

Agenda Item 12-33: Request for 30-day Waiver and Request to Proceed to Hearing on Revision of Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) Rules Applicability (513) and Clarifications (511)

Explanation:

The Environmental Management Commission (EMC) is requested to approve a waiver of its 30-day rule and one or more public hearings to consider amendments to the Volatile Organic Compounds Reasonably Available Control Technology rules applicability and clarifications of two category specific rules.

In comments on North Carolina's redesignation demonstration and maintenance plan for the North Carolina portion of the Charlotte-Gastonia-Rock Hill, NC 1997 8-hour Ozone National Ambient Air Quality Standard (NAAQS) Nonattainment Area, USEPA identified the need for an adjustment of applicability of the state's RACT rules. Section 182(b)(2) of the Clean Air Act (CAA) requires RACT for all sources addressed by Control Technique Guidelines (CTGs) in areas classified moderate and above. The current RACT rules' applicability is structured such that the RACT requirement for sources in CTG categories applies to major sources. For a moderate nonattainment area major sources are those with emissions of 100 tons of volatile organic compounds or more per year. In 15A NCAC 02D .0902, Applicability, the rules are proposed to be amended to reflect applicability to all sources in a CTG category in order to meet the Clean Air Act requirement and thus facilitate the redesignation process. 02D .0951, RACT For Sources of Volatile Organic Compounds, is proposed for amendment to provide flexibility to comply via the category specific rules in the Section or through approved site specific alternative determinations.

15A NCAC 02D .0961, Offset Lithographic Printing and Letterpress Printing, and .0962, Industrial Cleaning Solvents, are proposed for amendment in response to industry associations' comments and requests for language clarification and flexibilities consistent with the CTGs on which they are based. Proposed amendments to 02D .0961 include an equivalent rolling, consecutive 12 month applicability threshold consistent with the CTG to provide some relief from a recordkeeping standpoint, clarifying language, and adds some specificity with respect to recordkeeping. Proposed amendments to 02D .0962 include an alternate VOC content level and compliance options for industrial solvents used for cleaning resins, inks, and coatings manufacturing equipment consistent with the CTG recommendations.

Amendments to 15A NCAC 02D .0903, Recordkeeping: Reporting: Monitoring, and 02Q .0102, Exemptions, make corresponding updates to cross-references.

The fiscal note estimate of zero impact is based on the most likely scenario that EPA will approve the re-designation request and maintenance plan once the proposed applicability change has been made. Once the area has been re-designated, the rule changes would apply only under the scenario that the area later violates the 1997 8-hour ozone standard and, based on technical analysis, if implementation of the rules would assist in bringing the area back into attainment as part of required contingency measures. This contingency scenario is not expected to occur. Thus, the amendments are expected to impose no immediate direct costs or benefits to potentially affected parties.

Recommendation:

The Director recommends that the Commission approve the fiscal note and 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).