

SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

15A NCAC 02Q .0101 REQUIRED AIR QUALITY PERMITS

(a) No owner or operator shall do any of the following activities, unless otherwise exempted, without first applying for and obtaining an air quality permit:

- (1) construct, operate, or modify a source subject to an applicable standard, requirement, or rule that emits any regulated pollutant or one or more of the following:
 - (A) sulfur dioxide;
 - (B) total suspended particulates;
 - (C) particulate matter (PM10);
 - (D) carbon monoxide;
 - (E) nitrogen oxides;
 - (F) volatile organic compounds;
 - (G) lead and lead compounds;
 - (H) fluorides;
 - (I) total reduced sulfur;
 - (J) reduced sulfur compounds;
 - (K) hydrogen sulfide;
 - (L) sulfuric acid mist;
 - (M) asbestos;
 - (N) arsenic and arsenic compounds;
 - (O) beryllium and beryllium compounds;
 - (P) cadmium and cadmium compounds;
 - (Q) chromium(VI) and chromium(VI) compounds;
 - (R) mercury and mercury compounds;
 - (S) hydrogen chloride;
 - (T) vinyl chloride;
 - (U) benzene;
 - (V) ethylene oxide;
 - (W) dioxins and furans;
 - (X) ozone; or
 - (Y) any toxic air pollutant listed in 15A NCAC 02D .1104; or
- (2) construct, operate, or modify a facility that has the potential to emit at least 10 tons per year of any hazardous air pollutant or 25 tons per year of all hazardous air pollutants combined, or that are subject to requirements established under the following sections of the federal Clean Air Act:
 - (A) Section 112(d), emissions standards;
 - (B) Section 112(f), standards to protect public health and the environment;
 - (C) Section 112(g), construction and reconstruction;
 - (D) Section 112(h), work practice standards and other requirements;
 - (E) Section 112(i)(5), early reduction;
 - (F) Section 112(j), federal failure to promulgate standards; or
 - (G) Section 112(r), accidental releases.

(b) Stationary Source Construction and Operation Permit: With the exception allowed by G.S. 143-215.108A, the owner or operator of a new, modified, or existing facility or source shall not begin construction or operation without first obtaining a construction and operation permit pursuant to 15A NCAC 02Q .0300. Title V facilities shall be subject to the Title V procedures pursuant to 15A NCAC 02Q .0500 including the acid rain procedures pursuant to 15A NCAC 02Q .0400. A facility may also be subject to the air toxic procedures pursuant to 15A NCAC 02Q .0700.

(c) Fees shall be paid in accordance with the requirements of 15A NCAC 02Q .0200.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. January 1, 2015; December 1, 2005; July 1, 1998;*

Readopted Eff. April 1, 2018.

15A NCAC 02Q .0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) For the purposes of this Rule, the definitions listed in 15A NCAC 02D .0101 and 15A NCAC 02Q .0103 shall apply.

(b) This Rule shall not apply to:

- (1) facilities whose potential emissions require a permit pursuant to 15A NCAC 02Q .0500 (Title V Procedures); or
- (2) a source emitting a pollutant that is part of the facility's 15A NCAC 02D .1100 (Control of Toxic Air Pollutants) modeling demonstration if that source is not exempted pursuant to 15A NCAC 02Q .0702.

(c) The owner or operator of an activity exempt from permitting pursuant to this Rule shall not be exempt from demonstrating compliance with any other applicable State or federal requirement.

(d) Any facility whose actual emissions of particulate matter (PM₁₀), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, hazardous air pollutants, and toxic air pollutants are each less than five tons per year and whose actual total aggregate emissions are less than 10 tons per year shall not be required to obtain a permit pursuant to 15A NCAC 02Q .0300. This Paragraph shall not apply to synthetic minor facilities that are regulated pursuant to 15A NCAC 02Q .0315.

