

Application Review

Issue Date: Date needed

Region: Mooresville Regional Office
County: Iredell
NC Facility ID: 4900121
Inspector's Name: Joe Foutz
Date of Last Inspection: 01/08/2024
Compliance Code: 3 / Compliance - inspection

Facility Data	Permit Applicability (this application only)
<p>Applicant (Facility's Name): 3A Composites USA Inc.</p> <p>Facility Address: 3A Composites USA Inc. 3480 Taylorsville Highway Statesville, NC 28625</p> <p>SIC: 2672 / Paper Coated And Laminated, Nec NAICS: 322222 / Coated and Laminated Paper Manufacturing</p> <p>Facility Classification: Before: Title V After: Title V Fee Classification: Before: Title V After: Title V</p>	<p>SIP: 15A NCAC 02D .0503, .0515,.0516, .0521, NSPS: IIII NESHAP: ZZZZ, JJJJ, DDDDD PSD: No PSD Avoidance: No NC Toxics: Yes 112(r): N/A Other: Remove 15A NCAC 02D .1109/112(j)</p>

Contact Data			Application Data
Facility Contact	Authorized Contact	Technical Contact	
O'Dell Long EHS Manager (704) 838-7038 3480 Taylorsville Highway Statesville, NC 28625	Leda Ochoa Plant Manager (704) 838-7032 3480 Taylorsville Highway Statesville, NC 28625	O'Dell Long EHS Manager (704) 838-7038 3480 Taylorsville Highway Statesville, NC 28625	<p>Application Number: 4900121.23A Date Received: 05/01/2023 Application Type: Renewal Application Schedule: TV-Renewal Existing Permit Data Existing Permit Number: 03700/T23 Existing Permit Issue Date: 11/26/2018 Existing Permit Expiration Date: 10/31/2023</p>

Total Actual emissions in TONS/YEAR:

CY	SO2	NOX	VOC	CO	PM10	Total HAP	Largest HAP
2022	0.0400	3.17	12.12	2.51	1.06	6.77	2.24 [Phenol]
2021	0.0300	3.02	14.31	2.52	0.2200	8.77	4.09 [Formaldehyde]
2020	0.0200	2.64	13.50	2.22	0.0100	7.66	3.26 [Formaldehyde]
2019	0.0100	3.24	18.24	2.71	0.0100	12.33	6.31 [Formaldehyde]
2018	0.0200	3.66	23.95	3.06	0.0100	15.35	7.54 [Formaldehyde]

<p>Review Engineer: Jacob Larson</p> <p>Review Engineer's Signature: _____ Date: _____</p>	<p style="text-align: center;">Comments / Recommendations:</p> <p>Issue: 03700/T24 Permit Issue Date: Date needed Permit Expiration Date: Date needed</p>
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1. Purpose of Application

3A Composites USA Inc. (3A) currently holds Title V Permit No. 03700T23 with an expiration date of October 31, 2023, for a foam/paperboard (used in art supplies and the furniture industry) manufacturing facility in Statesville, Iredell County, North Carolina. This permit application is for a permit renewal without modification. The renewal application was received on May 1, 2023, or at least six months prior to the expiration date. Therefore, the existing permit shall not expire until the renewal permit has been issued or denied. All terms and conditions of the existing permit shall remain in effect until the renewal permit has been issued or denied.

2. Facility Description

3A Composites USA (3A) produces foam/paperboard used in art supplies and man-made wood fiber veneer used in the furniture industry. An overview of the various operations at the facility is provided below:

- Various urea-formaldehyde resin formulations are applied to kraft paper substrate in the saturator operation. This operation includes two natural gas/propane-fired saturator/dryers and three resin mixing tanks. The saturation operation is subject to the “NESHAP for Paper and Other Web Coating,” 40 CFR Part 63 Subpart JJJJ.
- Wood fiber veneer is produced in the Gatorfoam operations. Gatorfoam panels are first sent through the pre-press operation where heat and pressure are applied in open presses. The pressed veneer pieces are then conveyed to the Gatorboard production process where they are glued to pre-cut foam core material. The finished laminate is then cut to length on the Gatorfoam saw.
- A heavy-duty graphics arts foam board process consisting of glue mixing, lift tables, roll coater, conveying, and cold press pods was added to the facility in 2012. The operation is a batch process where foam, which is purchased from an outside vendor, is coated on both sides in a roll coater; sandwiched between two sheets of paper, wood, or plastic, per customer demands; stacked; and then put into cold press pods for the glue to set.
- The facility also maintains sanding and finishing operations for its products, resin storage tanks, a natural gas/propane-fired boiler, emergency engines, and numerous insignificant activities.

