



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

MICHAEL ABRACZINSKAS
Director

XXXX, 2023

Mr. Issa Zarzar
GM CCP Project Management
Duke Energy Progress, LLC
410 South Wilmington Street
Raleigh, NC 27601

SUBJECT: Air Quality Permit No. 10583T02
Facility ID: 1900134
Duke Energy Progress, LLC - Cape Fear STAR® Facility
Moncure, North Carolina
Chatham County
Fee Class: Title V
PSD Class: Minor

Dear Mr. Zarzar:

In accordance with your completed Air Quality Permit Application for a first time Title V permit we are forwarding herewith Air Quality Permit No. 10583T02 authorizing the construction and operation, of the emission source(s) and associated air pollution control device(s) specified herein. Additionally, any emissions activities determined from your Air Quality Permit Application as being insignificant per 15A North Carolina Administrative Code 02Q .0503(8) have been identified as such in the permit. Please note the requirements for the annual compliance certification are contained in General Condition P in Section 4. The current owner is responsible for submitting a compliance certification for the entire year regardless of who owned the facility during the year.

As the designated responsible official, it is your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit. It is also your responsibility to ensure that any person who operates any emission source and associated air pollution control device subject to any term or condition of the attached permit reviews, understands, and abides by the condition(s) of the attached permit that are applicable to that particular emission source.

If any parts, requirements, or limitations contained in this Air Quality Permit are unacceptable to you, you have the right to file a petition for contested case hearing in the North Carolina Office of Administrative Hearings. Information regarding the right, procedure, and time limit for permittees and other persons aggrieved to file such a petition is contained in the attached "Notice Regarding the Right to Contest A Division of Air Quality Permit Decision."

The construction of new air pollution emission source(s) and associated air pollution control device(s), or modifications to the emission source(s) and air pollution control device(s) described in this permit must be covered under an Air Quality Permit issued by the Division of Air Quality prior to construction unless the Permittee has fulfilled the requirements of NCGS 143-215-108A(b) and received written approval from the Director of the Division of Air Quality to commence construction. Failure to receive an Air Quality Permit or written approval prior to commencing construction is a violation of NCGS 143-215.108A and may subject the Permittee to civil or criminal penalties as described in NCGS 143-215.114A and 143-215.114B.



North Carolina Department of Environmental Quality | Division of Air Quality
217 West Jones Street | 1641 Mail Service Center | Raleigh, North Carolina 27699-1641
919.707.8400

Chatham County has triggered increment tracking under PSD for PM₁₀, SO₂ and NO_x. Any increment changes associated with this modification were addressed in the Part 1 permit application (No. 1900134.18A).

This Air Quality Permit shall be effective from XXX, 2023 until XXXX, 2028, is nontransferable to future owners and operators, and shall be subject to the conditions and limitations as specified therein.

Should you have any questions concerning this matter, please contact Betty Gatano, P.E., at (919) 707-8736 or Betty.Gatano@ncdenr.gov.

Sincerely yours,

Mark J. Cuilla, EIT, CPM, Chief, Permitting Section
Division of Air Quality, NCDEQ

c: Brad Akers, EPA Region 4 (permit and permit review)
Connie Horne (Cover letter only)
Laserfiche (1900134)

NOTICE REGARDING THE RIGHT TO CONTEST A DIVISION OF AIR QUALITY PERMIT DECISION

Right of the Permit Applicant or Permittee to File a Contested Case: Pursuant to NCGS 143-215.108(e), a permit applicant or permittee who is dissatisfied with the Division of Air Quality's decision on a permit application may commence a contested case by filing a petition under NCGS 150B-23 in the Office of Administrative Hearings within 30 days after the Division notifies the applicant or permittee of its decision. If the applicant or permittee does not file a petition within the required time, the Division's decision on the application is final and is not subject to review. The filing of a petition will stay the Division's decision until resolution of the contested case.

Right of Other Persons Aggrieved to File a Contested Case: Pursuant to NCGS 143-215.108(e1), a person other than an applicant or permittee who is a person aggrieved by the Division's decision on a permit application may commence a contested case by filing a petition under NCGS 150B-23 within 30 days after the Division provides notice of its decision on a permit application, as provided in NCGS 150B-23(f), or by posting the decision on a publicly available Web site. The filing of a petition under this subsection does not stay the Division's decision except as ordered by the administrative law judge under NCGS 150B-33(b).

General Filing Instructions: A petition for contested case hearing must be in the form of a written petition, conforming to NCGS 150B-23, and filed with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh NC, 27609, along with a fee in an amount provided in NCGS 150B-23.2. A petition for contested case hearing form may be obtained upon request from the Office of Administrative Hearings or on its website at <https://www.oah.nc.gov/hearings-division/filing/hearing-forms>. Additional specific instructions for filing a petition are set forth at 26 NCAC Chapter 03.

Service Instructions: A party filing a contested case is required to serve a copy of the petition, by any means authorized under 26 NCAC 03 .0102, on the process agent for the Department of Environmental Quality:

William F. Lane, General Counsel
North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

If the party filing the petition is a person aggrieved other than the permittee or permit applicant, the party **must also** serve the permittee in accordance with NCGS 150B-23(a).

* * *

Additional information is available at <https://www.oah.nc.gov/hearings-division/hearing-process/filing-contested-case>. Please contact the OAH at 984-236-1850 or oah.postmaster@oah.nc.gov with all questions regarding the filing fee and/or the details of the filing process.

Summary of Changes to Permit

The following changes were made to Air Permit No. 10583R01:*

Pages	Section	Description of Changes
Cover letter and throughout permit	--	<ul style="list-style-type: none"> • Updated all dates and permit revision numbers. • Reformatted permit in accordance with the updated formatting for TV permits.
3	--	“List of Acronyms” has been moved to Page 3 of the permit.
4	Section 1	<ul style="list-style-type: none"> • Removed crusher diesel fired engine (ID No. ES-23) • Removed page numbers from table.
5 to 14	Section 2.1	Added noncompliance statements as required for TV permit throughout this section.
5	2.1 A – Regulations Table	<ul style="list-style-type: none"> • Removed reference to 15A NCAC 02D .0611 • Removed reference for submittal of Title V permit application within one year from the date of beginning operation in accordance with 15A NCAC 02Q .0504. This requirement was fulfilled with the submittal of application no. 1900134.21A. • Added reference to 15A NCAC 02Q .0317 for PSD avoidance for PM/PM₁₀/PM_{2.5} and SO₂ emissions.
5	2.1 A.1.c	Added requirement for testing every five years for compliance with 15A NCAC 02D .0515.
6	2.1 A.1.g	Added semiannual reporting requirements for 15A NCAC 02D .0515.
7 – 8	2.1 A.3.c	Removed requirement to establish “normal” for visible emissions within 30 days of operation of the STAR [®] .
8	2.1 A.3.e	Added semiannual reporting requirements for 15A NCAC 02D .0521.
--	2.1 A.4 (old numbering)	Removed permit condition for 15A NCAC 02D .0611 for inspection and maintenance of the FGD scrubber (ID No. CD-5B). This requirement will be incorporated into the new PSD avoidance condition for SO ₂ emissions.
8 – 9	2.1 A.4	Added permit condition for 15A NCAC 02Q .0317 for PSD avoidance for SO ₂ emissions.
9	2.1 A.5	Updated permit condition to require testing to verify NO _x emission factor once every five years.
10	2.1 B – Regulations Table	<ul style="list-style-type: none"> • Added reference to 15A NCAC 02Q .0317 for PSD avoidance for PM/PM₁₀/PM_{2.5} emissions. • Removed reference for submittal of Title V permit application within one year from the date of beginning operation in accordance with 15A NCAC 02Q .0504. This requirement was fulfilled with the submittal of application no. 1900134.21A.
10	2.1 B.1.c	Added requirement for testing every five years for compliance with 15A NCAC 02D .0515.
11	2.1 B.1.g	Added semiannual reporting requirements for 15A NCAC 02D .0515.
11	2.1 B.2.c	Removed requirement to establish “normal” for visible emissions within 30 days of operation of the heat exchangers A and B (ID Nos. ES-8 and ES-9).
12	2.1 B.2.e	Added semiannual reporting requirements for 15A NCAC 02D .0521.
--	2.1 C (old numbering)	<ul style="list-style-type: none"> • Removed permit condition for crusher diesel fired engine (ID No. ES-23). • Renumbered permit accordingly.

