REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: Both Rules

DEADLINE FOR RECEIPT: **Friday, August 9, 2013**

***NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On both Submission for Permanent Rule forms, the Commission states that OSBM certified the Rules on July 16, 2013.*

*As G.S. 150B-19.1 requires certification prior to publication, I want to ensure that the Rules were certified before publication (it appears to be October 10, 2012, from the Notice of Text), and then were reviewed by OSBM after publication and re-certified. Is this correct?*

*If so, please include that date on the forms.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0530

DEADLINE FOR RECEIPT: **Friday, August 9, 2013**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In Paragraph (b), line 6, I suggest you insert commas after “Rule” and “apply.”*

*In (b)(1)(A), line 18, I take it your regulated public knows what “normal source operation” means? Is it the normal operation of a “source” defined by 40 CFR 51.166(b)?*

*Further, does your regulated public know what “fugitive emissions” in (b)(1)(A)(i) is?*

*In (b)(1)(A)(iii), line 32, “Part” should be capitalized. Further, I take it you mean Part 63 in Title 40?*

*In (b)(1)(B), I believe you could break this into two sentences, ending the first after “zero”, and beginning the second with “Thereafter, for all other purposes…” Further, I assume that the item referenced on line 12 is the baseline actual emissions. Is this correct?*

*In (b)(4), line 24, it might be helpful to insert “(SO2)” after sulfur dioxide and “(NOX)” after nitrogen oxides, especially since the chemical formula alone is used in Paragraph (h).*

*Further in (b)(4), line 24, should the term “precursor” be “precursors”?*

*In Paragraph (c), please insert a comma after “Class II.” Please remove the “that” on line 27. I’d state, “except the following areas, which are designated as Class I:”*

*In (d), line 35, remove the comma after “Class III.”*

*In (d), as I understand it, the state will be the only actor submitting the redesignation request to the EPA. Are you saying on lines 35 and 36 that the state will not submit a request if it would violate the restrictions of 40 CFR 51.166(e)?*

*In Paragraph (e), for my clarification, there are no Class III designations in this State at this time, correct?*

*In Paragraph (g), I believe the references on lines 7 and 8 should be “40 CFR 51.166(a)(7) and (i).”*

*In Paragraph (g), why do you state, “by extension”? I don’t see the references to these sections in (a)(7) or (i).*

*On page 2, line 9, please remove the space between “52.21” and “(i)(11)(i)”*

*In Paragraph (h), remove the extra space in “G.S.” on line 18.*

*In Paragraph (i), do you believe spelling out “plant wide applicability limit” is needed on line 22, as the acronym is spelled out on Page 2, line 14?*

*In Paragraph (q), line 12, I believe the “if” before “the Director” is unnecessary.*

*In Paragraph (q), you state that the variances in the table are based upon 40 CFR 51.166(p)(4). However, the May 2008 version of the regulation that I have only includes the PM10, not the PM2.5. Please clarify this usage for me. (As an aside, I see this reflected in the current version of the regulation [40 CFR 51.166(o)(4)].) Please note the same question for Paragraph (v) of this Rule.*

*In Paragraph (r), I take it the Division will notify the applicants if the application is complete?*

*In Subparagraph (t)(2), insert a comma after “area” on line 29, page 4. On Page 5, line 2 of the same Subparagraph, insert a comma after “application.”*

*On Page 5, line 1, is the sentence supposed to be “notice shall be given/made”?*

*In Subparagraph (t)(3), lines 6 and 8, please change “his” to “his or her.”*

*I take it the regulated public and Federal Land Manager are aware of what the Director will need from an analysis to demonstrate to the Director’s satisfaction there will be an adverse impact on visibility?*

*In (t)(3), line 8, I believe the comma after “application” is unnecessary.*

*In Paragraph (u), line 22, please insert a comma after “calculations.”*

*In Paragraph (u), line 24, it seems the “then” before “the Director” is unnecessary.*

*In Paragraph (u), line 25, change “it” to “he or she.”*

*Please capitalize “Rule” on line 26 and “Director” on line 30.*

*On page 5, line 27, please insert a comma after “modifications.”*

*On line 4 of page 6, please insert that the publication may be accessed free of charge.*

*Please fix the spacing on line 4 for the deleted language.*

*G.S. 150B-21.6 requires the agency to maintain a copy of the material incorporated by reference. As the link within the Paragraph is to the Federal Register, which explains the changes but does not contain the actual full regulation text, I trust you have the full text available for public inspection.*

*I do not believe you need the reference to G.S. 150B-21.6 in the History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0531

DEADLINE FOR RECEIPT: **Friday, August 9, 2013**

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*In Paragraph (a), line 4, I suggest you insert commas after “Rule” and “apply.”*

*In (a)(1)(A)(iii), line 30, “Part” should be capitalized. Further, I take it you mean Part 63 in Title 40?*

*In (a)(1)(A)(iv), the last sentence on Page 2, lines 1-2, seems to be incomplete. Should it read, “A different consecutive 24-month period for each regulated NSR pollutant can be used for each regulated NSR pollutant;” as in Rule 02D .0531?*

*In (a)(1)(B), I believe you could break this into two sentences, ending the first after “zero”, and beginning the second with “Thereafter, for all other purposes…” Further, I assume that the item referenced on line 9 is the baseline actual emissions. Is this correct?*

*In (a)(3), line 20, it might be helpful to insert “(SO2)” after sulfur dioxide and “(NOX)” after nitrogen oxides, especially since the chemical formula alone is used in Paragraph (g).*

*Further in (a)(3), line 20, should the term “precursor” be “precursors”?*

*In (f)(3), are you saying that a new major source will always be accompanied by a new minor source?*

*In (f)(3), how does the Director determine that the owner or operator will obtain the sufficient emissions reductions in lines 16-21?*

*Further in (f)(3), is there a definition of “reasonable further progress” on lines 25 and 26? If not, does your regulated public know what this means?*

*Is the source required to meet the requirement in (f)(4)? Is it something the source will need to prove, or is this something the Director will consider on his or her own accord, along with (f)(1) through (f)(3)?*

*In Paragraph (k), please move the period after “Director” into the quotation marks.*

*In (m)(2), is there a timeframe for the owner or operator to submit the analysis to the Director? (It does go to the Director, rather than the Federal Land Manager, correct?)*

*Pleas insert a comma after “area” in (m)(3), line 24.*

*On line 27, I think you should insert “made” or “given” after “shall be”.*

*On line 28, please insert a comma after “application.”*

*Is the analysis on line 28 the analysis required in (m)(2)? If so, why not state, “the analysis required by Subparagraph (m)(2)”?*

*In (m)(4), I take it the Federal Land Manager and the regulated public knows what will “fail to demonstrate the Director’s satisfaction”?*

*Please change “his” on lines 32 and 34 to “his or her.”*

*Please remove the comma after “application” on line 34.*

*In (m)(6), are you saying the Director can require the source to conduct the monitoring of the visibility around the source?*

*Please capitalize “Director” in (n), lines 11 and 28.*

*In (n)(5), please insert a comma after “calculations”*

*I think the “then” on Page 5, line 22 is unnecessary.*

*In (n), lines 24 and 25, I believe you should insert commas after “year” and “years” (and be consistent with Rule 02D .0530(u), which uses the same language.)*

*In Paragraph (o), please tell people where they can find the CFR and the cost to access it as required by G.S. 150B-21.6.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.