

Control of Toxic Air Pollutants in North Carolina

DENR, Division of Air Quality
ERC Meeting – March 22, 2012

Recap from 09/28/11 Presentation

- ▶ Toxic air pollutants – known to cause cancer or other serious health effects
- ▶ Federal Approach
 - Identified source categories (e.g., wood furniture–surface coating, boilers, etc.) for which technology standards would be developed
 - Did rulemaking to set technology based emission standards
 - Facilities comply with technology standards
 - EPA is required to evaluate whether any residual risk remains 8 years after technology standard was established, and, if necessary, revise the standards to address such risk

Recap from 9/28/11 Presentation

► State Approach

- Identified the toxic air pollutants of concern in NC
- Secretary's Science Advisory Board on Toxic Air Pollutants study exposure data and make recommendation as to the health based standard for a given toxic pollutant
- Environmental Management Commission adopts health based standards via rulemaking
- Permitted sources evaluate whether health based standards are being met at the property boundary

Proposed Legislation

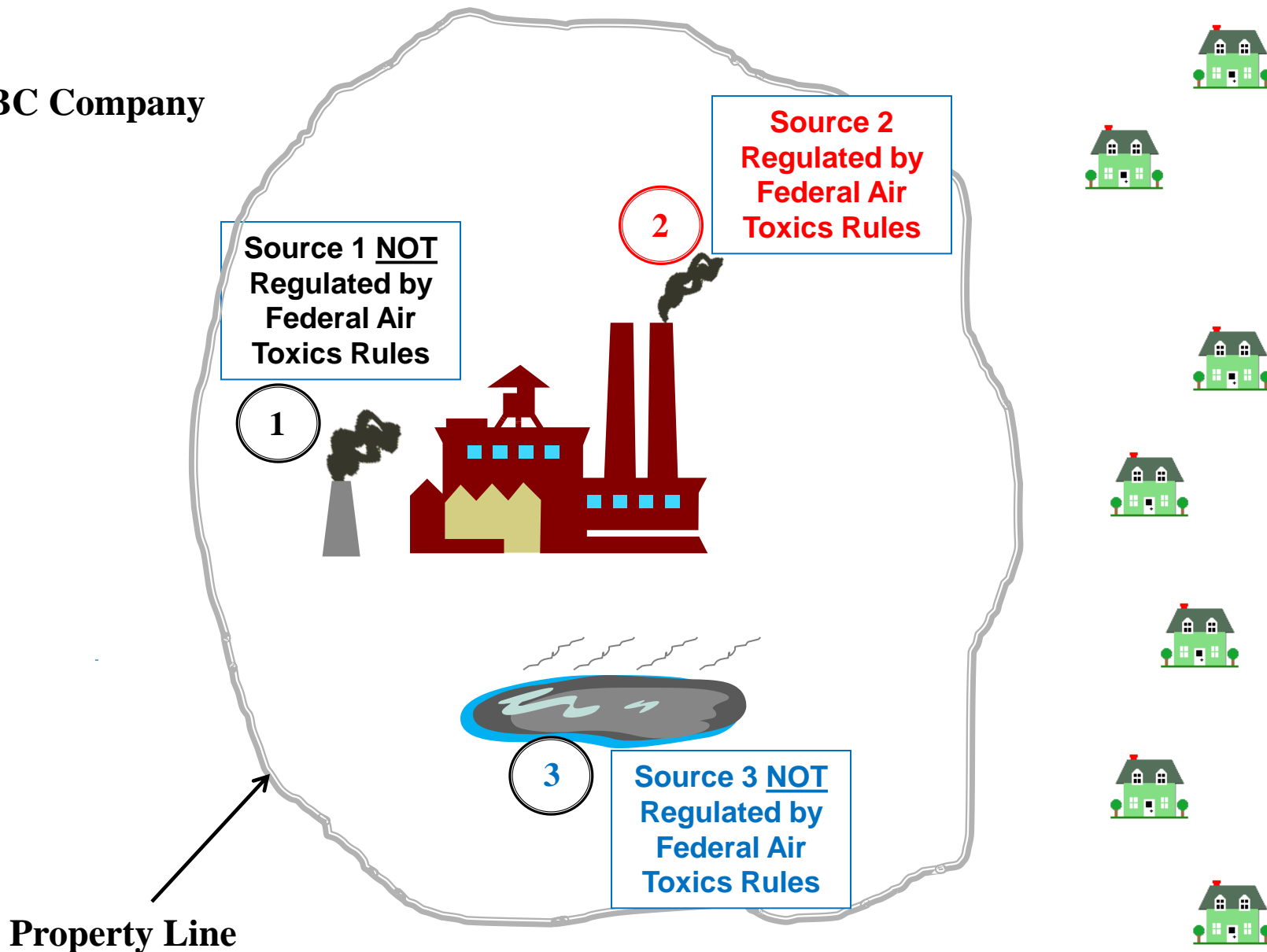
- ▶ State Air Toxics rules will not apply to any air emission source that is subject to federal requirements:
 - EPA rules that require control of toxic air pollutants, or
 - A permit issued under Section 112(j) of the Clean Air Act, which requires States to establish toxic emission standards when EPA fails to do so for a given industrial sector

Proposed Legislation

- ▶ Authorizes DENR to require a federally regulated source or facility to meet the requirements of the state air toxics program if DENR makes a written finding that a source or facility presents or will present an unacceptable risk to human health
- ▶ DAQ to review rules to determine if additional regulatory reform can be accomplished while maintaining protection of public health. Report due by November 30, 2012

Example Illustrating State and Federal Air Toxics Programs

ABC Company



What would change with passage of proposed legislation?

- ▶ Facilities – would not include emission sources subject to federal rules in state air toxics facility-wide modeling during permitting.
- ▶ State – would review permit application to determine if a closer look at all air toxics emissions sources is warranted, and take action if unacceptable health risk is found.
- ▶ State – would revise air toxics rules to reflect changes made in the legislation.

What would not change with passage of proposed legislation?

- ▶ Air quality permits would continue to cover all emissions sources at a facility, both federal and state requirements.
- ▶ DAQ will still receive a complete periodic emission inventory from each facility that will include the emissions from all federally regulated sources.
- ▶ DAQ inspection frequency of all permitted facilities to ensure compliance with both federal and state rules.
- ▶ Protection of public health consistent with current health based standards.

Questions from February ERC Meeting

- ▶ How are other states implementing their state programs and the federal air toxic program?
- ▶ Examples are Virginia and South Carolina
- ▶ Both states have similar exemptions for federally covered emission sources.
- ▶ One difference is that the South Carolina exemption only covers toxic air pollutants regulated under the federal standard.
- ▶ Both states have the ability to call in facilities if public health is found to be at risk.

Questions from February ERC Meeting

- ▶ What percentage of emissions sources are covered by the federal program?
- ▶ Best estimate is about 45% of the emission sources are now or about to be covered by the federal rules.

Questions from February ERC Meeting

- ▶ What percentage of emissions are covered by the federal program?
- ▶ Best estimate is about 66% of the 2009 toxic air emissions in North Carolina are now or about to be covered by federal rules. Those emissions will decline as those sources complete installation of the federally required air pollution controls.

Key Points

- ▶ Updates the State Air Toxics rules to fully consider the more robust federal regulatory framework that did not exist when the State Air Toxics rules were first developed.
- ▶ Serves the public's interests by retaining the regulatory tools to address any unacceptable health risks from sources of toxic air emissions.
- ▶ Provides continued environmental protections for sources not covered by federal regulations.
- ▶ Increases the implementation efficiency of the State air toxics rules by reducing repetitive modeling.