Pages	Section	Description of Changes
13	2.1 C – Regulations Table (new numbering)	<ul style="list-style-type: none"> Removed reference to 15A NCAC 02D .0540 for fugitive dust. This requirement is contained in the General Conditions in Section 4. Removed reference for submittal of Title V permit application within one year from the date of beginning operation in accordance with 15A NCAC 02Q .0504. This requirement was fulfilled with the submittal of application no. 1900134.21A. Added reference to 15A NCAC 02Q .0317 for PSD avoidance for PM/PM₁₀/PM_{2.5}.
14	2.2 A – Regulations Table	<ul style="list-style-type: none"> Removed reference to 15A NCAC 02D .0535 for excess emissions. This requirement is contained in the General Conditions in Section 4. Removed reference to 15A NCAC 02D .0540 for fugitive dust. This requirement is contained in the General Conditions in Section 4. Added reference to 15A NCAC 02Q .0317 for PSD avoidance for PM/PM₁₀/PM_{2.5}.
--	2.2 A.1 (old numbering)	Removed permit condition for 15A NCAC 02D .0535 for excess emissions. This requirement is contained in the General Conditions in Section 4.
--	2.2 A.2 (old numbering)	Removed permit condition for 15A NCAC 02D .0540 for fugitive dust. This requirement is contained in the General Conditions in Section 4
14	2.2 A.1 (new numbering)	<ul style="list-style-type: none"> Added permit condition for 15A NCAC 02Q .0317 for PSD avoidance for PM/PM₁₀/PM_{2.5}. Renumbered permit accordingly.
15 – 17	2.2 A.2 (new numbering)	Removed crusher (ID No. I-20) from NC Air Toxics Table.
17	2.2 A.3 (new numbering)	Updated permitting language for 15A NCAC 02Q .0711 to reflect current permitting language.
--	2.2 A.5 (old numbering)	Removed permit condition for 15A NCAC 02Q .0207, “Annual Emissions Reporting.” This requirement is contained in the General Conditions in Section 4.
--	2.2 A.6 (old numbering)	Removed permit condition for 15A NCAC 02Q .0304, “Applications.” The requirements to submit at TV renewal application is contained in the General Conditions in Section 4.
--	2.2 A.7 (old numbering)	Removed permit condition for submittal of Title V permit application within one year from the date of beginning operation in accordance with 15A NCAC 02Q .0504. This requirement was fulfilled with the submittal of application no. 1900134.21A.
19	Section 3	<ul style="list-style-type: none"> Moved “List of Insignificant Activities” to Section 3 in accordance with the updated formatting for TV permits. Removed the crusher (ID No. I-20).
20 – 28	Section 4	Updated General Permit Conditions with most current version (version 6.0, 01/07/2022).

* This list is not intended to be a detailed record of every change made to the permit but a summary of those changes.



State of North Carolina
Department of Environmental Quality
Division of Air Quality

AIR QUALITY PERMIT

Permit No.	Replaces Permit No.(s)	Effective Date	Expiration Date
10583T02	10583R01	XXXX, 2023	XXXX, 2028

NOTE: Per General Condition K, a permit application for the renewal of this Title V permit shall be submitted no later than *[enter date six months prior to expiration date]*.

Until such time as this permit expires or is modified or revoked, the below named Permittee is permitted to construct and operate the emission source(s) and associated air pollution control device(s) specified herein, in accordance with the terms, conditions, and limitations within this permit. This permit is issued under the provisions of Article 21B of Chapter 143, General Statutes of North Carolina as amended, and Title 15A North Carolina Administrative Codes (15A NCAC), Subchapters 02D and 02Q, and other applicable Laws.

Pursuant to Title 15A NCAC, Subchapter 02Q, the Permittee shall not construct, operate, or modify any emission source(s) or air pollution control device(s) without having first submitted a complete Air Quality Permit Application to the permitting authority and received an Air Quality Permit, except as provided in this permit.

Permittee: **Duke Energy Progress, LLC - Cape Fear STAR®**

Facility

Facility ID: 1900134
Primary SIC Codes: 4911
NAICS Code: 221112

Facility Site Location: 500 C P and L Road
City, County, State, Zip: Moncure, Chatham County, North Carolina 27559
Mailing Address: 410 South Wilmington Street
City, State, Zip: Raleigh, North Carolina 27601

Application Number: 1900134.21A
Complete Application Date: September 15, 2021, amended August 31, 2022

**Division of Air Quality,
Regional Office Address:** Raleigh Regional Office
3800 Barrett Drive, Suite 101
Raleigh, North Carolina 27609

Permit issued this the XXth day of XXXXXX, 2023.

Mark J. Cuilla, EIT, CPM, Chief, Air Permitting Section
By Authority of the Environmental Management Commission

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List of Acronyms

AOS	Alternative Operating Scenario
BACT	Best Available Control Technology
BAE	Baseline Actual Emissions
Btu	British thermal unit
CAA	Clean Air Act
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CFR	Code of Federal Regulations
CO	Carbon Monoxide
COMS	Continuous Opacity Monitoring System
CSAPR	Cross-State Air Pollution Rule
DAQ	Division of Air Quality
DEQ	Department of Environmental Quality
EMC	Environmental Management Commission
EPA	Environmental Protection Agency
FR	Federal Register
GACT	Generally Available Control Technology
GHGs	Greenhouse Gases
HAP	Hazardous Air Pollutant
LAER	Lowest Achievable Emission Rate
MACT	Maximum Achievable Control Technology
NAA	Non-Attainment Area
NAAQS	National Ambient Air Quality Standards
NAICS	North American Industry Classification System
NCAC	North Carolina Administrative Code
NCGS	North Carolina General Statutes
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
OAH	Office of Administrative Hearings
PAE	Projected Actual Emissions
PAL	Plantwide Applicability Limitation
PM	Particulate Matter
PM_{2.5}	Particulate Matter with Nominal Aerodynamic Diameter of 2.5 Micrometers or Less
PM₁₀	Particulate Matter with Nominal Aerodynamic Diameter of 10 Micrometers or Less
POS	Primary Operating Scenario
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
RACT	Reasonably Available Control Technology
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO₂	Sulfur Dioxide
TAP	Toxic Air Pollutant
tpy	Tons Per Year
VOC	Volatile Organic Compound

SECTION 1- PERMITTED EMISSION SOURCE (S) AND ASSOCIATED AIR POLLUTION CONTROL DEVICE (S) AND APPURTENANCES

The following table contains a summary of all permitted emission sources and associated air pollution control devices and appurtenances:

Emission Source ID No.	Emission Source Description	Control Device ID No.	Control Device Description
ES-5	STAR® (Staged Turbulent Air Reactor) ash beneficiation process with a 140 million Btu per hour total maximum firing rate, processing feedstock (fly ash and other ingredient materials) into commercial products and equipped with propane low-NOx start-up burners (60 million Btu per hour maximum total capacity) for use during start-up or when necessary to maintain the desired reactor temperature; an integral cyclone and bagfilter for product recovery	CD-5A CD-5B	Dry FGD scrubber Baghouse (26,790 square feet of surface area)
ES-8	External heat exchanger A with 70 tons per hour nominal capacity	CD-8	Baghouse (20,925 square feet of surface area)
ES-9	External heat exchanger B with 70 tons per hour nominal capacity	CD-9	Baghouse (20,925 square feet of surface area)
ES-15	Ash Basin	N/A	N/A

SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS

2.1 Emission Source(s) and Control Device(s) Specific Limitations and Conditions

The emission source(s) and associated air pollution control device(s) and appurtenances listed below are subject to the following specific terms, conditions, and limitations, including the testing, monitoring, recordkeeping, and reporting requirements as specified herein:

A. STAR® (Staged Turbulent Air Reactor) ash beneficiation process (ID No. ES-5) equipped with propane low-NOx startup burners controlled by a FGD scrubber (ID No. CD-5A) in series with a baghouse (ID No. CD-5B)

The following table provides a summary of limits and standards for the emission source(s) described above:

Pollutant	Limits/Standards	Applicable Regulation
Particulate matter	$E = 4.10 \times P^{0.67}$ for $P \leq 30$ $E = 55.0 \times P^{0.11} - 40$ for $P > 30$ Where: E = allowable emission rate in pounds per hour P = process weight in tons per hour	15A NCAC 02D .0515
Sulfur dioxide	2.3 pounds per million Btu heat input	15A NCAC 02D .0516
Visible emissions	20 percent opacity except during startup, shutdown and malfunctions	15A NCAC 02D .0521
Sulfur dioxide	Emissions less than 250 tons per consecutive 12-month period	15A NCAC 02Q .0317 for avoidance of PSD
Particulate matter	Facility-wide emissions less than 250 tons per consecutive 12-month period See Section 2.2 A.1	15A NCAC 02Q .0317 for avoidance of PSD
Toxic air pollutants	State Enforceable Only See Section 2.2 A.2	15A NCAC 02D .1100
Toxic air pollutants	State Enforceable Only See Section 2.2 A.3	15A NCAC 02Q .0711

1. 15A NCAC 02D .0515: PARTICULATES FROM MISCELLANEOUS INDUSTRIAL PROCESSES

- a. Emissions of particulate matter from this source (ID No. ES-5) shall not exceed an allowable emission rate as calculated by the following equation:

$$E = 4.10 \times P^{0.67} \quad (\text{for process rates less than or equal to 30 tons per hour}), \text{ or}$$

$$E = 55.0 \times P^{0.11} - 40 \quad (\text{for process rates greater than 30 tons per hour})$$

Where:

E = allowable emission rate in pounds per hour

P = process weight in tons per hour

Liquid and gaseous fuels and combustion air are not considered as part of the process weight.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 A.1.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515.

