

**NORTH CAROLINA DIVISION OF
AIR QUALITY**
Application Review

Region: Washington Regional Office
County: Chowan
NC Facility ID: 2100073
Inspector's Name: Yongcheng Chen
Date of Last Inspection: 05/04/2023
Compliance Code: 3 / Compliance - inspection

Issue Date: xx

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| <p align="center">Facility Data</p> <p>Applicant (Facility's Name): Regulator Marine, Inc.</p> <p>Facility Address: Regulator Marine, Inc. 187 Peanut Drive Edenton, NC 27932</p> <p>SIC: 3732 / Boat Building And Repairing NAICS: 336612 / Boat Building</p> <p>Facility Classification: Before: Title V After: Title V Fee Classification: Before: Title V After: Title V</p> | <p align="center">Permit Applicability (this application only)</p> <p>SIP: 02D: .0515, .0516, .0521, .1111, .1806 02Q: .0317 NSPS: N/A NESHAP: VVVV, ZZZZ PSD: N/A PSD Avoidance: VOC NC Toxics: N/A 112(r): N/A Other: N/A</p> |
|--|--|

| Contact Data | | | Application Data |
|---|---|--|--|
| <p align="center">Facility Contact</p> <p>David Cullipher Sr. Manager Facilities & EHS (252) 368-7080 187 Peanut Drive Edenton, NC 27932</p> | <p align="center">Authorized Contact</p> <p>David Cullipher Sr. Manager Facilities & EHS (252) 368-7080 187 Peanut Drive Edenton, NC 27932</p> | <p align="center">Technical Contact</p> <p>David Cullipher Sr. Manager Facilities & EHS (252) 368-7080 187 Peanut Drive Edenton, NC 27932</p> | <p>Application Number: 2100073.24A Date Received: 05/02/2024 Application Type: Renewal Application Schedule: TV-Renewal Existing Permit Data Existing Permit Number: 07132/T13 Existing Permit Issue Date: 11/12/2019 Existing Permit Expiration Date: 10/31/2024</p> |

Total Actual emissions in TONS/YEAR:

| CY | SO2 | NOX | VOC | CO | PM10 | Total HAP | Largest HAP |
|------|-----|--------|-------|--------|--------|-----------|--------------------|
| 2022 | --- | 1.02 | 72.52 | 0.4300 | 0.1900 | 72.41 | 62.60 [Styrene] |
| 2021 | --- | 0.7300 | 72.49 | 0.3100 | 0.9700 | 72.76 | 62.65 [Styrene] |
| 2020 | --- | 0.6600 | 70.06 | 0.2800 | 0.8600 | 69.81 | 57.46 [Styrene] |
| 2019 | --- | 0.9600 | 74.62 | 0.4100 | 1.10 | 74.15 | 64.18 [Styrene] |
| 2018 | --- | 0.9600 | 59.21 | 0.4100 | 0.9800 | 58.67 | 48.56 [Styrene] |

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|---|---|
| <p>Review Engineer: Conzuela B. Cogdell</p> <p>Review Engineer's Signature: _____ Date: xx</p> | <p align="center">Comments / Recommendations:</p> <p>Issue 07132/T14 Permit Issue Date: xx Permit Expiration Date: xx</p> |
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1. Purpose of Application

Regulator Marine, Inc., RMI, currently holds a Title V permit 07132T13 with an expiration date of October 31, 2024, for a boat manufacturing facility in Edenton, Chowan County North Carolina. This permit application is for a permit renewal without modification. The application was received on May 02, 2024, less than six months prior to the expiration date. Consistent with 15A NCAC 02Q .0513 “Permit Renewal and Expiration”, since the permittee did not submit the renewal application “timely” (i.e., at least six months before expiration), the facility owner/operator does not have an “application shield” per 02Q .0512(b)(1). The existing permit shall expire if it is not renewed prior to expiration date, and accordingly, the permittee cannot operate the facility post-expiration date.

2. Facility Description

RMI manufactures sport-fishing boats ranging from 23 to 41 feet in length. Many configurations are available. The boat manufacturing processes consist of fiberglass laminating, gel coating resins applied to a mold to create various body parts.

