

JOSH STEIN
Governor

D. REID WILSON
Secretary

MICHAEL ABRACZINSKAS
Director



TBD

Kerry Barnett
Facilities Manager
Tapaha Dynamics, LLC
708 Lynhaven Drive
Lenoir, NC 28645

SUBJECT: Air Quality Permit No. 09733T11
Facility ID: 1400204
Tapaha Dynamics, LLC
Lenoir, NC
Caldwell County
Fee Class: Title V
PSD Class: Minor

Dear Mr. Barnett:

In accordance with the reopen for cause of your Title V permit initiated by Division of Air Quality, we are forwarding, herewith, Air Quality Permit No. 09733T11, 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 existing 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.

Caldwell County has not triggered increment tracking under PSD for any pollutants, so no tracking is required.

This Air Quality Permit shall be effective from TBD until June 30, 2026, 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 Russell Braswell at 919-707-8731 or russell.braswell@deq.nc.gov.

Sincerely yours,

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

Enclosure

c: Brad Akers, EPA Region 4 (Permit and Review)
Laserfiche (1400204)

**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:

Daniel S. Hirschman, 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. 09733T10:

Page No.	Section	Description of Changes
Throughout	Throughout	<ul style="list-style-type: none">Updated dates and permit numbers.
8	2.1 A.5	<ul style="list-style-type: none">Added avoidance limit for CO.Added CO calculation formula.Added CO emission factors supplied by the Permittee.Added CO reporting requirements.

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

DRAFT



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
09733T11	09733T10	TBD	June 30, 2026

NOTE: Per General Condition K, a permit application for the renewal of this Title V permit shall be submitted no later than December 31, 2025.

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:	Tapaha Dynamics, LLC
Facility ID:	1400204
Primary SIC Code:	7374
NAICS Code:	518210
Facility Site Location:	708 Lynhaven Drive
City, County, State, Zip:	Lenoir, Caldwell County, NC 28645
Mailing Address:	708 Lynhaven Drive
City, State, Zip:	Lenoir, NC 28645
Application Number:	1400204.25A
Complete Application Date:	May 27, 2025
Division of Air Quality,	Asheville Regional Office
Regional Office Address:	2090 US Highway 70
	Swannanoa, NC 28778

Permit issued this the TBD.

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
CEDRI	Compliance and Emissions Data Reporting Interface
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
EG-1* through EG-50* NSPS IIII, MACT ZZZZ	Fifty (50) emergency electricity generators each powered by one stationary diesel/Hydrotreated Vegetable Oil (HVO)**-fired internal combustion engine (2,919 brake horsepower maximum engine power, 2,000 kW maximum generator electrical output, each)	N/A	N/A
EG-51* through EG-54* NSPS IIII, MACT ZZZZ	Four (4) emergency electricity generators each powered by one stationary diesel/HVO**-fired internal combustion engine (1,482 brake horsepower maximum engine power, 1,000 kW maximum generator electrical output, each)	N/A	N/A
EG-55* and EG-56* NSPS IIII, MACT ZZZZ	Two (2) emergency electricity generators each powered by one stationary diesel/HVO**-fired internal combustion engine (2,919 brake horsepower maximum engine power, 2,000 kW maximum generator electrical output, each)	N/A	N/A
EG-57* and EG-58* NSPS IIII, MACT ZZZZ	Two (2) emergency electricity generators each powered by one stationary diesel/HVO**-fired internal combustion engine (2,205 brake horsepower maximum engine power, 1,500 kW maximum generator electrical output, each)	N/A	N/A
EG-59* NSPS IIII, MACT ZZZZ	One (1) emergency electricity generator powered by a stationary diesel/HVO**-fired internal combustion engine (2,919 brake horsepower maximum engine power, 2,000 kW maximum generator electrical output)	N/A	N/A
EG-60* through EG-75* NSPS IIII, MACT ZZZZ	Sixteen (16) emergency electricity generators each powered by one stationary diesel/HVO**-fired internal combustion engine (3,614 brake horsepower maximum engine power, 2,500 kW maximum generator electrical output, each)	N/A	N/A
EG-76* through EG-107* NSPS IIII, MACT ZZZZ	Thirty-two (32) emergency electricity generators each powered by one stationary diesel/HVO**-fired internal combustion engine (4,034 brake horsepower maximum engine power, 2,725 kW maximum generator electrical output, each)	N/A	N/A
EG-108* through EG-120* NSPS IIII, MACT ZZZZ	Thirteen (13) emergency electricity generators each powered by one stationary diesel/HVO**-fired internal combustion engine (2,937 brake horsepower maximum engine power, 2,000 kW maximum generator electrical output, each)	N/A	N/A
EG-121* through EG-156* NSPS IIII, MACT ZZZZ	Thirty-six (36) emergency electricity generators, each powered by one stationary diesel/HVO**-fired internal combustion engine (4,034 brake horsepower maximum engine power, 2,750 kW maximum generator electrical output, each)	N/A	N/A
EG-157* through EG-163* NSPS IIII, MACT ZZZZ	Seven (7) emergency electricity generators, each powered by one stationary diesel/HVO**-fired internal combustion engine (2,347 brake horsepower maximum engine power, 1,750 kW maximum generator electrical output, each)	N/A	N/A