- c. Under the provisions of NCGS 143-215.108, the Permittee shall demonstrate compliance with the emission limit in Section 2.1 A.1.a above by testing the reactor (**ID No. ES-5**) for particulate emissions. Testing shall be conducted in accordance with the following:
 - i. Testing shall be performed in accordance with General Condition JJ and with a testing protocol approved by the DAQ.
 - ii. The Permittee shall conduct periodic performance testing of this source (**ID No. ES-5**) at least once every 61 months.
 - iii. For each test, the Permittee shall operate the reactor within 10 percent of its maximum heat input capacity.
 - iv. The final air emission test report shall be submitted to the DAQ not later than 30 days after sample collection, in accordance with 15A NCAC 02D .2602(f).

If the test is not conducted or the results of this test are above the limit given in Section 2.1 A.1.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- d. Particulate matter emissions from this source (**ID No. ES-5**) shall be controlled by a bagfilter (**ID No. CD-5B**). To ensure compliance, the Permittee shall perform inspections and maintenance as recommended by the manufacturer. In addition to the manufacturer's inspection and maintenance recommendations, or if there are no manufacturer's inspection and maintenance recommendations, as a minimum, the inspection and maintenance requirement shall include the following:
 - i. a monthly visual inspection of the system ductwork and material collection unit for leaks;
 - ii. a monthly reading of the pressure gauges on the bagfilter (**ID Nos. CD-5B**); and
 - iii. an annual (for each 12-month period following the initial inspection) internal inspection of the bagfilter structural, noting the structural integrity and the condition of the filters.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515 if the ductwork and bagfilters are not inspected and maintained or if the pressure reading is not conducted.

- e. The results of inspection and maintenance shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
 - i. the date and time of each recorded action;
 - ii. the results of each inspection;
 - iii. the results of any maintenance performed on any control device; and
 - iv. any variance from manufacturer's recommendations, if any, and corrections made.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- f. The Permittee shall submit the results of any maintenance performed on any control device within 30 days of a written request by the DAQ.
- g. The Permittee shall submit a summary report of the monitoring and recordkeeping activities given in Section 2.1 A.1.d and e above postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

2. 15A NCAC 02D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES

- a. Emissions of sulfur dioxide from this source (**ID No. ES-5**) shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 A.2.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0516.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f), 15A NCAC 02D .0605, 15A NCAC 02D .0611, 15A NCAC 02D .0613]

- c. The Permittee shall operate the FGD scrubber (**ID No. CD-5A**) at any time the reactor is in operation other than during startup, shutdown or malfunction. If the Permittee does not operate the FGD as required, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0516.
- d. To ensure compliance, the Permittee shall install a sulfur dioxide continuous emissions monitoring system CEMS including any required diluent monitor system with the following requirements:
 - i. The CEMS shall be installed, calibrated, maintained, tested, and operated in accordance with 40 CFR Part 60, Appendix B.
 - ii. Compliance with the sulfur dioxide emission standard shall be demonstrated based on a three-hour rolling average of the sulfur dioxide exhaust gas concentration measured by the CEMS.¹
 - iii. Pursuant to 15A NCAC 02D .0613 "Quality Assurance Program," the Permittee shall develop and implement a written quality assurance program containing information required by 40 CFR Part 60, Appendix F, Section 3, Quality Assurance Procedures.

If the Permittee fails to operate the CEMS as required or if the emissions exceed the limit given in Section 2.1 A.2.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0516.

Reporting [15A NCAC 02Q .0508(f)]

- e. The Permittee shall submit the results of any maintenance performed on any control device within 30 days of a written request by the DAQ.
- f. For the CEMs, the Permittee shall submit semiannually an excess emissions and monitoring systems summary report. Excess emissions must be reported for all periods of operation, including startup, shutdown, and malfunctions. The report shall be calculated on a quarterly basis in a format as provided by the Director. The report shall include any quality assurance assessments, as stated in the quality assurance program, and shall be submitted by July 30 for the period between January 1 and June 30 and by January 30 for the period between July 1 and December 31 of each year.

3. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from this source (**ID No. ES-5**) shall not be more than 20 percent opacity (except during startups, shutdowns, and malfunctions) when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event, shall the six-minute average exceed 87 percent opacity

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 A.3.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- c. To ensure compliance, once a month, the Permittee shall observe the emission points of this source (**ID No. ES-5**) for any visible emissions above normal. The monthly observations must be made for each month of the year to ensure compliance with this requirement. If visible emissions from this source are observed to be above normal, the Permittee shall either:
 - i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
 - ii. demonstrate that the percent opacity from the emission points of the emission source in accordance with 15A NCAC 02D .2610 (Method 9) for 12 minutes is below the limit given in Section 2.1 A.3.a above.The Permittee shall be deemed to be in noncompliance with 15A NCAC 02D .0521 if the required monthly observations are not conducted as required or if the above-normal emissions are not corrected within the monitoring period or the percent opacity demonstration cannot be made.

¹ The SO₂ monitored value subject to the 2.3 lb/mmBtu limit will have a 5% CO₂ diluent cap, or a 14% O₂ diluent cap, substituted in the emission rate calculation whenever the actual CO₂ concentration is lower than 5% or whenever the actual O₂ concentration is higher than 14%.

- d. The results of the monitoring shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
 - i. the date and time of each visible observation;
 - ii. the results of each observation and/or test noting any corrective actions taken to reduce visible emissions; and
 - iii. the results of any corrective actions performed.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- e. The Permittee shall submit a summary report of the monitoring and recordkeeping activities given in Section 2.1 A.3.c and d above postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**4. 15A NCAC 02Q .0317: AVOIDANCE CONDITIONS
for 15A NCAC 02D .0530: PREVENTION OF SIGNIFICANT DETERIORATION**

- a. In order to avoid applicability of 15A NCAC 02D .0530(g), the STAR process (**ID No. ES-5**) shall discharge into the atmosphere less than 250 tons of sulfur dioxide (SO₂) per consecutive twelve-month period.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 A.4.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- c. To ensure compliance with the SO₂ emission limit in Section 2.1 A.4.a above, emissions of SO₂ from the STAR[®] process (**ID No. ES-5**) shall be controlled by a FGD scrubber (**ID No. CD-5A**) at all times, except during periods of startup, shutdown or malfunction. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if these requirements are not met.
- d. The Permittee shall install, calibrate, maintain, and operate CEMS for the measurement of SO₂, in accordance with 40 CFR 60.84(d). The Permittee shall calculate the SO₂ emission rate according to the equation and procedures provided in 40 CFR 60.84(d).
 - i. Excess Emissions: The excess emissions shall be defined as the consecutive 12-month total that exceeds the emission limit specified in Section 2.1 A.4.a above. The Permittee shall report the percent excess emissions (%EE) for all periods of operation, including start-up, shutdown, and malfunction, and use the missing data procedure as follows.
 - ii. Missing Data Procedure: The missing data procedure shall be used whenever the emission unit is operating or combust any fuel and the applicable CEMS is missing the emissions data for any operating hour (full or partial). The Permittee shall substitute for each hour of data missing with the greater of either (A) or (B):
 - (A) the average of the hourly pollutant emission rates recorded by the appropriate CEMS of the hour before and the hour after the missing data period; or
 - (B) the maximum hourly pollutant emission rate of the past 720 operating hours.
 - iii. Monitor Downtime: The monitor downtime is defined as any hour (full or partial) when the emission unit is operating but data from the associated CEMS are invalid, not available due to QA/QC activities, and/or filled via the missing data procedure above. The percent monitor downtime (%MD):
 - (A) shall not exceed 5 percent of the operating time in a calendar quarter;
 - (B) shall be calculated using the following equation:

$$\%MD = \left(\frac{\text{Total Monitor Downtime}}{\text{Total Source Operating Time}} \right) \times 100$$

Where:

"Total Monitor Downtime" = number of hours in a calendar quarter where an emission source was operating but data from the associated CEMS are invalid, not available, and/or filled with missing data procedure.

"Total Source Operating Time" = number of hours in a calendar quarter where the emission source associated

with the CEMS was operating.

