



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

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MICHAEL ABRACZINSKAS
Director

February 15, 2019

Mary S. Walker, Acting Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Subject: NC-195 – Final Clean Air Act (CAA) Section 110(l) Noninterference Demonstration for Permit Streamlining Related Rules 15A NCAC 02Q .0102 and .0318.

Dear Ms. Walker:

I am pleased to submit the *“Final North Carolina Clean Air Act Section 110(l) Noninterference Demonstration for Permit Streamlining Related Rules 15A NCAC 02Q .0102 and .0318.”* Enclosed are one hard copy of the complete package containing the noninterference demonstration and an exact duplicate electronic copy on compact disk. Rule 15A NCAC 02Q .0102, *Activities Exempted from Permit Requirements*, governs activities that do not require an air quality permit for non-Title V (small and synthetic minor) facilities. The rule was amended to make it easier to understand and to add new exemption requirements. Rule 15A NCAC 02Q .0318, *Changes Not Requiring Permit Revisions*, was adopted to allow facilities to make minor changes without first modifying their permit.

On March 13, 2017, (NC-195), the North Carolina Division of Air Quality (DAQ) requested that you review and approve the adopted Rule 15A NCAC 02Q .0318 and amended Rule 15A NCAC 02Q .0102 as part of the State Implementation Plan. The rules were adopted by the Environmental Management Commission (EMC) at its January 14, 2016 meeting, approved by the state Rules and Review Commission (RRC) at its February 18, 2016 meeting, and became state-effective on June 13, 2016.

The DAQ issued a public notice announcement on June 6, 2018, in accordance with 40 CFR 51.102, indicating that the *“North Carolina Clean Air Act Section 110(l) Noninterference Demonstration for Permit Streamlining Related Rules 15A NCAC 02Q .0102 and .0318”* was available for public comment and is posted on the DAQ website for review. The public notice announcement indicated that anyone may request a public hearing.

In addition to posting on the website, the public notice announcement was sent to several email distribution lists managed by the DAQ, which includes numerous stakeholders from industry and environmental groups. The DAQ believes that sending the public notice announcements to these groups is more effective than publishing the notices in a few local newspapers and is consistent with the requirements described in the April 6, 2011, memorandum, *“Regional Consistency for the Administrative Requirements of the State Implementation Plan Submittals and the Use of Letter Notices.”*



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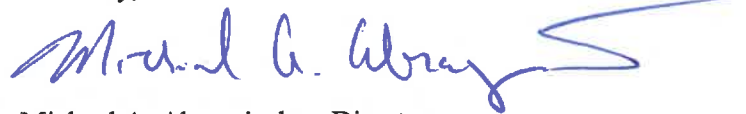
Additionally, the Rich Site Summary (RSS) feed on the DAQ website offers systematic delivery of changes to the website content to those that are registered. The document was also made available for the public to physically review during normal business hours at the DAQ Central Office and affected Regional Offices.

With this submission, the DAQ believes it has in good faith addressed the requirements of CAA Section 110(l) relative to the revisions to non-Title V permitting rules, and requests that EPA approve the amended Rule 15A NCAC 02Q .0102 as part of the North Carolina State Implementation Plan as submitted on March 13, 2017.

It has come to the DAQ's attention that the March 13, 2017, submission for Rule 15A NCAC 02Q .0318 contained formatting inconsistent with EPA requirements for rules that are new to the CAA Section 110 SIP. Attachment A to the noninterference demonstration contains updated formatting (completely underlined text) that is consistent with EPA requirements for adopting new rules into the SIP. Therefore, the DAQ requests that EPA approve the version of Rule 15A NCAC 02Q .0318 that is in Attachment A to the noninterference demonstration.

If you should have any questions, please contact Patrick Knowlson of my staff at (919) 707-8711 or patrick.knowlson@ncdenr.gov.

Sincerely,



Michael A. Abraczinskas, Director
Division of Air Quality, NCDEQ

MAA/pdk

Enclosures

cc: Lynorae Benjamin, EPA
Nacosta Ward, EPA
Scott Davis, EPA
Carol Kemker, EPA