* Pursuant to application 1400204.24A, these emission sources (**ID No(s). ES-1 through ES-163**) are listed as a minor modification per 15A NCAC 02Q .0515. The annual compliance certification as described in General Condition P is required. Unless otherwise notified by DAQ, the affected terms of this permit (excluding the permit shield as described in General Condition R) for these emission sources shall become final on July 11, 2025. Until this date, the affected permit terms herein reflect the proposed operating language that the Permittee shall operate these emission sources pursuant to 15A NCAC 02Q .0515(f).

** HVO fuel shall meet the ASTM D975 specification for diesel fuel.

SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS

2.1 Emission Source(s) and Control Devices(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. Diesel/HVO-fired emergency generators (ID Nos. ES-1 through ES-163)

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

Pollutant	Limits/Standards	Applicable Regulation
Sulfur Dioxide	2.3 pounds per million Btu of heat input	15A NCAC 02D.0516
Visible Emissions	20 percent	15A NCAC 02D.0521(d)
Non-methane hydrocarbon + Nitrogen Oxides	6.4 g/kW-hr	15A NCAC 02D.0524 (40 CFR 60, Subpart IIII)
Carbon Monoxide	3.5 g/kW-hr	15A NCAC 02D.0524 (40 CFR 60, Subpart IIII)
Particulate Matter	0.20 g/kW-hr	15A NCAC 02D.0524 (40 CFR 60, Subpart IIII)
Hazardous Air Pollutants	Pursuant to 40 CFR §63.6595(c)(1), these diesel-fired emergency generators must meet the compliance through 40 CFR 60, Subpart IIII.	15A NCAC 02D.1111 (40 CFR 63, Subpart ZZZZ)
Nitrogen Oxides Carbon Monoxide	Less than 250 tons per year, each	15A NCAC 02Q.0317

1. 15A NCAC 02D.0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES

- a. Emissions of sulfur dioxide from diesel/HVO-fired emergency generators (**ID Nos. EG-1 through EG-163**) 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.1.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D.0516.

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

- c. No monitoring/recordkeeping/reporting is required for sulfur dioxide emissions from the firing of diesel fuel or HVO in these emergency generators (**ID Nos. EG-1 through EG-163**).

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

- a. Visible emissions from the emergency engines (**ID Nos. EG-1 through EG-163**) shall not be more than 20 percent opacity each 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 provided in Section 2.1 A.2.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D.0521.

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

- c. No monitoring, recordkeeping, or reporting is required for visible emissions from the firing of diesel fuel or HVO in these engines (**ID Nos. EG-1 through EG-163**).

3. 15A NCAC 02D .0524: NEW SOURCE PERFORMANCE STANDARDS (40 CFR 60, Subpart IIII)

Applicability [40 CFR 60.4200(a)(2)(i)]

- a. For this engine (**ID No. ES-EGEN-BS**), the Permittee shall comply with all applicable provisions, including the requirements for emission standards, notification, testing, reporting, record keeping, and monitoring, contained in Environmental Management Commission Standard 15A NCAC 02D .0524 "New Source Performance Standards" (NSPS) as promulgated in 40 CFR Part 60 Subpart III "Standards of Performance for Stationary Compression Ignition Internal Combustion Engines" including Subpart A "General Provisions."

Definitions and Nomenclature

- b. For the purposes of this permit condition, the definitions and nomenclature contained in 40 CFR 60.4219 shall apply.

