

Agenda Item: 15-09 Hearing Officer's Report on Clerical Revision to 15A NCAC 02Q .0711 (526)

Explanation:

A public hearing was held in Raleigh, NC on December 3, 2014, to take public comments on an amendment to Rule 15A NCAC 02Q. 0711 to make clerical revisions to toxic air pollutant permitting emission rates (TPER) for unobstructed and vertically oriented emission release points. Ms. Robin Barrows, Division of Air Quality Allied Programs Branch Supervisor, was appointed and acted as the hearing officer for this hearing.

Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 Environmental Management Commission meeting. One of the amendments was to Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit, which added an additional set of TPERs that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented.

Staff identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants, the TPER values were inadvertently omitted. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants. Rule 15A NCAC 02Q .0711 is proposed to be revised to update the TPERs in Paragraph (b) for these three toxic air pollutants.

There were not any comments received on the proposed rule during the public comment period. No changes were made to the proposed rule as presented in Chapter IV of the hearing record.

Recommendation:

The Hearing Officer recommends that the proposed amendment as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.