

DIVISION OF AIR QUALITY
Technical Services Section

July 31, 2020

MEMORANDUM

To: William Willets, Chief, Permit Section
From: Steve Hall, Chief, Technical Services Section *SGH*
Subject: Legal Basis of Reporting Frequency for CEMS-affected Facilities

The purpose of this memo is to provide further guidance on the legal authority for requiring quarterly and/or semiannual emissions reporting for facilities required to install continuous emission monitoring systems (CEMS) pursuant to 40 CFR Part 60 New Source Performance Standards (NSPS), 40 CFR Part 51 State Implementation Plan (SIP), 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants (NESHAP) and 40 CFR Part 63 Maximum Achievable Control Technology (MACT) standards.

In our previous memo of July 2, 2009 from Dennis Igboko through Lee Daniel, Technical Services Section, to D.R. van der Vaart, Permit Section, we issued limited guidance for a specific list of facilities subject to CEMS installations under the NSPS. In furtherance of that guidance, we ask that all sources required to install a CEMS under the NSPS be required to report emissions and monitoring system performance activities on a quarterly rather than on a semiannual basis pursuant to the authority allowed under 40 CFR Part 60, Section 60.7(c).

Similarly, for SIP-affected sources required to install a CEMS, we ask that affected sources be required to report emissions and monitoring system performance activities on a quarterly rather than on a semiannual basis. The legal authority is based on NC Statute as defined in G.S 143-215.65.

For NESHAP and MACT sources required to install a CEMS, the frequency required to report emissions and monitoring system performance activities is on a semiannual basis unless further specified in the subpart. For those sources required to only report on a semiannual frequency, we ask the emissions and monitoring system performance report be calculated on a quarterly basis. The purpose of the quarterly calculation in a semiannual report is to ensure the Division's compliance assessment is carried out consistently among all CEMS installations in the State.

We are requesting that permits issued to sources covered under the NSPS, SIP, NESHAP and MACT be modified to include reporting requirements as discussed above at permit renewal or at the next applicable permit modification.

Finally, under the authority found in 15A NCAC 02Q .0309(b) and 02Q .0508(i)(5), the Director may require permit modification or the submittal of additional information as necessary to ensure compliance with the permit and/or applicable federal and state regulations.

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