The facility is a Title V facility because emissions of hazardous air pollutants (HAPs) exceed the major source thresholds of 10 tons per year of any single HAP or 25 tons per year of all HAPs combined. RMI is a TV facility specifically because emissions of styrene (single HAP) exceed 10 tons per year threshold

3. History/Background/Application Chronology

History/Background

| | |
|-------------|--|
| May 9, 2024 | No modification requests nor additional emission sources requested |
|-------------|--|

Application Chronology

| | |
|----------------|---|
| May 02, 2024 | Received permit application 2100073.24A for renewal by email WaRO |
| May 09, 2024 | <u>Application Hard Copy received by RCO</u> |
| May 10, 2024 | Sent Acknowledgment letter indicating the application for permit renewal was received. |
| June 11, 2024 | Sent email asking for RICE designation. (New/reconstructed versus existing to update Permit terms. Was confirmed 06/18/2024 as “Existing Engine” |
| July 17, 2024 | Asked for Emission Process Rate. Received CY 2023 rates and total production. |
| July 22, 2024 | Received maximum production for facility to determine maximum process rate ratio |
| July 23, 2024 | Draft Permit and Review Sent to Regional Office and Facility Representatives. Due date EOB August 2, 2024 |
| July 25, 2024 | Received Permit Comments from RMI, Advised Engine is New/Reconstructed based on installation date. . Updated Permit to reflect correct status and notified Regional of change |
| August 1, 2024 | Received “no comment” from Stationary Source Compliance Branch |
| August 2, 2024 | Received comments from Regional Office. Added footnote from 40 CFR 63.6615, Table 3 to Permit Section 2.1 B.3(p) |

4. Permit Modifications/Changes and TVEE Discussion

The following table describes the modifications to the current permit as part of the renewal process. This summary is not meant to be an exact accounting of each change but a summary of those changes.

| Page(s)* | Section* | Description of Change(s) |
|------------|--------------------------|---|
| Throughout | Throughout | <ul style="list-style-type: none"> Updated dates/permit numbers. Fixed formatting. Updated authorized contact. |
| | Cover Letter | <ul style="list-style-type: none"> Added "Notice Regarding the Right to Contest A Division of Air Quality Permit Decision" |
| Throughout | 2.1 | <ul style="list-style-type: none"> Added add-on-control device option sections |
| 16-20 | 2.1 B | <ul style="list-style-type: none"> Updated references for new/reconstruction engines Added footnote from 40 CFR 63.6615, Table 3 to Permit Section 2.1 B.3(p) |
| 22 | Insignificant Activities | <ul style="list-style-type: none"> Relocated to Section 3 and moved updated General Condition v8.0 to Section 4 due to modification of Item D |
| 3 | Acronyms | <ul style="list-style-type: none"> List of Acronyms moved from page 3 to last page. |

This permit renewal is being processed without modification, and no changes to the Title V Equipment Editor are needed.

5. Regulatory Review

RMI's equipment and operations have not changed since the last renewal in 2019. The permit was updated to reflect the most current stipulations for all applicable regulations, where necessary. RMI is subject to the following regulations.

- 15A NCAC 02D .1806 "Control and Prohibition of Odorous Emissions"
- 15A NCAC 02D .1111 "Maximum Achievable Control Technology" (40 CFR Part 63, Subparts VVVV and ZZZZ)
- 15A NCAC 02D .0515 "Particulates from Miscellaneous Industrial Processes"
- 15A NCAC 02D .0516 "Sulfur Dioxide from Combustion Sources"
- 15A NCAC 02D .0521 "Control of Visible Emissions"
- 15A NCAC 02Q .0317 "Avoidance Conditions" (PSD Avoidance)

02D .1806 "Control and Prohibition of Odorous Emissions" (State-enforceable only)

This regulation is state enforceable only. Continued compliance will be determined during subsequent inspections.

02D .1111 "Maximum Achievable Control Technology" ("MACT")

RMI is subject to National Emission Standards for Hazardous Pollutants for Boat Manufacturing, 40 CFR Part 63, Subpart VVVV and National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart ZZZZ. More discussion on MACT is provided in Section 6.

02D .0515 "Particulates from Miscellaneous Industrial Processes"

This rule applies to sources that emit particulates and are not subject to any other particulate emission standard in 02D .0500. The boat manufacturing buildings (ES-1 and ES-2) are subject to this rule because no other particulate matter emission standard in 02D .0500 applies.

- a. Emissions of particulate matter from this/these source(s) (**ID Nos. ES-1 and ES-2**) shall not exceed an allowable emission rate as calculated by the following equation:

eq-1
 $E = 4.10 \times P^{0.67}$ (for process rates less than or equal to 30 tons per hour), or

eq-2
 $E = 55.0 \times P^{0.11} - 40$ (for process rates greater than 30 tons per hour)

Where E = allowable emission rate in pounds per hour
P = process rate in tons per hour

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

The rule limits particulate emissions based on the process rate of the specific sources. To demonstrate compliance, RMI will operate particulate control devices on both boat manufacturing buildings. RMI must perform regular inspections and maintenance on the filters and keep records of those actions. RMI must submit a report of all records twice per year.

