



2021 ESI Conference
Division of Air Quality Compliance Insights
October 6, 2021



Division of Air Quality (DAQ) Compliance Update

Topics to be covered:

- Recent compliance and enforcement activities
- Common air quality violations cited in enforcement actions
- Compliance tips for environmental managers
- DAQ resources for environmental managers

Air Quality Compliance Inspection Goals

DAQ Inspection Goal #1 – Complete a full compliance evaluation (FCE) at least once per year:

Title V (Major): Currently 297 facilities

Synthetic Minor: Currently 612 facilities

DAQ Inspection Goal #2 – Complete an FCE at least every other year:

Small (Permitted): Currently 915 facilities

Registered: Currently 144 facilities

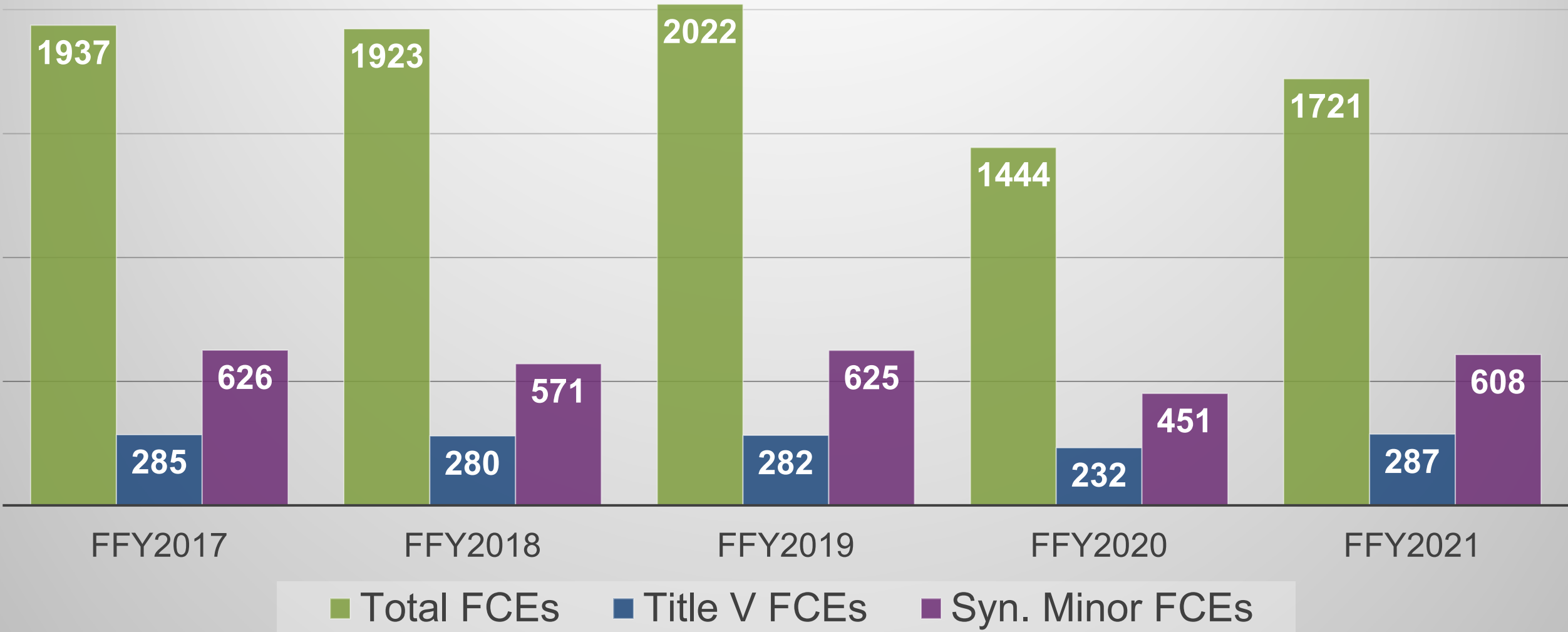
Targeted Permit Exempt: Currently 575 facilities