From the most recent inspection report dated January 08, 2024, from Joe Foutz of the Mooresville Regional Office. “The facility has approximately 90 employees. The saturator operates two 12-hour shifts, for 4 days a week then is shut down for a week. The pre-press operation operates two 10-hour shifts, 4 days per week. The facility operates 50 weeks per year.”

3. History/Background/Application Chronology

History/Background

- November 26, 2018 TV permit renewal issued. Air Permit No. 03700T23 was issued with an expiration date of October 31, 2023.
- July 20, 2022 Notice of violation (NOV) for failure to submit required report within the required timeframe in violation of Air Permit No. 03700T23, General Condition X. NOV was resolved on August 16, 2022.

Application Chronology

- May 01, 2023 DEQ received permit application 4900121.23A for Title V renewal.
- June 06, 2024 Sent acknowledgment letter indicating that the application for permit renewal was complete.
- Marck 03, 2024 Draft permit and review forwarded for comments to Permitting Supervisor.
- March 13, 2024 Comments received from Mark Cuilla, Permitting Chief.
- March 18, 2024 Draft permit and review forwarded to the Stationary Compliance Branch for comments. No comments were received April 01, 2024.
- March 18, 2024 Draft permit and review forwarded to the Mooresville Regional Office for comments. Minor comments were received March 28, 2024.
- April 02, 2024 Draft permit forwarded to the applicant for comments. Minor comments were received April 12, 2024.
- April 19, 2024 Draft permit and permit review forwarded to public notice.
- XXXX xx, 2024 Public comment period ends. ___ comments received.
- XXXX xx, 2024 EPA comment period ends. ___ comments received.
- XXXX xx, 2024 Permit issued.

4. Permit Modifications/Changes and TVEE Discussion

The following table describes the modifications to the current permit as part of the renewal process.

Page No.	Section	Description of Changes
--	Cover page and throughout permit	<ul style="list-style-type: none"> Updated all dates and permit revision numbers.
3	Cover page	<ul style="list-style-type: none"> Added "Notice Regarding The Right To Contest A Division Of Air Quality Permit Decision" page
4	Summary of Changes to Permit	<ul style="list-style-type: none"> Added summary of changes made to Permit No. 03700T23 according to the most recent requirements of the renewal Title V permit
2	Table of Contents	<ul style="list-style-type: none"> Added Section 3.0 as "Insignificant Activities List" Added Section 4.0 as "General Permit Conditions"
3	List of Acronyms	<ul style="list-style-type: none"> Added "List of Acronyms"
4	Permitted emissions table	<ul style="list-style-type: none"> Rearranged sources to follow the order of the permit Removed ES-4 and ES-8
5	2.1 A.1.a	<ul style="list-style-type: none"> Updated monitoring condition to current requirement
6	2.1 A.3.c	<ul style="list-style-type: none"> Updated monitoring condition to be consistent with shell language
8	2.1 C.1.a	<ul style="list-style-type: none"> Updated condition to be consistent with shell language
8	2.1 C.1.c	<ul style="list-style-type: none"> Updated monitoring condition to be consistent with shell language
10	2.1 D.1.c	<ul style="list-style-type: none"> Updated monitoring condition to be consistent with shell language
11	2.1 D.2.c	<ul style="list-style-type: none"> Updated monitoring condition to be consistent with shell language
12	2.1 E.	<ul style="list-style-type: none"> Removed 112(j) condition from permit Removed applicability date for MACT DDDDD from table
12	2.1 E.1	<ul style="list-style-type: none"> Updated condition to be consistent with current shell language
13	2.1 E.4	<ul style="list-style-type: none"> Updated MACT DDDDD condition to current regulatory requirements Removed 112(j) condition. Changed numbering
17	2.2 A.1	<ul style="list-style-type: none"> Updated MACT JJJJ to current regulatory requirements
20	2.2 B.1	<ul style="list-style-type: none"> Updated condition and table to be consistent with shell format
22	2.2 C.1	<ul style="list-style-type: none"> Updated condition and table to be consistent with shell format
22	2.2 C.2	<ul style="list-style-type: none"> Added odorous emissions condition to permit
23	Section 3	<ul style="list-style-type: none"> Added Insignificant Activities as Section 3 of the Title V Permit Added IES-4 and IES-8 to Insignificant Activities
24	Section 4	<ul style="list-style-type: none"> Added General Conditions as Section 4 of the Title V Permit Updated General Conditions to version 7.0, 08/21/2023

TVEE changes associated with this renewal include:

- ES-4 removed from permitted sources and added to insignificant sources as IES-4
- ES-8 removed from permitted sources and added to insignificant sources as IES-8

5. Regulatory Review

3A is subject to the following regulations. The permit was updated to reflect the most current stipulations for all applicable regulations, where necessary.

