

**NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION  
PUBLIC NOTICE**

Notice is hereby given for public comment to be received by the North Carolina Department of Environmental Quality, Division of Air Quality, concerning the proposed adoption of and amendment to air quality rules.

**PURPOSE:** To receive comments on the adoption of the Large Non-Electric Generating Units and NOx SIP Call Budget rules and amendments to the Definition and Applicability rules. Also, to receive comment on the accompanying regulatory impact analysis for the proposed adoptions and amendments.

**BACKGROUND:** On March 8, 2019 (84 FR 8422), the Environmental Protection Agency (EPA) finalized the NOx SIP Alternative Monitoring Rule providing states with flexibility to allow large non-Electric Generating Units (EGU) subject to the NOx SIP Call to use monitoring methods other than a Continuous Emissions Monitoring System (CEMS) to demonstrate compliance with the state's NOx SIP Call budget. During the 2020 rule readoption process for Group 6, the existing Paragraph (j) of 15A NCAC 02D .1404 allowed facilities to use alternative monitoring in compliance of the NOx SIP Call budget, at the time it was believed this was sufficient to comply with the EPA's rule. Based on consultation with the EPA, the Division of Air Quality (DAQ) determined the existing Paragraph (j) of 15A NCAC 02D .1404 does not fulfill the requirements specified in the EPA's NOx SIP Call Alternative Monitoring Rule for large non-EGUs, therefore North Carolina DAQ requested the Environmental Management Commissions (EMC) to amend existing rules (15A NCAC 02D .1401, .1402) and adopt new rules (15A NCAC 02D .1424, .1425) to fully implement the monitoring flexibility offered by EPA. On September 9, 2021, the EMC approved proceeding to public comment.

The proposed rulemaking adopts new and amends the existing 15A NCAC 02D.1400 rules to incorporate the NOx SIP Call statewide ozone season budgets for EGUs and large non-EGUs to satisfy the anti-backsliding requirements of 40 CFR Part 51. Actual ozone season NOx emissions associated with the impacted EGUs and large non-EGUs are below their respective emission budgets and this action is not expected to require any additional NOx controls. It is also recommended the 15A NCAC 02D .1400 rules be revised to provide large non-EGUs subject the NOx SIP Call the option to use non-CEMS alternative methods to track NOx emissions reported to North Carolina DAQ used to demonstrate to the EPA compliance with the statewide budget. Adoption of the alternative monitoring requirements potentially reduce the regulatory burden for some owners or operators of large industrial boilers, satisfy the anti-backsliding requirements of 40 CFR Part 51 relative to the state budgets, and facilitate clean-up and synchronization of the approved state and federal requirements. Related clarifications and/or cross reference adjustments are included. On September 9, 2021, the Environmental Management Commission (EMC) approved proceeding to public comment on the NOx SIP Call Rules and fiscal note.

There are a total of four rules going to public comment: 15A NCAC 02D .1401, .1402, .1424, and .1425.

15A NCAC 02D .1401, Definitions. This rule is proposed for amendment to add clarity and consistency for the definitions of "EGU", "Large non-EGU", and "NOx SIP Call control period."

15A NCAC 02D .1402, Applicability. This rule is proposed for amendment to add clarity and consistency by updating the rule references for applicability.

15A NCAC 02D .1424, Large Non-Electric Generating Units. This rule is proposed for adoption to specify the monitoring, recordkeeping, and reporting for permitted facilities with large non-EGUs that opt to implement alternative monitoring to the 40 CFR Part 75 monitoring requirements. The rule outlines specific methodology for facilities to implement to qualify for the alternative monitoring approach.

15A NCAC 02D .1425, NOx Call SIP Budget. This rule is proposed for adoption to directly incorporate the statewide NOx SIP Call Budgets and the reporting requirements of affected facilities with EGUs.

DATE AND  
LOCATION:

December 1, 2021, 6:00 PM

A virtual public hearing will be held by webinar using Cisco WebEx, Digital Hearing Link as posted on DAQ's Rules in the Hearing Process page as follows:

<https://bit.ly/3oDLv7T>, Event password: NCDAQ

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.

US TOLL +1-415-655-0003, Access code: 2438 351 6868

\*If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 4:00 PM on December 1, 2021. To register, please click the following link: <https://bit.ly/3v0EoI9>

\*For instructions on ways to join the public hearing, please refer to the following link:

<https://files.nc.gov/ncdeq/Air%20Quality/rules/hearing/instructions-on-ways-to-join-webex.pdf>, <https://www.webex.com/test-meeting.html>

COMMENT  
PROCEDURES:

All persons interested in these matters are invited to attend the public hearing **Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing.** Please note that the hearing officer may limit the length of oral presentations if many people wish to speak. The public comment period is open beginning October 15, 2021, through December 14, 2021. To be included in the hearing record, all comments must be postmarked, emailed, or received by the Division (if delivering in person) no later than December 14, 2021.

INFORMATION:

Copies of the proposed rule changes may be downloaded

<http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>.

Copies of the proposals may also be reviewed at the regional offices of the North Carolina Department of Environmental Quality, Division of Air Quality, located at the following cities:

Asheville	(828) 296-4500
Fayetteville	(910) 433-3300
Mooreville	(704) 663-1699
Raleigh	(919) 791-4200
Washington	(252) 946-6481
Wilmington	(910) 796-7215
Winston-Salem	(336) 776-9800

Comments should be submitted to; and additional information concerning the hearing, or the proposals may be obtained by contacting:

Mr. Patrick Knowlson  
Division of Air Quality  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641  
(919) 707-8711 Phone  
(919) 715-0717 Fax (Please address it to "**Patrick Knowlson**")  
[daq.publiccomments@ncdenr.gov](mailto:daq.publiccomments@ncdenr.gov)  
(Please type "**NOx SIP Call**" in the subject line)

\*If you have technical difficulties, the following automated voicemail has been set up to receive your verbal comments: 919-707-8403

Si necesita esta información en español, comuníquese con Carolina llamando al 919-609-2189 o enviando un correo electrónico [Guadalupe.jimenez@ncdenr.gov](mailto:Guadalupe.jimenez@ncdenr.gov)

DATE: \_\_\_\_\_

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Michael A. Abraczinskas, DAQ Director