Overall Annual Goal: At least 1726 FCEs each year

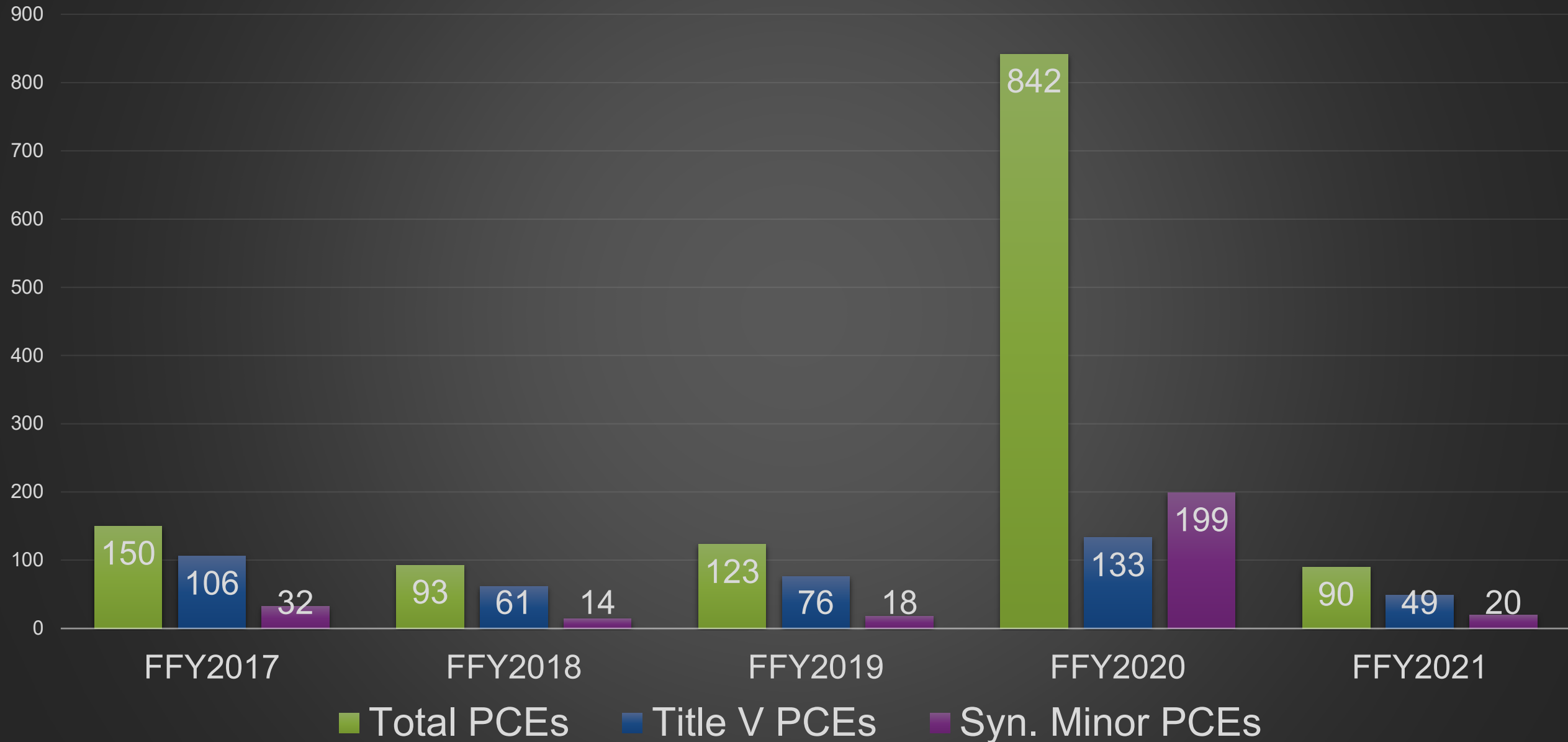
Air Quality Compliance Inspections

- Federal fiscal years 2020 and 2021 were not typical in many ways
- COVID-19 precautions impacted DAQ staff and inspection activities
- DAQ staff adjusted to COVID-19 restrictions and implemented virtual (offsite) inspection techniques to ensure ongoing compliance
- Many of DAQ's normal onsite inspection goals were still met
- Inspection emphasis placed on the largest emitting facilities

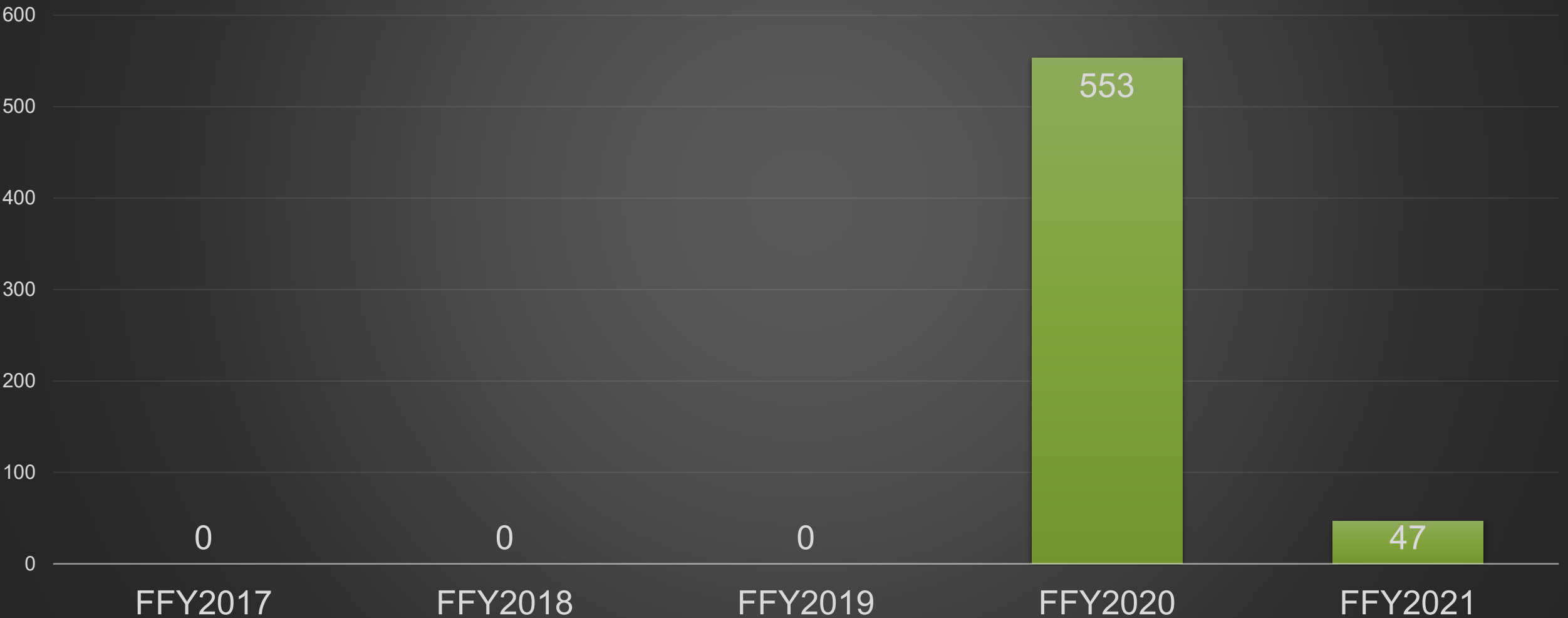
*Full Compliance Evaluations Per
Federal Fiscal Year (Oct 1 - Sept 30)*



