

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please consider changing all references to "Subchapter 02D" to "this Subchapter."

Please consider changing all references to "15A NCAC 02D .xxxx" to "Rule .xxxx of this Subchapter."

Please change "15A NCAC 02D .xxxx" to "this Section" or "Section .xxxx of this Subchapter" as appropriate.

Are all referenced CFRs incorporated by reference elsewhere in your rules? If not, please incorporate the CFRs by reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0601

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Why is (a) necessary? What are you requiring of your regulated public?

In (b), why is it necessary to say persons subject to Subchapter 02D are subject to this Section when this Section is part of 02D?

Why is (c) necessary?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0601 is readopted as published in 33:20 NCR 2038 as follows:

2
3 **SECTION .0600 - MONITORING: RECORDKEEPING: REPORTING**
4

5 **15A NCAC 02D .0601 PURPOSE AND SCOPE**

6 (a) The purpose of this Section is to set forth the requirements of the Commission for monitoring air pollution
7 emissions and filing reports covering their discharge into the outdoor atmosphere of the state.

8 (b) This Section shall apply to all persons subject to the provisions of ~~this Subchapter or Subchapter 2Q Subchapters~~
9 02D or 02Q of this Chapter.

10 (c) Monitoring, recordkeeping, and reporting may also be required by other rules including ~~Rule~~ 15A NCAC 02D
11 .0524, .0536, .1110, or .1111 of this Subchapter. .1111.

12
13 *History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the*
14 *permanent rule is effective, whichever is sooner;*

15 *Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*

16 *Eff. February 1, 1976;*

17 *Amended Eff. April 1, 1999; July 1, 1996; July 1, 1994; July 1, 1984; June 18, ~~1976.~~1976;*

18 *Readopted Eff. November 1, 2019.*
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0602

DEADLINE FOR RECEIPT: October 11, 2019

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1), what do you mean by "standard" and "requirement?" Are you referring to statutes and federal regulations? Alternatively, do you mean "any standard or requirement established in Subchapters 02D or 02Q of this Chapter or Article 21 of the North Carolina General Statutes?"

In (3), what is the "defined time period considered?" Is this established elsewhere?

In (4), is ASTM D-396 incorporated by reference elsewhere in your rules?

In (5), just to be sure, do "emission standards" only mean rules or should federal regulations also be included in this definition?

In (5)(d), should you use the word "result" or "results?"

In (8), does your regulated public understand the meaning of the "pressure or atmospheric pressure process?"

In (9), are you saying a permit can trump a rule requirement? Please clarify.

In (9)(b), consider changing the language back to "a condition set to maintain compliance."

In (10), line 36, is "lubricants" defined or known to your regulated public?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0602 is readopted with changes as published in 33:20 NCR 2038 as follows:

2
3 **15A NCAC 02D .0602 DEFINITIONS**

4 For the purpose of this Section, the following definitions apply:

- 5 (1) "Applicable requirement" means any rule, standard, or requirement ~~of this Subchapter, Subchapter~~
6 ~~2Q of this Chapter, in Subchapters 02D or [02D] 02Q of this Chapter or Article 21 of the North~~
7 ~~Carolina General Statutes.~~
8 (2) ~~"Calender-~~Calendar quarter" means:
9 (a) the time period from January 1 through March 31;
10 (b) the time period from April 1 through June 30;
11 (c) the time period from July 1 through September 30; or
12 (d) the time period from October 1 through December 31.
13 (3) "Capacity factor" means the ratio of the average load on a machine or equipment for ~~the a defined~~
14 ~~time period considered to the capacity rating of the machine or equipment.~~
15 (4) "Distillate oils" means fuel oil, including recycled oil, that complies with the specifications for fuel
16 oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D-396,
17 "Standard Specification for Fuel Oils". ~~Oils."~~
18 ~~(5) "Emission standard" means a rule setting forth an allowable rate of emissions, level of opacity, or~~
19 ~~prescribing equipment, fuel specifications, workplace standards, or material usage that result in~~
20 ~~control of air pollution emissions;~~
21 (5) "Emission standard" means a rule setting forth:
22 (a) an allowable rate of emissions, level of opacity, or prescribing equipment;
23 (b) fuel specifications;
24 (c) workplace standards; or
25 (d) material usage that result in control of air pollution emissions.
26 (6) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.
27 (7) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil
28 fuel for the primary purpose of producing steam by heat transfer.
29 (8) "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the
30 pressure or atmospheric pressure process.
31 (9) "Permit condition" means:
32 (a) a condition set to comply with or to avoid any applicable requirement; or
33 (b) ~~a condition set to maintain to assure~~ compliance with toxic air pollutant acceptable ambient
34 levels or ambient air quality standards.
35 (10) "Petroleum refinery" means any facility engaged in producing gasoline, ~~kerosine, kerosene,~~
36 ~~distillate oils, residual oils, lubricants, or other products through the distillation of petroleum,~~
37 petroleum or through the redistillation, cracking, or reforming of unfinished petroleum derivatives.

1 (11) "Residual oils" means crude oil, fuel oil that does not comply with the specifications ~~under~~according
2 to the definition of distillate oil, or all fuel oil numbers 4, 5, and 6, as defined by the American
3 Society for Testing and Materials in ASTM D-396, "Standard Specification for Fuel Oils". ~~Oils.~~"

4 (12) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning
5 elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities
6 where ~~which~~ conversion to sulfuric acid is ~~utilized~~used primarily as a means of preventing
7 emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
8

9 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
10 Eff. February 1, 1976;
11 Amended Eff. April 1, 1999; July 1, 1984; June 18, ~~1976.~~ 1976.
12 Readopted Eff. November 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0604

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 7, consider deleting the word "specific."

At line 10, please delete or define "as expeditiously as practicable."

At line 11, under what circumstances does the Director request this documentation?

At lines 13-14, define "inadequate or poor operation and maintenance practices." Who determines whether the malfunction resulted from inadequate or poor operation and maintenance?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0604 is readopted as published in 33:20 NCR 2038 as follows:

2
3 **15A NCAC 02D .0604 EXCEPTIONS TO MONITORING AND REPORTING REQUIREMENTS**

4 (a) ~~Unless a specific rule specifies otherwise, the owner or operator of a source shall not be required to monitor during~~
5 ~~a period of monitoring system malfunction or report emissions during a period of monitoring system malfunction if~~
6 ~~the owner or operator of the source shows, to the satisfaction of the Director, that the malfunction was unavoidable,~~
7 ~~is being repaired as expeditiously as practicable, and no applicable requirements are violated. Unless a specific rule~~
8 ~~specifies otherwise, during a period of monitoring system malfunction the owner or operator of a source shall not be~~
9 ~~required to monitor or report emissions if the owner or operator of the source shows that the malfunction was~~
10 ~~unavoidable, is being repaired as expeditiously as practicable, and no applicable requirements are violated.~~ The owner
11 or operator of the source ~~shall provide the Director shall, upon request of the Director, provide~~ documentation of
12 continuous monitoring system performance when system repairs or adjustments have been ~~made if the Director~~
13 ~~requests proof. made.~~ Malfunctions of the monitoring system that result from inadequate or poor operation and
14 maintenance practices shall not be ~~exempted. exempted from monitoring and reporting requirements.~~

15 (b) The owner or operator of a source that operates less than 30 days per 12-month period shall not be required to
16 monitor emissions from that ~~source. source unless Subchapters 02D and 02Q of this Chapter specifies otherwise.~~
17 However, the owner or operator shall maintain records to document that the source ~~is~~ was operated less than 30 days
18 per 12-month period.

19 (c) The owner or operator of a source exempted from needing a permit by 15A NCAC ~~2Q-02Q~~ .0102 shall not be
20 required to monitor emissions from that source unless;

- 21 (1) required by a specific rule ~~of this Subchapter or Subchapter 2Q of this Chapter, in Subchapters 02D~~
22 ~~and 02Q of this Chapter, or~~
23 (2) required as a part of an enforcement settlement.

24 However, the owner or operator shall maintain records to document that the source qualifies for the permit exemption.

25
26 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*

27 *Eff. February 1, 1976;*

28 *Amended Eff. April 1, 1999; July 1, 1996; July 1, 1988; July 1, 1984; June 18, ~~1976.~~ 1976;*

29 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0605

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), does the Director do this? Consider: "The permit shall specify:"

In (c), please delete either "that" after "require" at line 21 or "to" after "Chapter" at line 22.

At line 32, what do you mean by "compliance with a particular standard?" What standards exist other than those set by State and federal requirements as mentioned at line 31?

Are both sentences in (h) necessary?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0605 is readopted with changes as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS**

4 (a) The owner or operator of a source subject to a requirement of this ~~Subchapter~~ Subchapters 02D or Subchapter
5 02Q of this Chapter shall maintain:

- 6 (1) records detailing all malfunctions ~~under Rule .0535 of this Subchapter, pursuant to 15A NCAC 02D~~
7 .0535;
8 (2) records of all testing conducted ~~under pursuant to rules in this Subchapter, Subchapter 02D;~~
9 (3) records of all monitoring conducted ~~under pursuant to rules in this Subchapters 02D Subchapter or~~
10 Subchapter 02Q of this Chapter,
11 (4) records detailing activities relating to any compliance schedule in this ~~Subchapter, Subchapter;~~ and
12 (5) for unpermitted sources, records necessary to determine compliance with rules in ~~this Subchapter~~
13 or Subchapter 02Q of this Chapter . Subchapters 02D or .02Q of this Chapter.

14 (b) The Director shall specify in the source's permit:

- 15 (1) the type of monitoring required and the frequency of the ~~monitoring, monitoring;~~
16 (2) the type of records to be ~~maintained, maintained;~~ and
17 (3) the type of reports to be submitted and the frequency of submitting these reports, as necessary to
18 determine compliance with rules in ~~this Subchapter Subchapters 02D or Subchapter 02Q of this~~
19 Chapter or with an emission standard or permit condition.

20 (c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may
21 require that the owner or operator of any source subject to the requirements of ~~this Subchapter or Subchapter 02Q in~~
22 Subchapters 02D or 02Q of this Chapter to submit to the Director any information necessary to determine the
23 compliance status of the source.

24 (d) The owner or operator of a source of excess emissions ~~which that~~ last for more than four hours and ~~which that~~
25 results from a malfunction, a breakdown of process or control equipment, or any other abnormal conditions shall
26 report excess emissions in accordance with the requirements ~~of Rule of 15A NCAC 02D .0535, .0535 of this~~
27 Subchapter.

28 (e) Copies of all records and reports generated in response to the requirements ~~of this Section pursuant to 15A NCAC~~
29 02D .0600 shall be retained by the owner or operator for a period of two years after the date on which that the record
30 was made or the report submitted, ~~except that the Director may extend the retention period in particular instances~~
31 except that the retention period shall be extended when if necessary to comply with other State or federal requirements
32 or when if compliance with a particular standard requires documentation for more than two years.

33 (f) All records and reports generated in response to the requirements ~~of this Section of 15A NCAC 02D .0600~~ shall
34 be made available to personnel of the Division for inspection.

35 (g) The owner or operator of a source subject to the requirements ~~of this Section of 15A NCAC 02D .0600~~ shall
36 comply with the requirements ~~of this Section of 15A NCAC 02D .0600~~ at his or her own cost.

(h) No person shall falsify any information required by a rule in ~~this Subchapter~~ Subchapter 02D or a permit issued ~~under-pursuant to~~ 15A NCAC 02Q. No person shall knowingly submit any falsified information required by a rule in ~~this Subchapter~~ Subchapter 02D or a permit issued ~~under-pursuant to~~ 15A NCAC 02Q. Subchapter 02Q of this Chapter.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215-65; 143-215.66; 143-215.1078(a)(4);
Eff. February 1, 1976;
Amended Eff. January 1, 2007; April 1, 1999; July 1, 1984; June 18, 1976; 1976;
Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0606

DEADLINE FOR RECEIPT: October 11, 2019

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Is 40 CFR Part 51, Appendix P incorporated by reference elsewhere in your rules?

At line 17, please change "is required to" to "shall."

At line 18, please capitalize "State" if you are only referring to North Carolina.

At line 18, do you mean "State rule or federal regulation?"

At line 19, please add a comma after "systems."

At line 20, please add a comma after "15A NCAC 02D .0516" and insert "shall monitor" before "nitrogen oxide" if that is your intent.

In (c), were the changes post-publication made in response to public comment?

At lines 27-29, can you provide specific references within 40 CFR Part 75 or are you referring to the entire Part?

At line 32, please capitalize "State" if you are only referring to North Carolina.

At line 32, do you mean "State rule or federal regulation?"

On page 2, lines 5-6, when does a source "quantitatively and empirically" demonstrate sulfur retention? Who makes this determination?

In (e), what do you mean by "Appendix P of 40 CFR Part 51 shall apply to those sources to which the requirements pertain?"

At lines 19 and 20, please delete "that."

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

In (h)(2)(B), can you provide a more specific reference than Appendix P? Are you referring to a specific paragraph or the entire Appendix?

In (i), when is compliance with the sulfur dioxide emission standard required? Are you referring to Paragraph (a) of this Rule?

In (j), when is compliance with the nitrogen oxide emission standard required? Are you referring to Paragraph (c) of this Rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02D .0606 is readopted with changes as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0606 SOURCES COVERED BY APPENDIX P OF 40 CFR PART 51**

4 (a) The following sources shall be monitored as described in ~~Paragraph 2 of Appendix P of 40 CFR Part 51;~~ 40 CFR
5 Part 51, Appendix P:

- 6 (1) fossil fuel-fired steam ~~generators,~~ generators;
7 (2) nitric acid ~~plants,~~ plants;
8 (3) sulfuric acid ~~plants,~~ plants; and
9 (4) petroleum refineries.

10 Sources covered by ~~Rule .0524~~ 15A NCAC 02D .0524 of this Subchapter ~~are~~ shall be exempt from this Rule.

11 (b) The monitoring systems required ~~under by~~ Paragraph (a) of this Rule shall meet the minimum specifications
12 described in Paragraphs 3.3 through 3.8 of Appendix P of 40 CFR Part 51.

13 (c) The excess emissions recorded by the monitoring systems required to be installed ~~under by~~ this Rule shall be
14 reported no later than 30 days after the end of the quarter to the Division in the manner described in Paragraphs 4 and
15 5.1 through 5.3.3 of Appendix P of 40 CFR Part 51 except that a six-minute time period ~~is deemed as shall be~~ an
16 appropriate alternative opacity averaging period as described in Paragraph 4.2 of Appendix P of 40 CFR Part 51. The
17 owner or ~~operators~~ operator of any ~~sources~~ source subject to this Rule that ~~are~~ is required to monitor emissions of
18 sulfur dioxide or nitrogen oxides ~~under pursuant to~~ any other state or federal rule with continuous emission monitoring
19 systems shall monitor compliance with the sulfur dioxide emission standard in ~~Rule .0516 of this Subchapter~~ 15A
20 NCAC 02D .0516 and the nitrogen oxide emission standard in ~~Rule .0519~~ 15A NCAC 02D .0519 or Section .1400 of
21 this Subchapter with a continuous emission monitoring system. Compliance with sulfur dioxide and nitrogen oxide
22 emission standards ~~are~~ shall be determined by averaging hourly continuous emission monitoring system values over
23 a 24-hour block period beginning at midnight. To compute the 24-hour block average, the average hourly values ~~are~~
24 ~~summed,~~ shall be added and the sum ~~is~~ shall be divided by 24. A With the exception of opacity monitoring, a minimum
25 of four data ~~points, equally spaced, is~~ points containing one data point in each of the 15-minute quadrants of the hour
26 shall be required to determine a valid hour value unless the continuous emission monitoring system is installed to meet
27 the provisions of 40 CFR Part 75. If a continuous emission monitoring system is installed ~~to meet the provisions that~~
28 ~~[meet]~~ meets the requirements of 40 CFR Part 75, the minimum number of data points ~~are~~ shall be determined by 40
29 CFR Part 75.

