

Appendix C

Summary of Public Comment Period

The public notice comment period was open from June 6, 2018, through July 6, 2018. There were no requests for a public hearing. Comments were received from EPA which are attached following this report.

The following is a summary of the pertinent comments received during the public comment period, along with the DAQ's response to EPA's comments.

Comment: Please clarify what is meant by "actual emissions ... before air pollution control devices" and what the effect of eliminating the phrase "before air pollution control devices, such as uncontrolled emissions" is on the existing threshold exemption. If there are changes to the number of facilities covered by this threshold exemption due solely to the elimination of the phrase "before air pollution control devices, such as uncontrolled emissions," please address this directly in the demonstration.

Response: Actual emissions before the air pollution control device, such as uncontrolled emissions is the amount of emissions that is emitted from a process before it enters a control device. The amended rule eliminated this phrase which means the emissions are measured leaving the stack. If a process does not have a control device, there is no difference in level of emissions between the old rule and the amended rule. The entire demonstration on the number of facilities that may become exempt is based on this threshold exemption. This is covered under Section 3.3 of the demonstration.

Comment: The 110(l) demonstration states that the rule amendments do not relax any applicable state or federal standards or requirements. Please clarify what is meant by this statement and whether the applicable state or federal standards or requirements would be permitted as written or would be translated into source specific emissions or operating limits.

Response: The amended rule does not relax any state or federal regulations. If there is an emission standard, exempt sources are still required to comply with that standard. If there are monitoring, recordkeeping, and reporting requirements in state or federal regulations, they would still be required to comply with those requirements. A facility exempt from permitting is not exempt from applicable state and federal regulations.

Comment: Please clarify whether the rule amendments pertaining to exemptions and the ability to register in lieu of obtaining a construction permit are consistent with the minor New Source Review requirements at 40 CFR 51.160-.164.

Response: The requirements in 40 CFR 51.161-164 are not affected by this rulemaking. The minor NSR requirements are contained in Section 15A NCAC 02Q .0300, *Construction and Operation Permits*, which was not amended by this rulemaking. 40 CFR 51.160(e) specifies that the state must "identify types and sizes of facilities, buildings, structures, or installations which

will be subject to review under this section. The plan must discuss the basis for determining which facilities will be subject to review.”

In Section 3.3 of the 110(l) demonstration, North Carolina provided an analysis for the number of facilities that are exempt from permitting. Those facilities represent only a small portion of the state-wide total criteria pollutant emissions, which are approximately 0.6% of the total emissions. Exempt sources are still required to comply with all state and federal regulations. Also, 15A NCAC 02D .0102 still requires facilities that want to qualify for an exemption to submit emissions data, documentation of equipment type, and other supporting documents to the Director for review. This would be the same type of information that a facility would submit for obtaining a permit. For these reasons, no change in emissions are expected to occur as a result of these rule changes. The DAQ has determined that the air quality will not be negatively impacted, and the state will continue to attain and maintain the NAAQS.

Comment: Section 3.3 of the 110(l) demonstration describes the affected facilities eligible for exemption from air quality permitting and eligible for registration with DAQ instead of holding a permit. Please include how the percentages of criteria pollutant emissions was calculated for these categories.

Response: Section 3.3 of North Carolina’s 110(l) demonstration was amended to provide the source of emission data utilized to calculate the percentages. Each criteria pollutant was summed for all permitted facilities (Title V, synthetic minor, and minor NSR) and summed for all minor NSR facilities eligible for exemption. The total emissions for exempt facilities was divided into the total emissions from all permitted facilities. North Carolina provided EPA with the final list of potentially exempt facilities and their emissions by pollutant.

Comment: If there are compliance concerns, it appears it is to the discretion of the state to fully evaluate these concerns. Please clarify if there is a regulation where DAQ addresses compliance concerns to require a permit or take enforcement action.

Response: 15A NCAC 02Q .0102(f) requires a facility to obtain a permit or register with the state if necessary to obtain compliance with any applicable state or federal requirement.

Comment: Please clarify whether the exemption threshold in 2Q .0102(e) is based on emissions before or after air pollution control devices.

Response: The exemption thresholds in 02Q .0102(d) and (e) are based on the emissions being emitted into the atmosphere. If the facility has a control device installed, it would be the emissions after moving through the control device.

Comment: In the second paragraph of Section 4.0 of North Carolina's 110(l) demonstration, the State affirms that if compliance becomes an issue with an unpermitted facility, that DAQ would have several options to address the issue. One of these options requires a facility to obtain a permit pursuant to paragraph (g) of 2Q .0102. This appears to be a typographical error that

should refer to paragraph (f) of 2Q .0102. Please clarify that this is North Carolina's intention for this rule.

Response: It was a typographical error in the 110(l) demonstration and it has been amended to refer to Paragraph (f) in the final submittal.

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