General Provisions

- c. The Permittee shall comply with the General Provisions of 40 CFR 60 Subpart A as presented in Table 8 to 40 CFR 60 Subpart IIII. [40 CFR 60.4218]

Emission Standards [15A NCAC 02Q .0508(b)]

- d. The Permittee shall comply with the emission standards 40 CFR 60.4202 for all pollutants, for the same model year and maximum engine power for this engine. [40 CFR 60.4205(b)]

[NSPS emission standards for new non-road CI engines in 40 CFR 60.4202(a)(2) and Table 2 to Appendix I to 40 CFR Part 1039]

Affected Sources (ID Nos.)	Engine type	Maximum engine power	Manufacture date (<i>after</i>)	Emission standards (g/KW-hr)		
				NMHC + NO _x	CO	PM
EG-1 through EG-163	Emergency	Greater than 560 kW	7/1/2006	6.4	3.5	0.2

Fuel Requirements [15A NCAC 02Q .0508(b)]

- e. The Permittee shall use diesel fuel in the engine that meets the requirements of 40 CFR 1090.305 including:
- a maximum sulfur content of 15 ppm; and
 - a minimum cetane index of 40 or a maximum aromatic content of 35 volume percent.
- [40 CFR 60.4207(b)]

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

- f. 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 2.1 E.3.d and e above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

Monitoring [15A NCAC 02Q .0508(b)]

- g. The engine has the following monitoring requirements:
- The engines shall be equipped with a non-resettable hour meter prior to startup. [40 CFR 60.4209(a)]
 - The engine, if equipped with a diesel particulate filter, must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached. [40 CFR 60.4209(b)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if these monitoring requirements are not met.

Compliance Requirements [15A NCAC 02Q .0508(b)]

- h. The Permittee shall:

- i. operate and maintain the engines and control devices according to the manufacturer's emission related-written instructions over the entire life of the engine;
 - ii. change only those emission-related settings that are permitted by the manufacturer; and
 - iii. meet the requirements of 40 CFR 89, 94 and/or 1068 as applicable. [40 CFR 60.4206 and 60.4211(a)]
- i. The Permittee shall comply with the emission standards in Section 2.1 E.3.d above by purchasing an engine certified to the emission standards in Section 2.1 E.3.d above for the same model year and maximum engine power. The engine shall be installed and configured according to the manufacturer's emission-related specifications. [40 CFR 60.4211(c)]
- j. In order for the engine to be considered an emergency stationary internal combustion engine (ICE) as defined in Section 2.1 E.3.b above, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described below, is prohibited.
 - i. There is no time limit on the use of emergency stationary ICE in emergency situations.
 - ii. The Permittee may operate the emergency stationary ICE for any combination of the purposes specified in paragraph j.ii.(A) below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph j.(iii) below counts as part of the 100 hours per calendar year allowed by this paragraph j.(ii).
 - (A) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
 - iii. Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph j.(ii) above. Except as provided in paragraph j.iii.(A) below, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.
 - (A) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
 - (1) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;
 - (2) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
 - (3) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
 - (4) The power is provided only to the facility itself or to support the local transmission and distribution system.
 - (5) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- [40 CFR 60.4211(f)]
- k. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the compliance requirements in Section 2.1 E.3.h through j are not met.

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

- 1. The following records shall be maintained:
 - i. The results of inspection and maintenance made pursuant to Section 2.1 E.3.h above 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:
 - (A) the date and time of each recorded action;
 - (B) the results of each inspection;
 - (C) the results of any maintenance performed on the engine;
 - (D) any variance from manufacturer's recommendations, if any, and corrections made;

- (E) the hours of operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time [40 CFR 60.4214(b)]; and
 - (F) if a PM filter is used, records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached [40 CFR 60.4214(c)];
 - ii. documentation from the manufacturer that the engine is certified to meet the emission standards in Section 2.1 E.3.d above; and
 - iii. records showing the fuel combusted meets the requirements in Section 2.1 E.3.e above.
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if these recordkeeping requirements are not met.

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

- m. The Permittee shall meet the following reporting requirements:
 - i. The Permittee shall submit a summary report of monitoring and recordkeeping activities to the DAQ 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 noncompliance with the requirements of this permit shall be clearly identified.
 - ii. If the Permittee owns or operates an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates for the purposes specified in Section 2.1 E.3.j.iii(A) above, the Permittee shall submit an annual report to the DAQ according to the requirements at 40 CFR 60.4214(d). [40 CFR 60.4214(d)]
 - iii. The report in paragraph m.ii above shall also be submitted directly to the EPA electronically pursuant to 40 CFR 60.4214(d)(3). [40 CFR 60.4214(d)(3)]
 - (A) The Permittee may assert a claim of EPA system outage for failure to timely comply with this electronic reporting requirement if the requirements outlined in 40 CFR 60.4214(h) are met. [40 CFR 60.4214(h)]
 - (B) The Permittee may assert a claim of force majeure for failure to timely comply with this electronic reporting requirement if the requirements outlined 40 CFR 60.4214(i) are met. [40 CFR 60.4214(i)]
- The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the reporting requirements in paragraphs m.ii and iii above are not met.

