

Agenda Item: 17-40 **Request for Approval of Proposed Rule Revisions, Regulatory Impact Analysis, and to Proceed to Public Hearing on Session Law 2013-413 (H74) Readoption of Group 3 Air Quality Rules 15A NCAC 02D .1100, .1201-.1203, .1205-.1208, and .1211-.1212 and 02Q Section .0700 (543)**

Explanation: The Environmental Management Commission is requested to approve proposed rule revisions for readoption of several rules in 15A NCAC 02D and 02Q to proceed to public comment and hearing.

Pursuant to S.L. 2013-413 rules in several sections are proposed for readoption with primarily minor administrative updates, with certain rules that are no longer needed proposed for readoption as a repeal.

15A NCAC 02D .1100 - Control of Toxic Air Pollutants

The rules in 15A NCAC 02D .1100 sets out the rules for the control of toxic air pollutants to protect human health. Rules 02D .1101 and 1108 are proposed for readoption without change. Rules 02D .1102, .1103, .1105, .1107, .1109 and .1112 are proposed without substantive changes and Rules .1104, .1106, .1100, and .1111 are proposed with substantive changes to update format of references, to remove obsolete language, and to remove the acceptable ambient levels (AALs) for six toxic air pollutants based on recommendations from the Science Advisory Board.

15A NCAC 02D .1200 – Control of Emissions from Incinerators

The rules in 15A NCAC 02D .1200 lay out general provisions designed to meet federal and state requirements to control emissions from incinerators and combustors. Rules 02D .1203, .1205, .1207, .1211 and .1212 are proposed for readoption as a repeal to reflect the fact that the Division of Air Quality has not identified any existing sources subject to these rules. If a source subject of any these rules starts operations as a new or modified source, it will be subject to 15A NCAC 02D .0524, New Source Performance Standards. Two rules, 02D .1204, Sewage Sludge Incineration Units, and 02D .1210, Commercial and Industrial Solid Waste Incineration Units, are being amended under separate rulemakings in accordance with EPA requirements. Rule 02D .1208 is proposed for readoption without substantive changes, and Rules 02D 1201, .1202 and .1206 are proposed for readoption with substantive changes to update applicability statements, definitions, and the format of references, clarify exemptions, remove obsolete language, and make other language clarifications.

15A NCAC 02Q .0700 - Toxic Air Pollutant Procedures

The rules in 15A NCAC 02Q .0700 contain the toxic air pollutant permitting procedures. Rules 02Q .0701, .0707, and .0710, .0712 are proposed for readoption without substantive changes. Rules 02Q .0702 through .0704, .0706, .0708, .0709, and .0711 are proposed for readoption with substantive changes. The proposed rule changes include updating the format of references, to replace a reference to language in 15A NCAC 02Q .0102 that was removed in a previous rulemaking, to

remove the exemption for perchloroethylene dry cleaning because it is exempted by another exemption, to update the definition for combustion source and remove other unnecessary definitions, to remove the requirement that combustion sources after July 10, 2010 are not exempt, to clarify the Division of Air Quality is responsible for any toxics from sources exempt by 15A NCAC 02Q. 0702(a)(27), to clarify when modifications require a permit to be submitted, to remove the Toxics Air Pollutant Air Permitting Emission Rates (TPER) for six toxic air pollutants based on recommendations from the Science Advisory Board, and to remove obsolete or redundant language. Rule 02Q .0713 is proposed for readoption as a repeal as the rule is deemed unnecessary.

A regulatory impact analysis was submitted to the Office of State Budget and Management (OSBM). On October 9, 2017, OSBM determined the rule changes have little to no impact on state or local governments and no substantial economic impact.

Recommendation: The Director recommends that the Commission approve the package of proposed rule readoptions and regulatory impact analysis, authorize a public hearing(s) on the proposed rules and regulatory impact analysis, and that the Chairman appoint a member(s) of the Commission to serve as hearing officer(s).