(e) Any facility that is not exempted from permitting pursuant to Paragraph (d) of this Rule and whose actual total aggregate emissions of particulate matter (PM₁₀), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, hazardous air pollutants, and toxic air pollutants are greater than or equal to five tons per year and less than 25 tons per year may register their facility pursuant to 15A NCAC 02D .0202 instead of obtaining a permit pursuant to 15A NCAC 02Q .0300. This Paragraph shall not apply to:

- (1) synthetic minor facilities that are regulated pursuant to 15A NCAC 02Q .0315;
- (2) facilities with a source subject to maximum achievable control technology pursuant to 40 CFR Part 63;
- (3) facilities with sources of volatile organic compounds or nitrogen oxides that are located in a nonattainment area; or
- (4) facilities with a source regulated pursuant to New Source Performance Standards (NSPS), unless the source is exempted pursuant to Paragraph (g) or (h) of this Rule.

(f) The Director may require the owner or operator of a facility to register such facility pursuant to 15A NCAC 02D .0200 or obtain a permit pursuant to 15A NCAC 02Q .0300, if necessary to obtain compliance with any other applicable State or federal requirement.

(g) The following activities shall not require a permit or permit modification pursuant to 15A NCAC 02Q .0300:

- (1) maintenance, upkeep, and replacement:
 - (A) maintenance, structural changes, or repair activities that do not increase the capacity of such process and do not cause any change in the quality or nature or an increase in quantity of an emission of any regulated air pollutant;
 - (B) housekeeping activities or building maintenance procedures, including painting buildings, paving parking lots, resurfacing floors, repairing roofs, washing, using portable vacuum cleaners, sweeping, using and associated storing of janitorial products, or removing insulation;
 - (C) using office supplies, supplies to maintain copying equipment, or blueprint machines;
 - (D) using firefighting equipment (excluding engines regulated pursuant to 40 CFR 63, Subpart ZZZZ); or
 - (E) replacing existing equipment with equipment of the same size (or smaller), type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants, does not affect the facility's compliance with any other applicable State or federal requirements, and that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be lawfully operated pursuant to that permit without modifying the permit;
- (2) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (3) laboratory or classroom activities:
 - (A) bench-scale, on-site equipment used for experimentation, chemical or physical analysis for quality control purposes or for diagnosis of illness, training, or instructional purposes;

- (B) research and development activities that produce no commercial product or feedstock material; or
 - (C) educational activities, including wood working, welding, and automotive repair;
 - (4) storage tanks with no applicable requirements other than Stage I controls pursuant to 15A NCAC 02D .0928, Gasoline Service Stations Stage I;
 - (5) combustion and heat transfer equipment:
 - (A) heating units used for human comfort, excluding space heaters burning used oil, that have a heat input of less than 10 million Btu per hour and that do not provide heat for any manufacturing or other industrial process;
 - (B) residential wood stoves, heaters, or fireplaces; or
 - (C) water heaters that are used for domestic purposes only and are not used to heat process water;
 - (6) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no State or federal air requirements;
 - (7) dispensing equipment: equipment used solely to dispense gasoline, diesel fuel, kerosene, lubricants, or cooling oils;
 - (8) electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (9) electric motor bake-on ovens;
 - (10) burn-off ovens with afterburners for paint-line hangers;
 - (11) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes that do not use bleach or solvent dyes;
 - (12) woodworking operations processing only green wood;
 - (13) solid waste landfills: This exemption does not apply to flares and other sources of combustion at solid waste landfills. These flares and other combustion sources shall obtain a permit pursuant to 15A NCAC 02Q .0300 unless they qualify for another exemption pursuant to this Paragraph; or
 - (14) miscellaneous:
 - (A) equipment that does not emit any regulated air pollutants;
 - (B) sources for which there are no applicable requirements;
 - (C) motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled vehicles with internal combustion engines;
 - (D) engines regulated pursuant to Title II of the Federal Clean Air Act (Emission Standards for Moving Sources);
 - (E) equipment used for preparing food for direct on-site human consumption;
 - (F) a source whose emissions are regulated only pursuant to Section 112(r) or Title VI of the Federal Clean Air Act;
 - (G) exit gases from in-line process analyzers;
 - (H) stacks and vents that prevent the escape of sewer gases from domestic waste through plumbing traps;
 - (I) refrigeration equipment that complies with the regulations set forth in Sections 601 through 618 of Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA pursuant to Title VI for stratospheric ozone protection, except refrigeration equipment used as or in conjunction with air pollution control equipment. Refrigeration equipment used as or in conjunction with air pollution control equipment shall obtain a permit pursuant to 15A NCAC 02Q .0300 unless it qualifies for another exemption pursuant to this Paragraph;
 - (J) equipment not vented to the outdoor atmosphere, with the exception of equipment that emits volatile organic compounds. Equipment that emits volatile organic compounds shall obtain a permit pursuant to 15A NCAC 02Q .0300 unless it qualifies for another exemption pursuant to this Paragraph;
 - (K) animal operations not required to have control technology pursuant to 15A NCAC 02D .1800. If an animal operation is required to have control technology, it shall obtain a permit pursuant to this Subchapter;
 - (L) any incinerator that meets the requirements set forth in 15A NCAC 02D .1201(c)(4); or
 - (M) dry cleaning operations, regardless of NSPS or NESHAP applicability.
- (h) The following activities shall not require a permit or permit modification pursuant to 15A NCAC 02Q .0300. These activities shall be included in determining applicability of any rule or standard that requires facility-wide