30 (d) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system
31 if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system
32 ~~under pursuant to~~ another state or federal rule. If fuel analysis is used as an alternative method to determine emissions
33 of sulfur dioxide, the test methods described in ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2600 shall be used
34 except that gross or composite samples, gross caloric value, moisture content, and sulfur content shall be determined
35 per shipment. Alternatively, gross or composite samples, gross caloric value, moisture content, and sulfur content may
36 be determined by sampling the fuel as fired if the owner or operator demonstrates ~~to the Director~~ that sampling as
37 fired provides a more accurate ~~estimation~~ estimate of sulfur dioxide emissions than sampling each shipment. If sulfur

dioxide emissions are determined by sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited into a daily sample, and the daily sample shall be composited into a weekly sample. This weekly sample shall be analyzed using the procedures in Section .2600 of this Subchapter. The sulfur dioxide emission rate shall also be determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

(e) ~~Wherever the language of the~~ If a referenced portion of Appendix P of 40 CFR Part 51 speaks of the "state" or "state ~~plan~~", plan," the requirements described in Appendix P of 40 CFR Part 51 shall apply to those sources to which the requirements pertain.

(f) The owner or operator of the source shall conduct a daily zero and span check of the continuous opacity monitoring system and continuous emission monitoring system following the manufacturer's recommendations and shall comply with the requirements ~~of Rule .0613 of this Section. 15A NCAC 02D .0613.~~

(g) The owner or operator of the source may request to use a different procedure or methodology than that required by this Rule if one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists. The person requesting to use a different procedure or methodology shall submit the request to the Director along with a description of the different procedure or methodology proposed to be used, an explanation of why the procedure or methodology required by this Rule will not work, and a showing that the proposed procedure or methodology is equivalent to the procedure or methodology being replaced. The Director shall approve the use of this procedure or methodology if ~~he finds that~~ one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists, that the procedure or methodology required by this Rule will not work, and that the proposed procedure or methodology is equivalent to the procedure or methodology that it will replace.

(h) The owner or operator of the source shall report to the Director no later than 30 days following the end of the quarter the following information:

(1) for fuel analysis per shipment:

(A) the quantity and type of fuels ~~burned, burned;~~

(B) the BTU ~~value, value;~~

(C) the sulfur content in percent by ~~weight, weight;~~ and

(D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable standard.

(2) for continuous monitoring of emissions:

(A) the daily calculated sulfur dioxide and nitrogen oxide emission rates expressed in the same units as the applicable standard for each ~~day, day;~~ and

(B) other information required ~~under~~ by Appendix P of 40 CFR Part 51.

(i) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, ~~Method 6. Method 6, 6C, or other approved methods in 15A NCAC 02D .2600.~~

(j) If emission testing for compliance with the nitrogen oxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, ~~Method 7.~~ Method 7, 7E, or other approved methods in 15A NCAC 02D .2600.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. February 1, 1976;
Amended Eff. June 1, 2008; January 1, 2005; April 1, 2003; April 1, 1999; May 1, 1985; July 1,
1983; December 1, 1976; June 18, ~~1976.~~1976;
Readopted Eff. November 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0607

DEADLINE FOR RECEIPT: October 11, 2019

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 7, what is the intent of the language "as demonstrated to the Director?" Does the Director ultimately make the decision of whether this rule applies?

At line 11, is it necessary to say "governed by this Rule" at the end of the sentence?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0607 is readopted as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0607 LARGE WOOD AND WOOD-FOSSIL FUEL COMBINATION UNITS**

4 (a) This Rule ~~applies shall apply~~ to wood-fired steam generator units with a heat input from wood ~~fuels (or fuels, or~~
5 the sum of the heat inputs from wood fuels and liquid or solid fossil fuels for generators not covered by ~~Rule .0524 or~~
6 ~~.0606 of this Subchapter)~~ 15A NCAC 02D .0524 or .0606, that exceeds 250 million BTU per hour and with an annual
7 average capacity factor greater than 30 percent as demonstrated to the Director by the owner or operator of the source.

8 (b) The owner or operator of a wood-fired steam generator unit ~~covered under~~ governed by this Rule shall install,
9 calibrate, maintain, and operate, as specified in 40 CFR Part 60 Appendix B Performance Specification 1, opacity
10 continuous emission monitoring systems on all stacks discharging the flue gases from one or more steam generator
11 units ~~covered under~~ governed by this Rule.

12 (c) The owner or operator of the source shall conduct a daily zero and span check of the opacity continuous emission
13 monitoring system following the manufacturer's recommendations and shall comply with the requirements ~~of Rule~~
14 ~~.0613 of this Section.~~ of 15A NCAC 02D .0613.

15
16 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);

17 *Eff. February 1, 1976;*

18 *Amended Eff. July 1, 1999; July 1, 1984; June 18, ~~1976~~ 1976;*

19 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0608

DEADLINE FOR RECEIPT: October 11, 2019

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), is "fuel burning unit" defined or known to your regulated public?

In (a)(4), what does it mean to "be monitored?"

At line 17, please change "need not" to "shall not."

In (c), line 23, do you mean "shall" or "may?"

At line 24, please change "need not" to "shall not."

At line 28, please change "is required to" to "shall."

At line 29, please capitalize "State" if you are only referring to North Carolina.

At line 29, do you mean "State rule or federal regulation?"

At line 30, should there be an "and" after "systems?"

On Page 2, line 5, please capitalize "State" if you are only referring to North Carolina.

At line 5, do you mean "State rule or federal regulation?"

*At lines 18-19, when does a source "quantitatively and empirically demonstrate sulfur retention?"
Who makes this determination?*

At line 29, what is ASTM D4177 and D4057?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0608 is readopted with changes as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0608 OTHER LARGE COAL OR RESIDUAL OIL BURNERS**

4 (a) The owner or operator of ~~any a~~ fuel burning unit shall determine sulfur dioxide emissions into the ambient air if
5 the unit:

- 6 (1) burns coal or residual oil;
- 7 (2) is not required to monitor sulfur dioxide emissions by ~~Rules .0524 or .0606 of this Subchapter; 15A~~
8 NCAC 02D .0524 or 02D .0606;
- 9 (3) has a total heat input of more than 250 million BTU per hour from coal and residual oil; and
- 10 (4) has an annual average capacity factor greater than 30 percent as determined from the three most
11 recent calendar year reports to the Federal Power Commission or as otherwise demonstrated ~~to the~~
12 ~~Director~~ by the owner or operator. ~~(If~~ If the unit has not been in existence for three calendar years,
13 its three-calendar-year average capacity factor shall be determined by estimating its annual capacity
14 factors for enough future years to allow a three-calendar-year average capacity factor to be
15 computed. If this three-calendar-year average capacity factor exceeds 30 percent, the unit shall be
16 monitored. If this three-calendar-year average capacity factor does not exceed 30 percent, the unit
17 need not be ~~monitored.)~~ monitored.

18 (b) Once the unit is being monitored in accordance with Paragraph (a) of this Rule, it shall continue to be monitored
19 until its most recent three-calendar-year average capacity factor does not exceed 25 percent. ~~Once~~ If the unit is not
20 being monitored in accordance with Subparagraph (a) of this Rule, it need not be monitored until its most recent three-
21 calendar-year average capacity factor exceeds 35 percent.

22 (c) If units required to be monitored have a common exhaust or if units required to be monitored have a common
23 exhaust with units not required to be monitored, then the common exhaust may be ~~monitored,~~ monitored and the sulfur
24 dioxide emissions need not be apportioned among the units with the common exhaust.

25 (d) The owner or operator of the source shall determine sulfur dioxide emissions by:

- 26 (1) an instrument for continuous monitoring and recording of sulfur dioxide ~~emissions,~~ emissions; or
- 27 (2) analyses of representative samples of fuels to determine BTU value and percent sulfur content.

28 (e) The owner or ~~operators~~ operator of ~~any a~~ ~~sources~~ source subject to this Rule that ~~are~~ is required to monitor
29 emissions of sulfur dioxide ~~under~~ pursuant to any other state or federal rule with continuous emission monitoring
30 systems shall monitor compliance with the sulfur dioxide emission standard in ~~Rule .0516 of this Subchapter 15A~~
31 NCAC 02D .0516 with a continuous emission monitoring system. Compliance with sulfur dioxide emission standards
32 ~~is~~ shall be determined by averaging hourly continuous emission monitoring system values over a 24-hour block period
33 beginning at midnight. To compute the 24-hour block average, the average hourly values are ~~summed,~~ added and the
34 sum ~~is~~ shall be divided by 24. ~~A~~ With the exception of opacity monitoring, a minimum of four data points, containing
35 one data point in each of the 15-minute quadrants of the hour ~~equally spaced,~~ is required to determine a valid hour
36 value unless the continuous emission monitoring system is installed ~~to meet~~ that meets the ~~provisions~~ requirements of

40 CFR Part 75. If a continuous emission monitoring system is installed ~~to that meet-meets~~ the provisions requirements of 40 CFR Part 75, the minimum number of data points ~~are~~ shall be determined by 40 CFR Part 75.

(f) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system ~~under pursuant to~~ another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur dioxide, then:

(1) for coal, the test methods described in ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2600 shall be used except that gross or composite samples, gross caloric value, moisture content, and sulfur content shall be determined per shipment. Alternatively, gross or composite samples, gross caloric value, moisture content, and sulfur content may be determined by sampling the fuel as fired if the owner or operator demonstrates ~~to the Director~~ that sampling as fired provides a more accurate ~~estimation-estimate~~ of sulfur dioxide emissions than sampling each shipment. If sulfur dioxide emissions are determined by sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited into a daily ~~sample, sample~~ and the daily sample shall be composited into a weekly sample. This weekly sample shall be analyzed using the procedures in ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2600. The sulfur dioxide emission rate shall also be determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

(2) for residual oil, the test methods described in ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2600 shall be used except that sulfur content shall be determined per shipment. Alternatively, gross or composite samples, gross caloric value, moisture content, and sulfur content may be determined sampling the fuel as fired if the owner or operator demonstrates ~~to the Director~~ that by sampling as fired provides a more accurate ~~estimation-estimate~~ of sulfur dioxide emissions than sampling each shipment. If sulfur dioxide emissions are determined by sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited into a daily ~~sample,~~ sample and the daily sample shall be composited into a weekly sample. This weekly sample shall be analyzed using the procedures in Section .2600 of this Subchapter. Residual oil shall be collected in accordance with ASTM D4177 or D4057.

(g) The owner or operator of the source may request to use a different procedure or methodology than that required by this Rule if one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists. The person requesting to use a different procedure or methodology shall submit the request to the Director along with a description of the different procedure or methodology proposed to be used, an explanation of why the procedure or methodology required by this Rule will not work, and a showing that the proposed procedure or methodology is equivalent to the procedure or methodology being replaced. The Director shall approve the use of this procedure or methodology if he or she finds that one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists, that the procedure

or methodology required by this Rule will not work, and that the proposed procedure or methodology is equivalent to the procedure or methodology that it will replace.

(h) The owner or operator of the source shall report to the Director no later than 30 days following the end of the quarter the following information:

(1) for fuel analysis per shipment:

(A) the quantity and type of fuels ~~burned~~, burned;

(B) the BTU ~~value~~, value;

(C) the sulfur content in percent by ~~weight~~, weight; and

(D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable standard.

(2) for continuous monitoring of emissions:

(A) the daily calculated sulfur dioxide emission rates expressed in the same units as the applicable standard for each ~~day~~, day; and

(B) other information required ~~under~~ by Appendix P of 40 CFR Part 51.

(i) The owner or operator of the source shall conduct a daily zero and span check of the continuous emission monitoring ~~system~~ system, following the manufacturer's ~~recommendations~~ recommendations, and shall comply with the requirements of ~~Rule .0613 of this Section~~ 15A NCAC 02D .0613.

(j) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done according to 40 CFR Part 60, Appendix A, ~~Method 6~~ Method 6, 6C, or other approved methods in 15A NCAC 02D .2600.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);

Eff. June 18, 1976;

Amended Eff. June 1, 2008; January 1, 2005; April 1, 2003; April 1, 1999; July 1, 1996; July 1, 1988; July 1, ~~1984~~ 1984;

Readopted Eff. November 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0610

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), consider rewording to avoid continuing the sentence at line 11. Consider: "This Rule shall apply to the owner or operator . . ."

In (a), the Rules says it applies to owners and operators "subject to monitoring, recordkeeping, or reporting requirements" contained in the following list. However, (c) applies to sources "not subject to any monitoring recordkeeping or reporting requirements set forth in Paragraph (a)." Please re-word to clarify.

In (a)(1), Part 60 is titled "Standards of Performance for New Stationary Sources."

In (a)(3), Part 63 is titled "National Emission Standards for Hazardous Air Pollutants for Source Categories." Additionally, I do not see the terms "Generally Available Control Technology" or "GACT" used in Part 63. Why are those terms used here and what is their meaning?

In (a)(4), Part 75 is titled "Continuous Emission Monitoring." Why do you use the term "acid rain" here?

In (a)(5), Part 97 is titled "Federal Nox Budget Trading Program."

Throughout (a), do you need to reference entire Parts of the CFR or can you provide more specific references?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0610 is readopted as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0610 FEDERAL MONITORING REQUIREMENTS**

4 (a) The owner or operator of sources subject to monitoring, recordkeeping, or reporting requirements contained in:

5 (1) 40 CFR Part 60, New Source Performance Standards (NSPS);

6 (2) 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP);

7 (3) 40 CFR Part 63, Maximum Achievable Control Technology ~~(MACT); or (MACT) or Generally~~
8 Available Control Technology (GACT);

9 (4) 40 CFR Part 75, Acid Rain; ~~or~~

10 (5) 40 CFR Part 97, Cross State Air Pollution Rule (CSAPR)

11 shall comply with these requirements.

12 (b) An air pollutant from sources ~~covered under governed pursuant to~~ Paragraph (a) of this Rule for which monitoring
13 is not required ~~under by~~ Paragraph (a) of this Rule shall comply with the requirements ~~covered set forth in Rule .0611~~
14 ~~of this Section.~~ 15A NCAC 02D .0611 if the pollutant from this source is subject to an emission standard.

15 (c) Sources that are not subject to any monitoring, recordkeeping, or reporting requirements ~~contained set forth in~~ in
16 Paragraph (a) of this Rule shall comply with the requirements ~~contained set forth in Rule .0611 of this Section.~~ 15A
17 NCAC 02D .0611.

18
19 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*
20 *Eff. June 18, 1976;*
21 *Amended Eff. April 1, 1999; July 1, ~~1984.~~1984;*
22 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0611

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Throughout this Rule, define "good operation and maintenance."

At line 4, do you mean "of" instead of "or" after "sources?"

In (a), is "air pollutants" defined?

In (b), what are "throughputs?"

In (b) what information is "necessary to determine compliance?" Is it only the records the owner or operator is required to maintain in accordance with their permit?

At line 12, why did you make (c) one sentence? Please consider changing this back to the original wording to avoid a run-on sentence.

In (d)(1), what are the "applicable performance specifications?" Can you provide a more specific reference in the CFR?

In (d)(2), line 29, do you mean "regulation" instead of "rule?"

In (d)(2), under what circumstances does the Director find compliance with the quality assurance provisions of 40 CFR Part 51, Appendix P adequate? How does the Director make this determination?

