

AGENDA ITEM 3

446. Require Prescribed Forest Land Burning to Use Smoke Management

Reason for Action

To require any person who burns forest land (prescribed burning) to follow the smoke management guidelines adopted by the Division of Forest Resources.

Scope/Nature/Summary

If the State measures an exceedance of the particulate ambient standard because of smoke from a prescribe forest burn, EPA will not give any special consideration the high concentration of particulate matter if the State does not require burners to use a certified smoke management plan. EPA could proceed to designate that area as nonattainment for particulates or find that the State is failing to meet the requirements for visibility. EPA could declare the SIP (State Implementation Plan) deficient and require the State to adopt a smoke management plan into its SIP. However, if the State has developed and certified to EPA a smoke management program and requires prescribed burns of forest land to follow that plan, then EPA will give special consideration to exceedances of the particulate ambient standard and not declare the area nonattainment for particulate matter if the State shows that the exceedance was caused by a prescribed burn.

As a result of EPA's policy on prescribed burns, a rule is being considered to require prescribed burns of forest land to follow the Division of Forestry smoke management guidelines. A minimum size may be set for this requirement. Also, definitions may be added to the definition rule, 15A NCAC 2D .1902, and the permissible open burning rule, 15A NCAC 2D .1903, may be amended to reference the requirement to follow the smoke management plan.

The rule change is being proposed at the suggestion of DAQ staff with agreement of the Division of Forest Resources.

Statutory Authority

G.S. 143-215.3(a)(1); 143-215.107(a)(5)

AGENDA ITEM 4

447. Repeal of the Tailpipe Emission Standard Rule

Reason for Action

To repeal 15A NCAC 2D .1004, Tailpipe Emission Standards For CO and HC.

Scope/Nature/Summary

The requirements of Rule 15A NCAC 2D .1004 have expired. (The rule contains a statement that its requirements expire on January 1, 2006.) On-board diagnostic standards have replaced the tailpipe emission standards. Therefore, this rule is no longer need and may be repealed.

The rule repeal is being proposed at the suggestion of DAQ staff.

Statutory Authority

G.S. 20-128.2(a); 20-183.5; 143-215.3(a)(1); 143-215.107(a)(3), (6), (7)

AGENDA ITEM 5

448. Cross-Reference Correction to 2D .0953, .0954 and .1110

Reason for Action

To correct cross-references in 15A NCAC 2D .0954, Stage II Vapor Recovery, and .1110, National Emission Standards for Hazardous Air Pollutants and to revise the list of counties in 15A NCAC 2D .0953, Vapor Return Piping for Stage II Vapor Recovery.

Scope/Nature/Summary

The applicability rule for reasonable available control technology (RACT) for volatile organic compounds (VOC), 15A NCAC 2D .0902, is being amended to extend the VOC RACT rules to all the counties in the Charlotte ozone nonattainment area. The amendments to 15A NCAC 2D .0902 have changed the paragraph numbering by adding and deleting paragraphs. These changes have resulted in incorrect references in 15A NCAC 2D .0954 and .1110. These two rules are proposed to be amended to correct the cross-references.

Rule 15A NCAC 2D .0953 lists the counties to which this rule applies. It needs to be revised to add the counties in the Charlotte ozone nonattainment area that are not already listed.

These rule changes are being proposed at the suggestion of DAQ staff.

Statutory Authority

G.S.143-215.3(a)(1); 143-215.107(a)(5); 150B-21.6

AGENDA ITEM 6

449. Repeal of 2Q .0506 Initial Title V Permit Application Submittal

Reason for Action

To repeal 15A NCAC 2Q .0506, Initial Permit Application Submittal.

Scope/Nature/Summary

Rule 15A NCAC 2Q .0506 gives a schedule by which the initial Title V permit applications were to be submitted when the Title V permitting rules went into effect. The requirements and schedules in this rule have passed and no longer needed. Therefore, this rule may be repealed

The repeal is being proposed at the suggestion of EPA.

Statutory Authority

G.S.143-215.3(a)(1); 143-215.107(a)(10); 143-215.108

AGENDA ITEM 7

450. Extend New Source Review Rule for Nonattainment Areas to Particulate Nonattainment Areas

Reason for Action

To extend 15A NCAC 02D .0531, Sources in Nonattainment Areas, to cover particulate nonattainment areas.

Scope/Nature/Summary

Currently 15A NCAC 02D .0531 applies only to ozone nonattainment areas and carbon monoxide nonattainment areas. (Currently, no part of North Carolina is nonattainment for carbon monoxide.) The amendment would extend this rule to cover particulate nonattainment areas. Counties currently nonattainment for particulate are Davidson, Guilford, and Catawba. Until this Rule is amended to cover new major sources and major modifications in these counties, the procedures in 40 CFR Part 51, Appendix S are used to require offsets and lowest achievable control technology (LAER).

Also, the parts of this Rule that cover the items that the federal court has overturned may be removed. These parts are Paragraph (a)(2), which is the definition of "pollution control project" and Paragraphs (i) and (j), which deal with clean units.

These rule changes are being proposed at the suggestion of DAQ staff to satisfy EPA requirements.

Statutory Authority

G.S.143-215.3(a)(1); 143-215.107(a)(5); 143-215.108(b)