If the associated CEMS does not comply with these requirements, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530

- e. The Permittee shall calculate and record the monthly and the 12-month rolling totals of SO₂ emissions, as determined by the SO₂ CEMS. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the calculations are not conducted, the emissions exceeded the avoidance limit in Section 2.1 A.4.a, or these records are not maintained.
- f. To ensure compliance, the Permittee shall perform inspections and maintenance on the FGD scrubber as recommended by the manufacturer. In addition to the manufacturer's inspection and maintenance recommendations, or if there are no manufacturer's inspection and maintenance recommendations, as a minimum, the inspection and maintenance requirement shall include an annual (for each 12-month period following the initial inspection) internal inspection of the FGD scrubber, for build up or corrosion. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the FGD scrubber is not inspected and maintained.
- g. The results of inspection and maintenance shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
 - i. the date and time of each recorded action;
 - ii. the results of each inspection;
 - iii. the results of any maintenance performed on any control device; and
 - iv. any variance from manufacturer's recommendations, if any, and corrections made.The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- h. The Permittee shall submit the results of any maintenance performed on any control device within 30 days of a written request by the DAQ.
- i. The Permittee shall submit excess emission reports for any excess emissions of SO₂ that occurred during the reporting period. Excess emissions are defined as all 12-month rolling total during which the average SO₂ exceeds the emission standard in Section 2.1 A.4.a above. The Permittee shall submit semiannual excess emissions and monitoring systems performance reports calculated on a quarterly basis, postmarked on or before January 30 for the reporting period between July 1 and December 31 and postmarked on or before July 30 for the reporting period between January 1 through June 30.
- j. The Permittee shall submit a summary report of monitoring and recordkeeping activities given in Section 2.1 A.4.c through g above postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified. The report shall contain the monthly SO₂ emissions for the previous 17 months. The emissions must be calculated for each of the 12-month periods over the previous 17 months;

5. NCGS 143-215.108: CONTROL OF SOURCES OF AIR POLLUTION; PERMITS REQUIRED

Under the provisions of NCGS 143-215.108, the Permittee shall verify the NO_x emission factor specified in Permit Application No. 1900134.18A by testing the reactor (**ID No. ES-5**) for NO_x emissions. Testing shall be conducted in accordance with the following:

- a. Testing shall be performed in accordance with General Condition JJ and with a testing protocol approved by the DAQ.
- b. The Permittee shall conduct periodic performance testing of this source (**ID No. ES-5**) at least once every 61 months.
- c. For each test, the Permittee shall operate the reactor within 10 percent of its maximum heat input capacity.
- d. The final air emission test report shall be submitted to the DAQ not later than 30 days after sample collection, in accordance with 15A NCAC 02D .2602(f).

B. Two external heat exchangers A and B (ID Nos. ES-8 and ES-9) controlled by baghouses (ID Nos. CD-8 and CD-9), respectively

The following table provides a summary of limits and standards for the emission source(s) described above:

Pollutant	Limits/Standards	Applicable Regulation
Particulate matter	$E = 4.10 \times P^{0.67}$ for $P \leq 30$ $E = 55.0 \times P^{0.11} - 40$ for $P > 30$ Where: E = allowable emission rate in pounds per hour P = process weight in tons per hour	15A NCAC 02D .0515
Visible emissions	20 percent opacity except during startup, shutdown and malfunctions	15A NCAC 02D .0521
Particulate matter	Facility-wide emissions less than 250 tons per consecutive 12-month period See Section 2.2 A.1	15A NCAC 02Q .0317 for avoidance of PSD
Toxic air pollutants	State Enforceable Only See Section 2.2 A.2	15A NCAC 02D .1100
Toxic air pollutants	State Enforceable Only See Section 2.2 A.3	15A NCAC 02Q .0711

1. 15A NCAC 02D .0515: PARTICULATES FROM MISCELLANEOUS INDUSTRIAL PROCESSES

- a. Emissions of particulate matter from these sources (**ID Nos. ES-8 and ES-9**) shall not exceed an allowable emission rate as calculated by the following equation:

$$E = 4.10 \times P^{0.67} \quad (\text{for process rates less than or equal to 30 tons per hour}), \text{ or}$$

$$E = 55.0 \times P^{0.11} - 40 \quad (\text{for process rates greater than 30 tons per hour})$$

Where:

E = allowable emission rate in pounds per hour

P = process weight in tons per hour

Liquid and gaseous fuels and combustion air are not considered as part of the process weight.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 B.1.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515.
- c. Under the provisions of NCGS 143-215.108, the Permittee shall demonstrate compliance with the emission limit in Section 2.1 B.1.a above by testing either external heat exchangers A or B (**ID Nos. ES-8 or ES-9**) for particulate emissions. Testing shall be conducted in accordance with the following:
- Testing shall be performed in accordance with General Condition JJ and with a testing protocol approved by the DAQ.
 - The Permittee shall conduct periodic performance testing of either external heat exchangers A or B (**ID Nos. ES-8 or ES-9**) at least once every 61 months.
 - The final air emission test report shall be submitted to the DAQ not later than 30 days after sample collection, in accordance with 15A NCAC 02D .2602(h).

If the test is not conducted or the results of this test are above the limit given in Section 2.1 B.1.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- d. Particulate matter emissions from these sources (**ID Nos. ES-8 and ES-9**) shall each be controlled by a bagfilter (**ID Nos. CD-8 and CD-9**) as described above. To ensure compliance, the Permittee shall perform inspections and maintenance as recommended by the manufacturer. In addition to the manufacturer's inspection and maintenance

recommendations, or if there are no manufacturer's inspection and maintenance recommendations, as a minimum, the inspection and maintenance requirement shall include the following:

- i. a monthly visual inspection of the system ductwork and material collection unit for leaks;
- ii. monthly reading of the pressure gauges on the bagfilters (**ID Nos. CD-8 and CD-9**); and
- iii. annual (for each 12-month period following the initial inspection) internal inspection of the bagfilters (**ID Nos. CD-8 and CD-9**), noting the structural integrity and the condition of the filters.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515 if the ductwork and bagfilters are not inspected and maintained or if the pressure reading is not conducted.

- e. The results of inspection and maintenance shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
 - i. the date and time of each recorded action;
 - ii. the results of each inspection;
 - iii. the results of any maintenance performed on any control device; and
 - iv. any variance from manufacturer's recommendations, if any, and corrections made.
 The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0515 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- f. The Permittee shall submit the results of any maintenance performed on any control device within 30 days of a written request by the DAQ.
- g. The Permittee shall submit a summary report of the monitoring and recordkeeping activities given in Section 2.1 B.1.d and e above postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

2. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from these sources (**ID Nos. ES-8 and ES-9**) shall not be more than 20 percent opacity (except during startups, shutdowns, and malfunctions) when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event, shall the six-minute average exceed 87 percent opacity.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 B.2.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521.

Monitoring/Recordkeeping [15A NCAC 02Q .0508(f)]

- c. To ensure compliance, once a month the Permittee shall observe the emission points of these sources (**ID Nos. ES-8 and ES-9**) for any visible emissions above normal. The monthly observation must be made for each month of the calendar year period to ensure compliance with this requirement. If visible emissions from these sources are observed to be above normal, the Permittee shall either:
 - i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
 - ii. demonstrate that the percent opacity from the emission points of the emission source in accordance with 15ANCAC 02D .2610 (Method 9) for 12 minutes is below the limit given in Section 2.1 B.2.a above.
 The Permittee shall be deemed to be in noncompliance with 15A NCAC 02D .0521 if the required monthly observations are not conducted as required or if the above-normal emissions are not corrected within the monitoring period or the percent opacity demonstration cannot be made.
- d. The results of the monitoring shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
 - i. the date and time of each recorded action;
 - ii. the results of each observation and/or test noting any corrective actions taken to reduce visible emissions; and
 - iii. the results of any corrective actions performed.
 The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521 if these records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- e. The Permittee shall submit a summary report of the monitoring and recordkeeping activities given in Section 2.1 B.2.c and d above postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

C. Ash Basin (ID No. ES-15)

The following table provides a summary of limits and standards for the emission source(s) described above:

Pollutant	Limits/Standards	Applicable Regulation
Particulate matter	Facility-wide emissions less than 250 tons per consecutive 12-month period See Section 2.2 A.1	15A NCAC 02Q .0317 for avoidance of PSD
Toxic air pollutants	State Enforceable Only See Section 2.2 A.2	15A NCAC 02D .1100
Toxic air pollutants	State Enforceable Only See Section 2.2 A.3	15A NCAC 02Q .0711

2.2 Multiple Emission Source(s)

A. Facility-wide affected sources

The following table provides a summary of limits and/or standards for the emission source(s) described above.

Pollutant	Limits/Standards	Applicable Regulation
Particulate matter	Facility-wide emissions less than 250 tons per consecutive 12-month period	15A NCAC 02Q .0317 for avoidance of 15A NCAC 02D .0530
Toxic air pollutants	State-enforceable only Modeled emission rates	15A NCAC 02D .1100
Toxic air pollutants	State-enforceable only Facility wide emissions limits for toxic air pollutant emission rates	15A NCAC 02Q .0711

1. 15A NCAC 02Q .0317: AVOIDANCE CONDITIONS for 15A NCAC 02D .0530: PREVENTION OF SIGNIFICANT DETERIORATION

- a. In order to avoid applicability of 15A NCAC 02D .0530(g), all sources at the facility shall discharge into the atmosphere less than 250 tons of PM, PM₁₀, and PM_{2.5}, each, per consecutive twelve-month period.

Testing [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limits given in Section 2.2 A.1.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

Monitoring and Recordkeeping [15A NCAC 02Q .0508(f)]

- c. To ensure compliance with limits established in Section 2.2 A.1.a, the Permittee shall meet the following:
- The STAR[®] ash beneficiation process (**ID No. ES-5**) shall be control with a baghouse (**ID No. CD-5B**).
 - The external heat exchangers A and B (**ID Nos. ES-8 and ES-9**) shall be controlled with baghouses (**ID Nos. CD-8 and CD-9**).

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if these requirements are not met.

- d. To ensure compliance, the Permittee shall perform inspections and maintenance of baghouse (**ID No. CD-5B**) as specified in Section 2.1 A.1.d above and baghouses (**ID Nos. CD-8 and CD-9**) as specified in Section 2.1 B.1.d above. The results of the inspection and maintenance shall be recorded as specified in Section 2.1 A.1.e and 2.1 B.1.e above. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the baghouses are not inspected and maintained or if the records are not maintained.