Partial Compliance Evaluations Per Federal Fiscal Year (Oct 1 - Sept 30)



*Total Offsite Compliance Evaluations Per
Federal Fiscal Year (Oct 1 - Sept 30)*



***VIOLATION DISCOVERY RATE
(ALL COMPLIANCE EVALUATION TYPES)***

3.64%

4.07%

4.13%

3.53%

3.16%

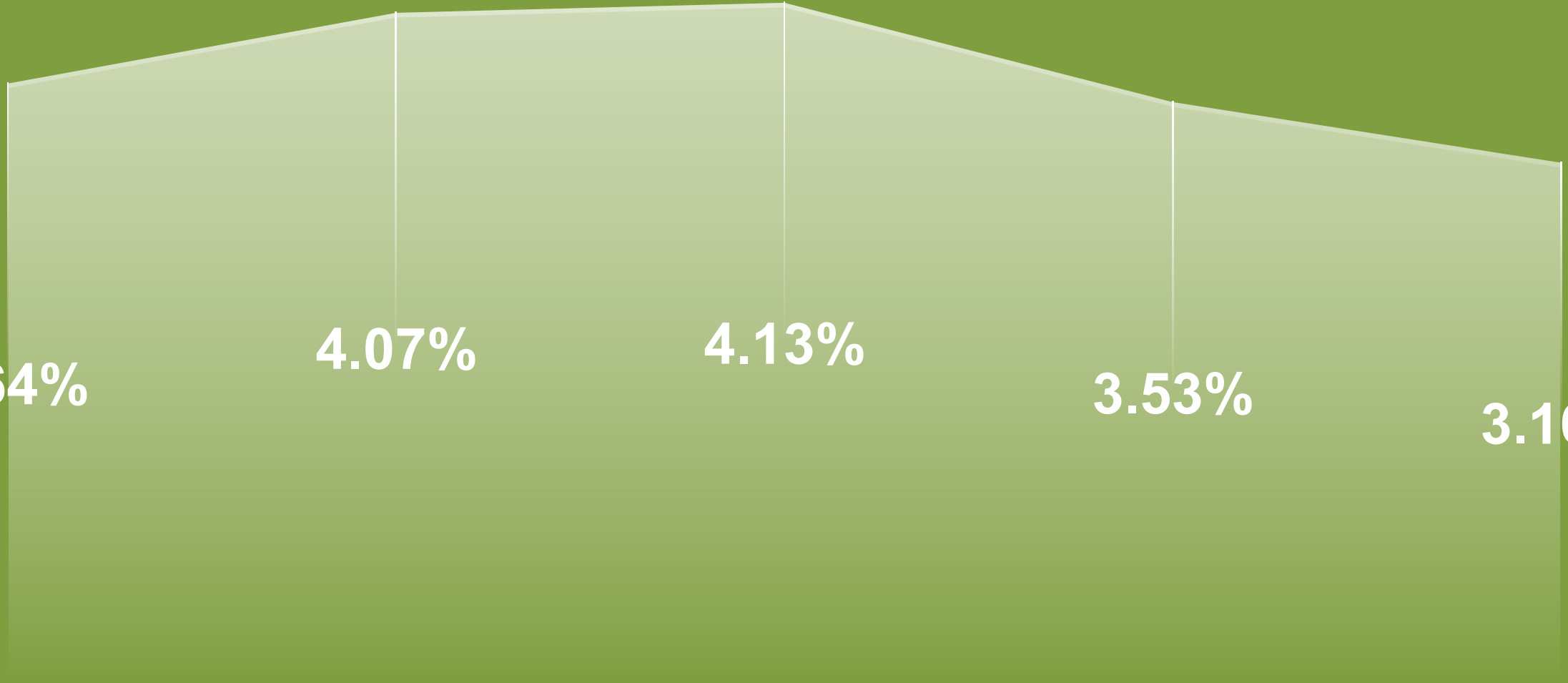
