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)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Total FCEs</th>
<th>Title V FCEs</th>
<th>Syn. Minor FCEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>FFY2017</td>
<td>1937</td>
<td>285</td>
<td>626</td>
</tr>
<tr>
<td>FFY2018</td>
<td>1923</td>
<td>280</td>
<td>571</td>
</tr>
<tr>
<td>FFY2019</td>
<td>2022</td>
<td>282</td>
<td>625</td>
</tr>
<tr>
<td>FFY2020</td>
<td>1444</td>
<td>232</td>
<td>451</td>
</tr>
<tr>
<td>FFY2021</td>
<td>1721</td>
<td>287</td>
<td>608</td>
</tr>
</tbody>
</table>
Partial Compliance Evaluations Per Federal Fiscal Year (Oct 1 - Sept 30)

- Total PCEs
- Title V PCEs
- Syn. Minor PCEs
Total Offsite Compliance Evaluations Per Federal Fiscal Year (Oct 1 - Sept 30)

- FFY2017: 0
- FFY2018: 0
- FFY2019: 0
- FFY2020: 553
- FFY2021: 47
VIOLATION DISCOVERY RATE
(ALL COMPLIANCE EVALUATION TYPES)

FFY2017: 3.64%
FFY2018: 4.07%
FFY2019: 4.13%
FFY2020: 3.53%
FFY2021: 3.16%
Compliance and Enforcement Letters (Facility Related Cases Only)

<table>
<thead>
<tr>
<th>Year</th>
<th>Deficiency Letters (NOD)</th>
<th>Violation Letters (NOV)</th>
<th>Enforcement Letters (NRE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CY2016</td>
<td>196</td>
<td>142</td>
<td>30</td>
</tr>
<tr>
<td>CY2017</td>
<td>158</td>
<td>163</td>
<td>24</td>
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<tr>
<td>CY2018</td>
<td>158</td>
<td>183</td>
<td>36</td>
</tr>
<tr>
<td>CY2019</td>
<td>175</td>
<td>162</td>
<td>44</td>
</tr>
<tr>
<td>CY2020</td>
<td>154</td>
<td>125</td>
<td>41</td>
</tr>
</tbody>
</table>
Civil Penalty Assessments
(Facility Related and Open Burning Cases)

- **Open Burning**
- **Facility**
- **Total**

<table>
<thead>
<tr>
<th>Year</th>
<th>Open Burning</th>
<th>Facility</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CY2016</td>
<td>18</td>
<td>11</td>
<td>29</td>
</tr>
<tr>
<td>CY2017</td>
<td>26</td>
<td>26</td>
<td>52</td>
</tr>
<tr>
<td>CY2018</td>
<td>34</td>
<td>25</td>
<td>59</td>
</tr>
<tr>
<td>CY2019</td>
<td>44</td>
<td>41</td>
<td>85</td>
</tr>
<tr>
<td>CY2020</td>
<td>48</td>
<td>35</td>
<td>83</td>
</tr>
</tbody>
</table>
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 JJJJJJJJ)
- 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 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 Compliance
About Air Quality
Regional Offices
Air Quality Compliance
EPA Policies
Annual Compliance Certification
Excess Emissions, Deviations, and Malfunction Determinations
Civil Penalty Assessments
Emission Measurement
Special Orders by Consent
GIS/Facility Mapping Tool
Open Burning
Smoke a Campfire
DAQ’s Facility Mapping/GIS Tool
DAQ’s Facility Mapping/GIS Tool

[Map of regulated facilities with a pop-up for Hickory Springs Manufacturing - Conover Complex.]

- Hickory Springs Manufacturing - Conover Complex
  - 1101 Farrington Street
  - Conover, NC 28613
  - [Get directions]
- County: Catawba
- DAQ ID: 1800107
- Current Status: Title V
- Links:
  - [Current Permit]
  - [Historical Documents]
  - [EPA ECHO]
- DEQ Region: Mooresville Regional Office
- NAICS:
  - Urethane and Other Foam Product (except Polyurethane) Manufacturing (32615)
  - SIC: Plastics Foam Products (3085)

[Link to Facility Mapping Tool]
DAQ’s Facility Mapping/GIS Tool

Facilities Regulated by Air Quality with Web AppBuilder for ArcGIS

Link to Facility Mapping Tool
Air Quality Resources in NC

Find us on the web at: https://deq.nc.gov/airquality
Regional Offices

DAO 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
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.
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  

- **Forsyth County**: (336) 703-2440  
  [http://www.co.forsyth.nc.us/EAP](http://www.co.forsyth.nc.us/EAP)

- **Mecklenburg County**: (704) 336-5430  
  [https://www.mecknc.gov/LUESA/AirQuality](https://www.mecknc.gov/LUESA/AirQuality)
Contact Information:

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NC DEQ, Division of Air Quality
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steve.hall@ncdenr.gov