

ENVIRONMENTAL MANAGEMENT COMMISSION
 AIR QUALITY COMMITTEE MEETING SUMMARY
 November 18, 2020

Virtual Public Meeting
 10:45 - 11:45 AM



MEETING BRIEF

During the November 18, 2020 meeting, the Air Quality Committee (AQC) of the Environmental Management Commission (EMC) heard:

- Concept 552- Revision to Update Nitrogen Oxides (NOx) State Implementation Plan (SIP) Rules presented by Ms. Joelle Burlison, DAQ staff.
- Request for Approval of Proposed Rule Revisions and to Proceed to EMC for Approval to Proceed to Public Hearing on Adoption of Final Emission Guidelines for Existing Landfills (540) presented by Rahatul Ashique, DAQ staff.

AQC MEMBERS IN ATTENDANCE

Ms. Shannon M. Arata, AQC Chair	Ms. Marion Deerhake
Mr. Charles S. Carter, AQC Vice-Chair	Dr. Suzanne Lazorick, EMC Vice-Chair
Ms. Yvonne Bailey	Ms. Maggie Monast
Ms. Donna Davis	

OTHERS IN ATTENDANCE

Dr. Stan Meiburg, EMC Chairman	Ms. Sarah Zambone, EMC Counsel
Mr. David Anderson, EMC	Mr. Mike Abraczinskas, DAQ Director
	Mr. Michael Pjetraj, DAQ Deputy Director
	DEQ Staff
Mr. Donald van der Vaart, EMC	Members of the public

PRELIMINARY MATTERS

Agenda Item I-1, Call to Order and the State Government Ethics Act, N.C.G.S. §138A-15

AQC Chair Arata called the meeting to order and inquired, per General Statute §138A-15, as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the EMC's AQC. No conflicts were identified.

Agenda Item I-2, Review and Approval of the September 9, 2020 Meeting Minutes

Chair Arata noted Commissioner Davis should be identified as a member of the Air Quality Committee for the attendance recorded in the minutes. Then **Chair Arata** inquired whether everyone had been able to review the

minutes from the September 9, 2020 meeting, and if there were any additional changes or corrections. No other changes or corrections were cited. **Chair Arata** asked for a motion to approve the September 2020 meeting minutes. **Commissioner Bailey** made a motion to approve the minutes, and **Commissioner Lazorick** seconded. The motion was unanimously approved by roll call vote.

RULEMAKING CONCEPTS

Revisions to Update Nitrogen Oxides (NO_x) State Implementation Plan (SIP) Rules (552) (Joelle Burleson, DAQ)

Description:

Ms. Joelle Burleson presented the concept for Revisions to Update Nitrogen Oxides State Implementation Plan Rules (NO_x SIP rules), 15A NCAC 02D .1400.

Ms. Burleson started her presentation by noting she will provide follow-up information in response to the comments received at the September Committee meeting when the concept was first introduced. A summary of the questions was listed on a slide within the PowerPoint presentation provided.

Ms. Burleson reiterated the purpose of the proposed changes were not under a deadline, but there was a risk of legal action from a third party if the agency does not align their rules with the EPA approved SIP. Once aligned, the end result will (1) re-establish state-level NO_x SIP Call ozone season budgets for impacted facilities, (2) provide clarification and verification for large industrial boilers with the option to use monitoring methods other than 40 CFR Part 75, continuous emissions monitoring system (CEMS) provisions, and (3) properly record the reported emissions during the ozone season for purpose of tracking compliance with the NO_x SIP call ozone season budgets established for the period May 1 through September 30 of each year.

Ms. Burleson showed in the table on slide number six, the impacted facilities operated in 2019 at 58% below their budgets under CAIR. Additionally, the impact of the affected units account for 0.9% of the total statewide anthropogenic emissions.

Ms. Burleson presented the recommendation of revising 15A NCAC 02D .1400 rules to (1) incorporate NO_x SIP Call statewide ozone season budgets for EGUs and large industrial boilers to satisfy anti-backsliding requirements of 40 CFR Part 51, and (2) provide to large industrial boilers subject to NO_x SIP Call the option to use methods other than CEMS to track NO_x emissions to demonstrate compliance with the statewide budget.

Ms. Burleson added that the next steps to follow will be to (1) develop draft rule language and associated regulatory impact analysis, (2) continue to seek feedback from EPA and affected sources, and (3) proceed through rulemaking.