aggregation of source emissions, including activities regulated by 15A NCAC 02D .0530, 15A NCAC 02D .0531, 15A NCAC 02Q .0500, and 15A NCAC 02Q .0700:

- (1) combustion and heat transfer equipment (including direct-fired equipment that only emit regulated pollutants from fuel combustion):
 - (A) fuel combustion equipment (excluding internal combustion engines) not regulated pursuant to 40 CFR Part 60, NSPS, firing exclusively unadulterated liquid fossil fuel, wood, or an approved equivalent unadulterated fuel as defined in 15A NCAC 02Q .0103;
 - (B) fuel combustion equipment (excluding internal combustion engines) firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels; or
 - (C) space heaters burning waste oil if:
 - (i) the heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes; and
 - (ii) the heater is designed to have a maximum heat input of not more than 500,000 Btu per hour;
 - (2) gasoline distribution: bulk gasoline plants, as defined in 15A NCAC 02D .0926(a)(3), with an average daily throughput of less than 4,000 gallons;
 - (3) paint spray booths or graphic arts operations, coating operations, and solvent cleaning operations, as defined in 15A NCAC 02Q .0803, located at a facility whose facility-wide actual uncontrolled emissions of volatile organic compounds are less than five tons per year, except that such emission sources whose actual uncontrolled emissions of volatile organic compounds are less than 100 pounds per year shall qualify for this exemption regardless of the facility-wide emissions. For the purpose of this exemption, water wash and filters that are an integral part of the paint spray booth shall not be considered air pollution control devices;
 - (4) electrostatic dry powder coating operations with filters or powder recovery systems;
 - (5) miscellaneous: any source whose potential uncontrolled emissions of particulate matter (PM₁₀), sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide shall each be no more than five tons per year; or
 - (6) case-by-case exemption: activities that the applicant demonstrates to the Director do not violate any applicable emission control standard.
- (i) Upon request of the Director, the owner or operator of a facility or source claiming that an activity is exempt under Paragraphs (d), (e), (g) or (h) of this Rule shall submit emissions data, documentation of equipment type, or other supporting documents demonstrating the facility or source is qualified for that exemption.

History Note: Authority G.S. 143-215.3(a)(1), (4), (5); 143-215.106; 143-215.107(a)(4); 143-215.107D; 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. June 13, 2016; May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, 2000;
Readopted Eff. April 1, 2018;
Amended Eff. November 1, 2023.

15A NCAC 02Q .0103 DEFINITIONS

For the purposes of this Subchapter, the definitions in G.S. 143-212 and G.S. 143-213 and the following definitions apply:

- (1) "Administrator" means, when it appears in any Code of Federal Regulation incorporated by reference in 15A NCAC 02Q, the Director of the Division of Air Quality unless:
 - (a) a specific rule in this Subchapter specifies otherwise, or
 - (b) the U.S. Environmental Protection Agency in its delegation or approval states that a specific authority of the Administrator of the Environmental Protection Agency is not included in its delegation or approval.