- 15A NCAC 02D .0503, Particulates from Fuel Burning Indirect Heat Exchangers – This rule limits particulate emissions from heat exchangers (i.e. boilers) that burn non-wood fuels which describes the natural gas fired boiler (ID No. ES-7). The limit is calculated using the following equation:

$$E = 1.090 \times Q^{-0.2594}$$

Where E is the emission limit in pounds per million Btu burned and Q is the facility-wide heat input rate for fuel burned in heat exchangers. According to 02D .0503(d), wood is specifically excluded as a fuel as part of this rule. Therefore, Q is 25.1 and E is 0.472 pounds per million Btu. Continued compliance is anticipated.

- 15A NCAC 02D .0515, Particulate from Miscellaneous Industrial Process - This rule applies to all emission sources listed below. This rule limits the allowable PM emission from these sources to:

$$E = 4.10 \times P^{0.67} \quad \text{(for process rates less than or equal to 30 tons per hour), or}$$
$$E = 55.0 \times P^{0.11} - 40 \quad \text{(for process rates greater than 30 tons per hour)}$$

where: P = the process weight rate (ton/hr)
E = allowable emissions (lb PM/hr)

- Saturator Operation (ID Nos. ES-1, ES-17, ES-18, and ES-19) - The Permittee shall maintain production records such that the process rates "P" in tons per hour, as specified by the formulas contained above can be derived and shall make these records available to a DAQ authorized representative upon request.
- Gatorfoam Production (ID No. ES-22) - The Permittee shall maintain production records such that the process rates "P" in tons per hour, as specified by the formulas contained above can be derived and shall make these records available to a DAQ authorized representative upon request.
- Foam/Paperboard Finishing Equipment, Bagfilter, and Dust Collector (ID. Nos. ES-27, ES-30, CD-168 and CD-30) - The permittee is required to perform monthly inspections of the ductwork and annual internal inspections on the fabric filter (CD-168) attached to the sanding operation and dust collector (CD-30) attached to the finishing equipment. The inspections are to be recorded and a semi-annual report submitted to DAQ by January 30 and July 30 of each year.

As of the most recent inspection conducted by Joe Foutz conducted on 01/08/2024 all requirements of these conditions have been met. Continued compliance is anticipated.

- 15 NCAC 02D .0516, Sulfur Dioxide Emission from Combustion Sources: This rule limits sulfur dioxide emissions to 2.3 pounds per million BTU heat input from sources (ID Nos. ES-1, and

ES-7) No monitoring/recordkeeping/reporting is required for sulfur dioxide emissions from the firing of natural gas in these sources. Continued compliance is anticipated.

- 15A NCAC 02D .0521, Control of Visible Emissions – This rule applies to sources of visible emissions (VE) that are not subject to another VE standard under 02D .0500.
 - The mix tanks on the saturator operation (ES-17, ES-18, and ES-19) were manufactured prior to July 01, 1971 are limited to 40 percent opacity. To ensure compliance permittee shall conduct monthly VE observations for any VE above normal. The permittee shall submit a semi-annual report by January 30 and July 30 of each year.
 - The saturator dryer (ES-1) is limited to 20 percent opacity. To ensure compliance once a month the permittee shall observe the emission points for the emission source (ES-1) for any visible emission above normal. The permittee shall submit a semi-annual report by January 30 and July 30 of each year.
 - The gatorfoam production (ES-22) operation was manufactured prior to July 01, 1971. Therefore, is limited to 40 percent opacity. Once per month the permittee shall observe emission points. The permittee is required to submit a semi-annual summary report to DAQ by January 30 and July 30 of each year.
 - The sanding operation (ES-27) and the foam/paperboard finishing equipment (ES-30) are limited to 20 percent opacity. Once per month the permittee shall observe and record emissions. The permittee is required to submit a semi-annual summary report to DAQ by January 30 and July 30 of each year.
 - The natural gas/propane- fired boiler (ES-7) was manufactured as of July 01, 1971. Therefore, is limited to 40 percent opacity. There are no monitoring or recordkeeping requirements.