In (d)(2), should "is being achieved" be deleted at line 32? Please review the wording of this sentence.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0611 is readopted with changes as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0611 MONITORING EMISSIONS FROM OTHER SOURCES**

4 (a) This Rule ~~applies shall apply~~ to sources or air pollutants, including toxic air pollutants, from sources that are not
5 covered ~~under Rule by 15A NCAC 02D .0606, .0607, .0608, or .0610(a) of this Section. .0610(a).~~

6 (b) The owner or operator of a source shall maintain records of production rates, throughputs, material usage, and
7 other process operational information ~~as is necessary~~ to determine compliance with the facility's permit and all
8 applicable requirements. The Director shall specify in the facility's ~~permit according permit, pursuant to Rule .0605~~
9 ~~of this Section 15A NCAC 02D .0605~~, the types of records that the owner or operator shall maintain.

10 (c) ~~If the Director finds that~~ the records maintained under Paragraph (b) of this Rule are inadequate to determine
11 compliance with the facility's permit and all applicable requirements, the Director may require the owner or operator
12 to use monitoring ~~instruments. If instruments, and if the Director determines that~~ monitoring instruments are necessary
13 to demonstrate compliance with rules in ~~this Subchapter or Subchapter 2Q of this Chapter Subchapters 02D or 02Q~~
14 ~~of this Chapter~~ or with an emission standard or permit condition, the owner or operator of a source shall:

15 (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications
16 in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures
17 ~~as necessary to demonstrate compliance with the emission standards of this Subchapter and~~
18 ~~Subchapter 2Q of this Chapter; in Subchapters 02D and 02Q of this Chapter;~~

19 (2) comply with the requirements of ~~Rule .0613 of this Section; 15A NCAC 02D .0613;~~ and

20 (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to
21 comply with Subparagraph (1) of this Paragraph that will document the compliance status of the
22 sources or control equipment.

23 (d) ~~If the Director determines that~~ monitoring instruments are necessary to demonstrate good operation and
24 maintenance, the owner or operator of a source shall:

25 (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications
26 in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures
27 ~~as necessary to demonstrate good operation and maintenance;~~

28 (2) comply with the requirements of ~~Rule .0613 of this Section 15A NCAC 02D .0613~~ unless otherwise
29 specified in any other applicable ~~rule rule~~, including 40 CFR Part 75 and 40 CFR 60.13. The
30 Director may find that compliance with the quality assurance provisions of 40 CFR Part 51,
31 Appendix P, is adequate to assure ~~that the quality of the data; data demonstrates~~ demonstrate good
32 operation and maintenance is being achieved; and

33 (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to
34 comply with Subparagraph (1) of this Paragraph that will document that good operation and
35 maintenance is being achieved.
36

37 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*

1 *Eff. April 1, ~~1999~~ 1999;*
2 *Readopted Eff. November 1, 2019.*
3

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0612

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (c), consider: "To petition to use alternative monitoring or data reporting procedures in place of those procedures in Rules 15A NCAC 02D .0606, .0607, or .0608 or Sections 15A NCAC 02D .0900, .1200, or .1400, the owner or operator of the source shall submit a signed written petition to the Director containing the following:"

In (c)(1), instead of "as specified in 15A NCAC 02Q .0300 or .0520" should you say "as defined by 15A NCAC 02Q .0303?"

At lines 27-28, define "significantly different design and operating characteristics." Under what circumstances is a sources design or operating characteristics significantly different?

At line 33, define "serious hardship."

Who determines whether serious hardship exists "without equal or greater benefit to the public?" How is this determination made? Are a series of factors considered?

At line 37, define "significant reconstruction."

On page 2, line 1, who determines whether the alternative procedure is "more accurate and precise" than that prescribed by rule? How is this determination made? Are a series of factors considered?

In (d), what additional information is considered "necessary?" Under what circumstances does the Director ask for this additional information?

At line 12, define "sufficient quality."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel

Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0612 is readopted as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0612 ALTERNATIVE MONITORING AND REPORTING PROCEDURES**

4 (a) ~~With the exceptions~~ Except as set forth in Paragraph (b) of this Rule, the owner or operator of a source may
5 petition the Director to allow monitoring or data reporting procedures varying from those prescribed by ~~a rule of~~
6 ~~Subchapter 2D or 2Q of this Chapter. Subchapters 02D or 02Q of this Chapter. When petitioning for alternative~~
7 ~~monitoring or data reporting procedures, the owner or operator shall follow the procedures of Paragraph (c) of this~~
8 ~~Rule.~~

9 (b) This Rule ~~does~~ shall not apply to monitoring or reporting requirements of 40 CFR Part 60, ~~61, 61, 62, 63, or 75.~~
10 ~~75, or 97.~~

11 (c) ~~When petitioning~~ A petition to use alternative monitoring or data reporting procedures in place of those procedures
12 in ~~15A NCAC 02D .0606, .0607, .0608 of this Section or in Section 15A NCAC 02D .0900, .1200, .1400 of this~~
13 ~~Subchapter, .1400,~~ the owner or operator of the source shall ~~submit a~~ include a signed written petition to the Director
14 that ~~shall include:~~ includes:

- 15 (1) the name and address of the company and the name and telephone number of a ~~principal executive~~
16 ~~officer specified in 15A NCAC 2Q .0304(j) or responsible official official, as specified in 15A~~
17 ~~NCAC 2Q 02Q .0520 over whose signature the petition is submitted; .0300 or .0520;~~
- 18 (2) a description of the sources at the facility to which the petition applies;
- 19 (3) identification of the rule or rules for which the alternative is sought;
- 20 (4) the basis or reason that alternative monitoring and reporting procedure is more desirable than those
21 prescribed by the rule;
- 22 (5) a proposal of alternative monitoring and reporting procedure;
- 23 (6) a demonstration that the alternative procedure is at least as accurate as that prescribed by the rule;
- 24 (7) a showing that one or more of the following conditions exist:
 - 25 (A) a continuous monitoring system or other device prescribed by the rule would not provide
26 accurate determinations of emissions;
 - 27 (B) the emissions from two or more sources of significantly different design and operating
28 characteristics are combined before release to the atmosphere or the emissions are released
29 to the ~~atmosphere-atmosphere,~~ through more than one point;
 - 30 (C) the requirements prescribed by the rule would impose an extreme economic burden on the
31 source owner or ~~operator operator.~~ ~~(The The~~ determination of an extreme economic burden
32 shall be made on the basis of whether meeting the requirements prescribed by the rule
33 would produce serious hardship without equal or greater benefit to the ~~public); public;~~
 - 34 (D) the monitoring systems prescribed by the rule cannot be installed because of physical
35 limitations at the ~~facility-facility.~~ ~~(The The~~ determination of such limitations shall be made
36 on the basis of whether meeting the requirements prescribed by this Rule would necessitate
37 significant reconstruction of the ~~facility); facility;~~ or

- 1 (E) the alternative monitoring or reporting procedure is more accurate and precise than that
2 prescribed by the rule;
- 3 (8) any other information that the petitioner believes would be helpful to the Director in evaluating the
4 application.
- 5 (d) The Director may require the petitioner to submit other information that ~~the Director considers is~~ necessary to
6 evaluate the proposed monitoring or reporting procedures.
- 7 (e) The Director may approve the petition for alternative monitoring and reporting procedures if:
- 8 (1) ~~The the~~ petition is submitted in accordance with this Rule and contains all the information required
9 by Paragraph (c) of this Rule;
- 10 (2) ~~The Director finds~~ the petition satisfies the showing required by Subparagraph (c)(7) of this Rule;
- 11 (3) ~~The Director finds that~~ the proposed alternative monitoring or data reporting procedures provide
12 information of sufficient quality to determine ~~with reasonable certainty~~ the amount of emissions or
13 the adequacy of the emission control device or ~~practice-practice~~, such that the compliance status of
14 the source can be determined by reviewing this information; and
- 15 (4) ~~The the~~ facility is in compliance with, or under a schedule for compliance with, all applicable air
16 quality rules.
- 17 (f) ~~When-If~~ monitoring or reporting requirements that differ from those specified in the appropriate rule in ~~this~~
18 ~~Subchapter or Subchapter 2Q of this Chapter~~ Subchapters 02D or 02Q of this Chapter are approved by the Director,
19 the permit shall contain a condition stating such monitoring or reporting requirements.
- 20
- 21 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*
22 *Eff. April 1, ~~1999~~-1999;*
23 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0613

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a) and (b), does a "person" operate a monitoring device (line 4) or does a "facility" operate a monitoring device (line 6)? Related, is a "person" or a "facility" required to have a quality assurance program?

In (b), line 6, do you mean "may" or "shall?"

At line 24, is the reference to 57 FR 46114 still necessary?

At line 26, define "adequate."

In (d), line 28, please change "owner" to "owners."

At line 30, is the reference to Section 3 of Appendix F correct?

In (h), lines 3 and 6, please say "he or she."

At line 6, please add a comma after "Paragraph."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0613 is readopted with changes as published in 33:20 NCR 2039 as follows:

2
3 **15A NCAC 02D .0613 QUALITY ASSURANCE PROGRAM**

4 (a) Any person required to operate a monitoring device by this ~~Subchapter~~ Subchapters 02D or Subchapter 2Q02Q
5 of this Chapter shall develop and implement a quality assurance program for the monitoring device.

6 (b) The Director may require the owner or operator of a facility required to operate a monitoring device by ~~this~~
7 ~~Subchapter~~ Subchapters 02D or Subchapter 2Q-02Q of this Chapter to submit a description of the quality assurance
8 program if:

- 9 (1) ~~The the~~ maximum actual emission rate is more than 75 percent of the applicable emission standard;
10 (2) ~~The the~~ facility has violated an emission standard or a permit condition; or
11 (3) ~~The the~~ facility has failed to obtain quality assured data.

12 ~~The A~~ description of the quality assurance program shall be submitted to the Director within 60 days upon receipt of
13 request.

14 (c) Except for gaseous continuous emission monitoring systems, the quality assurance program required by Paragraph
15 (a) or (b) of this Rule shall include, if applicable:

- 16 (1) procedures and frequencies for ~~calibration,~~ calibration;
17 (2) standards ~~traceability,~~ traceability;
18 (3) operational ~~checks,~~ checks;
19 (4) ~~maintenance,~~ maintenance;
20 (5) ~~auditing,~~ auditing;
21 (6) data ~~validation,~~ validation; and
22 (7) a schedule for implementing the quality assurance program.

23 Continuous opacity monitoring systems may satisfy the requirements of Paragraph (a) of this Rule by complying with
24 40 CFR Part 51, Appendix M, Method 203, as proposed in 57 FR 46114, ~~46114~~ 46114, or 40 CFR Part 60, Appendix
25 F, Procedure 3. Except for opacity monitors and gaseous continuous emission monitoring systems, a manufacturer's
26 recommended quality assurance procedure may be used as a quality assurance program if it provides an adequate
27 quality assurance program.

28 (d) Owner or operators that operate continuous emission monitoring systems for a gaseous pollutant may satisfy the
29 requirements of Paragraphs (a) or (b) of this Rule by developing and implementing a written quality assurance program
30 containing information required by 40 CFR Part 60, Appendix F, Section 3, Quality Assurance Procedures.

31 (e) The owner or operator of a facility shall certify all opacity and gaseous continuous emission monitoring systems
32 following applicable performance specifications in 40 CFR Part 60, Appendix B, within 60 days of monitor installation
33 unless otherwise specified in permit or any other applicable rules. The owner or operator of a facility required to
34 install an opacity or gaseous continuous emission monitoring systems shall notify the Director at least 60 days before
35 installation unless otherwise specified in permit or in 40 CFR Part 60, 61, 63, or 75. The notification shall include
36 plans or schematic diagrams of the proposed monitor location.

37 (f) Quality assurance programs for ambient monitors shall comply with the requirements in 40 CFR Part 58.

1 (g) A description of the quality assurance program shall be available on-site for inspection within 30 days of monitor
2 certification.

3 (h) The Director shall approve the quality assurance program within 30 days of submittal if he finds that the quality
4 assurance program will assure that the precision and accuracy of the data for the pollutants being measured are within
5 the design limits of the instruments being used. If the Director finds that the proposed quality assurance program does
6 not meet the requirements of this Paragraph he shall notify the owner or operator of the facility of any deficiencies in
7 the proposed quality assurance program. The owner or operator shall have 30 days after receiving written notification
8 from the Director to correct the deficiencies.

9
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*
11 *Eff. April 1, ~~1999~~. 1999.*
12 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0614

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 5, by "this part" do you mean "this Paragraph" or "this Rule?"

In (a)(1), what is a surrogate of a pollutant? Is this defined?

Please make (b) a complete sentence or introductory statement. Consider: "The following exemptions to this Rule shall apply:"

In (b)(1)(A), can you provide a more specific citation?

In (b)(1)(B), should "title" be capitalized?

In (b)(1)(F), consider ending the sentence after "test" on page 2, line 5 and beginning a new sentence with "In this example."

In (f), line 1, do you mean "shall" or "may?" If you mean "may," under what circumstances will the Director require implementation of a quality improvement plan?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0614 is readopted with changes as published in 33:20 NCR 2039-2040 as follows:

2
3 **15A NCAC 02D .0614 COMPLIANCE ASSURANCE MONITORING**

4 (a) General Applicability. ~~With the exception of~~ Except as set forth in Paragraph (b) of this Rule, the requirements of
5 this part shall apply to a pollutant-specific emissions unit at a facility required to obtain a permit ~~under~~ pursuant to
6 15A NCAC 02Q .0500 if the ~~unit satisfies all of the following criteria:~~ unit:

- 7 (1) ~~The unit~~ is subject to an emission limitation or standard for the applicable regulated air pollutant ~~(or~~
8 ~~a surrogate thereof), pollutant, or a surrogate thereof,~~ other than an emission limitation or standard
9 that is exempt ~~under~~ pursuant to Subparagraph (b)(1) of this Rule;
- 10 (2) ~~The unit~~ uses a control device to achieve compliance with any such emission limitation or standard;
11 and
- 12 (3) ~~The unit~~ has potential pre-control device emissions of the applicable regulated air pollutant that are
13 equal to or greater than 100 percent of the amount, in tons per year, required for a source to be
14 classified as a major source. For purposes of this Subparagraph, "potential pre-control device
15 emissions" means the same as "potential to ~~emit~~," emit" as defined in 15A NCAC 02Q .0103, except
16 that emission reductions achieved by the applicable control device shall not be taken into account.

17 (b) Exemptions.