FFY2017

FFY2018

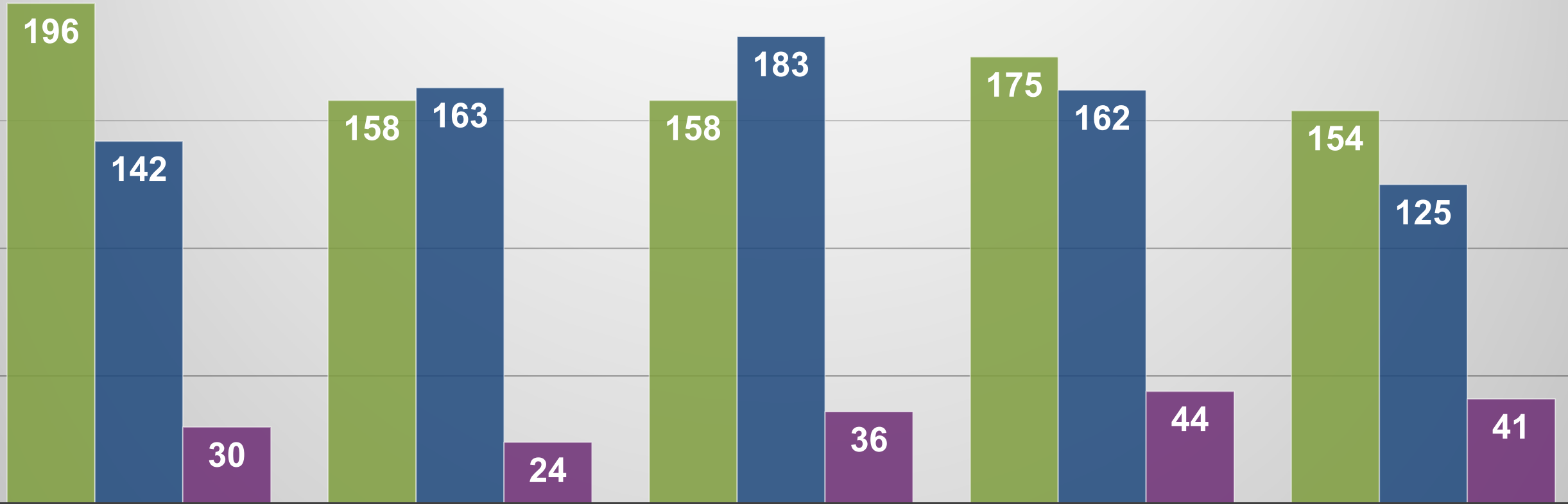
FFY2019

FFY2020

FFY2021



Compliance and Enforcement Letters (Facility Related Cases Only)



CY2016

CY2017

CY2018

CY2019

CY2020

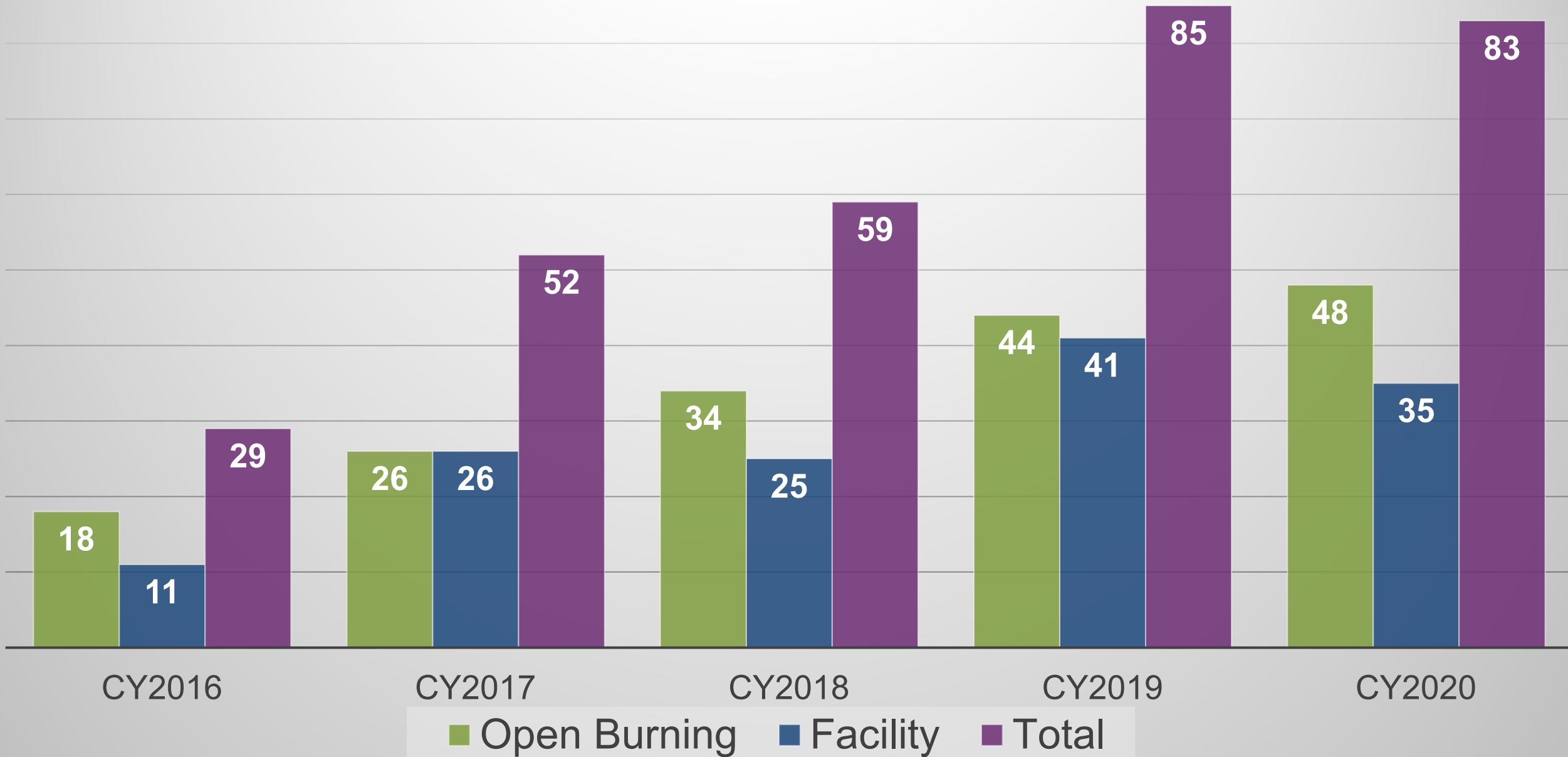
■ Deficiency Letters (NOD)