4. 15A NCAC 02D .1111: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY

Applicability [40 CFR 63.6585, 6590(a)(2)(iii)]

- a. For diesel-fired emergency generators (**ID Nos. EG-1 through EG-163**) (new stationary RICE located at an area source of HAP emissions), the Permittee shall comply with all applicable provisions, including the monitoring, recordkeeping, and reporting contained in Environmental Management Commission Standard 15A NCAC 02D .1111 "Maximum Achievable Control Technology" (MACT) as promulgated in 40 CFR 63, Subpart ZZZZ, "National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion Engines" and Subpart A "General Provisions."

Stationary RICE subject to Regulations under 40 CFR Part 60 [15A NCAC 02Q. 0508(f)]

- b. Pursuant to 40 CFR 63.6590(c)(1), these sources (**ID Nos. EG-1 through EG-163**) must meet the requirements of 40 CFR 63 Subpart ZZZZ and Subpart A by meeting the requirements of 40 CFR 60 Subpart IIII. No further requirements apply for these engines under 40 CFR 63 Subpart ZZZZ and Subpart A. If these requirements are not met, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111.

**5. 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, the facility shall discharge into the atmosphere less than 250 tons of NOx per consecutive 12-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.5.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530.

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

- c. At the end of each month, the Permittee shall calculate facility-wide emissions of NO_x for that month and for the 12-month period ending on that month. When calculating NO_x emissions, the Permittee shall use the following equation:

$$NO_{x,month} = \left(\sum (EF_{i,L} \times C_{i,L} \times O_{i,L}) \times \left(\frac{1 \text{ ton}}{907,185 \text{ g}} \right) \right) + (Misc.)$$

Where:

- NO_{x,month} = The facility-wide NO_x emissions from the generators. (tons per month)
 EF_{i,L} = For each generator listed in Section 1, above, and loading listed in Tables 2.1 A.5-1 and 2, below, as applicable, the approved NO_x emission factor. See Tables 2.1 A.5-1 and 2 below. (grams per horsepower-hour)
 C_{i,L} = For each generator and loading, the rated capacity of that generator for that loading. For example, if the maximum capacity of the generator is 2,000 horsepower, C_{i,L} for the 50-75% category would be 2,000 × 75% = 1,500 horsepower. (horsepower)
 O_{i,L} = For each generator and loading, the monthly operations of that generator at that loading. See Tables 2.1 A.5-1 and 2 below. (hours per month)
 Misc. = The monthly emissions of NO_x from all other sources at the facility. The Permittee shall calculate NO_x emissions from miscellaneous sources using the applicable emission factor published by US EPA in AP-42, unless another emission factor is approved by DAQ. (tons per month)

Table 2.1 A.5-1

Generator	NO _x EF, by loading [EF _{i,L}] (g/hp-hr)			
	0-25%	25-50%	50-75%	75-100%
EG-1 through EG-37	3.18	3.04	4.6	5.11
EG-38 through EG-50	2.7	3.1	4.7	5.3
EG-51 through EG-54	4.17	5.2	3.87	3.95
EG-55 and EG-56	2.7	3.1	4.7	5.3
EG-57 and EG-58	3.2	3.5	4.9	5.8
EG-59	2.7	3.1	4.7	6.0

Table 2.1 A.5-2

Generator	NO _x EF, by loading [EF _{i,L}] (g/hp-hr)				
	0-10%	10-25%	25-50%	50-75%	75-100%
EG-60 through EG-75	6.47	3.5	3.74	5.15	6.38
EG-76 through EG-107	5.61	3.14	3.97	6.00	7.54
EG-108 through EG-120	5.94	4.19	3.18	3.89	5.46
EG-121 through EG-156	8.92	4.83	4.44	5.82	8.53
EG-157 through EG-163	6.15	4.11	4.30	5.47	6.83

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the monthly calculations are not kept and/or if the monthly calculations show an exceedance of the emission limit in Section 2.1 A.5.a, above.

