

**Agenda Item:** 14-27 **Request for 30-Day Waiver and to Proceed to Hearing on Clerical Revision to 15A NCAC 02Q .0711 (526)**

**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 an amendment to Rule 15A NCAC 02Q. 0711 to make clerical revisions to toxic air pollutant permitting emission rates (TPER) for unobstructed and vertically oriented emission release points.

Rule amendments to the air toxics permitting requirements incorporating Session Law 2012-91 were approved in the March 2014 EMC meeting. One of the amendments was to Rule 15A NCAC 02Q .0711, Emission Rates Requiring a Permit, which added an additional set of TPERs that would apply to those situations where air pollutant emission release points at a given facility are non-obstructed and vertically oriented.

Staff has identified clerical issues in the spreadsheet used to calculate the TPER values that was transferred into the table in Paragraph (b) of the rule. The rule is proposed to be revised to reflect the TPER values for three pollutants in the appropriate columns as follows. The value of 2.0 lb/hr for ethylene glycol monoethyl ether is to be reflected in the acute systemic column instead of the acute irritant column. For two pollutants the TPER values were inadvertently left out. The value of 31.59 lb/hr for methyl isobutyl ketone is to be reflected in the column for acute irritants and the value of 197.96 lb/day for toluene in the column for chronic toxicants. Rule 15A NCAC 02Q .0711 needs to be revised to update the TPERs in Paragraph (b) for these three toxic air pollutants.

The Office of State Budget and Management (OSBM) reviewed an analysis for the proposed amendment to Rule 15A NCAC 02Q .0711 in accordance with G.S. 150B-19.1, 150B-21.4, and E.O. 70. The analysis was certified by OSBM on July 30, 2014 and the proposed rule amendment was determined to not require a fiscal note.

**Recommendation:**

The Director recommends that the Commission approve the waiver and proposed rule along with authorizing a public hearing(s) on these items and that the Chairman appoint a member(s) of the Commission to serve as a hearing officer(s).