

# *New Source Review Reform in North Carolina*



William Willets, P.E.

NSR/PSD Coordinator

North Carolina DAQ

(919) 715-6252

[william.willets@ncmail.net](mailto:william.willets@ncmail.net)

# *Background*



- NC DAQ held multiple stakeholder meetings to decide how to incorporate EPA's changes into North Carolina's rules
- DAQ staff crafted a rule based on the EPA rule with several changes specific to situations in North Carolina.
- The North Carolina Environmental Management Commission is amending 15A NCAC 2D .0530 and .0531 to modify the EPA's promulgated revisions to reflect the needs of the State.

# *EMC presented three action options for public comment*

- Option 1: Not to amend the current State rules
- Option 2: Amend the current State rules to incorporate the EPA revisions without change
- Option 3: Amend the current State rules to incorporate most of the EPA revisions without changes, but to modify several of the EPA revisions

# *Hearing Process*



- Public hearings held in Charlotte and Raleigh
- Hearings well attended and many comments received
- Comments were for Option 1 and Option 2 with compliments on DAQ's efforts on Option 3
- Hearing officers chose a hybrid of Options 2 and 3
- EMC adopted the EPA rule with six modifications

# *Additional Process*

- Scheduled for Rules Review Commission in April
- If more than ten objection letters received, rule goes before full legislature in 2006
- That G.A. session is too late to meet EPA's deadline
- Missing deadline could result in EPA sanction letter
- Governor could pass the rule via executive order

## *Changes to EPA's rule include:*

- All sources (Electric Utility Steam Generating Units and non-EUSGUs) are allowed a five year look back to determine baseline actual emissions. Up to ten years can be considered on a case-by-case basis
- EUSGUs must adjust their baseline emissions down by the amount of reductions in  $\text{NO}_x$  and  $\text{SO}_2$  required by the CSA
- New EUSGUs not subject to CSA must install BACT or LAER

## *Changes to EPA's rule include:*

- What were assumed to be pollution control projects in EPA's rule are a rebuttable presumption in North Carolina
- PALs will be renewed at their existing level if actual emissions are 80% or greater than the existing PAL
- Facilities using the actual-to-projected actual applicability test must provide notification to DAQ