Discussion:

Chairman Meiburg stipulated before asking his questions, he understands the emissions for the affected facilities is significantly below the budget, these values are for the specific ozone season, and the flexibility for facilities to use other methodologies as a cost savings is the primary proposed change. He goes on to ask for the facilities, especially bark boilers, how the equivalency is determined and if an initial stack test is done to account for the various fuel loading and stack conditions. His second question is to clarify if the alternative methodology is basically calculations of the fuel input and stack temperature and how much do these reflect actual process conditions. Lastly, he asked if the facilities acted on their own to stop using their CEM technology or if it was an authorized action by the agency. Ms. Burleson responded the agency did repeal the NO_x SIP Call at the direction of the EPA in previous years. In the past a demonstration was presented to the EPA to show the emissions for NO_x is below the budget. The trading program has gone through several developments over the years. The DAQ

stack testing staff has reviewed these facilities several times over the years to ensure the reporting is accurate. **Chairman Meiburg** used an analogy of a car without a speedometer to express his concerns over changing the requirement for these facilities to operate without CEM equipment. Ms. Burluson stated the agency has several years of historical data for these facilities to compare to any future engineering calculations the compliance staff will review for the required reports. She goes on this same approach was approved for South Carolina's program by the EPA.

Commissioner Deerhake asked about slides six and seven. She requested clarification for the units are at the Blue Ridge Paper or the International Paper facility for the value of operation costs. Mr. Randy Strait, DAQ Planning Section Chief, responded the boilers at Blue Ridge Paper are no longer using CEM technology but an alternative as noted in the bottom cell of the table on slide seven. **Commissioner Deerhake** goes on to ask about the CEM costs of [approximately] \$28,000 and \$18,000 in the chart on slide seven. Mr. Brad Nelson responded the values are annualized for the cost of equipment over the use of the equipment. **Commissioner Deerhake** asked what is the time period over which the equipment cost is annualized. Mr. Nelson responded the period is 10 years. The values in the charts represent a cost on average per year over a ten-year period for the duration of the useful life of the CEM equipment. **Commissioner Deerhake** continued by asking about the cost of labor values and if they are also annualized over the period of useful life. Mr. Nelson confirmed the values are for each year and include the relative accuracy test for the equipment performed by a third party each year. The values in the table are all in 2017 dollars. **Commissioner Deerhake** asked whether the state will approve a revised monitoring plan and if that request will trigger a permit modification when a facility opts for the alternative method. Mr. Strait responded the permit modification process will reflect the change. **Commissioner Deerhake** expressed her continued concerns over the potential deposition from these stacks and the impact of replacing the CEM technology with more periodic monitoring.

Commissioner van der Vaart commented about the budget requirements and why these CEM units were required on these stacks. Ms. Burluson responded the purpose for requiring the CEM monitoring was to meet the NOx SIP Call so they may participate in the trading program which is long since defunct. Budget obligations are the purview of the state. In the past, the state has demonstrated to the EPA the affected facilities fall below their budgets, but recently the EPA would like the State to update the related rules to reflect the programs changes, notably the acceptance of alternative monitoring. **Commissioner van der Vaart** asked if the agency can take into account the units are well below their budget when considering these alternatives since the reasoning behind the need for CEM implementation is where accuracy is essential when a sector is very close to their budget. Ms. Burluson agreed it is a consideration. **Commissioner van der Vaart** noted a difference in variability with bark boilers, but that these were well under the allotted budget. Mr. Nelson responded there are requirements in 40 CFR Part 75 for the alternative methods and their relative accuracy.

Motion: No motion was required.

ACTION ITEMS

Adoption of Final Emission Guidelines for Existing Landfills (540) (Rahatul Ashique, DAQ)

Description:

Mr. Rahatul Ashique, presented the concept for Adoption of Final Emission Guidelines for Existing Landfills. This adoption will revise the municipal solid waste landfill rules incorporating the final EPA Emission Guidelines for existing landfills.