- 18 (1) Exempt emission limitations or standards. The requirements of this Rule shall not apply to any of
19 the following emission limitations or standards:
- 20 (A) emission limitations or standards proposed by the Administrator of the Environmental
21 Protection Agency after November 15, ~~1990-1990~~, pursuant to section 111 or 112 of the
22 federal Clean Air Act;
- 23 (B) stratospheric ozone protection requirements ~~under~~ pursuant to title VI of the federal Clean
24 Air Act;
- 25 (C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410
26 of the federal Clean Air Act;
- 27 (D) emission limitations or standards or other applicable requirements that apply solely under
28 an emissions trading program approved under the rules of ~~this Subchapter and Subchapter~~
29 ~~15A NCAC 02Q-Subchapters 02D and 02Q of this Chapter~~ and that are incorporated in a
30 permit issued ~~under~~ pursuant to 15A NCAC 02Q .0500;
- 31 (E) an emissions cap that is approved ~~under~~ pursuant to the rules of ~~this Subchapter and~~
32 ~~Subchapter 15A NCAC 02Q-Subchapters 02D and 02Q of this Chapter~~ and incorporated
33 in a permit issued ~~under~~ pursuant to 15A NCAC 02Q .0500; or
- 34 (F) emission limitations or standards for which a permit issued ~~under~~ pursuant to 15A NCAC
35 02Q .0500 specifies a continuous compliance determination method, as defined in 40 CFR
36 64.1. ~~(This-This~~ exemption shall not apply if the applicable compliance method includes
37 an assumed control device emission reduction factor that could be affected by the actual

- operation and maintenance of the control ~~device (such device, such~~ as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance ~~test; in test (in~~ this example, ~~this exemption~~ 15A NCAC 02D .0614 would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage).
- (2) Exemption for backup utility power emissions units. The requirements of this Rule shall not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally-owned if the owner or operator provides documentation in a permit application submitted ~~under~~ pursuant to 15A NCAC 02Q .0500 that:
- (A) ~~The the~~ utility unit is exempt from all monitoring requirements in 40 CFR Part ~~75 (including 75, including the appendices thereto); thereto;~~
- (B) ~~The the~~ utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and
- (C) ~~The the~~ actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of ~~operation (or operation, or~~ such shorter time period that is available for units with fewer than three years of ~~operation) operation~~, are less than 50 tons per year and are expected to remain so.
- (c) For the purposes of this Rule, the definitions in 40 CFR 64.1 shall apply with the following exceptions:
- (1) "Applicable requirement" and "regulated air pollutant" shall have the same definition as in 15A NCAC 02Q .0103.
- (2) "Part 70 or 71 permit application" means an ~~application (including application, or~~ any supplement to a previously submitted ~~application) application~~, submitted by the owner or operator to obtain a permit under 15A NCAC 02Q .0500.
- (3) "Part 70 or 71 permit" means a permit issued under 15A NCAC 02Q .0500.
- (4) "Permitting authority" means the Division of Air Quality.
- (d) The owner or operator subject to the requirements of this rule shall comply with these requirements:
- (1) 40 CFR 64.3, Monitoring Design Criteria;
- (2) 40 CFR 64.4, Submittal Requirements;
- (3) 40 CFR 64.5, Deadlines for Submittals;
- (4) 40 CFR 64.7, Operation of Approved Monitoring; and
- (5) 40 CFR 64.9, Reporting and Recordkeeping Requirements.
- (e) The Division shall follow the procedures and requirements in 40 CFR Part 64.6, Approval of Monitoring, in reviewing and approving or disapproving monitoring plans and programs submitted under this Rule.

(f) Based on the result of a determination made ~~under~~ pursuant to 40 CFR 64.7(d)(2), the Director may require the owner or operator to develop and implement a quality improvement plan. If a quality improvement plan is required, the quality improvement plan shall be developed and implemented according to the procedures and requirements of 40 CFR 64.8, Quality Improvement Plan (QIP) Requirements.

~~(g) Nothing in this Rule shall:~~

- ~~(1) excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements. The requirements of this Rule shall not be used to justify the approval of monitoring less stringent than the monitoring that is required under another Rule in this Subchapter or Subchapter 15A NCAC 02Q or Title 40 of the CFR and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under another Rule in this Subchapter or Subchapter 15A NCAC 02Q or Title 40 of the CFR. The purpose of this Rule is to require, as part of the issuance of a permit under 15A NCAC 2Q .0500, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this Rule;~~
- ~~(2) restrict or abrogate the authority of the Division to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of this Subchapter or Subchapter 15A NCAC 02Q or the General Statutes;~~
- ~~(3) restrict or abrogate the authority of the Division to take any enforcement action for any violation of an applicable requirement; or~~
- ~~(4) restrict the authority of the Administrator of the Environmental Protection Agency or of any person to take action under Section 304 of the federal Clean Air Act as stated under 40 CFR 64.10.~~

*History Note: Authority G.S. 143-215.3(a)(3); 143-215.65; 143-215.66; 143-215.107(a)(4);
Eff. April 1, 1999;
Amended Eff. January 1, 2009-2009;
Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0615

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Why is this rule necessary? This appears to only relate to internal management. See 150B-2(8a)(a).

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .0615 is readopted as published in 33:20 NCR 2040 as follows:

2
3 **15A NCAC 02D .0615 DELEGATION**

4 The Director may delegate his administrative and approval functions under this Section to the Deputy Director,
5 regional air quality supervisor, or any supervisor in the Permitting, Ambient Monitoring, or Technical Services Section
6 of the ~~Division as he considers appropriate.~~ Division.

7
8 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4);

9 *Eff. April 1, 1999-1999;*

10 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2101

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(1), is it still necessary to keep the June 21, 1999 date in rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2101 is readopted with changes as published in 33:20 NCR 2040 as follows:

2
3 **SECTION .2100 – RISK MANAGEMENT PROGRAM**
4

5 **15A NCAC 02D .2101 APPLICABILITY**

6 (a) This Section ~~applies~~ shall apply to ~~any facility~~ an owner or operator of a stationary source with ~~that has~~ more than
7 a threshold quantity of a regulated ~~substance listed in 40 CFR 68.130~~ substance in a process as determined ~~under by~~
8 40 CFR 68.115, except ~~for those exemptions listed as set forth in Paragraph (b) of this Rule.~~ ~~The facility~~ An owner
9 or operator of a stationary source shall comply with this Section no later than the latest of the following dates:

10 (1) ~~July 1, 2000 [NOTE: Before the effective date of the rules in this Section, the U. S. Environmental~~
11 ~~Protection Agency is the implementing agency of 40 CFR Part 68. Under 40 CFR 68.10(a)(1) the~~
12 ~~facility is required to comply by June 21, 1999.]; June 21, 1999;~~

13 (2) three years after the date on which a regulated substance is first listed ~~under~~ according to 40 CFR
14 68.130; or

15 (3) the date on which a regulated substance is first present above a threshold quantity in a process.

16 (b) The following substances ~~are~~ shall be exempt from the provisions of this Section:

17 (1) ~~exemptions listed in ammonia used as an agricultural nutrient, [if] when held by [farmers] farmers,~~
18 ~~pursuant to 40 CFR 68.125, 68.125; and~~

19 (2) ~~a flammable substances~~ substance listed in Tables 3 and 4 of 40 CFR 68.130 that ~~are is~~ used as a
20 fuel or held for sale as a fuel at a retail ~~facility.~~ facility pursuant to 40 CFR 68.126.

21 (c) A covered process that meets ~~all~~ the requirements of 40 CFR 68.10(b) is eligible for Program 1 requirements.

22 (d) A covered process that meets the requirements of 40 CFR 68.10(c) is subject to Program 2 requirements.

23 (e) A covered process that meets the requirements of 40 CFR 68.10(d) is subject to Program 3 requirements.

24 (f) If at any time a covered process no longer meets the eligibility criteria of its Program level, the owner or operator
25 of the ~~facility~~ stationary source shall comply with the requirements of the new Program level as set forth in Paragraphs
26 (c), (d), and (e) of this Rule as it that applies to the process and shall update the risk management plan as ~~provided in~~
27 required by 40 CFR 68.190.

28
29 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);*

30 *Eff. July 1, ~~2000~~ 2000;*

31 *Readopted Eff. November 1, 2019.*
32
33
34

1 15A NCAC 02D .2102 is readopted as published in 33:20 NCR 2041 as follows:

2
3 **15A NCAC 02D .2102 DEFINITIONS**

4 For the purpose of this Section the definitions ~~contained~~ set forth in 40 CFR 68.3 shall apply with the following
5 exception: "Implementing agency" means the Division of Air Quality.

6
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);*

8 *Eff. July 1, ~~2000~~ 2000;*

9 *Readopted Eff. November 1, 2019.*

1 15A NCAC 02D .2103 is readopted as published in 33:20 NCR 2041 as follows:

2
3 **15A NCAC 02D .2103 REQUIREMENTS**

4 Except as provided in 40 CFR 68.2 and 15A NCAC 02D .2101(b), the owner or operator of ~~any a facility stationary~~
5 ~~source covered governed under by~~ this Section shall comply with all the applicable requirements in:

- 6 (1) 40 CFR 68.12, General Requirements;
7 (2) 40 CFR 68.15, Management;
8 (3) 40 CFR Part 68, Subpart B, Hazard Assessment, including 40 CFR Part 68, Appendix A, Table of
9 Toxic Endpoints;
10 (4) 40 CFR Part 68, Subpart C, Program 2 Prevention Program;
11 (5) 40 CFR Part 68, Subpart D, Program 3 Prevention Program;
12 (6) 40 CFR Part 68, Subpart E, Emergency Response;
13 (7) 40 CFR Part 68, Subpart G, Risk Management Plan;
14 (8) 40 CFR 68.200, Recordkeeping; and
15 (9) 40 CFR 68.220(f).

16
17 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);*

18 *Eff. July 1, ~~2000-2000~~;*

19 *Readopted Eff. November 1, 2019.*
20
21
22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2104

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), were the changes made post-publication made in response to public comments?

In (b), please delete the comma after "such as."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2104 is readopted with changes as published in 33:20 NCR 2041 as follows:

2
3 **15A NCAC 02D .2104 IMPLEMENTATION**

4 (a) The owner or operator of ~~each facility a stationary source covered governed under by~~ this Section shall:

5 (1) submit a risk management ~~plan-plan~~, or a revised plan ~~when as~~ required by ~~this Section~~ 40 CFR
6 68.150, to the Environmental Protection Agency; and

7 (2) submit a source certification or, in its absence, submit a compliance schedule ~~consistent with 15A~~
8 ~~NCAC 2Q .0508(g)(2) to meet the requirements of 15A NCAC 02Q .0508(h)(2).~~

9 ~~(b) The Division may initiate enforcement action against any facility that fails to comply with the requirements of~~
10 ~~this Section or any provision of its plan submitted pursuant to this Section.~~

11 ~~(e)(b) The Division may conduct~~ shall use one or more mechanisms such as, completeness checks, source audits,
12 record reviews, or facility inspections to ensure that facilities covered under this Section Rule are in compliance with
13 the requirements of this Section. ~~In addition, the~~ The Division may shall conduct periodic audits ~~following in~~
14 accordance with the audit procedures ~~of in~~ 40 CFR 68.220. ~~The Division may take enforcement action if the owner~~
15 ~~or operator fails to comply with the provisions of 40 CFR 68.220.~~

16
17 *History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.107(a)(10);*

18 *Eff. July 1, ~~2000~~ 2000;*

19 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2301

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

What is the purpose of the language at line 12? Please delete or clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2301 is readopted as published in 33:20 NCR 2041 as follows:

2
3 **SECTION .2300 – BANKING EMISSION REDUCTION CREDITS**
4

5 **15A NCAC 02D .2301 PURPOSE**

6 This Section provides for the creation, banking, transfer, and use of emission reduction credits for:

- 7 (1) nitrogen oxides (~~NO_x~~), (NO_x);
8 (2) volatile organic compounds (~~VOC~~), (VOC);
9 (3) sulfur dioxide (~~SO₂~~), (SO₂);
10 (4) fine particulate (~~PM_{2.5}~~), (PM_{2.5}); and
11 (5) ammonia (~~NH₃~~), (NH₃);

12 for offsets ~~under~~ pursuant to 15A NCAC 02D .0531, Sources in Nonattainment Area.

13
14 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*

15 *Eff. December 1, ~~2005~~, 2005;*

16 *Readopted Eff. November 1, 2019.*
17
18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2302

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1), line 6, please refer to "15A NCAC 02Q .0500."

In (6), line 16, please change "Federal" to "federal."

In (7), please close the quotations around "Permanent."

In (8), define "reliable" method? Is it a method that can be reproduced?

In (9), define "actual emissions."

In (10)(a), what is the meaning of "(new source review)?"

In (10)(b), line 37, should there be an "and" or "or" at the end of the line?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2302 is readopted as published in 33:20 NCR 2041 as follows:

2
3 **15A NCAC 02D .2302 DEFINITIONS**

4 For the purposes of this Section, the following definitions shall apply:

- 5 (1) "Air permit" means a construction and operation permit issued ~~under~~ pursuant to 15A NCAC 02Q
6 .0300, Construction and Operation Permits, or .0500, Title V Procedures.
- 7 (2) "Banking" means a system for recording emission reduction credits so that they may be used or
8 transferred in the future.
- 9 (3) "Enforceable" means enforceable by the Division. Methods for ensuring that emission reduction
10 credits are enforceable include conditions in air permits ~~issued~~ issued by the Division.
- 11 (4) "Federally designated ozone nonattainment area in North Carolina" means an area designated as
12 nonattainment for ozone and described in 40 CFR 81.334.
- 13 (5) "Federally designated fine particulate (PM2.5) nonattainment area in North Carolina" means an area
14 designated as nonattainment for fine particulate (PM2.5) and described in 40 CFR 81.334.
- 15 (6) "Netting Demonstration" means the act of calculating a "net emissions increase" ~~under~~ pursuant to
16 the preconstruction review requirements of Title I, Part D of the Federal Clean Air Act and ~~the~~
17 ~~regulations promulgated there under in~~ 15A NCAC 02D .0530, Prevention of Significant
18 Deterioration, or 15A NCAC 02D .0531, Sources in Nonattainment Area.
- 19 (7) "Permanent means assured for the life of the corresponding emission reduction credit through an
20 enforceable mechanism such as a permit condition or revocation.
- 21 (8) "Quantifiable" means that the amount, rate, and characteristics of the emission reduction credit can
22 be estimated through a reliable, reproducible method.
- 23 (9) "Real" means a reduction in actual emissions emitted into the air.
- 24 (10) "Surplus" means not required by any local, State, or federal law, rule, order, or requirement and in
25 excess of reductions used by the Division in issuing any air permit, in excess of any conditions in
26 an air permit to avoid an otherwise applicable requirement, or to demonstrate attainment of ambient
27 air quality standards in 15A NCAC 02D .0400 or reasonable further progress towards achieving
28 attainment of ambient air quality standards. For ~~the purpose of~~ determining the amount of surplus
29 emission reductions, ~~any~~ a seasonal emission limitation or standard shall be assumed to apply
30 throughout the year. The following ~~are not~~ shall not be considered surplus:
- 31 (a) emission reductions that have previously been used to avoid 15A NCAC 02D .0530 or
32 .0531 (new source review) through a netting demonstration;
- 33 (b) ~~Emission-emission~~ reductions in hazardous air pollutants listed pursuant to Section 112(b)
34 of the federal Clean Air Act to the extent needed to comply with 15A NCAC 02D .1109,
35 .1111, or ~~.1112; however, .1112. However,~~ emission reductions in hazardous air pollutants
36 that are also volatile organic compounds beyond that necessary to comply with 15A NCAC
37 02D .1109, .1111, or .1112 ~~are~~ shall be surplus; or

(c) emission reductions used to offset excess emissions from another source as part of an alternative mix of controls ("bubble") demonstration ~~under~~ pursuant to 15A NCAC 02D .0501.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);
Eff. December 1, ~~2005~~ 2005;
Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2303

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), who determines whether a facility has the potential to emit nitrogen oxide, VOCs, etc.?

Please make (b) a complete sentence or introductory statement.

In (b)(1) and throughout this Rule, what does it mean for a reduction in emissions to be "real, permanent, quantifiable, and enforceable?" Who determines whether a reduction in emissions meets this standard? Are a list of factors considered?

At line 11, should the word "surplus" be replaced with "reduction?"

In (b)(1)(A), at line 13, this rule uses the word "including" before a list, suggesting other nonattainment areas fall into the December 31, 2002 deadline. However, (b)(1)(A) also says "all other nonattainment areas" may be approved for an emission reduction credit if the surplus reduction occurred after December 31, 2000. Please clarify. Consider adding a new part by moving the 2000 deadline to (b)(1)(B) and making the current (B) a (C).

In (2)(C), please define "actual emission rate."

In (b)(2), just to be clear, can a facility be eligible for emission reduction credits even if emissions are not reduced? As written, a facility could meet (b)(2)(A) and (B) without reducing emissions and still be eligible for a reduction credit. Note the "or" at line 28.

In (c)(1), what is a "special order."

In (c)(5), what are "mobile sources" of emissions?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2303 is readopted as published in 33:20 NCR 2041 as follows:

2
3 **15A NCAC 02D .2303 APPLICABILITY AND ELIGIBILITY**

4 (a) Applicability. Any facility that has the potential to emit nitrogen oxides, volatile organic compounds, sulfur
5 dioxide, ammonia, or fine particulate (PM2.5) in amounts greater than 25 tons per year and that is in a federally
6 designated ozone or fine particulate (PM2.5) nonattainment area in North Carolina is eligible to create and bank
7 nitrogen oxides, volatile organic compounds, sulfur dioxide, ammonia, or fine particulate (PM2.5) emission reduction
8 credits.