- e. The Permittee shall calculate monthly emissions of PM, PM₁₀, and PM_{2.5} at the end of each month. Calculations and the total amount of these emissions shall be recorded monthly in a logbook (written or electronic format) onsite and made available to an authorized representative upon request. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the calculations are not conducted, the emissions exceeded the avoidance limits in Section 2.2 A.1.a above, or the records are not maintained.

Reporting [15A NCAC 02Q .0508(f)]

- f. The Permittee shall submit a summary report of monitoring and recordkeeping activities given in Section 2.2 A.1.c through e above postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified. The report shall contain the monthly PM, PM₁₀, and PM_{2.5} emissions for the previous 17 months. The emissions must be calculated for each of the 12-month periods over the previous 17 months;

State Enforceable Only**2. 15A NCAC 02D .1100: CONTROL OF TOXIC AIR POLLUTANTS**

- a. The Permittee has demonstrated compliance with the following permit limits in accordance with the completed permit application (1900134.21A) amendment received August 31, 2022. The Permittee has evaluated all toxic air pollutants (TAPs) covered in 15A NCAC 02D .1104 for all sources at the facility, excluding the sources exempt from evaluation under 15A NCAC 02Q .0702.² The modeling analysis was reviewed and approved by the AQAB on November 18, 2022. Placement of the emission sources, configuration of the emission points, and operation of the sources shall be in accordance with the submitted dispersion modeling analysis and should reflect any changes from the original analysis submittal as outlined in the AQAB review memorandum.

Table 8. Permitted Limits of TAPs		
Emission Source	Toxic Air Pollutant	Emission Limit
Feed silo (ID No. I-4)	Arsenic	3.03E-02 lb/yr
	Beryllium	5.48E-02 lb/yr
	Cadmium	5.39E-02 lb/yr
	Chromium VI	1.41E-03 lb/day
	Nickel	1.38E-02 lb/day
STAR [®] process (ID No. ES-5)	Arsenic	65.8 lb/yr
	Beryllium	38.5 lb/yr
	Cadmium	211 lb/yr
	Nickel	0.889 lb/day
	Sulfuric Acid Mist	31.8 lb/hr 763 lb/day
FGD Byproduct Silo (ID No. I-6)	Arsenic	1.35E-02 lb/yr
	Beryllium	1.92E-02 lb/yr
	Cadmium	6.63E-02 lb/yr
	Chromium VI	2.69E-03 lb/day
	Nickel	2.83E-03 lb/day
FGD hydrated lime silo (ID No. I-7)	Arsenic	8.76E-03 lb/yr
	Beryllium	1.06E-02 lb/yr
	Cadmium	5.55E-02 lb/yr
	Nickel	3.39E-03 lb/day
EHE A (ID No. ES-8)	Arsenic	13.2 lb/yr
	Beryllium	23.9 lb/yr
	Cadmium	23.5 lb/yr
	Chromium VI	0.350 lb/day
	Nickel	3.44 lb/day

² The Permittee elected to include emissions sources exempted by 15A NCAC 02Q .0702(a)(27) in facility-wide air modeling conducted to demonstrate compliance with 15A NCAC 02D .1100.

Table 8. Permitted Limits of TAPs		
Emission Source	Toxic Air Pollutant	Emission Limit
EHE B (ID No. ES-9)	Arsenic	13.2 lb/yr
	Beryllium	23.9 lb/yr
	Cadmium	23.5 lb/yr
	Chromium VI	0.350 lb/day
	Nickel	3.44 lb/day
EHE Silo (ID No. I-10)	Arsenic	303E-02 lb/yr
	Beryllium	5.48E-02 lb/yr
	Cadmium	5.39E-02 lb/yr
	Chromium VI	1.41E-03 lb/day
	Nickel	1.38E-02 lb/day
Product Storage Dome (ID No. I-11)	Arsenic	2.51E-02 lb/yr
	Beryllium	1.47E-02 lb/yr
	Cadmium	8.05E-02 lb/yr
	Chromium VI	1.04E-03 lb/day
	Nickel	1.28E-02 lb/day
Loadout Silo (ID No. I-12)	Arsenic	2.51E-2 lb/yr
	Beryllium	1.47E-02 lb/yr
	Cadmium	8.05E-02 lb/yr
	Chromium VI	8.18E-04 lb/day
	Nickel	1.00E-02 lb/day
Loadout silo spouts (ID No. ES-13 and ES-14, combined)	Arsenic	1.26E-02 lb/yr
	Beryllium	7.35E-03 lb/yr
	Cadmium	4.00E-02 lb/yr
	Chromium VI	5.94E-04 lb/day
	Nickel	7.30E-03 lb/day
Wet Ash Transfer (ID No. I-1)	Arsenic	1.07E-01 lb/yr
	Beryllium	1.93E-01 lb/yr
	Cadmium	1.90E-01 lb/yr
	Chromium VI	3.15E-03 lb/day
	Nickel	3.10E-02 lb/day
Unloading Pile (ID No. I-3)	Arsenic	7.84 lb/yr
	Beryllium	14.2 lb/yr
	Cadmium	13.9 lb/yr
	Chromium VI	0.208 lb/day
	Nickel	2.04 lb/day

Table 8. Permitted Limits of TAPs		
Emission Source	Toxic Air Pollutant	Emission Limit
Ash Basin (ID No. ES-15)	Arsenic	948 lb/yr
	Beryllium	1,713 lb/yr
	Cadmium	1,683 lb/yr
	Chromium VI	25.1 lb/day
	Nickel	247 lb/day
Ash handling (ID No. I-16)	Arsenic	2.14E-01 lb/yr
	Beryllium	3.86E-01 lb/yr
	Cadmium	3.79E-01 lb/yr
	Chromium VI	5.65E-03 lb/day
	Nickel	5.56E-03 b/day
Screeners (ID No. I-19a and I-19b)	Arsenic	7.6E-01 lb/yr
	Beryllium	1.37 lb/yr
	Cadmium	1.36 lb/yr
	Chromium VI	1.28E-01 lb/day
	Nickel	1.26 lb/day
Ball mall classifier (ID No. I-24)	Arsenic	4.38 lb/yr
	Beryllium	7.90 lb/yr
	Cadmium	7.77 lb/yr
	Chromium VI	1.16E-01 lb/day
	Nickel	1.14 lb/day
Ball mall feed silo (ID No. I-25)	Arsenic	5.40E-03 lb/yr
	Beryllium	9.75E-03 lb/yr
	Cadmium	9.59E-03 lb/yr
	Chromium VI	2.11E-04 lb/day
	Nickel	2.08E-03 lb/day
Telestackers (ID Nos. I-26a through I-26b)	Arsenic	8.73E-02 lb/yr
	Beryllium	8.58E-02lb/yr
	Cadmium	5.58E-02 lb/yr
	Chromium VI	2.44E-02 lb/day
	Nickel	2.40E-01 lb/day

- b. No testing/monitoring/recordkeeping/reporting shall be required to demonstrate compliance with 15A NCAC 02D .1100.

State Enforceable Only**3. 15A NCAC 02Q .0711: EMISSION RATES REQUIRING A PERMIT**

- a. The facility shall be operated and maintained in such a manner that any new, existing or increased actual emissions of any Toxic Air Pollutant (TAP) listed in 15A NCAC 02Q .0711 or in this permit from all sources at the facility (excluding those sources exempt under 15A NCAC 02Q .0702 "Exemptions"), including fugitive emissions and emission sources not otherwise required to have a permit, will not exceed its respective TAP permitting emission rates (TPER) listed in 15A NCAC 02Q .0711 without first obtaining an air permit to construct or operate.
- b. PRIOR to exceeding any of the TPERs listed in 15A NCAC 02Q .0711, the Permittee shall be responsible for obtaining an air permit to emit TAPs and for demonstrating compliance with the requirements found in 15A NCAC 02D .1100 "Control of Toxic Air Pollutants."
- c. The Permittee shall maintain at the facility records of operational information sufficient for demonstrating to the Division of Air Quality staff that actual TAPs are less than the rate listed in 15A NCAC 02Q .0711.
- d. The TPER table listed below is provided to assist the Permittee in determining when an air permit is required pursuant to 15A NCAC 02Q .0711 and may not represent all TAPs being emitted from the facility. This table will be updated at such time as the permit is either modified or renewed.

Pollutant (CAS Number)	Carcinogens	Chronic Toxicants	Acute Systemic Toxicants	Acute Irritants
	(lb/yr)	(lb/day)	(lb/hr)	(lb/hr)
Acetaldehyde (75-07-0)				6.8
Acrolein (107-02-8)				0.02
Benzo(a)pyrene (50-32-8)	2.2			
1, 3-Butadiene (106-99-0)	11			
Formaldehyde (50-00-0)				0.04
Hydrogen chloride (7647-01-0)				0.18
Hydrogen fluoride (7664-39-3)		0.63		0.064
Manganese		0.63		
Mercury, vapor (7439-97-6)		0.013		
Toluene (108-88-3)		98		14.4
Xylene (1330-20-7)		57		16.4

Testing/Monitoring/Recordkeeping/Reporting [15A NCAC 02D .0611]

- e. No testing/monitoring/recordkeeping/reporting shall be required to demonstrate compliance with 15A NCAC 02Q .0711.