RMI facility was designed to produce a maximum of 350 boats per year. RMI, in the CY 2023, produced 278 boats at an approximate 0.26 tons per hour process rate for ES-1 and a process rate of 0.16 tons per hour for ES-2. The reported maximum process rates are less than 30 tons per hour therefore equation 1 applies. The allowable emission rate "E" is 1.941 pounds per hour (8.497 tons per year) for ES-1 and 1.402 pounds per hour (6.14 tons per year) for ES-2. Based on the 2023 CY process rates, estimated emissions for ES-1 is 1.663 pounds per hour and ES-2 is 1.201 pounds per hour, where both are less than the allowable emission rate listed above.

RMI was determined to be in compliance with this rule during the most recent inspection of the facility with a reported total PM10 of 0.91 tons per year which is less than the calculated allowable. Continued compliance will be determined with subsequent inspections and reports.

02D .0516 "Sulfur Dioxide from Combustion Sources"

This rule applies to sources that emit sulfur dioxide ("SO₂") and are not subject to any SO₂ emission limit in 02D .0524, .0527, .1110, .1111, .1206, or .1210. The peak-shaving generator (ES-I4) is subject to this rule because it is not subject to SO₂ standard under the above rules.

The peak shaving generator (ES-I4) only burns diesel fuel that has .0015% Sulfur (S). Based on US EPA's AP-42 chapter 3.4, the sulfur compounds, mainly sulfur dioxide, SO₂, are directly related to the sulfur content of the fuel and is assumed that all sulfur in the fuel is converted to SO₂. The approved facility total CY 2022 Emission Report reported 0 tons per year of SO₂.

Although RMI peak shaving engine is not subject to NSPS, the diesel fuel meets the required S limitation of .0015%. Based on the Engine output of 764hp, it is determined that the .001544lb of SO₂ per million BTU is less than 2.3lb/MMBtu. Continued compliance is expected.

$$\frac{15 \text{ lbs S}}{10^6 \text{ lb Fuel}} \times \frac{(2 \text{ lb SO}_2)}{1 \text{ lb S}} \times \frac{\text{gal Fuel}}{137000 \text{ Btu}} \times \frac{7.05 \text{ lb S}}{\text{gal Fuel}} = \frac{.001544 \text{ lb SO}_2}{10^6 \text{ Btu}} \ll \frac{2.3 \text{ lb SO}_2}{10^6 \text{ Btu}}$$

No monitoring, recordkeeping, or reporting is required for RMI to demonstrate compliance with this rule.

02D .0521 "Control of Visible Emissions"

This rule applies to sources with visible emissions ("VE") that are not subject to a different VE standard.

Each source at this facility is limited to 20% opacity. RMI must perform regular observations to ensure that VE does not exceed this limit and keep records of those observations. Records must be reported twice per year. July 1, 2023, through December 31, 2023, mesh filter inspection weekly inspections records for the six-month period indicate compliance. Additionally, the May 5, 2023, site inspection noted no visible emissions present. Continued compliance will be determined with subsequent inspections and reports

02Q .0317 "Avoidance Conditions"

This rule allows facilities to accept enforceable limits in the Title V permit to avoid triggering requirements of certain rules. RMI has accepted a facility-wide limit on volatile organic compounds ("VOC") emissions to avoid applicability of 02D .0530 "Prevention of Significant Deterioration" ("PSD"). The limit is 250 tons per year. If RMI complies with this limit, the facility will be a Minor Source for PSD, and thus not subject to 02D .0530. This limit has been included in the Title V permit since before the T05 permit revision (issued November 1, 2001).

To demonstrate compliance with the limit, RMI calculates facility-wide VOC emissions using emission factors contained in the permit. The calculation is made monthly and reported twice per year. The semi-annual report indicated the following:

| <u>12 Month Periods</u> | <u>VOC Emissions TPY</u> | <u>Less than 250 TPY PSD Limit? (Y/N)</u> |
|-------------------------|--------------------------|---|
| Aug 2022-Jul 2023 | 80.96 | Y |
| Sep 2022-Aug 2023 | 78.78 | Y |
| Oct 2022-Sep 2023 | 75.74 | Y |
| Nov 2022-Oct 2023 | 75.61 | Y |
| Dec 2022-Nov 2023 | 74.72 | Y |
| Jan 2023-Dec 2023 | 73.57 | Y |

Based on the above results, RMI is in compliance. Continued compliance will be determined with subsequent inspections and reports.