9 (b) Eligibility of emission reductions.

10 (1) To be approved by the Director as an emission reduction credit, a reduction in emissions shall be
11 real, permanent, quantifiable, enforceable, and surplus and shall have occurred:

12 (A) for ozone after December 31, 2002 for areas previously designated nonattainment
13 according to the 1997 8-hour ozone standard, including the Charlotte-Gastonia-Rock Hill,
14 NC-SC nonattainment area, the Raleigh-Durham-Chapel Hill nonattainment area, the
15 Rocky Mount nonattainment area, and the Haywood and Swain Counties (Great Smoky
16 Mountains National Park) nonattainment area, and after December 31, ~~2000-2000~~, for all
17 other nonattainment areas.

18 (B) for fine particulate (PM2.5) after December 31, 2002 for the areas previously designated
19 nonattainment according to the 1997 PM2.5 standard, including the former Greensboro-
20 Winston-Salem-High Point, NC and Hickory-Morganton-Lenoir, NC nonattainment areas.

21 (2) To be eligible for consideration as emission reduction credits, emission reductions may be created
22 by any of the following methods:

- 23 (A) installation of control equipment beyond what is necessary to comply with existing rules;
24 (B) a change in process inputs, formulations, products or product mix, fuels, or raw materials;
25 (C) a reduction in the actual emission rate;
26 (D) a reduction in operating hours;
27 (E) production curtailment or reduction in throughput;
28 (F) shutdown of emitting sources or facilities; or
29 (G) any other enforceable method ~~that the Director finds~~ resulting in real, permanent,
30 quantifiable, enforceable, and surplus reduction of emissions.

31 (c) Ineligible for emission reduction credit. Emission reductions from the following ~~are not~~ shall not be eligible to be
32 banked as emission reduction credits:

- 33 (1) sources covered ~~under~~ by a special order or variance until compliance with the emission standards
34 that are the subject of the special order or variance is achieved;
35 (2) sources that have operated less than 24 months;
36 (3) emission allocations and allowances used in ~~the~~ a federal emissions budget trading ~~program under~~
37 15A NCAC 02D .1419 or .2408; program;

- 1 (4) emission reductions outside North Carolina; or
2 (5) mobile sources.

3

4 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*
5 *Eff. December 1, 2005;*
6 *Amended Eff. July 1, ~~2007~~, 2007;*
7 *Readopted Eff. November 1, 2019.*

8

9

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2304

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At lines 8 and 9, please delete or define "immediately."

At line 9, do you mean "may" or "shall?" If you do mean "may," how does the Director make this determination? Are a set of factors considered?

At lines 10-11, are there more specific requirements about what the owner or operator has to document for the Director to allow a different time period?

In (2), is the word "allowable" necessary? If so, what is an "allowable annual emissions rate?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2304 is readopted as published in 33:20 NCR 2041 as follows:

2
3 **15A NCAC 02D .2304 QUALIFICATION OF EMISSION REDUCTION CREDITS**

4 For purposes of calculating the amount of emission reduction that can be quantified as an emission reduction credit,
5 the following procedures shall be followed:

- 6 (1) The source's average actual annual emissions before the emission reduction shall be calculated in
7 tons per year. In calculating average actual annual emissions before the emission reduction, data
8 from the 24-month period immediately preceding the reduction in emissions shall be used. The
9 Director may allow the use of a different time period, not to exceed seven years immediately
10 preceding the reduction in ~~emissions-emissions~~, if the owner or operator of the source documents
11 that such period is more representative of normal source operation.
- 12 (2) The emission reduction credit generated by the emission reduction shall be calculated by subtracting
13 the allowable annual emissions rate following the reduction from the average actual annual
14 emissions prior to the reduction.

15
16 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);
17 *Eff. December 1, ~~2005-2005~~*;
18 *Readopted Eff. November 1, 2019.*
19
20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2305

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), by “over the signature of the responsible official” do you mean the form shall be signed by the responsible official?

In (a)(7), please capitalize the rule titles.

In (a)(8), what other information may be necessary? And what is the meaning of “real, permanent, quantifiable, enforceable, and surplus.”

In (a)(9), are you referring to a specific type of permit? If so, please provide a cross reference to the rules governing that permit process.

In (b), please delete or define “permanently.”

Why is (b)(3) necessary? (a)(9) and (b)(1) together already require a permit application.

In (b)(4), what is the meaning of “real, permanent, quantifiable, enforceable, and surplus?”

At line 36, the Director “registers” credits for use. At line 26, the Director issues a “certificate of emission reduction credit.” What is the difference?

Please make (c) a complete sentence or introductory statement.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2305 is readopted as published in 33:20 NCR 2042 as follows:

2
3 **15A NCAC 02D .2305 CREATING AND BANKING EMISSION REDUCTION CREDITS**

4 (a) The owner or operator of a source seeking to create and bank emission reduction credits shall ~~submit~~ submit over
5 the signature of the responsible official ~~for a Title V facility or the official identified in 15A NCAC 02Q .0304(j) as~~
6 defined in 15A NCAC 02Q .0303, for a non Title V facility the following information, which ~~may~~ shall be on an
7 application form provided by the Division:

- 8 (1) the company name, contact person and telephone number, and street address of the source seeking
9 the emission reduction credit;
- 10 (2) a description of the type of source where the proposed emission reduction occurred or will occur;
- 11 (3) a detailed description of the method or methods to be employed to create the emission reduction;
- 12 (4) the date that the emission reduction occurred or will occur;
- 13 (5) quantification of the emission reduction credit as described ~~under in Rule .2304 of this Section;~~ 15A
14 NCAC 02D .2304;
- 15 (6) a demonstration that the proposed method for ensuring the reductions are permanent and
16 enforceable, including any necessary application to amend the facility's air permit or, for a shutdown
17 of an entire facility, a request for permit rescission;
- 18 (7) whether any portion of the reduction in emissions to be used to create the emission reduction credit
19 has previously been used to avoid the requirements of 15A NCAC 02D .0530 (prevention of
20 significant deterioration) or .0531 (nonattainment major new source review) through a netting
21 demonstration;
- 22 (8) ~~any~~ other information necessary to demonstrate that the reduction in emissions is real, permanent,
23 quantifiable, enforceable, and surplus; and
- 24 (9) a complete permit application if the permit needs to be modified to create or enforce the emission
25 reduction credit.

26 (b) ~~If the Director finds that~~ The Director shall issue the source a certificate of emission reduction credit after the
27 facility's permit is modified, if necessary, to reflect permanently the reduction of emissions, if:

- 28 (1) all the information required to be submitted ~~under by~~ Paragraph (a) of this Rule has been submitted;
- 29 (2) the source is eligible ~~under pursuant to Rule .2303 of this Section;~~ 15A NCAC 02D .2303;
- 30 (3) a complete permit application has been submitted, if necessary, to implement the reduction in
31 emissions; and
- 32 (4) the reduction in emissions is real, permanent, quantifiable, enforceable, and ~~surplus; the Director~~
33 ~~shall issue the source a certificate of emission reduction credit once the facility's permit is modified,~~
34 ~~if necessary, to reflect permanently the reduction in emissions. The Director shall register the~~
35 ~~emission reduction credit for use only after the reduction has occurred. surplus.~~

36 The Director shall register the emission reduction credit for use only after the reduction has occurred.

37 (c) Processing schedule.

- 1 (1) The Division shall send written acknowledgement of receipt of the request to create and bank
2 emission credits within 10 days of receipt of the request.
- 3 (2) The Division shall review ~~all request requests~~ to create and bank emission credits within 30 days of
4 receipt to determine whether the application is ~~complete or incomplete for processing purposes.~~
5 complete. If the application is incomplete the Division shall notify the applicant of the deficiency.
6 The applicant shall have 90 days to submit the requested information. If the applicant fails to provide
7 the requested information within 90 days, the Division shall ~~return deny~~ the application.
- 8 (3) The Director shall either approve or disapprove the request within 90 days after receipt of a complete
9 application requesting the banking of emission reduction credits. Upon approval the Director shall
10 issue a certificate of emission reduction credit.

11
12 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*
13 *Eff. December 1, ~~2005~~-2005;*
14 *Readopted Eff. November 1, 2019.*
15
16

1 15A NCAC 02D .2306 is readopted as published in 33:20 NCR 2042 as follows:

2
3 **15A NCAC 02D .2306 DURATION OF EMISSION REDUCTION CREDITS**

4 Banked emission reduction credits ~~are~~ shall be permanent until withdrawn by the owner or ~~until withdrawn by the~~
5 Director ~~under pursuant to Rule .2310 of this Section.~~ 15A NCAC 02D .2310.

6
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*

8 *Eff. December 1, ~~2005~~ 2005;*

9 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2307

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), who can hold emissions credits? Here, the rule uses the term "persons." .2306 uses the word "owner" and .2305 uses "the owner or operator of a source." Can credits be banked by owner (including corporations) or facility? Please clarify.

In (b), does the Director also register the credit?

In (c)(1), please define "major modification." If you are using the definition in 40 CFR 68.3, the definitions in that CFR have only been applied to Section .2100. See 15A NCAC 02D .2102. If you would like all of those definitions to apply to this Section, you could add that to .2302.

Please end (e) with a semicolon.

Is (e)(1)(A) necessary? See .2305(a)(7).

In (e)(2), what is a "bubble?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2307 is readopted as published in 33:20 NCR 2042-2043 as follows:

2
3 **15A NCAC 02D .2307 USE OF EMISSION REDUCTION CREDITS**

4 (a) Persons holding emission reduction credits may withdraw the emission reduction credits and may use them in any
5 manner consistent with this Section.

6 (b) An emission reduction credit may be withdrawn only by the owner of record or ~~by the Director under~~ pursuant to
7 ~~Rule 15A NCAC 02D .2310 of this Section~~ and may be withdrawn in whole or in part. In the case of a partial
8 withdrawal, the Director shall issue a revised certificate of emission reduction credit to the owner of record reflecting
9 the new amount of the credit and shall revoke the original certificate.

10 (c) Emission reduction credits may be used for the following purposes:

11 (1) as offsets or netting demonstrations required by 15A NCAC 02D .0531 for a major new source or a
12 major modification to an existing major source of:

13 (A) nitrogen oxides or volatile organic compounds in a federally designated ozone
14 nonattainment area, or

15 (B) fine particulate (PM2.5) in a federally designated PM2.5 nonattainment area; or

16 ~~(2) as offsets or netting demonstrations required by 15A NCAC 02D .0531 for a major modification to~~
17 ~~an existing major source of:~~

18 ~~(A) nitrogen oxides or volatile organic compounds in a federally designated ozone~~
19 ~~nonattainment area, or~~

20 ~~(B) fine particulate (PM2.5) in a federally designated PM2.5 nonattainment area;~~

21 ~~(3) as part of a netting demonstration required by 15A NCAC 02D .0530 when the source using the~~
22 ~~emission reduction credits is the same source that created and banked the emission reduction credits;~~
23 ~~or~~

24 ~~(4)~~(2) to remove a permit condition that created an emission reduction credit.

25 (d) Emission reduction credits generated through reducing emissions of one pollutant shall not be used for trading
26 with or offsetting ~~of another pollutant, for example pollutant. For example,~~ emission reduction credits for volatile
27 organic compounds in an ozone nonattainment area shall not be used to offset nitrogen oxide emissions.

28 (e) Limitations on use of emission reduction credits.

29 (1) Emission reduction credits shall not be used to exempt a source from:

30 ~~(A) prevention of significant deterioration requirements (15A NCAC 02D .0530) for netting~~
31 ~~demonstrations unless the emission reduction credits have been banked by the facility at~~
32 ~~which the new or modified source is located and have been banked during the period~~
33 ~~specified in 15A NCAC 02D .0530. This Subparagraph does not preclude the use of~~
34 ~~emission reductions not banked as emission credits to complete netting demonstrations.~~

35 ~~(B)~~(A) nonattainment major new source review (15A NCAC 02D ~~.0534~~-.0531), unless the
36 emission reduction credits have been banked by the facility at which the new or modified
37 source is located and have been banked during the period specified in 15A NCAC 02D

1 .0531. This Subparagraph ~~does~~shall not preclude the use of emission reductions not banked
2 as emission credits to complete netting ~~demonstrations~~demonstrations;

3 ~~(C)~~(B) new source performance standards (15A NCAC 02D .0524), national emission standards
4 for hazardous air pollutants (15A NCAC 02D .1110), or maximum achievable control
5 technology (15A NCAC 02D .1109, .1111, or .1112); or

6 ~~(D)~~(C) any other requirement of Subchapter 15A NCAC 02D unless the emission reduction credits
7 have been banked by the facility at which the new or modified source is located.

8 (2) Emission reduction credits shall not be used to allow a source to emit above the limit established by
9 a rule in Subchapter 15A NCAC 02D. ~~(If~~If the owner or operator ~~wants~~seeks to permit a source
10 to emit above the limit established by a rule in Subchapter 15A NCAC 02D, ~~he needs to~~he or she
11 shall follow the procedures in 15A NCAC 02D .0501 for an alternative mix of controls [~~"bubble"~~].
12 ("bubble").

13
14 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);
15 Eff. December 1, ~~2005~~2005;
16 Readopted Eff. November 1, 2019.
17
18

1 15A NCAC 02D .2308 is readopted as published in 33:20 NCR 2043 as follows:

2
3 **15A NCAC 02D .2308 CERTIFICATES AND REGISTRY**

4 (a) Certificates of emission reduction credit issued by the Director shall contain the following information:

- 5 (1) the pollutant reduced (nitrogen oxides, volatile organic compounds, sulfur dioxide, ammonia, fine
6 particulate);
7 (2) the amount of the credit in tons per year;
8 (3) the date the reduction occurred;
9 (4) company name, the street ~~address~~ address, and county of the source where the reduction occurred;
10 and
11 (5) the date of issuance of the certificate.

12 (b) The Division shall maintain an emission reduction credit registry that constitutes the official record of all
13 certificates of emission reduction credit issued and all withdrawals made. The registry shall be available for public
14 review. For each certificate issued, the registry shall show the amount of the emission reduction credit, the pollutant
15 reduced, the name and location of the facility generating the emission reduction credit, and the facility contact person.
16 The Division shall maintain records of all deposits, deposit applications, withdrawals, and transactions.

17
18 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*
19 *Eff. December 1, ~~2005~~ 2005;*
20 *Readopted Eff. November 1, 2019.*
21
22

1 15A NCAC 02D .2309 is readopted as published in 33:20 NCR 2043 as follows:

2
3 **15A NCAC 02D .2309 TRANSFERRING EMISSION REDUCTION CREDITS**

4 (a) If the owner of a certificate of emission reduction credit transfers the certificate to a new owner, the Director shall
5 issue a certificate of emission reduction credit to the new owner and shall revoke the certificate held by the current
6 owner of record.

7 (b) If the owner of a certificate of emission reduction credit transfers part of the emission reduction credits represented
8 by the certificate to a new owner, the Director shall issue a certificate of emission reduction credit to the new owner
9 reflecting the transferred amount and shall issue a certificate of emission reduction credit to the current owner of
10 record reflecting the amount of emission reduction credit remaining after the transfer. The Director shall revoke the
11 original certificate of emission reduction credit.

12 (c) For any transferred emission reduction credits, the creator of the emission reduction credit shall ~~continue to have~~
13 ~~enforceable comply with the~~ conditions in the appropriate permit ~~to that~~ assure permanency of the emission reduction
14 ~~and shall be held liable for compliance with those conditions; reduction. the~~ The user of any transferred emission
15 reduction credits shall not be held liable for any failure of the creator to comply with its permit.