SECTION 3 - INSIGNIFICANT ACTIVITIES PER 15A NCAC 02Q .0503(8)

Emission Source ID No.	Emission Source Description^{1,2}
I-1	Wet ash receiving (transfer to shed and hopper)
I-3	Unloading pile
I-4	Feed silo with a maximum 125 tons per hour filling rate and maximum 75 tons per hour unloading rate with a bin vent filter
I-6	FGD byproduct silo (capacity to be determined) with a bin vent filter
I-7	FGD hydrated lime silo with a maximum 25 tons per hour filling rate and maximum 0.475 tons per hour unloading rate with a bin vent filter
I-10	EHE silo with a maximum 125 tons per hour filling rate and maximum 75 tons per hour unloading rate with a bin vent filter
I-11	Product storage dome with a maximum 75 tons per hour filling rate and maximum 275 tons per hour unloading rate with a bin vent filter
I-12	Loadout silo with a maximum 75 tons per hour filling rate and maximum 100 tons per hour unloading rate with a bin vent filter
I-13, I-14	Two truck loadout spouts, each with a bin vent filter
I-16	Ash Handling
I-19a, I-19b	Two screeners, each with 200 tons per hour nominal fly ash processing rate
I-21	Haul Roads
I-22a, I-22b NSPS III GAFT ZZZZ	Two screener diesel-fired engines (225 horsepower, each)
I-24	Ball mill classifier with a process rate of 10 tons per hour, with a baghouse inherent to the process
I-25	Ball mill feed silo with a maximum 15 tons per hour filling rate with a bin vent filter
I-26a – I-26f	Six telestackers, each with 200 tons per hour nominal fly ash processing rate
I-27a – I-27f NSPS III GAFT ZZZZ	Six telestacker diesel-fired engines (74 horsepower, each)

¹ Because an activity is insignificant does not mean that the activity is exempted from an applicable requirement (Federal or State) or that the Permittee is exempted from demonstrating compliance with any applicable requirement.

² When applicable, emissions from stationary source activities identified above shall be included in determining compliance with the permit requirements for toxic air pollutants under 15A NCAC 02D .1100 "Control of Toxic Air Pollutants" or 02Q .0711 "Emission Rates Requiring a Permit."

SECTION 4 - GENERAL CONDITIONS (version 6.0, 01/07/2022)

This section describes terms and conditions applicable to this Title V facility.

A. **General Provisions** [NCGS 143-215 and 15A NCAC 02Q .0508(i)(16)]

1. Terms not otherwise defined in this permit shall have the meaning assigned to such terms as defined in 15A NCAC 02D and 02Q.
2. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to NCGS 143-215.114A and 143-215.114B, including assessment of civil and/or criminal penalties. Any unauthorized deviation from the conditions of this permit may constitute grounds for revocation and/or enforcement action by the DAQ.
3. This permit is not a waiver of or approval of any other Department permits that may be required for other aspects of the facility which are not addressed in this permit.
4. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted facility, or from penalties therefore, nor does it allow the Permittee to cause pollution in contravention of state laws or rules, unless specifically authorized by an order from the North Carolina Environmental Management Commission.
5. Except as identified as state-only requirements in this permit, all terms and conditions contained herein shall be enforceable by the DAQ, the EPA, and citizens of the United States as defined in the Federal Clean Air Act.
6. Any stationary source of air pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the DAQ, unless the source is exempted by rule. The DAQ may issue a permit only after it receives reasonable assurance that the installation will not cause air pollution in violation of any of the applicable requirements. A permitted installation may only be operated, maintained, constructed, expanded, or modified in a manner that is consistent with the terms of this permit.

B. **Permit Availability** [15A NCAC 02Q .0507(k) and .0508(i)(9)(B)]

The Permittee shall have available at the facility a copy of this permit and shall retain for the duration of the permit term one complete copy of the application(s) and any information submitted in support of the application package. The permit and application shall be made available to an authorized representative of Department of Environmental Quality upon request.

C. **Severability Clause** [15A NCAC 02Q .0508(i)(2)]

In the event of an administrative challenge to a final and binding permit in which a condition is held to be invalid, the provisions in this permit are severable so that all requirements contained in the permit, except those held to be invalid, shall remain valid and must be complied with.

D. **Submissions** [15A NCAC 02Q .0507(e) and 02Q .0508(i)(16)]

Except as otherwise specified herein, two copies of all documents, reports, test data, monitoring data, notifications, request for renewal, and any other information required by this permit shall be submitted to the appropriate Regional Office. Refer to the Regional Office address on the cover page of this permit. For continuous emissions monitoring systems (CEMS) reports, continuous opacity monitoring systems (COMS) reports, quality assurance (QA)/quality control (QC) reports, acid rain CEM certification reports, and NOx budget CEM certification reports, one copy shall be sent to the appropriate Regional Office and one copy shall be sent to:

Supervisor, Stationary Source Compliance
North Carolina Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

All submittals shall include the facility name and Facility ID number (refer to the cover page of this permit).

E. **Duty to Comply** [15A NCAC 02Q .0508(i)(3)]

The Permittee shall comply with all terms, conditions, requirements, limitations and restrictions set forth in this permit. Noncompliance with any permit condition except conditions identified as state-only requirements constitutes a violation of the Federal Clean Air Act. Noncompliance with any permit condition is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

F. **Circumvention** - STATE ENFORCEABLE ONLY

The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution. Unless otherwise specified by this permit, no emission source may be operated without the concurrent operation of its associated air pollution control device(s) and appurtenances.

G. **Title V Permit Modifications**

1. Administrative Permit Amendments [15A NCAC 02Q .0514]
The Permittee shall submit an application for an administrative permit amendment in accordance with 15A NCAC 02Q .0514.
2. Transfer in Ownership or Operation and Application Submittal Content [15A NCAC 02Q .0524 and 02Q .0505]
The Permittee shall submit an application for an ownership change in accordance with 15A NCAC 02Q.0524 and 02Q .0505.
3. Minor Permit Modifications [15A NCAC 02Q .0515]
The Permittee shall submit an application for a minor permit modification in accordance with 15A NCAC 02Q .0515.
4. Significant Permit Modifications [15A NCAC 02Q .0516]
The Permittee shall submit an application for a significant permit modification in accordance with 15A NCAC 02Q .0516.
5. Reopening for Cause [15A NCAC 02Q .0517]
The Permittee shall submit an application for reopening for cause in accordance with 15A NCAC 02Q .0517.

H. **Changes Not Requiring Permit Modifications**

1. Reporting Requirements [15A NCAC 02Q .0508(f)]
Any of the following that would result in new or increased emissions from the emission source(s) listed in Section 1 must be reported to the Regional Supervisor, DAQ:
 - a. changes in the information submitted in the application;
 - b. changes that modify equipment or processes; or
 - c. changes in the quantity or quality of materials processed.If appropriate, modifications to the permit may then be made by the DAQ to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause a violation of the emission limitations specified herein.
2. Section 502(b)(10) Changes [15A NCAC 02Q .0523(a)]
 - a. "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
 - b. The Permittee may make Section 502(b)(10) changes without having the permit revised if:
 - i. the changes are not a modification under Title I of the Federal Clean Air Act;
 - ii. the changes do not cause the allowable emissions under the permit to be exceeded;
 - iii. the Permittee notifies the Director and EPA with written notification at least seven days before the change is made; and
 - iv. the Permittee shall attach the notice to the relevant permit.
 - c. The written notification shall include:
 - i. a description of the change;
 - ii. the date on which the change will occur;
 - iii. any change in emissions; and
 - iv. any permit term or condition that is no longer applicable as a result of the change.
 - d. Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.
3. Off Permit Changes [15A NCAC 02Q .0523(b)]
The Permittee may make changes in the operation or emissions without revising the permit if:
 - a. the change affects only insignificant activities and the activities remain insignificant after the change; or
 - b. the change is not covered under any applicable requirement.
4. Emissions Trading [15A NCAC 02Q .0523(c)]
To the extent that emissions trading is allowed under 15A NCAC 02D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revision pursuant to 15A NCAC 02Q .0523(c).

I.A. Reporting Requirements for Excess Emissions [15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

1. "Excess Emissions" - means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections .0500, .0900, .1200, or .1400 of Subchapter 02D; or by a permit condition; or that exceeds an emission limit established in a permit issued under 15A NCAC 02Q .0700. (*Note: Definitions of excess emissions under 02D .1110 and 02D .1111 shall apply where defined by rule.*)
2. If a source is required to report excess emissions under NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or the operating permit provides for periodic (e.g., quarterly) reporting of excess emissions, reporting shall be performed as prescribed therein.
3. If the source is not subject to NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or these rules do NOT define "excess emissions," the Permittee shall report excess emissions in accordance with 15A NCAC 02D .0535 as follows:
 - a. Pursuant to 15A NCAC 02D .0535, if excess emissions last for more than four hours resulting from a malfunction, a breakdown of process or control equipment, or any other abnormal condition, the owner or operator shall:
 - i. notify the Regional Supervisor or Director of any such occurrence by 9:00 a.m. Eastern Time of the Division's next business day of becoming aware of the occurrence and provide:
 - name and location of the facility;
 - nature and cause of the malfunction or breakdown;
 - time when the malfunction or breakdown is first observed;
 - expected duration; and
 - estimated rate of emissions;
 - ii. notify the Regional Supervisor or Director immediately when corrective measures have been accomplished; and
 - iii. submit to the Regional Supervisor or Director within 15 days a written report as described in 15A NCAC 02D .0535(f)(3).

