
| toluene diisocyanate,2,4-(584-84-9) and 2,6-(91-08-7) isomers | | 8.4×10^{-3} | | |
| trichloroethylene (79-01-6) | 5442.140 | | | |
| trichlorofluoromethane (75-69-4) | | | 589.66 | |
| 1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1) | | | | 1000.32 |
| vinyl chloride (75-01-4) | 35.051 | | | |
| vinylidene chloride (75-35-4) | | 5.1 | | |
| xylene (1330-20-7) | | 113.7 | | 68.44 |

(c) For the following pollutants, the highest emissions occurring for any 15-minute period shall be multiplied by four and the product shall be compared to the value in Paragraph (a) or (b) as applicable. These pollutants are:

- (1) acetaldehyde (75-07-0);
- (2) acetic acid (64-19-7);
- (3) acrolein (107-02-8);
- (4) ammonia (7664-41-7);
- (5) bromine (7726-95-6);
- (6) chlorine (7782-50-5);
- (7) formaldehyde (50-00-0);
- (8) hydrogen chloride (7647-01-0);
- (9) hydrogen fluoride (7664-39-3); and
- (10) nitric acid (7697-37-2).

History Note: Authority G.S. 143-215.3(a)(1); 143-215-107; 143-215.108; 143B-282;

Rule originally codified as part of 15A NCAC 02H .0610;

Eff. July 1, 1998;

Amended Eff. _____; July 7, 2014; May 1, 2014; January 1, 2010; June 1, 2008; April 1, 2005; February 1, 2005; April 1, 2001.

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Chapter VII

The following documentation of filing and notification is incorporated as part of this hearing record and is maintained on file:

1. ENR 101 Internal Approval Form.
2. Submission for Notice Form and material submitted to the Office of Administrative Hearings.
3. The public notice as it appears in *The North Carolina Register* Volume 29, Issue 08, pages 928-934.
4. Memorandum transmitting hearing notice and proposal to regional offices for public inspection.
5. Memorandum transmitting hearing notice and proposal to local programs.
6. Submission of Filing Forms and material filed with Office of Administrative Hearings.
7. Executive Order No. 70 Certification Form

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