16
17 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*

18 *Eff. December 1, ~~2005~~ 2005;*

19 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2310

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(3), do you mean "if the facility achieved" or "if the source achieved?"

In (a)(3), consider adding "those ~~claimed~~ claimed in the certificate of emission reduction credit."

In (a)(3), what standard or timeframe is used to determine whether emission reductions are less than those claimed? Is it tons per year as described in .2304?

In (b), what is an "emission factor?" Is it defined?

At lines 12-14, just to be clear, the Director can retroactively change existing credits in response to changes in emissions limitations, correct? Is this only in response to changes to State rules or also federal regulations? Can credits only be increased or can they also be decreased in response to stricter emissions limitations? Please consider re-wording this sentence to make this clear.

In (c), line 14, does a source bank emission reduction credits? Previous rules suggest the owner banks the credits. Please clarify and be consistent throughout the rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2310 is readopted as published in 33:20 NCR 2043 as follows:

2
3 **15A NCAC 02D .2310 REVOCATION AND CHANGES OF EMISSION REDUCTION CREDITS**

4 (a) The Director may withdraw emission reduction credits if the emission reduction ~~credits~~ credits:

- 5 (1) have already been used;
- 6 (2) are incorrectly calculated; or
- 7 (3) achieved emission reductions that are less than those claimed.

8 (b) If a banked emission reduction credit ~~were~~ was calculated using an emission factor and the emission factor

9 changes, the Director shall revise the banked emission reduction credit to reflect the change in the emission factor. If

10 a banked emission reduction credit had been used, then no change shall be made in the ~~use~~ used credit.

11 (c) ~~When~~ If a rule is adopted or amended in ~~this Subchapter or Subchapter 15A NCAC 02Q after November 1, 2005,~~

12 Subchapters 02D or 02Q of this Chapter, the Director shall adjust the banked emission reduction credits to account

13 for changes in emissions that would be allowed ~~under~~ by the new emission limitation with which the source must

14 currently ~~comply if it is still operating,~~ comply. If a source has permanently ceased operations, then the Director shall

15 make no adjustments in its banked emissions reduction credits. If a banked emission reduction credit has been used,

16 no change shall be made in the used credit.

17
18 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(12);*

19 *Eff. December 1, ~~2005~~ 2005;*

20 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2311

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At lines 5-6, what "other methods" are you referring to?

At line 6, please delete "actual" or define "actual emissions."

At line 6, under what circumstances is the use of parametric monitoring required?

At line 6, who may require the use of parametric monitoring? Please review the wording of this sentence.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2311 is readopted as published in 33:20 NCR 2043 as follows:

2
3 **15A NCAC 02D .2311 MONITORING**

4 The ~~Director shall require the~~ owner or operator of a source whose emissions are being reduced to create an emission
5 reduction credit ~~to~~ shall verify the reduction in emissions with a source test, continuous emission monitoring, or other
6 methods that measure the actual emissions or may require the use of parametric monitoring to show that the source or
7 its control device is being operated in the manner that it is designed or is permitted.

8
9 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(12);*

10 *Eff. December 1, ~~2005~~ 2005;*

11 *Readopted Eff. November 1, 2019.*
12
13

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2601

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Why is (a) necessary?

In (c), please consider deleting "may be."

In (c), why is a CFR listed before the title and citation of each rule? Does this rule require compliance except as provided in the CFR or except as provided in the rule?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2601 is readopted as published in 33:20 NCR 2043-2044 as follows:

2
3 **SECTION .2600 - SOURCE TESTING**
4

5 **15A NCAC 02D .2601 PURPOSE AND SCOPE**

6 (a) The purpose of this Section is to assure consistent application of testing methods and methodologies to demonstrate
7 compliance with emission standards.

8 (b) This Section shall apply to all air pollution sources.

9 (c) Emission compliance testing shall ~~be by~~ comply with the procedures of this Section, except as may be otherwise
10 required ~~in Rules .0524, .0912, .1110, .1111, or .1415 of this Subchapter by:~~

11 (1) 40 CFR Part 60, New Source Performance Standards in 15A NCAC 02D .0524;

12 (2) 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants in 15A NCAC 02D
13 .1110; or

14 (3) 40 CFR Part 63, Maximum Achievable Control Technology requirements in 15A NCAC 02D .1111.

15 (d) Applicable source test audit requirements shall comply with the procedures specified in 40 CFR 60.8, 40 CFR
16 61.13, or 40 CFR 63.7.

17 ~~(d)(e) The Director may approve using test~~ Test methods other than those specified in this Section may be used under
18 Paragraph (i) of Rule .2602 of this Section, pursuant to 15A NCAC 02D .2602(h)(3). Requests for the use of alternative
19 test methods shall be submitted to the Director at least 45 days prior to testing.
20

21 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

22 *Eff. June 1, 2008-2008;*

23 *Readopted Eff. November 1, 2019.*
24
25

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2602

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 6, what are "emission testing protocols?" Please consider adding a reference .2603.

In (b), lines 6-7, can the testing protocols be provided to the Director any time before testing?

In (d)(2), define "safe access."

In (e), at line 21, do you mean "emission" instead of "production?"

At lines 22-23, what do you mean by the "process being tested is operated at a production rate that meets the purpose of the test?"

In (f)(1), I understand "responsible official" is defined in 02Q .0303, but I do not think it is defined for purposes of this Rule or this Section. Please add a reference to .0303 here if your intent is to use the same definition.

In (f)(2), do you mean rule (State level), regulation (federal level), or both?

In (f)(2), for the exception to apply, does the testing protocol have to be pre-approved?

In (f)(4), is the extension for a set period of time? If so, please add the timeline into the rule.

In (g)(1) and (2), what is the difference between an "interim action" and a "corrective action?"

In (i), are these "independent tests" the retest mentioned in (g)(4)?

At line 21, when is an independent test "necessary?"

At line 23, what are the "appropriate testing procedures?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel

Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2602 is readopted with changes as published in 33:20 NCR 2044 as follows:

2
3 **15A NCAC 02D .2602 GENERAL PROVISIONS ON TEST METHODS AND PROCEDURES**

4 (a) The owner or operator of a source shall perform ~~any all~~ required ~~test tests~~ at his or her own expense.

5 ~~(b) The final test report shall describe the training and air testing experience of the person directing the air test.~~

6 ~~(c)(b)~~ The owner or operator of ~~the~~ an air pollution source shall arrange for air emission testing protocols to be
7 provided to the Director prior to air pollution testing. Testing protocols ~~are not shall not be~~ required to be pre-approved
8 by the Director prior to air pollution testing. ~~The~~ If requested by the owner or operator at least 45 days before
9 conducting the test, the Director shall review air emission testing protocols for pre-approval prior to ~~testing if requested~~
10 ~~by the owner or operator at least 45 days before conducting the test. testing.~~

11 ~~(d)(c)~~ Any person proposing to conduct an emissions test to demonstrate compliance with an applicable standard shall
12 notify the Director at least 15 days before beginning the test so that ~~the Director may at his option observe the test.~~

13 ~~(e)(d)~~ ~~For compliance determination, the~~ The owner and operator of the source shall provide:

- 14 (1) sampling ports, pipes, lines, or appurtenances for the collection of samples and data required by the
15 test procedure;
16 (2) scaffolding and safe access to the sample and data collection locations; and
17 (3) light, electricity, and other utilities required for sample and data collection.

18 ~~(f) Unless otherwise specified in the applicable permit or during the course of the protocol review, the results of the~~
19 ~~tests shall be expressed in the same units as the emission limits given in the rule for which compliance is being~~
20 ~~determined.~~

21 ~~(g)(c)~~ The owner or operator of the source shall arrange for controlling and measuring the production rates during the
22 period of air testing. The owner or operator of the source shall ensure that the equipment or process being tested is
23 operated at ~~the~~ a production rate that ~~best fulfills meets~~ the purpose of the test. The individual conducting the emission
24 test shall describe the procedures used to obtain accurate process data and include in the test report the average
25 production rates determined during each testing period.

26 ~~(h)(f)~~ The final air emission test report shall be submitted to the Director ~~not no~~ later than 30 days ~~after following~~
27 sample collection. ~~The owner or operator may request an extension to submit the final test report. The Director shall~~
28 ~~approve an extension request if he finds that the extension request is a result of actions beyond the control of the owner~~
29 ~~or operator.~~

- 30 (1) The final test report shall include a signed statement by the responsible official indicating the
31 compliance or noncompliance of the stack test results with the applicable emission standards.
32 (2) The results of the tests shall be expressed in the same units as the emission limits given in the
33 corresponding compliance rule, unless otherwise specified in the applicable permit or pre-approved
34 air emissions testing protocol.
35 (3) The final test report shall describe the training and air testing experience of the person directing the
36 test.

1 (4) The owner or operator may request an extension of time in which to submit the final test report. The
2 Director shall approve an extension request if he or she finds the cause of the delay was
3 unforeseeable and beyond the control of the owner or operator.

4 (g) Within 15 days of submission of a test report signifying noncompliance, the owner, operator, or responsible
5 official shall submit to the Director a written plan that includes:

6 (1) interim actions to minimize emissions pending demonstration of compliance;

7 (2) corrective actions in place or proposed to return the source to compliance;

8 (3) a proposed date for the compliance retest; and

9 (4) changes necessary to update the site-specific test plan prior to a retest.

10 ~~(h)~~(h) The Director shall make the final determination regarding ~~any~~ a testing procedure deviation and the validity of
11 the compliance test. The Director ~~may~~ shall:

12 (1) ~~Allow~~ allow deviations from a method specified ~~under~~ in a rule in this Section if the owner or
13 operator of the tested source ~~being tested demonstrates to the satisfaction of the Director that the~~
14 ~~specified method is inappropriate for the source being tested, that the deviation is appropriate.~~

15 (2) ~~Prescribe~~ prescribe alternate test procedures on an individual basis ~~when if he finds that the~~
16 alternative method is necessary to secure more reliable test data.

17 (3) ~~Prescribe~~ prescribe or approve methods on an individual basis for sources or pollutants for which
18 no test method is specified in this Section if the methods can be demonstrated to determine
19 compliance of permitted emission sources or pollutants.

20 ~~(i)~~(i) The Director ~~may~~ shall authorize the Division of Air Quality to conduct independent tests of any source subject
21 to a rule in this Subchapter if necessary to determine the compliance status of that source or to verify ~~any~~ test data
22 submitted relating to that source. ~~Any test conducted~~ Test results obtained by the Division of Air Quality using the
23 appropriate testing procedures described in this Section ~~has precedence over all other tests, shall be presumed~~ to be
24 accurate despite differing results from any other test.

25
26 History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);
27 Eff. July 1, ~~2008~~ 2008;
28 Readopted Eff. November 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2603

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (6), are you referring to the audit requirements set by 40 CFR 68.220? If so, please make that clear.

In (7), are modifications part of the protocol or are modifications documented as explained in (b)? Please clarify.

In (8), what is a "process rate?" Is it defined?

In (b), please define "test plan."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2603 is readopted as published in 33:20 NCR 2044-2045 as follows:

2
3 **15A NCAC 02D .2603 TESTING PROTOCOL**

4 (a) Testing protocols shall include:

- 5 (1) the facility and testing company contact information, including a mailing address, email, and phone
6 number;
7 (2) the air permit number and revision including permitted source name and ID number;
8 ~~(1)(3)~~ an introduction explaining the purpose of the proposed test, including ~~identification of~~ identifying
9 the regulations and permit requirements for which compliance is being demonstrated and the
10 allowable emission limits;
11 ~~(2)(4)~~ a description of the facility and the source to be tested;
12 ~~(3)(5)~~ a description of the test ~~procedures (sampling procedures, including sampling~~ equipment, analytical
13 procedures, sampling locations, reporting and data reduction requirements, and internal quality
14 assurance and quality control ~~activities);~~ activities;
15 (6) source test audit requirements applicable to the proposed test methods;
16 ~~(4)(7)~~ any all modifications made to the test methods referenced in the protocol; ~~and~~
17 (8) the permitted maximum process rate, maximum normal operation process rate, and the proposed
18 target process rate during testing;
19 ~~(5)(9)~~ a description of how production or process data will be documented during ~~testing, testing; and~~
20 (10) the proposed test schedule.

21 (b) The tester shall not deviate from the protocol or test plan unless the ~~tester~~ owner or operator documents the
22 ~~deviation.~~ deviation in the test report.

23
24 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*
25 *Eff. July 1, ~~2008-2008~~;*
26 *Readopted Eff. November 1, 2019.*
27
28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2604

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Has Method 1 been incorporated by reference elsewhere in your rules?

In (b)(2), which technical and economic factors does the Director consider? How does the Director determine whether a test location is acceptable?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2604 is readopted as published in 33:20 NCR 2045 as follows:

2
3 **15A NCAC 02D .2604 NUMBER OF TEST POINTS**

4 (a) Method 1 of Appendix A ~~of~~ to 40 CFR Part 60 shall be used to select a suitable site and the appropriate number
5 of test points for the following situations:

- 6 (1) particulate ~~testing, testing;~~
7 (2) volatile organic ~~compounds, compounds testing;~~
8 (3) velocity and volume flow rate ~~measurements, measurements;~~
9 (4) testing for acid mist or other pollutants ~~that occur occurring~~ in liquid droplet ~~form, form;~~
10 (5) ~~any~~ sampling for which velocity and volume flow rate measurements are necessary for computing
11 final test ~~results, results;~~ or
12 (6) ~~any sampling that specifies~~ isokinetic sampling.

13 (b) Method 1 of Appendix A ~~of~~ to 40 CFR Part 60 shall be used as written with the following clarifications:

- 14 (1) Testing installations with multiple ~~breechings ducts~~ may be accomplished by testing the discharge
15 ~~stack(s)-stacks~~ to which the ~~multiple breechings ducts~~ exhaust. If the multiple ~~breechings ducts~~ are
16 individually tested, then Method 1 shall be applied to each ~~breeching duct~~ individually.
17 (2) If test ports in a duct are less than two diameters downstream or less than one-half diameter upstream
18 from any ~~disturbance (fan, disturbance, such as a fan,~~ elbow, change in diameter, or ~~any~~ other
19 physical feature ~~that may disturb disturbing the gas flow) flow, or less than one-half diameter~~
20 ~~upstream from any disturbance,~~ the acceptability of the test location shall be determined by the
21 Director before the test and after ~~his~~ a review of technical and economic factors.

22
23 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*
24 *Eff. June 1, 2008. 2008;*
25 *Readopted Eff. November 1, 2019.*
26
27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2605

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Has Method 2 been incorporated by reference elsewhere in your rules?

At line 4, delete or define "concurrently." What happens if the test method differs from Method 2? Which controls?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2605 is readopted as published in 33:20 NCR 2045 as follows:

2
3 **15A NCAC 02D .2605 VELOCITY AND VOLUME FLOW RATE**

4 Method 2 of Appendix A of ~~to~~ 40 CFR Part 60 shall be applied as written and used concurrently with any test method
5 ~~in which requiring~~ velocity and volume flow rate ~~measurements are required.~~ measurements.

6
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

8 *Eff. June 1, ~~2008.~~ 2008;*

9 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2606

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Has Method 3 been incorporated by reference elsewhere in your rules?

At line 5, delete or define "concurrently." What happens if the test method differs from Method 3? Which controls? Is the test method only used "if necessary?"

In (b)(1), does your regulated public know which instruments you are referring to here?

In (b)(2), please delete or define "repeated."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2606 is readopted as published in 33:20 NCR 2045 as follows:

2
3 **15A NCAC 02D .2606 MOLECULAR WEIGHT**

4 (a) ~~With the exceptions~~ Except as allowed under by Paragraph (b), (b) of this Rule, Method 3 of Appendix A of to 40
5 CFR Part 60 shall be applied as written and used concurrently with any test method ~~when if~~ necessary to determine
6 the molecular weight of the gas being sampled by determining the fraction of carbon dioxide, oxygen, carbon
7 monoxide, and nitrogen.