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

NSPS

This facility is not currently subject to any promulgated New Source Performance Standards. This permit renewal does not change the facility's NSPS status.

NESHAP/MACT

In 2001, EPA promulgated the National Emissions Standards for Hazardous Air Pollutants for Boat Manufacturing, 40 CFR Part 63 Subpart VVVV (2001 NESHAP). The 2001 NESHAP established organic hazardous air pollutant (HAP) emission limits based on low-HAP resins and gel coats and low-emitting resin application technology. In 2020, EPA reviewed 40 CFR Part 63 Subpart VVVV. The rule was amended at 85 FR 15971, March 20, 2020, and became effective March 30, 2020. The following were addressed: Startup, Shutdown and Malfunction (SSM), amended provisions regarding electronic reporting of performance tests and performance evaluation results and semiannual reports, removal of regulatory language that is inconsistent with the requirement that the standards apply at all times, inclusion of language requiring electronic reporting of reporting of performance test and evaluation results and semiannual reports and an amendment to the NESHAP to clarify that mixers that route to a capture and control device system with at least 95-percent efficiency overall are not required to have covers. The numeric emission limits of the standards for both source categories remain unchanged. RMI is a boat manufacturer who is a Major Source of HAP emissions subject to 40 CFR 63 Subpart VVVV and utilizes a diesel-fired peak shaving generator (764 horsepower maximum capacity), which is subject to 40 CFR Part 63 Subpart ZZZZ which were promulgated August 10, 2022 to reflect a 2015 court decision regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) and the New Source Performance Standards (NSPS) for Stationary Internal Combustion Engines (ICE). The court vacated provisions in the regulations specifying that emergency engines could operate for emergency demand response or during periods where there is a deviation of voltage or frequency. These requirements are discussed below:

1. *40 CFR 63, Subpart VVVV "Boat Manufacturing"*

This rule applies to RMI's open molding resin and gel coat operations, which are major sources of HAPs. For each boat manufacturing emission source at this facility (ID Nos ES-1 and ES-2), RMI shall comply with all applicable provisions contained in 40 CFR 63, Subpart VVVV.

The facility has selected the "Model Point Value Averaging (Emissions Averaging)", 40 CFR 63.5704(a), option to meet the MACT emission limits in 40 CFR 63.5698 for the resins and gel coats used in the lamination and gel coating areas (ES-1 and ES-2). They currently use compliant materials except for one tooling resin. Under this Emission Averaging Option, RMI tracks facility wide monthly usage of HAP containing resin, pigmented gel coat, clear gel coat, tooling resin and tooling gel and calculates facility wide monthly usage of each HAP containing resin and gel coat. They calculate the facility- 12 month rolling average organic HAP emission limit per 40 CFR 63.5698(b) Equation 1 and 12-month rolling MACT model point value calculation in accordance with 40 CFR 63.5710 procedures monthly. Compliance is demonstrated if organic HAP contents calculated under 40 CFR 63.5710(b) are no greater than the applicable organic HAP content limits calculated under 40 CFR 63.5698(b) of the same 12-month period. The facility met the compliance date of August 22, 2005. The initial notification of compliance was received December 19, 2005.

The MACT semi-annual emissions averaging report; with a reporting period of July 1, 2023, to December 31, 2023, and the emission averaging calculations for the 18-month period from August 2022 through December 2023 were received April 11, 2024, and indicated compliance with all applicable requirements in 2023.

2. *40 CFR 63, Subpart ZZZZ "Stationary Reciprocating Internal Combustion Engines (RICE)"*

This rule applies to all stationary reciprocating engines. Applicability of the rule changes based on aspects of each individual engine. Classification of the facility (i.e. Major/Minor), engine size and utilization are such characteristics.

This facility has one stationary reciprocating internal combustion engine, RICE, (ES-I4). For the purpose of this rule, the engine is identified as:

- 2004 Model Year
- New/Reconstructed Engine [63.6590(2)(i) and (3)(i)]
- Greater than 500 horsepower.
- Located at a Major Source Facility.
- Non-emergency.
- Compression ignition; and
- Controlled using a catalyst.

To demonstrate compliance, RMI must reduce carbon monoxide ("CO") emissions from the engine using a catalyst per Table 5 and follow 43 CFR 63.6625(a)(b)(g) and (h) for Monitoring, Installation, Collection, Operation and Maintenance Requirements. RMI must operate the catalyst within the accepted temperature and pressure drop ranges, minimize startup/shutdown/idle times, and conduct an initial and semiannual performance test. RMI must keep records of testing, monitoring, and maintenance activities, and submit a report of recordkeeping twice per year.