■ Violation Letters (NOV)

■ Enforcement Letters (NRE)

Civil Penalty Assessments

(Facility Related and Open Burning Cases)



Common Facility Violations Cited by DAQ Inspectors

- Violation of various requirements in federal regulations
 - NSPS (e.g., Subpart Dc and OOO)
 - NESHAP/MACT/GACT (e.g., Subparts ZZZZ, DDDDD, and JJJJJJ)
- Failure to pay annual air quality permit fees
- Violation of a synthetic minor or other similar type avoidance condition
- Failure to conduct permit-required monitoring and/or record keeping
- Late submittal of report required by permit or regulation
- Violation of various requirements in NC state rules

Compliance Tips for Environment Managers

Every environmental manager should know the basics of air quality permitting.

- 15A NCAC 02D .0101: Criteria for obtaining an air quality permit prior to construction, operation, or modification of an air emission source
- 15A NCAC 02Q .0300: Minor source (Small & Syn. Minor) permitting requirements
- 15A NCAC 02Q .0500: Major source (Title V) permitting requirements

The Number One Rule of Air Quality Compliance

Read carefully and understand the requirements of your air quality permit!

The Number Two Rule of Air Quality Compliance

Make sure you are not the only one at your facility who understands the requirements of your air quality permit!

Compliance Tips for Environment Managers

- Carefully read your air permit and the state and federal regulations that apply to your facilities, including draft versions.
- Pay particular attention to the specific testing, monitoring, record keeping, and reporting requirements.
- Ask yourself if the permit correctly summarizes the requirements of each regulation.
- Ask DAQ for guidance and permit modification if necessary.
- Consider specific ways you can prove compliance with each permit condition.

Compliance Tips for Environment Managers

- Create a self-auditing program and conduct regular walk-throughs of facility noting any visible emissions, fugitive emissions, or objectionable odors.
- Develop a reliable reminder system for all permit-defined due dates.
- Keep complete and orderly records in an easily accessible location.
- Designate reliable back-up contacts who can quickly access air quality records.
- If you have questions, contact DAQ and/or an experienced air quality consultant.

What Happens When There is a Violation?

Even with best efforts to comply, a company can find itself in violation of its air quality permit or regulation. What should an environmental manager do?

- 1) Come clean. Let DAQ know about it. Do not try to cover it up!
 - An honest mistake is a civil enforcement matter. A cover-up is a criminal matter.

- 2) Be careful with unrealistic company policies about environmental compliance.
 - Air quality programs are run by humans, and all humans make mistakes.

What Happens When There is a Violation?

Even with best efforts to comply, a company can find itself in violation of its air quality permit or regulation. What should an environmental manager do? (Continued from previous slide)

- 3) Understand that DAQ is obligated to take action in accordance with its enforcement policies when we discover violations of our permits or regulations.
- 4) Be mindful that EPA and third-party lawsuits can seek enforcement remedies for air quality permit or regulation violations, especially if DAQ does not take action.

Air Quality Resources in NC

Find us on the web at:
<https://deq.nc.gov/airquality>



Motor Vehicles

Vehicle Emissions, VW Settlement, Alternative Fuels, Smoking Vehicle Complaints, I&M & Grant Programs



Air Quality Forecasts

Daily Air Quality Forecasts, Ozone Design Value Predictor Tool



Pollen Report

Get the Latest Pollen Report From Our Lab



Public Records Search

Search Permits & Compliance Documents



Rules

Air Quality Rules, Draft Rules, Rules Readoption, Air Quality Committee



Permitting

Air Permits, Permit Procedures, Applications, Modifications, Industry-Specific Permitting Actions



Air Monitoring

Ambient Monitoring Network & Data



Public Engagement

Current Comment Periods, Upcoming Hearings, Public Records Access, Social Media



Compliance

Compliance/Enforcement Policies & Procedures, Open Burning Info, 112(r) Program



Planning

Attainment Status, State Implementation Plans, MACT/GACT Rules, Emissions Inventories



Emission Inventories

AERO, Emissions Reporting Forms, Instructions & Guidance



Air Quality Regional Offices

Regional Contacts for Complaints, Permitting & Compliance



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Air Quality Compliance

[Public Records Search Tool](#)

Search for facility-related permit and compliance documents (final signed permits, inspection reports, compliance letters, etc.). The pdf version of the final signed permit is only available for air permits issued after January 1, 2013. The pdf version of compliance facility-related documents is available for those documents generated after November 1, 2018. At this time this search does not include documents controlled by the three North Carolina Local Programs in Mecklenburg, Forsyth, and Buncombe Counties.

