

AGENDA ITEM _____ :

Request to Proceed to Public Hearing on
Amendments to Various Air Quality Rules

EXPLANATION:

The Environmental Management Commission is requested to approve one or more public hearings on the adoption of rule on sales and service of I/M analyzers and amendments to, new source performance standard, maximum achievable control technology, recordkeeping and reporting, gasoline bulk terminal, gasoline truck tank, and permitting rules.

The new source performance standards (15A NCAC 2D .0524) and maximum achievable control technology (15A NCAC 2Q .1111) rules are proposed to be amended to delegate the implementation and enforcement of the NSPS and MACT requirements for drycleaners to the Division of Waste Management.

The gasoline truck tank and vapor collection rule (15A NCAC 2D .0932) is proposed to be amended to make clarifications, corrections and updates. The definitions of "bulk gasoline plant" and "bulk gasoline terminal" are corrected. References to gasoline dispensing facilities and gasoline service stations are removed because the rule does not apply to them. The pressure standard has been updated to the current Department of Transportation standard. The requirements for gasoline truck tanks and for vapor control systems have been more clearly delineated.

The general recordkeeping and reporting requirement rule (15A NCAC 2D .0605) is proposed to be amended to prohibit falsifying information and knowingly submitting falsified information.

The gasoline bulk terminal rule (15A NCAC 2D .0927) is proposed to be amended to add details on leak inspection and recordkeeping and requirements for repairing leaks.

A new rule (15A NCAC 2D .1006) is being proposed on the sales and service of analyzers used to test automobile emissions under the inspection/maintenance (I/M) program. This rule requires vendors to sell or lease only equipment that meet the requirements for on-board diagnostic testing equipment and has the software necessary to record and transmit data required by the

Divisions of Motor Vehicles and Air Quality. The rule also requires vendors to make repairs to the hardware and software in a timely manner.

The rule that identifies permits requiring public participation (15A NCAC 2Q .0306) is proposed to be amended. The amendment requires permits with conditions that exempt a source from the 20-percent opacity standard to be noticed for public comment with an opportunity for public hearing. Also, permits using alternative monitoring procedures or methodologies than those specified in the monitoring rules would be noticed for public comment with an opportunity for public hearing.

The Title V permitting definition rule (15A NCAC 2Q .0503) is proposed to be amended to revise the definition of "insignificant activities because of category." Currently the definition does not limit the size of heating unit used for human comfort that is considered insignificant. The amendment considers only those less than ten million Btu as insignificant.

The Title V permit content rule (15A NCAC 2Q .0508) is proposed to be amended to change the requirement to report excess emissions that last less than four hours from two business days to quarterly. (Excess emissions lasting for more than four hours are covered under another rule and are required to be reported by the next business day.)

The Title V administrative permit amendment rule (15A NCAC 2Q .0514) is proposed to be amended to clarify that it is not to be used for the state-enforceable only part of a Title V permit. Administrative amendments to the state-enforceable only part of a Title V permit are to be made using the non-Title V administrative amendment permitting procedures.

RECOMMENDATION:

The Director recommends that the Commission authorize a public hearing(s) on these items and that the Chairman appoint a member(s) of the Commission to serve as hearing officer(s).