Mr. Ashique highlighted key elements and the chronology of EPA rule actions for existing emissions guidelines for landfills. On August 29, 2016, the EPA finalized changes to the Standards of Performance for Municipal Solid Waste (MSW) Landfills. The EPA's review identified advances in technology and operating practices for reducing emissions of landfill gases (LFG). The EPA promulgated a new subpart, 40 CFR Part 60, Subpart XXX, *Standards*

of Performance for Municipal Solid Waste Landfills That Commenced Construction, Reconstruction, or Modification After July 17, 2014. These updated standards were automatically adopted by incorporation through 15A NCAC 02D .0524, *New Sources Performance Standards*. In the same action, the EPA revised the emission guidelines 40 CFR Part 60, Subpart Cf, which applies to existing MSW landfills that accepted waste after November 8, 1987 and commenced construction, reconstruction, or modification on or before July 17, 2014. Mr. Ashique indicated that the EPA wanted to account for significant changes occurring in the landfill sector over time, including changes to the size of existing landfills, the industry practices regarding gas control methods, and implemented technologies. The Federal 40 CFR Part 60, Subpart WWW, *Standards of Performance for Municipal Solid Waste Landfills*, will continue to apply to MSW landfills that commenced construction, reconstruction, or modification after May 30, 1991 and before, July 17, 2014, until there is an approved state or federal plan that implements the emission guidelines in 40 CFR Part 60, Subpart Cf.

On July 8, 2019, EPA updated the implementing regulations for 111(d), under a new subpart, 40 CFR Part 60, Subpart Ba, *Adoption and Submittal of State Plans for Designated Facilities*, during the promulgation of the Affordable Clean Energy rule. Specifically, this action amended the timing requirements in 40 CFR 60.23 and 60.27, for submission of state plans, and the issuance of federal plans.

On August 26, 2019, the EPA adopted the 40 CFR Part 60, Subpart Ba requirements under 40 CFR 60, Subpart Cf. The EPA also set a compliance date of August 29, 2019 for the states to submit state plans. The EPA shall determine completeness of a state plan within 6 months of the state submission and approve or disapprove the state plan within 12 months of the completeness determination.

On March 26, 2020, the EPA adopted changes to 40 CFR Part 60, Subpart Cf, where the EPA allowed impacted sources to demonstrate compliance with landfill gas controls, and operating, monitoring, recordkeeping and reporting requirements in the MSW Landfills National Emission Standards for Hazardous Pollutants (NESHAP).

North Carolina is required to develop, revise, and align air quality regulations and submit a state plan to the EPA for approval. The rules in Section 15A NCAC 02D .1700 should be revised to implement the revisions to the Emission Guidelines for MSW Landfills. The rulemaking process timeline as presented for amendments to the landfill rules will result in an effective date of September 1, 2021.

The OSBM approved the fiscal note for this rulemaking on October 28, 2020. The estimated total impact of this rulemaking at the time of this presentation is \$61,368.

It was recommended the Committee approve the proposed rule and fiscal note for presentation to the EMC, as well as recommendation for request approval of the EMC to proceed to public hearing on adoption of final emission guidelines for existing landfills (540) and fiscal note.

Discussion:

EMC Chairman Meiburg asked if it was correct there would be collateral of methane emissions. Mr. Ashique affirmed this. **Chairman Meiburg** commented methane could be used for co-generation not just flaring, then he asked how many of the six landfills are using the methane for co-generation versus just flaring. Mr. Josh Harris replied those number are not readily available, but he can get them to the Committee for review. He did know at least two of the landfills were capturing and injecting the gas into a pipeline, while a third was next to an EGU and supplying gas.

Motion: Chair Arata opened the floor for a motion to proceed to EMC in January 2021 for approval to Proceed to Public Hearing on Rule Revisions of 15A NCAC 02Q .0203. **Commissioner Lazorick** made the motion to approve, and **Commissioner Davis** seconded. The agenda item was unanimously approved.

NOVEMBER EMC AGENDA ITEMS

There are no agenda items for the November EMC meeting.

INFORMATIONAL ITEMS

Agenda Item V-1, Director's Remarks (Mike Abraczinskas, DAQ)

Comments were brief. The Director wished to thank the team, Ms. Bailey and staff, for completing the recent virtual public hearing and work on the hearing record for the Title V Fee changes.

CLOSING REMARKS AND MEETING ADJOURNMENT

Chair Arata asked for additional questions or comments, and upon hearing none, noted that the next meeting of the AQC would be January 13, 2021. **Chair Arata** adjourned the meeting.