- (2) "Air Pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive substance, or matter that is emitted into or otherwise enters the ambient air. Water vapor shall not be considered an air pollutant.
- (3) "Allowable emissions" means the maximum emissions allowed by the applicable rules set forth in 15A NCAC 02D or by permit conditions if the permit limits emissions to a lesser amount.
- (4) "Alter or change" means to make a modification.
- (5) "Applicable requirements" means:
 - (a) any requirement of 15A NCAC 02Q .0500;
 - (b) any standard or other requirement provided for in the implementation plan approved or promulgated by EPA through rulemaking pursuant to Title I of the federal Clean Air Act, that implements the relevant requirements of the federal Clean Air Act including any revisions to 40 CFR Part 52;
 - (c) any term or condition of a construction permit issued to a facility pursuant to 15A NCAC 02D .0530, .0531, or .0532;
 - (d) any standard or other requirement pursuant to Section 111 or 112 of the federal Clean Air Act, but not including the contents of any risk management plan required pursuant to Section 112 of the federal Clean Air Act;
 - (e) any standard or other requirement pursuant to Title IV of the federal Clean Air Act;
 - (f) any standard or other requirement governing solid waste incineration pursuant to Section 129 of the federal Clean Air Act;
 - (g) any standard or other requirement pursuant to Section 183(e), 183(f), or 328 of the federal Clean Air Act;
 - (h) any standard or requirement pursuant to Title VI of the federal Clean Air Act unless a permit for such requirement is not required pursuant to this Section;
 - (i) any requirement pursuant to Section 504(b) or 114(a)(3) of the federal Clean Air Act; or
 - (j) any national ambient air quality standard or increment or visibility requirement pursuant to Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal Clean Air Act.
- (6) "Applicant" means a person who is applying for an air quality permit from the Division.
- (7) "Application package" means all elements or documents required to make an application complete.
- (8) "CFR" means the Code of Federal Regulations.
- (9) "Construction" means change in the method of operation or any physical change, including on-site fabrication, erection, installation, replacement, demolition, or modification of a source, that results in a change in emissions or affects the compliance status. The following activities shall not be considered construction:
 - (a) clearing and grading;
 - (b) building access roads, driveways, and parking lots;
 - (c) building and installing underground pipe work, including water, sewer, electric, and telecommunications utilities; or
 - (d) building ancillary structures, including fences and office buildings that are not a necessary component of an air contaminant source, equipment, or associated air cleaning device for which a permit is required pursuant to G.S. 143-215.108.
- (10) "Director" means the Director of the Division of Air Quality.
- (11) "Division" means the Division of Air Quality.
- (12) "EPA" means the United States Environmental Protection Agency or the Administrator of the Environmental Protection Agency.
- (13) "EPA approves" means full approval, interim approval, or partial approval by EPA.
- (14) "Equivalent unadulterated fuels" means used oils that have been refined such that the content of toxic additives or contaminants in the oil are no greater than those in unadulterated fossil fuels.
- (15) "Facility" means all of the pollutant-emitting activities, except transportation facilities, that are located on one or more adjacent properties under common control.
- (16) "Federally-enforceable" means enforceable by EPA, Administrator as defined in Item (1) of this Rule, and citizens under the federal Clean Air Act.
- (17) "Fuel combustion equipment" means any fuel burning source covered pursuant to 15A NCAC 02D .0503, .0504, .0536, or 40 CFR Part 60 Subpart D, Da, Db, or Dc.

