



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL A. ABRACZINSKAS
Director

April 11, 2017

V. Anne Heard
Acting Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Subject: NC 133: Revision to Clean Air Act Section 110(l) Noninterference Demonstration for the Removal of Nitrogen Dioxide Emissions Control Requirements from Nitric Acid Manufacturing Plants, Rule 15A NCAC 02D .0519 (a)(1)

Dear Ms. Heard:

I am pleased to submit this demonstration that the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ) has met the requirements of the Clean Air Act (CAA) Noninterference Demonstration for revisions to the Removal of Nitrogen Dioxide (NO₂) Emissions Control Requirements from Nitric Acid Manufacturing Plants. Attachment A documents the amendments to Chapter 15A North Carolina Administrative Code (NCAC) 02D .0519 (a)(1). Attachment B contains the public notice and the EPA's no-comment letter. An exact duplicate electronic copy is being provided on a compact disk.

In a letter dated January 31, 2008, the DAQ submitted amendments to Chapter 15A North Carolina Administrative Code (NCAC) Section 02D .0519 for EPA to review and approve as part of the State Implementation Plan(SIP). The EPA reference number associated with this SIP submission is NC-133. The amendment in paragraph (a)(1) of the Rule deleted the provision to limit NO₂ emissions from nitric acid manufacturing plants. The revision was made because no nitric acid plants existed at the time the amendment was adopted, and there are no plants currently operating in North Carolina.

The DAQ issued a public notice announcement on January 4, 2017, in accordance with 40 CFR 51.102, indicating that the North Carolina CAA 110(l) Noninterference Demonstration for the Removal of Nitrogen Dioxide Emissions Control Requirements from Nitric Acid Manufacturing Plants was available for public comment and 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 a number of email distribution lists managed by the DAQ that 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,

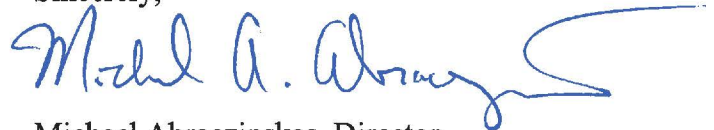
“Regional Consistency for the Administrative Requirements of the State Implementation Plan Submittals and the Use of Letter Notices.”

Additionally, the Rich Site Summary (RSS) feed on the DAQ website offers regular delivery of changes to the website content to those that have signed up for it. The document was also made available for in person review during normal business hours at the DAQ Central Office in Raleigh and seven Regional Offices.

The public comment period was open from January 4, 2017 through February 6, 2017. The DAQ did not receive any requests for a public hearing or any comments from the public or the EPA.

The DAQ believes it has in good faith addressed the requirements for a 110(l) noninterference demonstration. If you should have any questions, please contact Sushma Masemore at (919) 707-8700 or sushma.masemore@ncdenr.gov.

Sincerely,



Michael Abraczinskas, Director
Division of Air Quality, NCDEQ

MAA/rps

Enclosures

cc: Michael Pjetraj, DAQ
Sushma Masemore, DAQ
Randy Strait, DAQ
Scott Davis, USEPA
Lynorae Benjamin, USEPA
William Barnette, Forsyth County Office of Environmental Assistance and Protection
Leslie Rhodes, Mecklenburg County Air Quality
David Brigman, Western Regional Air Quality Agency