

G.S. 150B-21.3A Report for 15A NCAC Chapter 02Q, AIR QUALITY PERMITS PROCEDURES									
Agency - Environmental Management Commission									
Comment Period - March 13, 2015 - June 19, 2015									
Date Submitted to APO - Filled in by RRC staff									
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES	SECTION .0100 - GENERAL PROVISIONS	15A NCAC 02Q .0101	REQUIRED AIR QUALITY PERMITS	Amended Eff. January 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	Yes	Necessary with substantive public interest
		15A NCAC 02Q .0102	ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS	Amended Eff. May 1, 2013	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0103	DEFINITIONS	Amended Eff. January 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0104	WHERE TO OBTAIN AND FILE PERMIT APPLICATIONS	Amended Eff. January 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0105	COPIES OF REFERENCED DOCUMENTS	Amended Eff. December 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0106	INCORPORATION BY REFERENCE	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0107	CONFIDENTIAL INFORMATION	Amended Eff. April 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0108	DELEGATION OF AUTHORITY	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0109	COMPLIANCE SCHEDULE FOR PREVIOUSLY EXEMPTED ACTIVITIES	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0110	RETENTION OF PERMIT AT PERMITTED FACILITY	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0111	APPLICABILITY DETERMINATIONS	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0112	APPLICATIONS REQUIRING PROFESSIONAL ENGINEER SEAL	Eff. February 1, 1995	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0113	NOTIFICATION IN AREAS WITHOUT ZONING	Eff. April 1, 2004	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	SECTION .0200 - PERMIT FEES	15A NCAC 02Q .0201	APPLICABILITY	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0202	DEFINITIONS	Amended Eff. April 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest

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		15A NCAC 02Q .0203	PERMIT AND APPLICATION FEES	Amended Eff. January 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0204	INFLATION ADJUSTMENT	Amended Eff. March 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0205	OTHER ADJUSTMENTS	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0206	PAYMENT OF FEES	Amended Eff. September 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0207	ANNUAL EMISSIONS REPORTING	Amended Eff. July 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
	SECTION .0300 - CONSTRUCTION AND OPERATION PERMITS	15A NCAC 02Q .0301	APPLICABILITY	Amended Eff. December 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0302	FACILITIES NOT LIKELY TO CONTRAVENE DEMONSTRATION DEFINITIONS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0303		Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0304	APPLICATIONS	Amended Eff. September 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	Yes	Necessary with substantive public interest
		15A NCAC 02Q .0305	APPLICATION SUBMITTAL CONTENT	Amended Eff. December 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0306	PERMITS REQUIRING PUBLIC PARTICIPATION	Amended Eff. September 1, 2010	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0307	PUBLIC PARTICIPATION PROCEDURES	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0308	FINAL ACTION ON PERMIT APPLICATIONS	Eff. January 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0309	TERMINATION, MODIFICATION AND REVOCATION OF PERMITS	Amended Eff. July 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0310	PERMITTING OF NUMEROUS SIMILAR FACILITIES	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest

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		15A NCAC 02Q .0311	PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES	Amended Eff. July 1, 1996	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0312	APPLICATION PROCESSING SCHEDULE	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0313	EXPEDITED APPLICATION PROCESSING SCHEDULE	Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0314	GENERAL PERMIT REQUIREMENTS	Eff. July 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0315	SYNTHETIC MINOR FACILITIES	Eff. July 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0316	ADMINISTRATIVE PERMIT AMENDMENTS	Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0317	AVOIDANCE CONDITIONS	Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0401	PURPOSE AND APPLICABILITY	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title IV, Part 70, 72, 76	No	Necessary with substantive public interest
		15A NCAC 02Q .0402	ACID RAIN PERMITTING PROCEDURES	Amended Eff. April 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title IV, Part 70, 72, 76	No	Necessary with substantive public interest
	SECTION .0500 - TITLE V PROCEDURES	15A NCAC 02Q .0501	PURPOSE OF SECTION AND REQUIREMENT FOR A PERMIT	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0502	APPLICABILITY	Amended Eff. September 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0503	DEFINITIONS	Amended Eff. January 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0504	OPTION FOR OBTAINING CONSTRUCTION AND OPERATION PERMIT	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0505	APPLICATION SUBMITTAL CONTENT	Amended Eff. April 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0507	APPLICATION	Amended Eff. September 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest

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		15A NCAC 02Q .0508	PERMIT CONTENT	Amended Eff. August 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0509	PERMITTING OF NUMEROUS SIMILAR FACILITIES	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0510	PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0512	PERMIT SHIELD AND APPLICATION SHIELD	Amended Eff. July 1, 1997	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0513	PERMIT RENEWAL AND EXPIRATION	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0514	ADMINISTRATIVE PERMIT AMENDMENTS	Amended Eff. January 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0515	MINOR PERMIT MODIFICATIONS	Amended Eff. July 1, 1997	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0516	SIGNIFICANT PERMIT MODIFICATION	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0517	REOPENING FOR CAUSE	Amended Eff. July 1, 1997	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0518	FINAL ACTION	Amended Eff. January 1, 2010	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0519	TERMINATION, MODIFICATION, REVOCATION OF PERMITS	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0520	CERTIFICATION BY RESPONSIBLE OFFICIAL	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0521	PUBLIC PARTICIPATION	Amended Eff. January 1, 2010	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0522	REVIEW BY EPA AND AFFECTED STATES	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0523	CHANGES NOT REQUIRING PERMIT REVISIONS	Amended Eff. June 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest

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		15A NCAC 02Q .0524	OWNERSHIP CHANGE	Eff. July 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0525	APPLICATION PROCESSING SCHEDULE	Amended Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0526	112(j) CASE-BY-CASE MACT PROCEDURES	Amended Eff. February 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0527	EXPEDITED APPLICATION PROCESSING SCHEDULE	Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
		15A NCAC 02Q .0528	112(G) CASE-BY-CASE MACT PROCEDURES	Eff. July 1, 1998	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Title V, 40 CFR Part 70	No	Necessary with substantive public interest
	SECTION .0700 – TOXIC AIR POLLUTANT PROCEDURES	15A NCAC 02Q .0701	APPLICABILITY	Amended Eff. May 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0702	EXEMPTIONS	Amended Eff. May 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0703	DEFINITIONS	Amended Eff. May 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0704	NEW FACILITIES	Amended Eff. May 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0706	MODIFICATIONS	Amended Eff. May 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0707	PREVIOUSLY PERMITTED FACILITIES	Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0708	COMPLIANCE SCHEDULE FOR PREVIOUSLY UNKNOWN TOXIC AIR POLLUTANT EMISSIONS	Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0709	DEMONSTRATIONS	Amended Eff. May 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0710	PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC HEARING	Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0711	EMISSION RATES REQUIRING A PERMIT	Amended Eff. May 1, 2015	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0712	CALLS BY THE DIRECTOR	Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0713	POLLUTANTS WITH OTHERWISE APPLICABLE FEDERAL STANDARDS OR REQUIREMENTS	Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		15A NCAC 02Q .0801	PURPOSE AND SCOPE	Amended Eff. April 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest

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		15A NCAC 02Q .0802	GASOLINE SERVICE STATIONS AND DISPENSING FACILITIES	Eff. August 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0803	COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0804	DRY CLEANING FACILITIES	Eff. August 1, 1995	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0805	GRAIN ELEVATORS	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0806	COTTON GINS	Amended Eff. June 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0807	EMERGENCY GENERATORS	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0808	PEAK SHAVING GENERATORS	Amended Eff. December 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0809	CONCRETE BATCH PLANTS	Eff. June 1, 2004	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0810	AIR CURTAIN BURNERS	Eff. December 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
	SECTION .0900 – PERMIT EXEMPTIONS	15A NCAC 02Q .0901	PURPOSE AND SCOPE	Eff. January 1, 2005	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0902	TEMPORARY CRUSHERS	Amended Eff. August 1, 2012	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest
		15A NCAC 02Q .0903	EMERGENCY GENERATORS	Eff. June 1, 2008	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	CAA Section 110	No	Necessary with substantive public interest

From: [Burleson, Joelle](#)
To: [Everett, Jennifer](#)
Subject: FW: Comments on 02D and 02Q rules categorization
Date: Thursday, June 18, 2015 10:42:17 AM

fyi

Joelle Burleson, EIT, CPM, Supervisor
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From: Allen Hardison [mailto:allenhardison1@gmail.com]
Sent: Thursday, June 18, 2015 10:41 AM
To: Burleson, Joelle
Cc: 'Leonard E. "Butch" Joyce'
Subject: Comments on 02D and 02Q rules categorization

Ms. Burleson:

I hope you are doing well. I was pleased to meet you at the EMC committee meetings a few weeks back. As I indicated at the time and in emails, I am working with Joyce Engineering , Inc. on a project for the North Carolina chapter of the National Waste and Recycling Association to monitor and provide assistance in the Periodic Review of Existing Rules.