I.B. Reporting Requirements for Permit Deviations [15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

1. "Permit Deviations" - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.
2. Pursuant to 15A NCAC 02Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) quarterly by notifying the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 02D .0535. A written report to the Regional Supervisor shall include the probable cause of such deviation and any corrective actions or preventative actions taken. The responsible official shall certify all deviations from permit requirements.

I.C. Other Requirements under 15A NCAC 02D .0535

The Permittee shall comply with all other applicable requirements contained in 15A NCAC 02D .0535, including 15A NCAC 02D .0535(c) as follows:

1. Any excess emissions that do not occur during start-up and shut-down shall be considered a violation of the appropriate rule unless the owner or operator of the sources demonstrates to the Director that the excess emissions are a result of a malfunction. The Director shall consider, along with any other pertinent information, the criteria contained in 15A NCAC 02D .0535(c)(1) through (7).
2. 15A NCAC 02D .0535(g). Excess emissions during start-up and shut-down shall be considered a violation of the appropriate rule if the owner or operator cannot demonstrate that excess emissions are unavoidable.

J. Emergency Provisions [40 CFR 70.6(g)]

The Permittee shall be subject to the following provisions with respect to emergencies:

1. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the facility to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions specified in 3. below are met.
3. The affirmative defense of emergency shall be demonstrated through properly signed contemporaneous operating logs or other relevant evidence that include information as follows:

- a. an emergency occurred and the Permittee can identify the cause(s) of the emergency;
 - b. the permitted facility was at the time being properly operated;
 - c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the standards or other requirements in the permit; and
 - d. the Permittee submitted notice of the emergency to the DAQ within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
 5. This provision is in addition to any emergency or upset provision contained in any applicable requirement specified elsewhere herein.

K. **Permit Renewal** [15A NCAC 02Q .0508(e) and 02Q .0513(b)]

This 15A NCAC 02Q .0500 permit is issued for a fixed term not to exceed five years and shall expire at the end of its term. Permit expiration terminates the facility's right to operate unless a complete 15A NCAC 02Q .0500 renewal application is submitted at least six months before the date of permit expiration. If the Permittee or applicant has complied with 15A NCAC 02Q .0512(b)(1), this 15A NCAC 02Q .0500 permit shall not expire until the renewal permit has been issued or denied. Permit expiration under 15A NCAC 02Q .0400 terminates the facility's right to operate unless a complete 15A NCAC 02Q .0400 renewal application is submitted at least six months before the date of permit expiration for facilities subject to 15A NCAC 02Q .0400 requirements. In either of these events, all terms and conditions of these permits shall remain in effect until the renewal permits have been issued or denied.

L. **Need to Halt or Reduce Activity Not a Defense** [15A NCAC 02Q .0508(i)(4)]

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

M. **Duty to Provide Information (submittal of information)** [15A NCAC 02Q .0508(i)(9)]

1. The Permittee shall furnish to the DAQ, in a timely manner, any reasonable information that the Director may request in **writing** to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.
2. The Permittee shall furnish the DAQ copies of records required to be kept by the permit when such copies are requested by the Director. For information claimed to be confidential, the Permittee may furnish such records directly to the EPA upon request along with a claim of confidentiality.

N. **Duty to Supplement** [15A NCAC 02Q .0507(f)]

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the DAQ. The Permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the facility after the date a complete permit application was submitted but prior to the release of the draft permit.

O. **Retention of Records** [15A NCAC 02Q .0508(f) and 02Q .0508(l)]

The Permittee shall retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit. These records shall be maintained in a form suitable and readily available for expeditious inspection and review. Any records required by the conditions of this permit shall be kept on site and made available to DAQ personnel for inspection upon request.

P. **Compliance Certification** [15A NCAC 02Q .0508(n)]

The Permittee shall submit to the DAQ and the EPA (Air Enforcement Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303 or through the EPA CEDRI) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all terms and conditions in the permit (including emissions limitations, standards, or work practices), except for conditions identified as being State-enforceable Only. It shall be the responsibility of the current owner to submit a compliance certification for the entire year regardless of who owned the facility during the year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:

1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);

3. whether compliance was continuous or intermittent;
4. the method(s) used for determining the compliance status of the source during the certification period;
5. each deviation and take it into account in the compliance certification; and
6. as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 (CAM) occurred.

Q. Certification by Responsible Official [15A NCAC 02Q .0520]

A responsible official shall certify the truth, accuracy, and completeness of any application form, report, or compliance certification required by this permit. All certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

R. Permit Shield for Applicable Requirements [15A NCAC 02Q .0512]

1. Compliance with the terms and conditions of this permit shall be deemed compliance with applicable requirements, where such applicable requirements are included and specifically identified in the permit as of the date of permit issuance.
2. A permit shield shall not alter or affect:
 - a. the power of the Commission, Secretary of the Department, or Governor under NCGS 143-215.3(a)(12), or EPA under Section 303 of the Federal Clean Air Act;
 - b. the liability of an owner or operator of a facility for any violation of applicable requirements prior to the effective date of the permit or at the time of permit issuance;
 - c. the applicable requirements under Title IV; or
 - d. the ability of the Director or the EPA under Section 114 of the Federal Clean Air Act to obtain information to determine compliance of the facility with its permit.
3. A permit shield does not apply to any change made at a facility that does not require a permit or permit revision made under 15A NCAC 02Q .0523.
4. A permit shield does not extend to minor permit modifications made under 15A NCAC 02Q .0515.

S. Termination, Modification, and Revocation of the Permit [15A NCAC 02Q .0519]

The Director may terminate, modify, or revoke and reissue this permit if:

1. the information contained in the application or presented in support thereof is determined to be incorrect;
2. the conditions under which the permit or permit renewal was granted have changed;
3. violations of conditions contained in the permit have occurred;
4. the EPA requests that the permit be revoked under 40 CFR 70.7(g) or 70.8(d); or
5. the Director finds that termination, modification, or revocation and reissuance of the permit is necessary to carry out the purpose of NCGS Chapter 143, Article 21B.

T. Insignificant Activities [15A NCAC 02Q .0503]

Because an emission source or activity is insignificant does not mean that the emission source or activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement. The Permittee shall have available at the facility at all times and made available to an authorized representative upon request, documentation, including calculations, if necessary, to demonstrate that an emission source or activity is insignificant.

U. Property Rights [15A NCAC 02Q .0508(i)(8)]

This permit does not convey any property rights in either real or personal property or any exclusive privileges.

V. Inspection and Entry [15A NCAC 02Q .0508(l) and NCGS 143-215.3(a)(2)]

1. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the DAQ, or an authorized representative, to perform the following:
 - a. enter the Permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
 - b. have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - c. inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - d. sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.

Nothing in this condition shall limit the ability of the EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the Federal Clean Air Act.

2. No person shall refuse entry or access to any authorized representative of the DAQ who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

W. **Annual Fee Payment** [15A NCAC 02Q .0508(i)(10)]

1. The Permittee shall pay all fees in accordance with 15A NCAC 02Q .0200.
2. Payment of fees may be by check or money order made payable to the N.C. Department of Environmental Quality. Annual permit fee payments shall refer to the permit number.
3. If, within 30 days after being billed, the Permittee fails to pay an annual fee, the Director may initiate action to terminate the permit under 15A NCAC 02Q .0519.

X. **Annual Emission Inventory Requirements** [15A NCAC 02Q .0207]

The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 02Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Y. **Confidential Information** [15A NCAC 02Q .0107 and 02Q .0508(i)(9)]

Whenever the Permittee submits information under a claim of confidentiality pursuant to 15A NCAC 02Q .0107, the Permittee may also submit a copy of all such information and claim directly to the EPA upon request. All requests for confidentiality must be in accordance with 15A NCAC 02Q .0107.

Z. **Construction and Operation Permits** [15A NCAC 02Q .0100 and .0300]

A construction and operating permit shall be obtained by the Permittee for any proposed new or modified facility or emission source which is not exempted from having a permit prior to the beginning of construction or modification, in accordance with all applicable provisions of 15A NCAC 02Q .0100 and .0300.

AA. **Standard Application Form and Required Information** [15A NCAC 02Q .0505 and .0507]

The Permittee shall submit applications and required information in accordance with the provisions of 15A NCAC 02Q .0505 and .0507.

BB. **Financial Responsibility and Compliance History** [15A NCAC 02Q .0507(d)(3)]

The DAQ may require an applicant to submit a statement of financial qualifications and/or a statement of substantial compliance history.