RMI was determined to be in compliance with this rule during the most recent inspection of the facility. The performance test results were approved by DAQ Stationary Source Branch (most recently October 19, 2023) as an acceptable demonstration of compliance with the applicable CO emission limit. The next testing date is on October 19, 2024. Continued compliance is expected.

PSD

- a) In order to avoid application of this regulation, facility-wide emissions shall be less than 250 tons of volatile organic compounds (VOC) per consecutive 12-month period.
- b) *Monitoring and Recordkeeping 15A NCAC 02Q .0508(f)*: Calculations of VOC emissions per month shall be made at the end of each month. VOC emissions shall be determined by multiplying the total amount of each type of VOC-containing material consumed during the month by the VOC content of the material by the emission factor for that material as detailed in the table below. RMI shall be deemed in noncompliance with 15A NCAC 02D .0530 if the amounts of VOC containing materials are not monitored and recorded.

| Pollutant | Material | Emission Factor (lb. emitted/lb. contained) |
|---------------------------------|------------------------|--|
| Styrene | Putty | 7.5 |
| Styrene | Gel coat (spray layup) | 50.4 |
| Styrene | Resin | 11.9 |
| Styrene | Patch Aid | 31 |
| Methylene diphenyl Diisocyanate | Foam | 1 |
| Methyl Methacrylate | Gel coat | 78.6 |
| Toluene | Glue/cleaner | 100 |
| Methyl Ethyl Ketone | Catalyst | 5 |
| All other VOCs | All Materials | 100 |

- c) Calculations and the total amount of VOC emissions shall be recorded monthly in a logbook (written or electronic). RMI shall be deemed in noncompliance with 15A NCAC 02D .0530 if the emissions exceed the limit outlined above.
- d) *Reporting 15A NCAC 02Q .0508(f)*: RMI shall submit a semi-annual summary report, acceptable to the Regional Air Quality Supervisor, of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the proceeding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. The report shall contain the monthly VOC emissions for the previous 17 months. The emissions

must be calculated for each of the 12-month period over the previous 17 months. All instances of deviations from the requirements of this permit must be clearly identified. DAQ received RMI's Title V Annual compliance Certification form on April 1, 2024, for the reporting period of January 1, 2023 to December 31, 2023 indicating the facility was in compliance with all terms and conditions of the existing permit.

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) located at a facility, required to obtain a TV permit, 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).

RMI uses fabric filter and catalyst control devices.

The fabric filters (CD-1 and CD-6) are used to control particulate emissions, but do not control sources with potential particulate emissions greater than major source thresholds. Therefore, CAM does not apply to those control devices.

The catalyst (CD-14) is used to control CO and HAP emissions. The associated emission standard is 40 CFR 63 ZZZZ, which is an exempt standard per 02D .0614(b)(1). Therefore, CAM does not apply to this control device.

7. Facility Wide Air Toxics

This facility has previously performed air dispersion modeling for toxic air pollutants (TAPS) to demonstrate compliance with the acceptable ambient limits listed in 02D .1104. However, all TAP emission limits were removed from the permit with the 07132T12 permit renewal (issued November 26, 2018) as allowed by Session Law 20102-91.

All permitted sources at this facility are subject to rule 40 CFR 63 VVVV and 40 CFR 63 ZZZZ, therefore these sources are exempt from TAP emission requirements per 02Q .0702(a)(27).

8. Facility Emissions Review

The facility wide potential emissions have not changed because of the TV permit renewal. Actual emissions for criteria pollutants and GAPS for the previous five years reporting periods are provided in the header of this permit review.

9. Compliance Status

DAQ has reviewed the compliance status of RMI. During the most recent inspection, conducted on May 17, 2023, the facility appeared to be in compliance with all applicable requirements. Furthermore, the facility has had no air quality violations within the last 5 years. The facility's Annual Compliance Certification was received on April 1, 2024, and indicated compliance with all applicable requirements in 2023.

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

As 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 decisions¹. Moreover, per EPA, the removal of these provisions is also consistent with other recent EPA actions involving affirmative defenses² and will harmonize the EPA's treatment of affirmative defenses across different CAA programs.

¹ NRDC v. EPA, 749 F.3d 1055 (D.C. Cir. 2014).

² 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

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.

Due to the above, this agency is removing General Conditions J through this renewal.

12. Recommendations

The permit renewal application for Regulator Marine, Inc. 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. 07132T14.