The legislative committee of the chapter, that also deals with administrative rules and other regulatory issues, has reviewed the categories of the 15 NCAC 02D and 15 NCAC 02Q rules as published on the Office of Administrative Hearings' website. We concur with the categorizations of the rules as presented.

We look forward to a continued engagement with the Division as the rules move forward to the re-adoption stage.

Regards,

Allen Hardison
Regulatory Consultant
Joyce Engineering, Inc.

15A NCAC 02Q Air Quality Permit Procedures

15A NCAC 02Q .0101 REQUIRED AIR QUALITY PERMITS

Commenter Name: Elbert HAMRICK

Email: bigwoodman@charter.net

Zip: 28326

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Necessary without substantive public interest

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: First of all a person should have to obtain a permit anytime they open burn. Second they should only be permitted to open burn 2 times a yr. Third if they are a nuisance to their neighbor they should not be allowed to burn at all.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

15A NCAC 02Q .0113 NOTIFICATION IN AREAS WITHOUT ZONING

Commenter Name: Not Available

Company/Organization: Not Available

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Complicated – This bureaucratic exercise is prone to error. Signs frequently do not conform to the exacting requirements of the rule. This is hard to enforce and often goes unnoticed. This could cause vulnerability to lawsuits even years after the permit is issued.

Unnecessary – All applications are posted on the DAQ website and some are noticed in the paper. Technology has obviated the need for such measures.

Unique – No other division, to the best of my knowledge, has similar requirements.

Protracting – This process creates an initial hurdle that requires extra time and capital and could derail the creation of jobs before the permit can even be issued.

Usurping – This process creates pseudo-zoning requirements, thereby usurping municipal authority.

Contestable – The regulatory authority cited is G.S. 143-215.108. No reference to areas without zoning can be found in this statute. Furthermore, this statute existed for over a decade without anyone finding authority over areas without zoning.

Costly – The cost of a public notice often exceeds the fee collected to do an engineering review of the application.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

15A NCAC 02Q .0304 APPLICATIONS

Commenter Name: Not Available

Company/Organization: Not Available

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: This objection is to the necessity of (b)(1) and (2) only.

(b)(1) Areas with zoning

Complicated – This bureaucratic paperwork exercise is one of the more complicated aspects of filing a permit application. It is easy to make a mistake. Some mistakes have no significant bearing on the permit application but can destroy the chances for creating new jobs none-the-less.

Unnecessary – All applications are posted on the DAQ website and some are noticed in the paper. Technology has obviated the need for such measures.

Irrelevant – Failure to follow zoning will still result in the issuance of a permit.

Unique – No other division, to the best of my knowledge, has similar requirements.

Protracting – A particularly expeditious permit that would otherwise be issued must wait for 15 days to hear from the municipality, even though it will be issued no matter what that response is.

(b)(2) Areas without zoning

Complicated – This bureaucratic exercise is prone to error. Signs frequently do not conform to the exacting requirements of the rule. This is hard to enforce and often goes unnoticed. This could cause vulnerability to lawsuits even years after the permit is issued.

Unnecessary – All applications are posted on the DAQ website and some are noticed in the paper. Technology has obviated the need for such measures.

Unique – No other division, to the best of my knowledge, has similar requirements.

Protracting – This process creates an initial hurdle that requires extra time and capital and could derail the creation of jobs before the permit can even be issued.

Usurping – This process creates pseudo-zoning requirements, thereby usurping municipal authority.

Contestable – The regulatory authority cited is G.S. 143-215.108. No reference to areas without zoning can be found in this statute. Furthermore, this statute existed for over a decade without anyone finding authority over areas without zoning.

Costly – The cost of a public notice often exceeds the fee collected to do an engineering review of the application.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

General Comments on 15A NCAC Chapter 02Q

Commenter Name: Allen Hardison

Company/Organization: Joyce Engineering, Inc./North Carolina Chapter of the National Waste and Recycling Association

Comment received in email:

I hope you are doing well. I was pleased to meet you at the EMC committee meetings a few weeks back. As I indicated at the time and in emails, I am working with Joyce Engineering , Inc. on a project for the North Carolina chapter of the National Waste and Recycling Association to monitor and provide assistance in the Periodic Review of Existing Rules.

The legislative committee of the chapter, that also deals with administrative rules and other regulatory issues, has reviewed the categories of the 15 NCAC 02D and 15 NCAC 02Q rules as published on the Office of Administrative Hearings' website. We concur with the categorizations of the rules as presented.

We look forward to a continued engagement with the Division as the rules move forward to the re-adoption stage.

Agency Response:

The agency has no selected determination for general comments. Comments will be considered during Commission discussion related to the rule readoption process.