

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 - December 21, 2015

| 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)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|---|--|--------------------|--|---|--|---|-----------------------------|--|--|---|--|---------------------|
| 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 | RRC not required to review comment(s) | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | RRC not required to review comment(s) | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |

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 - December 21, 2015

| 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)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|------------|---|--------------------|--|---|--|---|-------------------------------|--|--|---|--|---------------------|
| | | 15A NCAC 02Q .0302 | FACILITIES NOT LIKELY TO CONTRAVENE DEMONSTRATION | Amended Eff. July 1, 1998 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0303 | DEFINITIONS | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | RRC not required to review comment(s) | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |

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| 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)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
|------------|---|--------------------|--|---|--|---|-----------------------------|--|--|---|--|---------------------|
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0702 | EXEMPTIONS | Amended Eff. May 1, 2014 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |

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|------------|---|--------------------|--|---|--|---|-----------------------------|--|--|---|--|---------------------|
| | | 15A NCAC 02Q .0703 | DEFINITIONS | Amended Eff. May 1, 2014 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0704 | NEW FACILITIES | Amended Eff. May 1, 2014 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0706 | MODIFICATIONS | Amended Eff. May 1, 2014 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0707 | PREVIOUSLY PERMITTED FACILITIES | Eff. July 1, 1998 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0709 | DEMONSTRATIONS | Amended Eff. May 1, 2014 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 15A NCAC 02Q .0712 | CALLS BY THE DIRECTOR | Eff. July 1, 1998 | Necessary with substantive public interest | No | | No | Necessary with substantive public interest | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | SECTION .0800 - EXCLUSIONARY RULES | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |
| | | 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 | No comments with merit | Necessary with substantive public interest and must be readopted | Agency must readopt |

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
Planning Section, Rules Development Branch
NC DENR, Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641
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joelle.burleson@ncdenr.gov

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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 there 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.