[Air Quality GIS/Facility Mapping Tool](#)

DAQ's ArcGIS maps show the location of facilities regulated by the Division of Air Quality. The web tool also allows users to search for specific facilities or geographical locations and provides quick links to public information on regulated facilities.

[EPA Policies](#)

High Priority Violations, Federally Reportable Violations, Compliance Monitoring Strategy and Information Collection Requests.

[Annual Compliance Certification](#)

Find more information about Annual Compliance Certification and obtain the DAQ Certification Forms.

[Excess Emissions, Deviations, and Malfunction Determinations](#)

Find guidance and procedures for excess emission events, malfunction determinations and deviation reporting.

Air Quality

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[Excess Emissions, Deviations, and Malfunction Determinations](#)

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[Special Orders by Consent](#)

[GIS/Facility Mapping Tool](#)

[Open Burning](#)

[Quema a Campo Abierto](#)

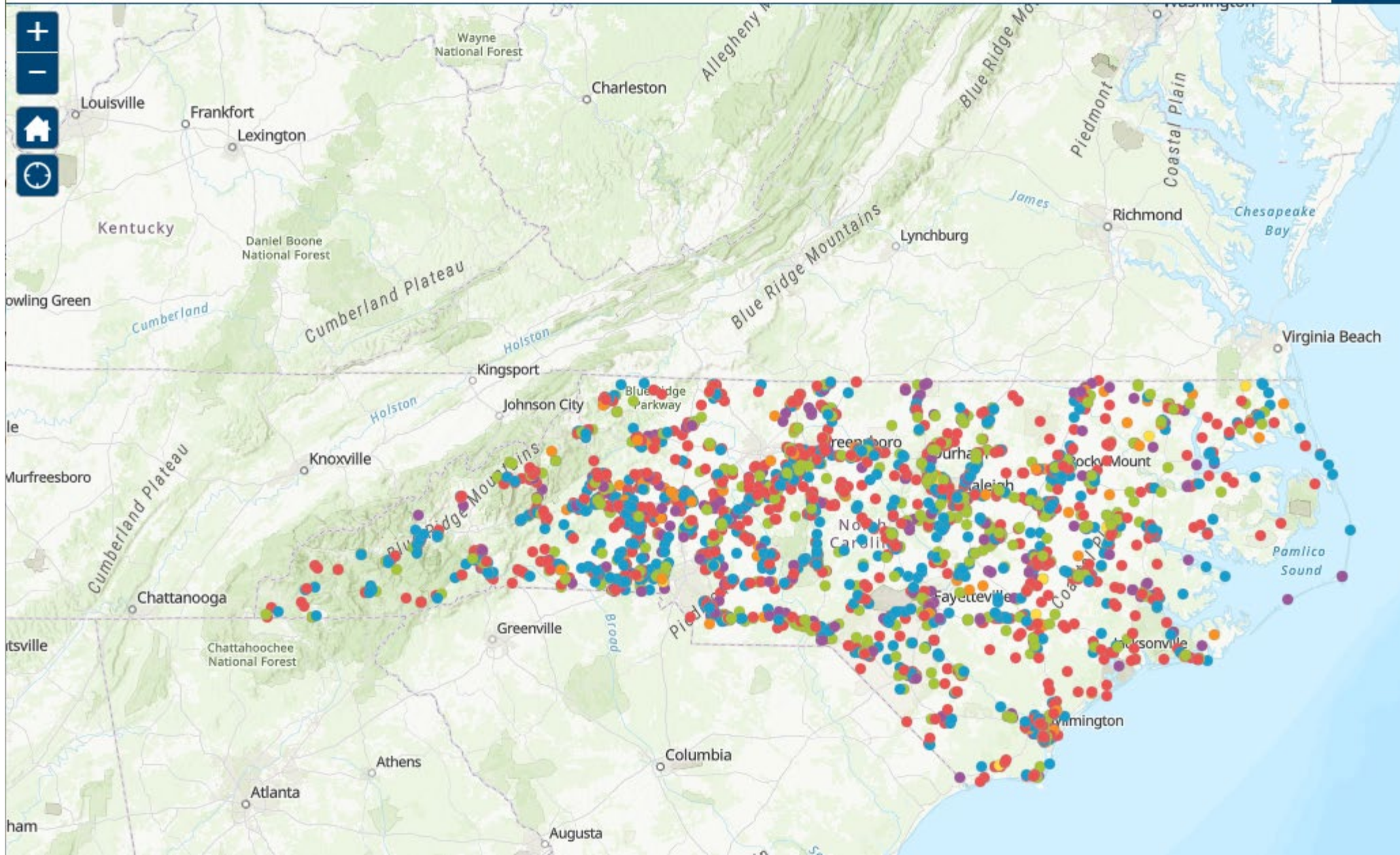
[Link to
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Page](#)