As of the most recent inspection conducted by Joe Foutz conducted on 01/08/2024 all requirements of these conditions have been met. Continued compliance is anticipated.

- 15A NCAC 02D .1806, Control and Prohibition of Odorous Emissions – This regulation is state enforceable only and prohibits facilities from contributing to objectionable odors beyond the facilities boundary. Continued compliance is anticipated.

6. NSPS, NESHAPS/MACT, PSD, 112(r), CAM

NSPS

NSPS JJJJ

Due to the manufacture date (April 2007), the 80kw natural gas-fired emergency generator (ID No. IES-8) does not have any requirements under NSPS JJJJ. This permit renewal does not affect this status.

NSPS IIII

The diesel-fired emergency fire pump (ID No. IES-4) is subject to Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR 60 Subpart IIII. 3A complies with NSPS Subpart IIII by purchasing an engine certified to NSPS Subpart IIII for the same model year and maximum engine power for this engine (certificate # MJDXL06.8120-004).

NESHAP/MACT

MACT JJJJ

Lamination line (ID No. ES-31) this source is defined as a new source under MACT JJJJ. Saturator dryer (ID No. ES-1) was rebuilt and reclassified as a new source in 2014 with regard to MACT JJJJ. The 3 mixing tanks (ID No. ES-17, 18, and 19) are existing sources. However, the requirements under MACT JJJJ applies to the collection of all web coating lines and will be held to the new source standard and not the existing source standard.

The facility has various options to comply with the emission limits set in MACT JJJJ. The permittee has elected to demonstrate compliance with MACT JJJJ by using “as-applied” compliant coating material. Since the emission sources are considered “new” then the coating material must not exceed 0.08 kg organic HAP per kg coating solid as applied. The permittee maintains records regarding the material used in the saturator operation and ensure the HAP to solids ratio is less than 0.08.

The MACT JJJJ condition will be updated to current permitting language and requirements for this renewal.

MACT ZZZZ

The facility had a diesel-fired fire pump that was subject to MACT ZZZZ as an existing engine. However, this fire pump was removed and replaced with a new (model year 2021) 147-hp diesel fired fire pump (ID No. IES-4). The fire pump was installed October 2022 and is classified as a new emergency engine at a major source of HAPs with regard to NESHAP ZZZZ. The fire pump complies with NESHAP ZZZZ by complying with NSPS IIII (as noted above).

The requirements for 40 CFR 63, Subpart ZZZZ also apply to the Natural gas fired emergency generator (ID No. IES-8). The generator is considered “new” with regard to NESHAP Subpart ZZZZ and complies with NESHAP Subpart ZZZZ by complying with NSPS Subpart JJJJ. However, because of the manufacture date of the generator (April 2007) it is not subject to NSPS Subpart JJJJ. Therefore, the generator does not have any requirements under NESHAP Subpart ZZZZ or NSPS Subpart JJJJ.

The emergency fire pump and generator (ID No. IES-4 and IES-8) will be moved from the permitted equipment list to the insignificant activities list. The sources qualify as insignificant because their potential emissions are below those major source permitting thresholds in 15A NCAC 02Q .0503(8).

MACT DDDDD

Natural gas/propane-fired boiler (25.1 million BTU/hr) (ID No. ES-7) is subject to MACT DDDDD. The one-time energy assessment was performed on April 3, 2019. Each annual tune-up shall be conducted no more than 13 months after the previous tune-up. The permittee shall submit compliance reports on an annual basis, postmarked on or before January 31. This report must also be submitted electronically via the CEDRI.

The MACT DDDDD condition will be updated to current permitting language and requirements for this renewal.

PSD

The facility is a minor facility under Prevention of Significant Deterioration (PSD) and is not currently subject to any PSD regulations. This permit renewal does not affect this status.

112(r)

The facility is not subject to Section 112(r) of the Clean Air Act requirements because it does not store any of the regulated substances in quantities above the 112(r) thresholds. No change with respect to 112(r) is anticipated under this permit renewal.