CC. **Refrigerant Requirements (Stratospheric Ozone and Climate Protection)** [15A NCAC 02Q .0501(d)]

1. If the Permittee has appliances or refrigeration equipment, including air conditioning equipment, which use Class I or II ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 CFR Part 82 Subpart A Appendices A and B, the Permittee shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82 Subpart F.
2. The Permittee shall not knowingly vent or otherwise release any Class I or II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 CFR Part 82 Subpart F.
3. The Permittee shall comply with all reporting and recordkeeping requirements of 40 CFR 82.166. Reports shall be submitted to the EPA or its designee as required.

DD. **Prevention of Accidental Releases - Section 112(r)** [15A NCAC 02Q .0508(h)]

If the Permittee is required to develop and register a Risk Management Plan with EPA pursuant to Section 112(r) of the Clean Air Act, then the Permittee is required to register this plan in accordance with 40 CFR Part 68.

EE. **National Emission Standards Asbestos – 40 CFR Part 61, Subpart M** [15A NCAC 02D .1110]

The Permittee shall comply with all applicable standards for demolition and renovation activities pursuant to the requirements of 40 CFR Part 61, Subpart M. The permittee shall not be required to obtain a modification of this permit in order to perform the referenced activities.

FF. **Title IV Allowances** [15A NCAC 02Q .0508(i)(1)]

This permit does not limit the number of Title IV allowances held by the Permittee, but the Permittee may not use allowances as a defense to noncompliance with any other applicable requirement. The Permittee's emissions may not exceed any allowances that the facility lawfully holds under Title IV of the Federal Clean Air Act.

GG. **Air Pollution Emergency Episode** [15A NCAC 02D .0300]

Should the Director of the DAQ declare an Air Pollution Emergency Episode, the Permittee will be required to operate in accordance with the Permittee's previously approved Emission Reduction Plan or, in the absence of an approved plan, with the appropriate requirements specified in 15A NCAC 02D .0300.

HH. **Registration of Air Pollution Sources** [15A NCAC 02D .0202]

The Director of the DAQ may require the Permittee to register a source of air pollution. If the Permittee is required to register a source of air pollution, this registration and required information will be in accordance with 15A NCAC 02D .0202(b).

II. **Ambient Air Quality Standards** [15A NCAC 02D .0501(c)]

In addition to any control or manner of operation necessary to meet emission standards specified in this permit, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards in 15A NCAC 02D .0400 to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this permit are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

JJ. **General Emissions Testing and Reporting Requirements** [15A NCAC 02Q .0508(i)(16)]

Emission compliance testing shall be by the procedures of Section .2600, except as may be otherwise required in Rules .0524, .1110, or .1111 of Subchapter 02D. If emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ to demonstrate compliance for emission sources subject to Rules .0524, .1110, or .1111, the Permittee shall provide and submit all notifications, conduct all testing, and submit all test reports in accordance with the requirements of 15A NCAC 02D .0524, .1110, or .1111, as applicable. Otherwise, if emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ to demonstrate compliance, the Permittee shall perform such testing in accordance with 15A NCAC 02D .2600 and follow the procedures outlined below:

1. The owner or operator of the source shall arrange for air emission testing protocols to be provided to the Director prior to air pollution testing. Testing protocols are not required to be pre-approved by the Director prior to air pollution testing. The Director shall review air emission testing protocols for pre-approval prior to testing if requested by the owner or operator at least **45 days** before conducting the test.
2. Any person proposing to conduct an emissions test to demonstrate compliance with an applicable standard shall notify the Director at least **15 days** before beginning the test so that the Director may at his option observe the test.
3. The owner or operator of the source shall arrange for controlling and measuring the production rates during the period of air testing. The owner or operator of the source shall ensure that the equipment or process being tested is operated at the production rate that best fulfills the purpose of the test. The individual conducting the emission test shall describe the procedures used to obtain accurate process data and include in the test report the average production rates determined during each testing period.
4. Two copies of the final air emission test report shall be submitted to the Director not later than **30 days** after sample collection unless otherwise specified in the specific conditions. The owner or operator may request an extension to submit the final test report. The Director shall approve an extension request if he finds that the extension request is a result of actions beyond the control of the owner or operator.
 - a. The Director shall make the final determination regarding any testing procedure deviation and the validity of the compliance test. The Director may:
 - i. Allow deviations from a method specified under a rule in this Section if the owner or operator of the source being tested demonstrates to the satisfaction of the Director that the specified method is inappropriate for the source being tested.
 - ii. Prescribe alternate test procedures on an individual basis when he finds that the alternative method is necessary to secure more reliable test data.
 - iii. Prescribe or approve methods on an individual basis for sources or pollutants for which no test method is specified in 15A NCAC 02D .2600 if the methods can be demonstrated to determine compliance of permitted emission sources or pollutants.

- b. The Director may authorize the DAQ to conduct independent tests of any source subject to a rule in 15A NCAC 02D to determine the compliance status of that source or to verify any test data submitted relating to that source. Any test conducted by the Division of Air Quality using the appropriate testing procedures described in 15A NCAC 02D .2600 has precedence over all other tests.

KK. Reopening for Cause [15A NCAC 02Q .0517]

1. A permit shall be reopened and revised under the following circumstances:
 - a. additional applicable requirements become applicable to a facility with remaining permit term of three or more years;
 - b. additional requirements (including excess emission requirements) become applicable to a source covered by Title IV;
 - c. the Director or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - d. the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
2. Any permit reopening shall be completed or a revised permit issued within 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to 15A NCAC 02Q .0513(c).
3. Except for the state-enforceable only portion of the permit, the procedures set out in 15A NCAC 02Q .0507, .0521, or .0522 shall be followed to reissue the permit. If the State-enforceable only portion of the permit is reopened, the procedures in 15A NCAC 02Q .0300 shall be followed. The proceedings shall affect only those parts of the permit for which cause to reopen exists.
4. The Director shall notify the Permittee at least 60 days in advance of the date that the permit is to be reopened, except in cases of imminent threat to public health or safety the notification period may be less than 60 days.
5. Within 90 days, or 180 days if the EPA extends the response period, after receiving notification from the EPA that a permit needs to be terminated, modified, or revoked and reissued, the Director shall send to the EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

LL. Reporting Requirements for Non-Operating Equipment [15A NCAC 02Q .0508(i)(16)]

The Permittee shall maintain a record of operation for permitted equipment noting whenever the equipment is taken from and placed into operation. When permitted equipment is not in operation, the requirements for testing, monitoring, and recordkeeping are suspended until operation resumes.

MM. Fugitive Dust Control Requirement [15A NCAC 02D .0540]

As required by 15A NCAC 02D .0540 "Particulates from Fugitive Dust Emission Sources," the Permittee shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints or excess visible emissions beyond the property boundary. If substantive complaints or excessive fugitive dust emissions from the facility are observed beyond the property boundaries for six minutes in any one hour (using Reference Method 22 in 40 CFR, Appendix A), the owner or operator may be required to submit a fugitive dust plan as described in 02D .0540(f).

"Fugitive dust emissions" means particulate matter from process operations that does not pass through a process stack or vent and that is generated within plant property boundaries from activities such as: unloading and loading areas, process areas, stockpiles, stock pile working, plant parking lots, and plant roads (including access roads and haul roads).

NN. Specific Permit Modifications [15A NCAC 02Q .0501 and .0523]

1. For modifications made pursuant to 15A NCAC 02Q .0501(b)(2), the Permittee shall file a Title V Air Quality Permit Application for the air emission source(s) and associated air pollution control device(s) on or before 12 months after commencing operation.
2. For modifications made pursuant to 15A NCAC 02Q .0501(c)(2), the Permittee shall not begin operation of the air emission source(s) and associated air pollution control device(s) until a Title V Air Quality Permit Application is filed and a construction and operation permit following the procedures of Section .0500 (except for Rule .0504 of this Section) is obtained.
3. For modifications made pursuant to 502(b)(10), in accordance with 15A NCAC 02Q .0523(a)(1)(C), the Permittee shall notify the Director and EPA (Air Permitting Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303 or through the EPA CEDRI) in writing at least seven days before the change is made.
 - a. The written notification shall include:
 - i. a description of the change at the facility;
 - ii. the date on which the change will occur;

- iii. any change in emissions; and
- iv. any permit term or condition that is no longer applicable as a result of the change.
- b. In addition to this notification requirement, with the next significant modification or Air Quality Permit renewal, the Permittee shall submit a page "E5" of the application forms signed by the responsible official verifying that the application for the 502(b)(10) change/modification, is true, accurate, and complete. Further note that modifications made pursuant to 502(b)(10) do not relieve the Permittee from satisfying preconstruction requirements.

OO. **Third Party Participation and EPA Review** [15A NCAC 02Q .0521, .0522 and .0525(7)]

For permits modifications subject to 45-day review by the federal EPA, EPA's decision to not object to the proposed permit is considered final and binding on the EPA and absent a third party petition, the failure to object is the end of EPA's decision-making process with respect to the revisions to the permit. The time period available to submit a public petition pursuant to 15A NCAC 02Q .0518 begins at the end of the 45-day EPA review period.