8 (b) The grab sample technique may be substituted using instruments such as Bacharach Fyrite™ ~~Fyrite™~~, with the
9 following restrictions:

- 10 (1) Instruments such as the Bacharach Fyrite™ ~~may shall~~ only be used for the measurement of carbon
11 dioxide.
- 12 (2) Repeated samples shall be taken during the emission test run to account for variations in the carbon
13 dioxide concentration. At least four samples shall be taken during a one-hour test run, ~~but as many~~
14 ~~as necessary shall be taken to produce a reliable average.~~ run.
- 15 (3) The total concentration of gases other than carbon dioxide, oxygen, and nitrogen shall be less than
16 one percent.

17
18 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);
19 *Eff. June 1, 2008.* ~~2008;~~
20 *Readopted Eff. November 1, 2019.*
21
22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2607

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Has Method 4 been incorporated by reference elsewhere in your rules?

At line 4, delete or define "concurrently." What happens if the test method differs from Method 4? Which controls?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2607 is readopted as published in 33:20 NCR 2045 as follows:

2
3 **15A NCAC 02D .2607 DETERMINATION OF MOISTURE CONTENT**

4 Method 4 of Appendix A ~~of~~ to 40 CFR Part 60 shall be applied as written and used concurrently with any test method
5 requiring determination of gas moisture content.

6
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

8 *Eff. June 1, ~~2008~~ 2008;*

9 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2608

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 4, what is the difference in a test and a sample test? Who determines when a run is part of a test or a sample test?

At line 8, do you mean "may" or "shall?"

At lines 8-10, what is considered an "unavoidable and unforeseeable event?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2608 is readopted with changes as published in 33:20 NCR 2045 as follows:

2
3 **15A NCAC 02D .2608 NUMBER OF RUNS AND COMPLIANCE DETERMINATION**

4 Each ~~test test, (excluding excluding fuel samples) sample tests,~~ shall consist of three consecutive repetitions or runs
5 of the applicable test method. method at the same operating condition. If other operating conditions or scenarios are
6 to be tested, then three consecutive runs shall be performed for each of these operating conditions or scenarios. For
7 determining compliance with an applicable emission standard, the average of the results of all repetitions applies. shall
8 apply. On a case-by-case basis, compliance may be determined using the arithmetic average of two run results if the
9 Director determines that an unavoidable and unforeseeable event happened beyond the ~~owner's or operator's or tester's~~
10 owner's, operator's, or tester's control and that a third run could be not be completed.

11
12 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

13 *Eff. June 1, 2008. 2008:*

14 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2609

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), do you mean "may" or "shall?"

In (c), please define "routine."

In (c)(4), do you mean "may" or "shall?"

In (c)(4), under what circumstances are changes in the boiler or stack flow not representative of "normal" soot blowing operations? Who makes this determination?

In (d) and (e) by "federal subpart" do you mean "federal regulation?"

At lines 18 and 20, PM 2.5 is particulate matter, correct? What is PM 10?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2609 is readopted as published in 33:20 NCR 2045-2046 as follows:

2
3 **15A NCAC 02D .2609 PARTICULATE TESTING METHODS**

4 (a) ~~With the exception~~ Except as allowed under by Paragraph (b) of this Rule, Method 5 of Appendix A of 40 CFR
5 Part 60 and Method 202 of Appendix M of 40 CFR Part 51 shall be used to demonstrate compliance with particulate
6 emission standards. The owner or operator may request an exemption from using Method 202 and the Director shall
7 approve the exemption if the Director determines ~~that~~ the demonstration of compliance with an applicable emission
8 standard is unlikely to change with or without the Method 202 results included.

9 (b) Method 17 of Appendix A of 40 CFR Part 60 may be used instead of Method 5 if:

10 (1) ~~The~~ the stack gas temperature does not exceed 320° F; ~~E~~ E;

11 (2) ~~Particulate-particulate~~ matter concentrations are known to be independent of temperature over the
12 normal range of temperatures characteristic of emissions from a specified source ~~category, category~~;
13 and

14 (3) ~~The~~ the stack does not contain liquid droplets or is not saturated with water vapor.

15 (c) Particulate testing on steam generators that use soot blowing as a routine means for cleaning heat transfer surfaces
16 shall be conducted so ~~that~~ the contribution of the soot blowing is represented as follows:

17 (1) If the soot blowing periods are expected to represent less than 50 percent of the total particulate
18 emissions, only one of the test runs shall include a soot blowing cycle.

19 (2) If the soot blowing periods are expected to represent more than 50 percent of the total particulate
20 ~~emissions emissions, then~~ two of the test runs shall each include a soot blowing cycle. ~~Under no~~
21 ~~circumstances shall all~~ No more than two of the three test runs shall include soot blowing. ~~The~~
22 ~~average emission rate of particulate matter is calculated by the equation:~~

23
$$E_{AVG} = S(ES) \{ (A+B)/AR \} + E_N \{ ((R-S)/R) - (BS/AR) \}$$

24 (3) The average emission rate of particulate matter for steam generators that use soot blowing shall be
25 calculated by the equation:

26
$$E_{AVG} = (S * E_S) [(A + B) / (A * R)] + E_N [((R - S) / R) - (B * S) / (A * R)]$$

27 where:

28 (A) ~~EAVG equals the average emission rate in pounds per million Btu for daily operating time.~~

29 (B) ~~ES equals the average emission rate in pounds per million Btu of sample(s) containing soot~~
30 ~~blowing.~~

31 (C) ~~EN equals the average emission rate in pounds per million Btu of sample(s) with no soot~~
32 ~~blowing.~~

33 (D) ~~A equals hours of soot blowing during sample(s).~~

34 (E) ~~B equals hours without soot blowing during sample(s) containing soot blowing.~~

35 (F) ~~R equals average hours of operation per 24 hours.~~

36 (G) ~~S equals average hours of soot blowing per 24 hours.~~

37 E_{AVG} = the average emission rate in pounds per million Btu for daily operating time;

1 E_S = the average emission rate in pounds per million Btu during soot blowing runs;

2 E_N = the average emission rate in pounds per million Btu during non-soot blowing runs;

3 A = number of hours of soot blowing during soot blowing runs;

4 B = number of hours without soot blowing during soot blowing runs;

5 R = average number of hours of operation per 24 hours; and

6 S = average number of hours of soot blowing per 24 hours.

7 ~~The Director may approve an alternate method of prorating the emission rate during soot blowing if the owner or~~
8 ~~operator of the source demonstrates that changes in boiler load or stack flow occur during soot blowing that are not~~
9 ~~representative of normal soot blowing operations.~~

10 (4) The Director may approve an alternate method of prorating the emission rate during soot blowing
11 if the owner or operator of the source demonstrates that changes in boiler load or stack flow occur
12 during soot blowing are not representative of normal soot blowing operations.

13 (d) Unless otherwise specified by an applicable rule or federal subpart, the minimum time per test point for particulate
14 testing shall be two ~~minutes,~~ minutes and the minimum time per test run shall be one hour.

15 (e) Unless otherwise specified by an applicable rule or federal subpart, the sample gas drawn during each test run
16 shall be at least 30 dry standard cubic feet.

17 (f) Method 201 in combination with Method 202 of Appendix M to 40 CFR Part 51 or Method 201A in combination
18 with Method 202 of Appendix M ~~of to~~ 40 CFR Part 51 shall be used to determine compliance with PM_{2.5} or PM₁₀
19 emission standards. If the exhaust gas contains entrained moisture droplets, Method 5 of Appendix A of 40 CFR Part
20 60 in combination with Method 202 of Appendix M ~~of to~~ 40 CFR Part 51 shall be used to determine PM_{2.5} or PM₁₀
21 emission compliance.

23 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

24 *Eff. June 1, 2008-2008;*

25 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2610

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

At line 7, instead of "these standards are" should the rule say "opacity is determined?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2610 is readopted as published in 33:20 NCR 2046 as follows:

2
3 **15A NCAC 02D .2610 OPACITY**

4 (a) Method 9 of Appendix A ~~of to~~ 40 CFR Part 60 shall be used to show compliance with opacity standards ~~when if~~
5 opacity is determined by visual observation.

6 (b) Method 22 of Appendix A ~~of to~~ 40 CFR Part 60 shall be used to determine compliance with opacity standards
7 ~~when if such these~~ standards are based upon the frequency of fugitive emissions ~~from stationary sources as that are~~
8 visible during the observation period specified in the applicable rule or by permit condition.

9
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

11 *Eff. June 1, 2008-2008;*

12 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2611

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Throughout this rule, please ensure all CFRs and references to outside sources, such as the ASTM methods, are incorporated by reference.

In (a)(1), consider replacing "taken over such a period of time that no" with "without" and changing "elapse" to "elapsing."

In (a)(2), define "continuously." Do you mean the dictionary definition?

In (b), what is a "federal subpart?" Do you mean "federal regulation?"

In (e), line 31, under what circumstances is an alternate method "necessary to secure reliable test data?"

Please make (e)(1) and (e)(2) complete sentences or introductory statements.

In (e)(1)(A), please put "fuel lot size" in quotations since you are defining the term.

In (e)(2), when is "sufficient fuel" drained? How is this determined?

On page 2, line 26, should the sentence beginning with "The sulfur content . . ." be moved to the end of (e)(2)(C)?

In (f), what is the meaning of "are being protected" at line 8?

In (f)(1) and (f)(2), which sources are "most likely" to exceed the standards? Who makes this determination? Are a set of factors considered?

On page 3, line 14, by "requirement" do you mean "Paragraph?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel

Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2611 is readopted with changes as published in 33:20 NCR 2046-2048 as follows:

2
3 **15A NCAC 02D .2611 SULFUR DIOXIDE TESTING METHODS**

4 (a) If compliance ~~with a sulfur dioxide emission standard~~ is to be demonstrated for a combustion source through stack
5 ~~sampling-sampling~~, the procedures described in Method 6 or Method 6C ~~of to~~ Appendix A of 40 CFR Part 60 shall
6 be used. ~~When Method 6 of Appendix A of 40 CFR Part 60 is used to determine compliance, compliance shall be~~
7 ~~determined by averaging six 20-minute samples taken over such a period of time that no more than 20 minutes elapses~~
8 ~~between any two consecutive samples. The 20-minute run requirement only applies to Method 6 not to Method 6C.~~
9 ~~Method 6C is an instrumental method and the sampling is done continuously.~~ used as follows:

10 (1) If Method 6 of Appendix A to 40 CFR Part 60 is used to determine compliance, compliance shall
11 be determined by averaging six 20-minute runs taken over such a period of time that no more than
12 20 minutes elapse between any two consecutive runs.

13 (2) If Method 6C of Appendix A to 40 CFR Part 60 is used to determine compliance, the sampling shall
14 be performed continuously during each run.

15 (b) Method 8 of Appendix A to 40 CFR Part 60 shall be used to determine compliance with emission standards for
16 sulfuric acid manufacturing plants governed by 15A NCAC 02D .0517 and spodumene ore roasting plants governed
17 by 15A NCAC 02D .0527. Compliance shall be determined by averaging emissions measured from three one-hour
18 test runs, unless otherwise specified in the applicable rule or federal subpart.

19 (c) For stationary gas turbines, Method 20 of Appendix A to 40 CFR Part 60 shall be used to demonstrate compliance
20 with applicable sulfur dioxide emissions standards.

21 ~~(b)(d)~~ Fuel burning sources not required to use continuous emissions monitoring to demonstrate compliance with
22 sulfur dioxide emission ~~standards, standards~~ may determine compliance with sulfur dioxide emission standards by
23 stack sampling or by analyzing sulfur content of the fuel.

24 ~~(e)~~ For stationary gas turbines, Method 20 of 40 CFR Part 60 shall be used to demonstrate compliance with applicable
25 sulfur dioxide emissions standards.

26 ~~(d)(c)~~ ~~When compliance is to be demonstrated for a combustion source~~ For a combustion source demonstrating
27 compliance with the sulfur dioxide emission standards by analysis of sulfur in fuel, the sampling, preparation, and
28 analysis of fuels shall be according to the following American Society of Testing and Materials (ASTM) methods.
29 The Director ~~may~~ shall approve ASTM methods different from those described in this Paragraph if they will provide
30 equivalent ~~or more reliable~~ results. The Director ~~may~~ shall prescribe alternate ASTM methods on an individual basis
31 if that action is necessary to secure reliable test data.

32 (1) Coal Sampling:

33 (A) Sampling Location. Coal shall be collected from a location in the handling or processing
34 system that provides a sample representative of the fuel bunkered or burned during a ~~boiler~~
35 operating-boiler-operating day. For the purpose of this method, a fuel lot size is defined as
36 the weight of coal bunkered or consumed during each boiler-operating day. For reporting
37 and calculation purposes, the gross sample shall be identified with the calendar day on

which sampling began. The Director ~~may~~shall approve alternate definitions of fuel lot sizes if the alternative will provide a more representative sample.

(B) Sample Increment Collection. A coal sampling procedure shall be used that meets the requirements of ASTM ~~D-2234~~D2234 Type I, condition A, B, and C, and systematic spacing for collection of sample increments. All requirements and restrictions regarding increment distribution and sampling device constraints shall be observed.

(C) Gross Samples. ASTM ~~D-2234~~D2234 ~~7.1.2, 8.1.1.2~~ Table 2 shall be used except as provided in ~~7.1.5.2~~8.1.1.5 to determine the number and weight of increments (~~composite from a composite or gross samples~~)-sample.

(D) Preparation. ASTM ~~D-2013~~D2013 shall be used for sample preparation from a composite or gross sample.

(E) Gross Caloric Value (GCV). ASTM ~~D-2015 or D-3286~~D5865 shall be used to determine GCV on a dry basis from a composite or gross sample.

(F) Moisture Content. ASTM ~~D-3173~~D3173 shall be used to determine moisture from a composite or gross sample.

(G) Sulfur Content. ASTM ~~D-3177 or D-4239~~D4239 shall be used to determine the percent sulfur on a dry basis from a composite or gross sample.

(2) Oil Sampling

(A) Sample Collection. A sample shall be collected at the pipeline inlet to the fuel-burning unit after sufficient fuel has been drained from the line to remove all fuel that may have been standing in the line.

(B) Heat ~~Of~~of Combustion. ASTM Method ~~D-240~~D240 or ~~D-2015~~D4809 shall be used to determine the heat of combustion.

(C) Sulfur Content. ASTM Method ~~D-129~~D129 or ~~D-1552~~D1552 shall be used to determine the sulfur content.

The sulfur content and BTU content of the fuel shall be reported on a dry basis. ~~When the test methods described in Subparagraph (d)(1) or (d)(2) of this Rule are used to demonstrate that the ambient air quality standards for sulfur dioxide are being protected, the sulfur content shall be determined at least once per year from a composite of at least three or 24 samples taken at equal time intervals from the fuel being burned over a three hour or 24 hour period, respectively, whichever is the time period for which the ambient standard is most likely to be exceeded; this requirement shall not apply to sources that are only using fuel analysis in place of continuous monitoring to meet the requirements of Section .0600 of this Subchapter.~~

~~(e) When compliance is shown for sulfuric acid manufacturing plants or spodumene ore roasting plants with Rules .0517 and .0527, respectively, of this Section through stack sampling, the procedures described in Method 8 of Appendix A of 40 CFR Part 60 shall be used. When Method 8 of Appendix A of 40 CFR Part 60 is used to determine compliance, compliance shall be determined by averaging emissions measured by three one hour test runs unless otherwise specified in the applicable rule or federal subpart.~~

1 ~~(f) When compliance is shown for a combustion source emitting sulfur dioxide not covered under Paragraph (a)~~
2 ~~through (e) of this Rule through stack sampling, the procedures described in Method 6 or Method 6C of Appendix A~~
3 ~~of 40 CFR Part 60 shall be used. When using Method 6 procedures to show compliance, compliance shall be~~
4 ~~determined by averaging six 20 minute samples taken over such a period of time that no more than 20 minutes elapses~~
5 ~~between any two consecutive samples. The 20 minute run requirement only applies to Method 6 not to Method 6C.~~
6 ~~Method 6C is an instrumental method and the sampling is done continuously.~~

7 (f) If the test methods described in Subparagraph ~~[(d)(1) or (d)(2)]~~ (e)(1) or (e)(2) of this Rule are used to demonstrate
8 that the ambient air quality standards for sulfur dioxide set forth in 15A NCAC 02D .0402 are being protected, the
9 sulfur content shall be determined at least once per year from a composite of:

- 10 (1) at least three samples over a three-hour period for sources that are most likely to exceed the
11 maximum three-hour ambient standard; or
12 (2) at least 24 samples over a 24-hour period for sources that are most likely to exceed the maximum
13 24-hour ambient standard.