CAM

The CAM rule (40 CFR 64; 15A NCAC 02D .0614) applies to each pollutant specific emissions unit (PSEU) at major TV facilities that meets all three following criteria:

- the unit is subject to any (non-exempt: e.g. pre-November 15, 1990, Section 111 or Section 112 standard) emission limitation or standard for the applicable regulated pollutant.
- the unit uses any control device to achieve compliance with any such emission limitation or standard.
- The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source (i.e., 100 tons per year for criteria pollutants or 10/25 tons per year for HAPs).

CAM applicability was determined during a previous renewal process and was found not applicable. The emission sources installed since the last CAM review¹ are uncontrolled. Therefore, this renewal does not affect the CAM status of the facility.

¹ Betty Gatano (07/28/2016)

7. Facility Wide Air Toxics

15A NCAC 02D .1100: CONTROL OF TOXIC AIR POLLUTANTS

The facility as a whole is subject to this State-Only requirement 15A NCAC 02D .1100 with emission limitations in the table below.

Emission Source ID No. or Group	Ammonia (lb/hr)	Formaldehyde (lb/hr)	1,3 Butadiene (lb/yr)	Phenol (lb/hr)
Saturator process operation Saturator Dryer (ID No. ES-1) mixing tank 1 (ID No. ES-17) mixing tank 2 (ID No. ES-18, and mixing tank 3 (ID No. ES-19)	3.23	12.83	71.2	--
Pre-press operations (ID Nos. ES-3505, ES-3503, ES-3516, and ES-3502) including: No. 2 15 open pre-press (ID No. ES-5), 10 open pre-press (ID No. ES-9), No. 1 15 open pre-press (ID No. ES-10), and 9 open pre-press (ID No. ES-23)	0.19	6.38	--	--
Heavy Duty Graphics Arts Foam Board Process (ID No. ES-29)	--	--	--	5.25

Compliance with the above limitations shall be based on the permit requirements 2.2 B.1.a-d.

Ammonia, 1,3 Butadiene, and Formaldehyde

Permit modification 03700R16², proposed a production increase that resulted in a net emissions increase of ammonia, 1,3 butadiene, and formaldehyde. As such, air dispersion modeling was submitted to demonstrate compliance with acceptable ambient levels (AAL) found in 02D .1100. Analysis of the dispersion modeling, performed by Ms. Jamie Sellman, Air Quality Analysis Branch on April 19, 2005, indicates maximum impacts were 96% for formaldehyde, 21% for 1,3 butadiene, and 2% for ammonia. The emission rates used in the modeling analysis are placed in the permit along with limits to ensure these limits are not exceeded.

Phenol

Permit modification 03700T19 dated January 11, 2012 added a new production line that increased the emission rate of Phenol. The table below indicates the emissions rate for the TAP, the TPER, and the percentage impact of the AAL at the facility boundary:

TAPs	Emissions rate	TPER	% of AAL
Phenol	5.25 lbs/hr	0.24 lbs/hr	99

The above emission rate for this TAP was incorporated in Section 2.2 B.1., of permit 03700T19³. To ensure compliance the graphics arts foam board processed shall not exceed 4,566 square feet per hour from (ES-29), since this was the speed used to calculate the potential emissions from this source. The applicant shall maintain records of operating data and the amount of heavy-duty graphics arts foam board processed per day. All emissions of Phenol at this source are due to adhesive in the coating and the maximum Phenol in the glue can contain as per the Material Safety Data Sheet is 3% by weight. Based on the maximum production rate of this source the maximum emissions of Phenol

² Kevin Godwin 06/07/2005

³ Gautam Patnaik 01/11/2012

from this source will be at a rate of 1.83 lbs/hr. Since this rate is much lower than the modeled rate there is no reporting requirement. The applicant did not want this limit in-order to provide flexibility in selection of vendors. It was decided by DAQ in case the Phenol content used in the adhesive for the coating exceed 3% by weight, the facility shall maintain records of the amount of heavy-duty graphics arts foam board processed per day, the daily emissions of Phenol from this source, and also the maximum hourly emissions of Phenol for that day. These requirements are stipulated in Section 2.2 B. 1. a. iii., and 2.2 B. 1. c., of the permit.

15A NCAC 02Q .0711: EMISSION RATES REQUIRING A PERMIT

This State-enforceable only regulation, 15A NCAC 02Q .0711 lists the pollutants that have been found to be below their Toxic Permit Emission Rates (TPERs). Prior to exceeding any of these rates, the Permittee must first perform an air modeling demonstration that they do not exceed their AALs as listed in 15A NCAC 02D .1100.

