

RULE SUMMARY

Subject: **Air Toxics Rule Revisions (519) and Asbestos Acceptable Ambient (AAL) Correction (518)**

Rule Citation	What is Changed	Purpose of Change (Why)	Who Is Affected and How	Impacts
<p>15A NCAC 02D .1104 Toxic Air Pollutant Guidelines</p> <p>15A NCAC 02Q .0701 Applicability</p> <p>15A NCAC 02Q .0702 Exemptions</p> <p>15A NCAC 02Q .0703 Definitions</p> <p>15A NCAC 02Q .0704 New Facilities</p> <p>15A NCAC 02Q .0706 Modifications</p> <p>15A NCAC 02Q .0709 Demonstrations</p> <p>15A NCAC 02Q .0711 Emission Rates Requiring a Permit</p>	<p>Section 1 of Session Law 2012-91 exempts sources subject to federal maximum achievable control technology (MACT), generally available control technology (GACT), or case-by-case emission limits for toxic air pollutants established under Section 112(j) of the Clean Air Act, and codifies the Director's Call provision of the state air toxics rules. Section 2 of the Session Law requires rule amendments consistent with Section 1. Section 3 of the Session Law requires the DAQ to review the existing air toxics rules and make recommendations on whether further</p>	<p>There are three parts to necessity of these rule changes. The first set of changes are motivated by Section 1 of S.L 2012-91 which exempts certain MACT/GACT sources and shifts some regulatory compliance burden away from facilities and instead relies upon the DAQ's expertise to determine when an unacceptable risk warrants a Director's Call. A second group of proposed rule amendments are consensus recommendations that emerged from comments reviewed and compiled by the DAQ during the facilitated stakeholder process. And lastly, proposed amendments correct an</p>	<p>DAQ estimated fiscal impacts in the form of regulatory relief that results in avoided cost impacts from adoption of these rule amendments to privately owned facilities and federal government facilities. The regulatory relief is in the form of reduced fees from consulting firms to collect data and perform a modeling demonstration. The same regulatory relief may also affect state or local government facilities. There are additional costs for the Division of Air Quality. Those additional costs represent an increase in staff time due to performing unacceptable risk determinations along with a smaller decrease in staff time from a reduction in modeling effort for the natural gas and propane fired combustion sources,</p>	<p>DAQ estimates avoided costs to private and federal facilities ranging from \$132,000 to \$144,000 in the five year period of its analysis.</p> <p>DAQ estimates avoided costs to local government ranging from \$3000 to \$7500 in the five year period of its analysis.</p> <p>DAQ estimates avoided costs to state-owned facilities ranging from \$0 to \$7500 in the five year period of its analysis.</p> <p>DAQ estimates an opportunity cost to DAQ staff time of \$6400 on an annual basis.</p> <p>DAQ has determined that there are not any facilities in the North Carolina that emit asbestos, so there will not be any fiscal impact for the error corrections related to asbestos.</p>

Rule Citation	What is Changed	Purpose of Change (Why)	Who Is Affected and How	Impacts
<p>15A NCAC 02Q .0705 Existing Facilities and SIC Calls (Repealed)</p> <p>15A NCAC 02Q .0714 Wastewater Treatment Systems at Pulp and Paper Mills (Repealed)</p>	<p>changes could be made that would reduce unnecessary regulatory burden and increase the efficient use of Division resources while maintaining public health protections.</p> <p>Existing rule numerical values for the asbestos ambient air level (AAL) in 15A NCAC 02D .1104 and the associated asbestos toxic pollutant permitting emission rate (TPER) in 02Q .0711 are proposed to be revised due to a calculation error in their development.</p>	<p>error in the development of the AAL and TPER for asbestos.</p>	<p>emergency generators and facilities with non-obstructed, vertically oriented emission release points.</p> <p>DAQ has determined that there are not any facilities in the North Carolina that emit asbestos.</p>	