- d. At the end of each month, the Permittee shall calculate facility-wide emissions of CO for that month and for the 12-month period ending on that month. When calculating CO emissions, the Permittee shall use the following equation:

$$CO_{month} = \left(\sum (EF_{i,L} \times C_{i,L} \times O_{i,L}) \times \left(\frac{1 \text{ ton}}{907,185 \text{ g}} \right) \right) + (Misc.)$$

Where:

- CO_{month} = The facility-wide CO emissions from the generators. (tons per month)
 EF_{i,L} = For each generator listed in Section 1, above, and loading listed in Tables 2.1 A.5-3 and 4, below, as applicable, the approved CO emission factor. See Tables 2.1 A.5-3 and 4 below. (grams per horsepower-hour)

- $C_{i,L}$ = For each generator and loading, the rated capacity of that generator for that loading. For example, if the maximum capacity of the generator is 2,000 horsepower, $C_{i,L}$ for the 50-75% category would be $2,000 \times 75\% = 1,500$ horsepower. (horsepower)
- $O_{i,L}$ = For each generator and loading, the monthly operations of that generator at that loading. See Tables 2.1 A.5-3 and 4 below. (hours per month)
- Misc. = The monthly emissions of CO from other sources at the facility. The Permittee shall calculate CO emissions from miscellaneous sources using the applicable emission factor published by US EPA in AP-42, unless another emission factor is approved by DAQ. (tons per month)

Table 2.1 A.5-3

Generator	CO EF, by loading [$EF_{i,L}$] (g/hp-hr)			
	0-25%	25-50%	50-75%	75-100%
EG-1 through EG-37	0.65	0.40	0.19	0.21
EG-38 through EG-50	0.57	0.36	0.13	0.18
EG-51 through EG-54	0.66	0.36	0.48	0.66
EG-55 and EG-56	0.57	0.36	0.13	0.18
EG-57 and EG-58	0.96	0.55	0.40	0.48
EG-59	0.57	0.36	0.13	0.16

Table 2.1 A.5-4

Generator	CO EF, by loading [$EF_{i,L}$] (g/hp-hr)				
	0-10%	10-25%	25-50%	50-75%	75-100%
EG-60 through EG-75	4.26	1.47	0.58	0.48	0.76
EG-76 through EG-107	4.05	2.66	0.82	1.23	0.74
EG-108 through EG-120	2.42	1.17	0.33	0.21	0.30
EG-121 through EG-156	3.43	1.68	0.57	0.56	1.16
EG-157 through EG-163	4.64	2.03	1.45	1.36	0.94

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0530 if the monthly calculations are not kept and/or if the monthly calculations show an exceedance of the emission limit in Section 2.1 A.5.a, above.

- e. All records required under this section shall be maintained for a period of two years following the date of such record and shall be made available to DAQ personnel upon request. The Permittee shall be deemed in noncompliance of 15A NCAC 02D .0530 if the records are not maintained.

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

- f. The Permittee shall submit a summary report of the monitoring and recordkeeping activities in Section 2.1 A.5.c, 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. At a minimum, the report shall include:
- The monthly facility-wide NO_x and CO emissions for each of the previous 17 months.
 - The rolling 12-month total facility-wide NO_x and CO emissions for each month in the six-month reporting period.
 - All instances of deviations from the requirements of this permit must be clearly identified.

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

Emission Source ID No.	Emission Source Description ^{1,2}
I-BT	Diesel / HVO fuel engine belly tanks: 37 – 4200 gallons ea. 18 – 4000 gallons ea. 4 – 2025 gallons ea. 48 – 4500 gallons ea. 13 – 4344 gallons ea. 36 - 6,000 gallon tanks 7 - 4,000 gallon tanks 2 - 1,150 gallon tanks
I-CT	Non-contact, wet cooling towers 20 – 1300 gpm ea. (single-cell) 15 – 2500 gpm ea. (single-cell) 10 – 4608 gpm ea. (two-cell) 2 – 128 gpm ea. (two-cell) 16 – 6,000 gallons per hour
I-NGHU	38 Natural Gas-fired Heating Units for comfort heat
I-MISC	Small Portable Generators and Welding machines: Diesel Engine-below 35HP or Gasoline Engine-below 100HP, not to exceed 200 hours of operation per calendar year
I-EG MACT ZZZZ, NSPS IIII	One (1) diesel/HVO-fired emergency generator (751 brake horsepower maximum engine power, 560 kW electrical output)
I-EF MACT ZZZZ, NSPS IIII	One (1) diesel/HVO-fired fire pump (751 horsepower maximum engine power, 560 kW electrical output)

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 8.0, 07/10/2024)

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 the 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, one copy 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. RESERVED

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.