14 This requirement shall not apply to sources that are only using fuel analysis in place of continuous monitoring to meet
15 the requirements of 15A NCAC 02D .0600.

16
17 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*
18 *Eff. June 1, 2008-2008;*
19 *Readopted Eff. November 1, 2019.*
20
21

1 15A NCAC 02D .2612 is readopted as published in 33:20 NCR 2048 as follows:

2
3 **15A NCAC 02D .2612 NITROGEN OXIDE TESTING METHODS**

4 (a) Combustion sources not required to use continuous emissions monitoring to demonstrate compliance with nitrogen
5 oxide emission standards shall demonstrate compliance with nitrogen oxide emission standards using Method 7 or
6 Method 7E of Appendix A ~~of~~ to 40 CFR Part 60.

7 (b) Method 20 of Appendix A ~~of~~ to 40 CFR Part 60 shall be used to demonstrate compliance with nitrogen oxide
8 emissions standards for stationary gas turbines.

9
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

11 *Eff. June 1, 2008-2008;*

12 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2613

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Throughout this rule, please ensure the CFRs and ATSM Standards are incorporated by reference.

In (c), what is "solvent metal cleaning equipment?" Does your regulated public know?

In (c)(4) and (6), do you require the volume be recorded in a certain unit of measurement?

In (c)(5), what are "other contaminants?"

In (c)(5), do you mean "may" or "shall?"

In (c)(6), consider: "The volume of solvent displaced by this oil plus the volume of makeup solvent added during operations equals the solvent emissions."

In (d), please define "bulk gasoline terminals."

In (g), lines 35-36, did you intentionally exclude Paragraph (f)?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2613 is readopted as published in 33:20 NCR 2048 as follows:

2
3 **15A NCAC 02D .2613 VOLATILE ORGANIC COMPOUND TESTING METHODS**

4 (a) For surface coating material, such as paint, varnish, stain, and lacquer, the volatile matter content, water content,
5 density, volume of solids, and weight of solids shall be determined by Method 24 of Appendix A ~~of~~to 40 CFR Part
6 60.

7 (b) For printing inks and related coatings, the volatile matter and density shall be determined by Method 24A of
8 Appendix A ~~of~~to 40 CFR Part 60.

9 (c) For solvent metal cleaning equipment, the following procedure shall be followed to perform a material balance
10 test:

- 11 (1) clean the degreaser sump before testing;
- 12 (2) record the amount of solvent added to the tank with a flow meter;
- 13 (3) record the weight and type of workload degreased each day;
- 14 (4) at the end of the test run, pump out the used solvent and measure the amount with a flow ~~meter;~~
15 meter. also, In addition, estimate the volume of metal chips and other material remaining in the
16 emptied sump;
- 17 (5) bottle a sample of the used solvent and analyze it to find the percent that is ~~oil and oil and other~~
18 ~~contaminants; the contaminants. The~~ oil and solvent proportions may be estimated by weighing
19 samples of used solvent before and after boiling off the solvent; and
- 20 (6) compute the volume of oils in the used solvent. The volume of solvent displaced by this oil along
21 with the volume of makeup solvent added during operations ~~is~~ shall be deemed to be equal to the
22 solvent emissions.

23 (d) For bulk gasoline terminals, emissions of volatile organic compounds shall be determined by the procedures ~~set~~
24 ~~forth~~ in 40 CFR 60.503.

25 (e) For organic process equipment, leaks of volatile organic compounds shall be determined by Method 21 of
26 Appendix A ~~of~~to 40 CFR Part 60. Organic process equipment ~~includes~~ shall include valves, flanges and other
27 connections, pumps and compressors, pressure relief devices, process drains, open-ended valves, pump and
28 compressor seal system degassing vents, accumulator vessel vents, access door seals, and agitator seals.

29 (f) For determination of solvent in filter ~~waste~~ waste, such as (muck-muck and distillation waste) waste, in accordance
30 with ~~Rule .0912 of this Section, 15A NCAC 02D .0912,~~ the tester shall derive the quantity of volatile organic
31 compounds per quantity of discarded filter muck. The procedure to be used in making this determination ~~is~~ shall be
32 the test method ~~described by the American National Standards Institute's "Standard Method of Test for Dilution of~~
33 ~~Gasoline-Engine Crankcase Oils" Oils," ASTM D322 (ASTM 322-67 or IP 23/68)~~ except ~~that~~ the filter muck is to be
34 used instead of crankcase oil.

35 (g) For sources of volatile organic compounds not covered ~~under~~ by the methods specified in Paragraphs (b) through
36 (e) of this Rule, one of the applicable test methods in Appendix M ~~in~~to 40 CFR Part 51 or Appendix A ~~in~~to 40 CFR
37 Part 60 shall be used to determine compliance with volatile organic compound emission standards.

(h) Compounds excluded from the definition of volatile organic compound ~~under Rule .0901 of this Subchapter in~~
15A NCAC 02D .0901 shall be treated as water.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);
Eff. June 1, ~~2008~~ 2008;
Readopted Eff. November 1, 2019.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2614

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), consider: "This Rule shall apply . . ."

In (b)(1), are you referring to .2613(a) of this Section? If you are referring to a specific rule, please add a cross reference.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2614 is readopted as published in 33:20 NCR 2048 as follows:

2
3 **15A NCAC 02D .2614 DETERMINATION OF VOC EMISSION CONTROL SYSTEM EFFICIENCY**

4 (a) The provisions of this Rule ~~are~~ shall be applicable to any test method employed to determine the ~~collection-capture~~
5 or control efficiency of any device or system designed, installed, and operated for the purpose of reducing volatile
6 organic compound emissions.

7 (b) The control efficiency of volatile organic compound emission control systems shall be determined using the
8 following procedures shall be used to determine efficiency: procedures:

9 (1) The volatile organic compound containing material shall be sampled and analyzed using the
10 procedures contained in this Section.

11 (2) Samples of the gas stream containing volatile organic compounds shall be taken simultaneously at
12 the inlet and outlet of the emissions control device.

13 (3) The efficiency of the control device shall be expressed as ~~the fraction a percent of the total~~
14 ~~combustible carbon content reduction achieved.~~

15 (4) ~~The volatile organic compound mass emission rate shall be the sum of emissions from the control~~
16 ~~device and emissions not collected by the capture system.~~

17 (c) The volatile organic compound mass emission rate shall be the sum of emissions from the control device and the
18 emissions not collected by the capture system.

19 ~~(e)(d) Capture efficiency performance of volatile organic compound emission control systems shall be determined~~
20 ~~using the EPA recommended capture efficiency protocols and test methods as described in the EPA document, EMTIC~~
21 ~~GD-035, "Guidelines for Determining Capture Efficiency." This document is hereby incorporated by reference~~
22 ~~including subsequent amendments or editions. A copy of the referenced materials may be obtained free of charge via~~
23 ~~the Internet from the EPA TTN website at <http://www3.epa.gov/ttn/emc/guidlnd/gd-036.pdf>.~~

24 ~~(d) The EPA document, EMTIC GD-035, "Guidelines for Determining Capture Efficiency" cited in this Rule is~~
25 ~~hereby incorporated by reference including any subsequent amendments or editions. A copy of the referenced~~
26 ~~materials may be obtained free of charge via the Internet from the EPA TTN website at~~
27 ~~<http://www.epa.gov/ttn/emc/guidlnd.html>.~~

28
29 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.68; 143-215.107(a)(5);*

30 *Eff. June 1, 2008-2008;*

31 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2616

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (1), is "stacks" defined?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2616 is readopted as published in 33:20 NCR 2048-2049 as follows:

2
3 **15A NCAC 02D .2616 FLUORIDES**

4 The procedures for determining compliance with fluoride emissions standards shall be ~~by-completed~~ using:

- 5 (1) Method 13A or 13B of Appendix A ~~of to~~ 40 CFR Part 60 for ~~sampling-determining~~ sampling-determining total fluoride
6 emissions from stacks; or
7 (2) Method 14 of Appendix A ~~of to~~ 40 CFR Part 60 for ~~sampling-determining~~ sampling-determining total fluoride emissions
8 from roof monitors not employing stacks or pollutant collection systems; or
9 (3) Method 26 or Method 26A of Appendix A to 40 CFR Part 60 for determining hydrogen halide and
10 halogen emissions.

11
12 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

13 *Eff. June 1, 2008. ~~2008~~.*

14 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2617

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), what do you mean by "federal subparts?" Do you mean "federal regulations?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2617 is readopted as published in 33:20 NCR 2049 as follows:

2
3 **15A NCAC 02D .2617 TOTAL REDUCED SULFUR**

4 (a) Method 16 of Appendix A ~~of~~ to 40 CFR Part 60 or Method 16A of Appendix A ~~of~~ to 40 CFR Part 60 shall be
5 used to ~~show~~ determine emission rates and compliance with total reduced sulfur emission standards.

6 (b) Method 15 of Appendix A ~~of~~ to 40 CFR Part 60 may be used as an alternative method to determine total reduced
7 sulfur emissions from tail gas control units of sulfur recovery plants, hydrogen sulfide in fuel gas for fuel gas
8 combustion devices, and ~~where~~ if specified in other applicable federal subparts.

9
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

11 *Eff. June 1, 2008-2008;*

12 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2618

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (3), please add "Part" after "CFR."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2618 is readopted as published in 33:20 NCR 2049 as follows:

2
3 **15A NCAC 02D .2618 MERCURY**

4 ~~Method 101 or 102 of Appendix b of 40 CFR Part 61 shall be used to show compliance with mercury emission~~
5 ~~standards.~~

6 The procedures for determining compliance with mercury emission standards shall be performed using one of the
7 following methods:

- 8 (1) Method 29 of Appendix A to 40 CFR Part 60;
- 9 (2) Method 30A of Appendix A to 40 CFR Part 60;
- 10 (3) Method 30B of Appendix A to 40 CFR 60;
- 11 (4) Method 101 of Appendix B to 40 CFR Part 61;
- 12 (5) Method 101A of Appendix B to 40 CFR Part 61; or
- 13 (6) Method 102 of Appendix B to 40 CFR Part 61.

14
15 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*
16 *Eff. June 1, 2008-2008;*
17 *Readopted Eff. November 1, 2019.*
18
19

1 15A NCAC 02D .2619 is readopted as published in 33:20 NCR 2049 as follows:

2
3 **15A NCAC 02D .2619 ARSENIC, BERYLLIUM, CADMIUM, HEXAVALENT CHROMIUM**

4 (a) Method 29 of Appendix A to 40 CFR Part 60 of Appendix A shall be used to show compliance for arsenic,
5 beryllium, cadmium, and hexavalent chromium metals emission standards.

6 (b) ~~SW-846~~ SW-846 Test Method 3060 shall be used for the analysis to differentiate hexavalent chromium from total
7 chromium. ~~The EPA publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,"~~
8 ~~cited in this Rule is hereby incorporated by reference including any subsequent amendments or editions. A copy of~~
9 ~~chapters, methods, and supporting documents for the EPA publication SW-846, "Test Methods for Evaluating Solid~~
10 ~~Waste, Physical/Chemical Methods," SW-846 may be obtained free of charge via the Internet from the EPA website~~
11 ~~at <http://www.epa.gov/epaoswer/hazwaste/test/sw846.htm>.~~ <http://www.epa.gov/hw-sw846/sw-846-compendium>.

12
13 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

14 *Eff. June 1, 2008-2008;*

15 *Readopted Eff. November 1, 2019.*

1 15A NCAC 02D .2620 is readopted as published in 33:20 NCR 2049 as follows:

2
3 **15A NCAC 02D .2620 DIOXINS AND FURANS**

4 Method 23 of Appendix A of 40 CFR Part 60 shall be used to ~~show~~ determine emission rates and compliance with
5 polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans emission standards.

6
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*

8 *Eff. June 1, ~~2008~~ 2008;*

9 *Readopted Eff. November 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2621

DEADLINE FOR RECEIPT: October 11, 2019

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), is "BTU" or "Btu" correct? Rules .0607 and .0608 use "BTU." Rule .0209 uses "Btu." Please review and revise for consistency.

In (a), line 7, do you mean "may" or "shall?"

At line 7, under what circumstances are other procedures appropriate? How is this determination made? Are a set of factors considered?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: September 27, 2019

1 15A NCAC 02D .2621 is readopted as published in 33:20 NCR 2049 as follows:

2
3 **15A NCAC 02D .2621 DETERMINATION OF ~~FUEL HEAT CONTENT USING F FACTOR~~**
4 **POLLUTANT EMISSIONS USING THE F FACTOR**

5 (a) ~~Emission rates~~ Emissions for wood or fuel burning sources ~~that are~~ expressed in units of pounds per million ~~BTU~~
6 Btu shall be determined by the ~~"Oxygen-Based"~~ "Oxygen-Based F Factor Procedure" described in Section ~~5-12.2.1~~ of
7 Method 19 of Appendix A ~~of to~~ 40 CFR Part 60. Other procedures described in Method 19 may be used if appropriate.
8 ~~To provide data of sufficient accuracy for use with the F factor methods, an integrated (bag) sample shall be taken for~~
9 ~~the duration of each test run. For simultaneous testing of multiple ducts, there shall be a separate bag sample for each~~
10 ~~sampling train. The bag sample shall be analyzed with an Orsat analyzer by Method 3 of Appendix A of 40 CFR Part~~
11 ~~60. (The number of analyses and the tolerance between analyses are specified in Method 3.) The specifications stated~~
12 ~~in Method 3 for the construction and operation of the bag sampling apparatus shall be followed.~~

13 (b) A continuous oxygen (O₂) ~~and or~~ carbon dioxide (CO₂) ~~monitor under analyzer meeting the requirements of~~
14 ~~Method 3E-3A~~ of Appendix A ~~of to~~ 40 CFR Part 60 may be used if the average of all values during the run are used
15 ~~to compute~~ determine the average O₂ or CO₂ concentrations.

16 (c) If the continuous monitor method in Paragraph (b) of this Rule is not used, an integrated bag sample shall be taken
17 for the duration of each test run. For simultaneous testing of multiple ducts, there shall be a separate bag sample for
18 each sampling train. Each bag sample shall be analyzed with an Orsat analyzer by Method 3 of Appendix A to 40
19 CFR Part 60. The specifications stated in Method 3 for the construction and operation of the bag sampling apparatus
20 shall be followed.

21 ~~(e)(d)~~ The Director may approve shall review the use of alternative methods according to ~~Rule 15A NCAC 02D .2602~~
22 ~~.2601(e) of this Section if~~ and shall approve them if they meet the requirements of Method 3 of Appendix A ~~of to~~ 40
23 CFR Part 60.

24
25 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);*
26 *Eff. June 1, 2008-2008;*
27 *Readopted Eff. November 1, 2019.*
28
29