DAQ's Facility Mapping/GIS Tool



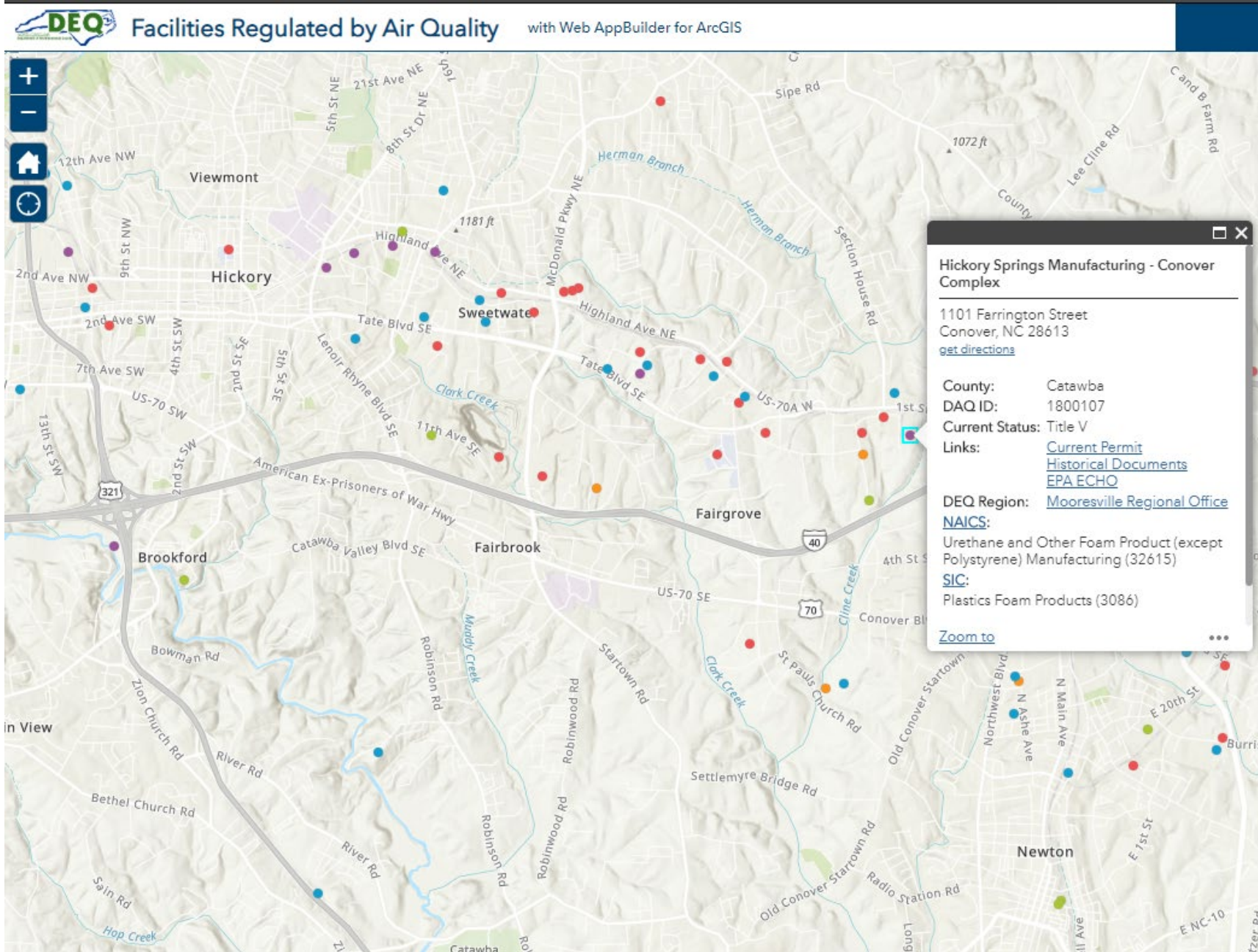
Facilities Regulated by Air Quality

with Web AppBuilder for ArcGIS



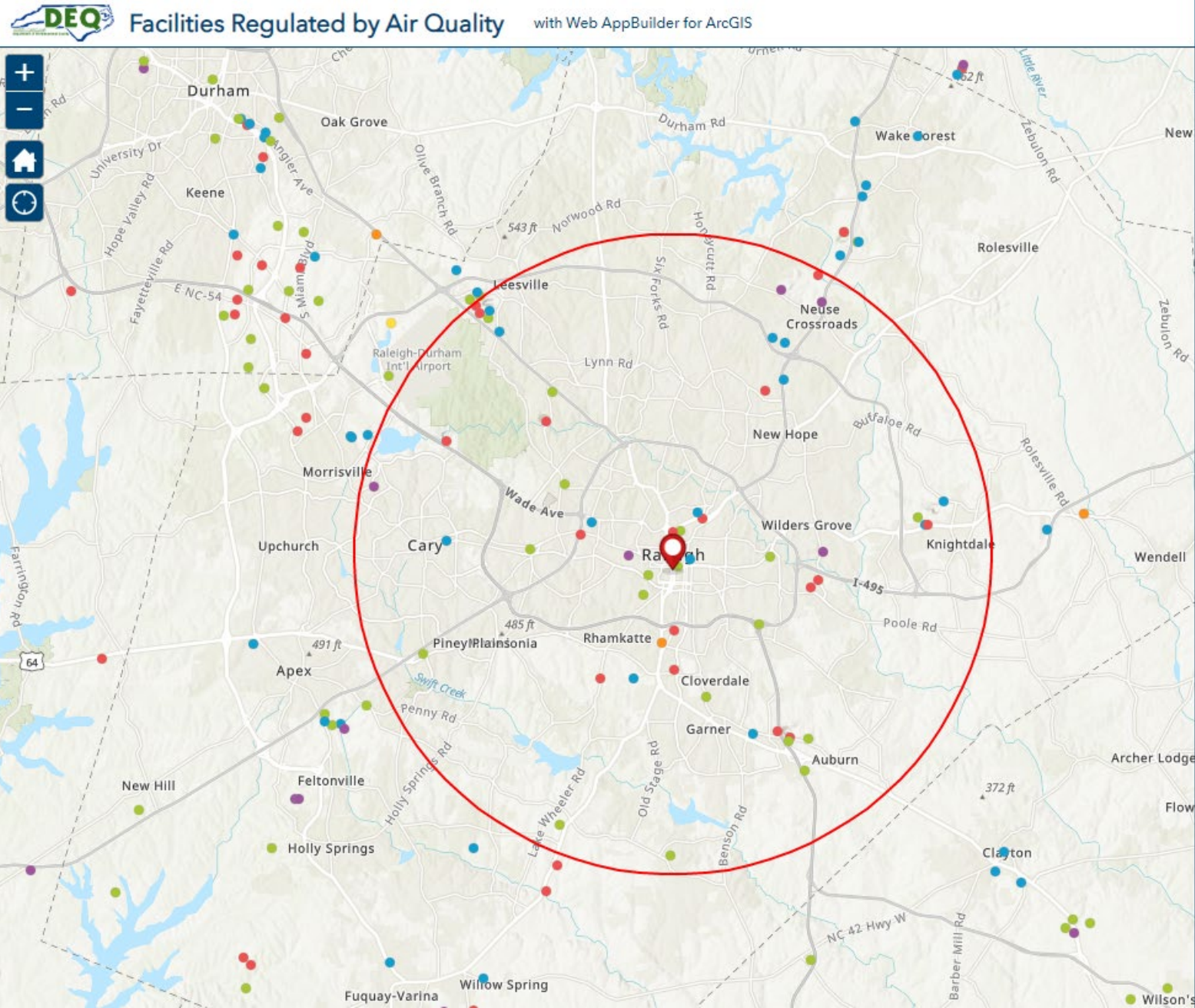
[Link to Facility Mapping Tool](#)

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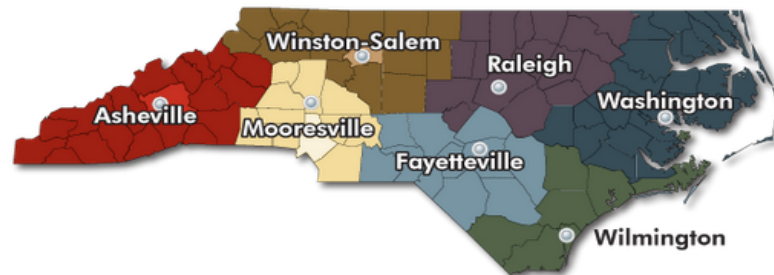
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Regional Offices

DAQ Regional Offices are based in Asheville, Mooresville, Winston-Salem, Raleigh, Fayetteville, Wilmington and Washington. Staff operate [air monitoring](#) equipment, perform inspections, enforce [air quality regulations](#) and issue [permits](#) for [facilities](#) across the state.



Click on a region of the map to learn more about your closest Regional Office or [Local Program](#).

- [Map of Facilities with Air Quality Permits](#)
- [Map of Air Monitoring Sites](#)
- [Current Air Monitoring Data By Region](#)
- [Current Air Monitoring Data By Pollutant](#)
- [DEQ Regional Offices](#)

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Air Quality Resources in NC

Key DAQ Switchboard Numbers

Central Office – Raleigh: (919) 707-8400

Asheville Regional Office: (828) 296-4500

Fayetteville Regional Office: (910) 433-3300

Mooresville Regional Office: (704) 663-1699

Raleigh Regional Office: (919) 791-4200

Washington Regional Office: (252) 946-6481

Wilmington Regional Office: (910) 796-7215

Winston-Salem Regional Office: (336) 776-9800

For any air quality questions, contact one of these offices.

Department of Environmental Quality



Local Air Quality Programs in NC

If your facility is located in Buncombe, Forsyth, or Mecklenburg Counties, you will need to contact your local program air quality office:

- Buncombe County: (828) 250-6777

<http://www.buncombecounty.org/Governing/Depts/wncair>

- Forsyth County: (336) 703-2440

<http://www.co.forsyth.nc.us/EAP>

- Mecklenburg County: (704) 336-5430

<https://www.mecknc.gov/LUESA/AirQuality>

Contact Information:

Steve Hall

Technical Services Section Chief

NC DEQ, Division of Air Quality

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steve.hall@ncdenr.gov