

FINAL

North Carolina

Clean Air Act Section 110(l)

Noninterference Demonstration

For

**The Removal of Nitrogen Dioxide (NO₂) Emissions
Control Requirements from Nitric Acid**

Manufacturing Plants

Rule 15A NCAC 02D .0519 (a)(1)



April 11, 2017

Prepared by:

North Carolina Department of Environmental Quality

Division of Air Quality

Planning Section

PREFACE:

This document contains North Carolina's Clean Air Act Section 110(l) noninterference demonstration for the removal of the nitrogen dioxide emission standards from nitric acid manufacturing plants (15A NCAC 02D .0519 (a)(1)), as submitted to EPA on January 31, 2008 for review and approval as part of the State Implementation Plan (SIP). The EPA reference number associated with this SIP submission is NC133.

CLEAN AIR ACT SECTION 110(I) DEMONSTRATION

1.0 INTRODUCTION

Section 110(l) of the Federal Clean Air Act (CAA), as amended prohibits EPA from approving any proposed state implementation plan (SIP) revision that would interfere with the attainment and maintenance of the national ambient air quality standards (NAAQS) in effect at the time of the revision. The following “noninterference demonstration” is provided to show that the 2008 revision to remove the emission standards for control of nitrogen dioxide (NO₂) from nitric acid manufacturing plants will not interfere with North Carolina’s ability to attain or maintain compliance with the NO₂ NAAQS or other NAAQS.

2.0 REVISIONS TO THE RULE

In a letter dated January 31, 2008, the Division of Air Quality (DAQ) submitted amendments to Chapter 15A North Carolina Administrative Code (NCAC) Section 02D .0519 for EPA to review and approve as part of the SIP (see Attachment A). The amendment in paragraph (a)(1) 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 or are currently operating in North Carolina.

The EPA has not yet taken formal action on this SIP submission (NC133). It is currently being reviewed as part of a lengthy backlog that the agency is in the process of resolving. As part of this review process, EPA has informed the DAQ that the amendments to Rule 02D .0519 constitutes a relaxation in NO₂ emission standards for nitric acid plants, and the DAQ needs to submit a noninterference demonstration to ensure the change will not interfere with attainment and maintenance of NAAQS.

3.0 NON-INTERFERENCE WITH NO₂ AND OTHER NAAQS

There are currently no permitted nitric acid plants in North Carolina. Any new nitric acid plants built in North Carolina with affected boilers or engines must comply with New Source Performance Standards which represent more restrictive standards than this rule. Given that no nitric acid plants exist in the state, there would be no emissions impact associated with this rule revision. The DAQ is concluding that air quality will not degrade and the state’s ability to attain or maintain the 2010 1-hour NO₂ NAAQS, 2015 8-hour ozone NAAQS, and any other NAAQS will not be hindered due to this rule change.

North Carolina is in attainment for the 2010 SO₂ NAAQS, 2010 NO₂ NAAQS, 2012 PM_{2.5} and PM₁₀ NAAQS, 2011 CO NAAQS, 2008 Ozone NAAQS, 2008 lead NAAQS and the 2015 Ozone NAAQS.

(This page intentionally left blank)