Pollutant	CAS No.	Carcinogens (lb/yr)	Chronic Toxicant (lb/day)	Acute Systemic Toxicants (lb/hr)	Acute Irritants (lb/hr)
Acetaldehyde	75-07-0				6.8
1,4 Dioxane	123-91-1		12		
Ethylene oxide	75-21-8	1.8			
n-hexane	110-54-3		23		
Styrene	100-42-5			2.7	
Toluene	108-88-3		98		

The Toxics conditions 02Q .0711 and 02D .1100 will be updated to current permitting language and format for this renewal.

8. Facility Emissions Review

The facility-wide potential emissions do not change under this TV permit renewal. Actual emissions for criteria pollutants and HAPs for the years 2018 through 2022 are provided in the header of this permit review.

9. Compliance Status

DAQ has reviewed the compliance status of 3A During the most recent inspection, conducted on January 08, 2024 by Joe Foutz Armistead of MRO, the facility appeared to be in compliance with all applicable requirements. The facility’s Annual Compliance Certification was received on February 12, 2024 and indicated compliance with all applicable requirements in 2023. The facility’s history of air quality violations within the last five years and the status is summarized below.

July 20, 2022 Notice of violation (NOV) for failure to submit required report within the required timeframe in violation of Air Permit No. 03700T23, General Condition X. NOV was resolved on August 16, 2022.

10. Public Notice/EPA and Affected State(s) Review

A notice of the DRAFT Title V Permit shall be made pursuant to 15A NCAC 02Q .0521. The notice will provide for a 30-day comment period, with an opportunity for a public hearing. Consistent with 15A NCAC 02Q .0525, the EPA will have a concurrent 45-day review period. Copies of the public notice shall be sent to persons on the Title V mailing list and EPA. Pursuant to 15A NCAC 02Q .0522, a copy of each permit application, each proposed permit and each final permit shall be provided to EPA. Also pursuant to 02Q .0522, a notice of the DRAFT Title V Permit shall be provided to each affected State at or before the time notice provided to the public under 02Q .0521 above. No affected states or local agencies are within 50 miles of this facility.

11. Other Regulatory Considerations

- A P.E. seal is NOT required for this renewal application.
- A zoning consistency determination is NOT required for this renewal application.
- A permit fee is NOT required for this renewal application.
- EPA has promulgated a rule (88 FR 47029, July 21, 2023), with an effective date of August 21, 2023, removing the emergency affirmative defense provisions in operating permits programs, codified in both 40 CFR 70.6(g) and 71.6(g). EPA has concluded that these provisions are inconsistent with the EPA's current interpretation of the enforcement structure of the CAA, in light of prior court decisions⁴. Moreover, per EPA, the removal of these provisions is also consistent with other recent EPA actions involving affirmative defenses⁵ and will harmonize the EPA's treatment of affirmative defenses across different CAA programs.

As a consequence of this EPA action to remove these provisions from 40 CFR 70.6(g), it will be necessary for states and local agencies that have adopted similar affirmative defense provisions in their Part 70 operating permit programs to revise their Part 70 programs (regulations) to remove these provisions. In addition, individual operating permits that contain Title V affirmative defenses based on 40 CFR 70.6(g) or similar state regulations will need to be revised.

Regarding NCDAQ, it has not adopted these discretionary affirmative defense provisions in its Title V regulations (15A NCAC 02Q .0500). Instead, DAQ has chosen to include them directly in individual Title V permits as General Condition (GC) J.

Per EPA, DAQ is required to promptly remove such impermissible provisions, as stated above, from individual Title V permits, after August 21, 2023, through normal course of permit issuance.

⁴ NRDC v. EPA, 749 F.3d 1055 (D.C. Cir. 2014).

⁵ In newly issued and revised New Source Performance Standards (NSPS), emission guidelines for existing sources, and NESHAP regulations, the EPA has either omitted new affirmative defense provisions or removed existing affirmative defense provisions. See, e.g., National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; Final Rule, 80 FR 44771 (July 27, 2015); National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule, 80 FR 72789 (November 20, 2015); Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Final Rule, 81 FR 40956 (June 23, 2016).

12. Recommendations

The permit renewal application for 3A Composites USA Inc, LLC. located in Statesville, Iredell County, North Carolina has been reviewed by DAQ to determine compliance with all procedures and requirements. DAQ has determined this facility is complying or will achieve compliance, as specified in the permit, with all requirements that are applicable to the affected sources. DAQ recommends the issuance of Air Permit No. 03700T24.