

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE**

Notice is hereby given for public comment to be received by the North Carolina Department of Environmental Quality (NCDEQ), Division of Air Quality (DAQ), concerning two State Plans. A public hearing will be held, at which oral comments can be provided on one or both State Plans. The public hearing can be attended in person or online via WebEx. Additional details are provided in this notice.

PURPOSE: To receive comments on the proposed State Plans implementing the Emission Guidelines (EG) in 40 CFR Part 60, Subparts MMMM and DDDD.

BACKGROUND: State Plan for 40 CFR Part 60, Subpart MMMM, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (“SSI State Plan”)

On March 21, 2011, the United States Environmental Protection Agency (EPA) finalized changes to the New Source Performance Standards (NSPS) and EG for sewage sludge incineration (SSI) units under 40 CFR Part 60, Subparts LLLL and MMMM, respectively. Clean Air Act (CAA) Sections 111(d) and 129 require states with affected SSI units to submit a State Plan to EPA that is equally protective to implement and enforce the EG. While North Carolina automatically adopts the NSPS through 15A NCAC 02D .0524, rulemaking is necessary to incorporate the EG into the state rules.

On April 29, 2016, the EPA published the final Federal Plan, codified at 40 CFR Part 62, Subpart LLL, which applies to existing SSI units in states that do not have an approved state plan. On December 9, 2016, the North Carolina Division of Air Quality (DAQ) requested delegation from EPA to implement and enforce the Federal Plan under 40 CFR Part 62, Subpart LLL, and entered into a Memorandum of Agreement (MOA) to transfer authority, effective April 2, 2018. A state may meet its CAA Section 111(d)/129 obligations by submitting to the EPA a State Plan that meets the requirements of 40 CFR §60.5015. Until such time that a State Plan is approved by the EPA for North Carolina’s implementation of the SSI EG, existing SSI units are subject to the Federal Plan under 40 CFR Part 62, Subpart LLL.

On January 11, 2018, the Environmental Management Commission (EMC) readopted 15A NCAC 02D .1204 with amendments to incorporate EPA’s revisions to the SSI EG. Effective December 1, 2021, the EMC approved technical corrections to 15A NCAC 02D .1204 to correct erroneous rule cross references.

Pursuant to the requirements of 40 CFR 60.23, North Carolina is providing notice of a public hearing and opportunity to provide comment on the proposed State Plan implementing the EG under 40 CFR Part 60, Subpart MMMM.

State Plan for 40 CFR Part 60, Subpart DDDD, Emissions Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units (“CISWI State Plan”)

On December 1, 2000, the EPA promulgated NSPS and EG for Commercial and Industrial Solid Waste Incineration (CISWI) units under 40 CFR Part 60, Subparts CCCC and DDDD, respectively. CAA Sections 111(d) and 129 require states with affected CISWI units to submit a State Plan that is equally protective to implement and enforce the EG. While North Carolina automatically adopts the NSPS through 15A NCAC 02D .0524, rulemaking is necessary to incorporate the EG into the state rules. On November 3, 2003, the final Federal Plan, codified at 40 CFR Part 62, Subpart III became effective, which applies to

existing CISWI units subject to the EG that are located in states without approved state plans until a state plan is submitted and approved.

Based on the language of the EG, a state may meet its CAA Section 111(d)/129 obligations by submitting a State Plan that meets the requirements of 40 CFR §60.2515. North Carolina submitted a State Plan for compliance with the CISWI EG pursuant to CAA Section 129, which became effective November 28, 2005 (70 FR 56856). On March 21, 2011, February 7, 2013, and June 23, 2006, the EPA finalized revisions to the CISWI NSPS and EG under 40 CFR Part 60, Subparts CCCC and DDDD.

Effective July 1, 2018, North Carolina regulations for CISWI units, under 15A NCAC 02D .1210, were readopted and amended to incorporate the requirements of the revised EG.

Pursuant to the requirements of 40 CFR §60.23, North Carolina is providing notice of a public hearing and opportunity to provide comment on the State Plan implementing the EG under 40 CFR Part 60, Subpart DDDD.

DATE AND
LOCATION:

June 27, 2022 at 3:00 P.M.

A joint, hybrid public meeting will be held, where interested persons can attend either in person or virtually. Details on each attendance method are provided below.

To attend the public hearing in person:

DEQ Green Square Office Building, 1st Floor Training Room (#1210)
217 West Jones Street, Raleigh, NC 27603

To attend the public hearing online or using audio conference:

Cisco WebEx, Digital Hearing Link: <https://bit.ly/37XnVgH>
Event password: NCDAQ

The WebEx will start at 2:45 PM or earlier to provide attendees time to connect and resolve any technical issues before the hearing begins at 3:00 PM.

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.
USTOLL +1-415-655-0003, Access code: 2438 238 8031

*If you wish to speak at the public hearing and plan to attend online or using audio conference, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 1:00 PM on June 27, 2022. To register, please click the following link:

https://forms.office.com/Pages/ResponsePage.aspx?id=31F2etC5mkSFw-zCbNftGY32i5LrrG9LgbPWOjLE_ZxUM1NNRTNPNVJDRldCSkpPVjUzTzdZM09JRS4u

*For instructions on ways to join the public hearing using WebEx, 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>

*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

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.**

The hearings will be held consecutively, such that comments are received on each proposed State Plan separately. The hearing officer will first open the hearing to receive comments on the SSI State Plan, after which the SSI State Plan hearing will be closed. The hearing officer will then open the hearing to receive comments on the CISWI State Plan.

Please note that the hearing officer may limit the length of oral presentations if many people wish to speak. The public comment period for both State Plans is open beginning May 27, 2022 through July 1, 2022. 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 July 1, 2022.

INFORMATION:

Copies of the proposed State Plans may be downloaded <https://deq.nc.gov/about/divisions/air-quality/air-quality-planning/air-quality-rules-regulations/caa-section-111d129-state-plan-notice-and-submissions>. 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
Mooresville	(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
(Please type "SSI State Plan" or "CISWI State Plan" in the subject line)

DATE: 5/25/22


Michael A. Abraczinskas, DAQ Director