



North Carolina Department of Environment and Natural Resources

Division of Air Quality

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TO: Donald R. van der Vaart
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FROM:


Sheila C. Holman

SUBJECT: Senate Bill 3 Implementation Issues

Senate Bill 3 (SB3) (Session Law 2007-397) contains a requirement for any biomass combustion process that is otherwise not subject to the Best Available Control Technology (BACT) requirements of the Prevention of Significant Deterioration (PSD) program and that is determined to be a "new renewable energy facility" to meet BACT. On March 18, 2010 this office signed a memorandum addressing questions regarding applicability of this requirement. This memorandum is intended to address two implementation issues that have been raised during the NCDAQ review of SB3 BACT applications.

Pollutants Covered Under SB3 BACT

SB3 BACT is intended to address the same pollutants that would have been covered by the New Source Review ("NSR") program under 15A NCAC 2D .0530 and 2D .0531. In addition to requiring SB3 BACT on regulated NSR pollutants, the NCDAQ will require SB3 BACT for mercury emissions resulting from biomass combustion.

Significance Levels for SB3 Regulated Pollutants

SB3 BACT will be applied to emissions resulting from biomass combustion on a per pollutant basis. In the case of co-firing biomass with non-biomass fuels, SB3 BACT will apply only to that portion of potential emissions that result from biomass combustion. Regardless of whether the source is 100% biomass or cofires a percentage of biomass, there is no significance level or lesser quantity cut-off at which SB3 BACT would not be triggered. In addition, while biomass may in some cases offset traditional carbon-based fuels like petroleum and coal, there are no provisions in the law to offset or net out of SB3 BACT review.

c: Mike Abraczinskas
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