



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

SHEILA C. HOLMAN
Director

December 9, 2016

Heather McTeer Toney
Regional Administrator
U.S. Environmental Protection Agency, Region 4
Sam Nunn Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Subject: Request for Delegation of Federal Plan 40 CFR 62 Subpart LLL – Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010

Dear Ms. Toney:

Enclosed herein is the final request for delegation of the “Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010” as codified in 40 Code of Federal Regulations (CFR) 62 Subpart LLL. Enclosed is one hard copy of the complete delegation package containing the Clean Air Act (CAA) Section 111(d)/129 federal plan requirements for Sewage Sludge Incineration (SSI) Units and an exact duplicate electronic copy on compact disk.

On April 29, 2016, the Environmental Protection Agency (EPA) published in the Federal Register its final Federal Plan Requirements for SSI Units Constructed on or Before October 14, 2010 with an effective date of May 31, 2016 (81 FR 26040-26088). Section 101(a)(3) of the CAA places primary responsibility for air pollution prevention and control with state and local agencies. In order to fulfill its obligation to serve as the primary implementer, the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ) is hereby requesting delegation of authority to implement and enforce the Clean Air Act Section 111(d)/129 Federal Plan 40 CFR 62 Subpart LLL.

Based on the language of the Federal Plan in 40 CFR 62.15865, a state or local program may meet its CAA Section 111(d)/129 obligations by submitting an acceptable written request for delegation that meets the requirements of 40 CFR 62.15865. Therefore, the DAQ is hereby submitting, as required by this section, the attached information which includes the following components:

- (1) Documentation to demonstrate adequate resources and legal authority to administer and enforce the Federal Plan (Attachment A);
- (2) Inventory of the affected SS1 units (Attachment B);
- (3) Inventory of the emissions from the affected SSI units (Attachment C); and
- (4) Provision for State progress reports to EPA (Attachment D).

North Carolina has four affected facilities with units that are subject to the Federal Plan. Three facilities are under the jurisdiction of DAQ as identified in Attachment B, and one facility is under the jurisdiction of a local program. The local program, the Western North Carolina Regional Air Quality Agency, plans to submit a separate request for delegation of the Federal Plan applicable to the single affected facility in its program area.

The DAQ issued a public notice announcement on October 21, 2016 indicating that the delegation request was available for public comment, and a hearing would take place on November 29, 2016 (see Attachment E). The public notice announcement was posted on the DAQ website, and sent to a number of email distribution lists managed by the DAQ, which include stakeholders from the regulated community and environmental groups. We believe that emailing the public notice announcements to these groups is more effective than publishing the notices in a few local newspapers and is consistent with EPA guidance. Additionally, the Rich Site Summary (RSS) feed on the DAQ website offers regular delivery of changes to the website content to those that have signed up for it.

The public comment period was open from October 21, 2016 through November 29, 2016. The public hearing took place on November 29, 2016 in Raleigh, North Carolina. Any person desiring to comment was requested to submit a written statement for inclusion in the record. The DAQ did not receive any written comment or a request to submit an oral statement at the public hearing. As a result, the DAQ has not made any changes to the draft delegation request. The Hearing Officer's Report and other pertinent information documenting the public noticing process is contained in Attachment E, Public Notice Report.

As required in 40 CFR 62.15865(a)(3), the DAQ is certifying that the hearing on this delegation request was held. The DAQ is also committing to enter into a Memorandum of Agreement with the Regional Administrator that sets forth the terms, conditions and effective date of the delegation and that serves as the mechanism for the transfer of authority as required in 40 CFR 62.15865(a)(4).

If you have questions regarding this matter, please contact Mark Cuilla of my staff at (919) 707-8738 or mark.cuilla@ncdenr.gov.

Sincerely,



Sheila C. Holman, Director
Division of Air Quality, NCDEQ

SCH/ssm

Attachments

cc: Beverly Spagg
Ken Mitchell
Mark Bloeth