- (18) "Green wood" means wood with a moisture content of 18% or more.
- (19) "Hazardous air pollutant" means any pollutant that has been listed pursuant to Section 112(b) of the federal Clean Air Act. Pollutants listed only in 15A NCAC 02D .1104 (Toxic Air Pollutant Guidelines), but not pursuant to Section 112(b), shall not be included in this definition.
- (20) "Insignificant activities" means activities defined as insignificant activities because of category or as insignificant activities because of size or production rate pursuant to 15A NCAC 02Q .0503.
- (21) "Lesser quantity cutoff" means:
 - (a) for a source subject to the requirements of Section 112(d) or (j) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which the following are not required:
 - (i) maximum achievable control technology (MACT) or generally available control technology (GACT), including work practice standards, pursuant to Section 112(d) of the federal Clean Air Act;
 - (ii) a MACT standard established pursuant to Section 112(j) of the federal Clean Air Act; or
 - (iii) substitute MACT or GACT adopted pursuant to Section 112(l) of the federal Clean Air Act;
 - (b) for modification of a source subject to the requirements of Section 112(g) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which MACT is not required to be applied pursuant to Section 112(g) of the federal Clean Air Act; or
 - (c) for all other sources, potential emissions of each hazardous air pollutant below 10 tons per year and the aggregate potential emissions of all hazardous air pollutants below 25 tons per year.
- (22) "Major facility" means a major source as defined pursuant to 40 CFR 70.2.
- (23) "Modification" means any physical change or change in method of operation that results in a change in emissions or affects compliance status of the source or facility.
- (24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, source, or air pollution control equipment.
- (25) "Peak shaving generator" means a generator that is located at a facility and is used only to serve that facility's on-site electrical load during peak demand periods for the purpose of reducing the cost of electricity; it does not generate electricity for resale. A peak shaving generator may also be used for emergency backup.
- (26) "Permit" means the binding written document, including any revisions thereto, issued pursuant to G.S. 143-215.108 to the owner or operator of a facility or source that emits one or more air pollutants and that allows that facility or source to operate in compliance with G.S. 143-215.108. This document shall specify the requirements applicable to the facility or source and to the permittee.
- (27) "Permittee" means the person who has been issued an air quality permit from the Division.
- (28) "Potential emissions" means the rate of emissions of any air pollutant that would occur at the facility's maximum capacity to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a facility to emit an air pollutant shall be treated as a part of its design if the limitation is federally enforceable. Such physical or operational limitations shall include air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed. Potential emissions shall include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. Potential emissions shall not include a facility's secondary emissions such as those from motor vehicles associated with the facility and shall not include emissions from insignificant activities because of category as defined in 15A NCAC 02Q .0503. If a rule in 40 CFR Part 63 uses a different methodology to calculate potential emissions, that methodology shall be used for sources and pollutants regulated pursuant to that rule.
- (29) "Portable generator" means a generator permanently mounted on a trailer or a frame with wheels.
- (30) "Regulated air pollutant" means:
 - (a) nitrogen oxides or any volatile organic compound as defined pursuant to 40 CFR 51.100;
 - (b) any pollutant for which there is an ambient air quality standard pursuant to 40 CFR Part 50;

- (c) any pollutant regulated pursuant to 15A NCAC 02D .0524, .1110, or .1111; or 40 CFR Part 60, 61, or 63;
 - (d) any pollutant subject to a standard promulgated pursuant to Section 112 of the federal Clean Air Act or other requirements established pursuant to Section 112 of the federal Clean Air Act, including Section 112(g) for only the facility subject to Section 112(g)(2) of the federal Clean Air Act, (j), or (r) of the federal Clean Air Act; or
 - (e) any Class I or II substance listed pursuant to Section 602 of the federal Clean Air Act.
- (31) "Sawmill" means a place or operation where logs are sawed into lumber consisting of one or more of these activities: debarking, sawing, and sawdust handling. Activities that shall not be considered part of a sawmill include chipping, sanding, planning, routing, lathing, and drilling.
 - (32) "Source" means any stationary article, machine, process equipment, or other contrivance, or combination thereof, from which air pollutants emanate or are emitted, either directly or indirectly.
 - (33) "State-enforceable only" means terms and conditions that are not required under the Clean Air Act or under any of its applicable requirements. Terms and conditions designated as State-enforceable only are not subject to the requirements of 40 CFR Part 70.
 - (34) "Toxic air pollutant" means any of the carcinogens, chronic toxicants, acute systemic toxicants, or acute irritants that are listed in 15A NCAC 02D .1104.
 - (35) "Transportation facility" shall be considered a complex source as defined in G.S. 143-213(22).
 - (36) "Unadulterated fossil fuel" means fuel oils, coal, natural gas, or liquefied petroleum gas to which no toxic additives have been added that may result in the emissions of a toxic air pollutant listed pursuant to 15A NCAC 02D .1104.

History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1);
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. April 1, 1999; July 1, 1998; July 1, 1996;
 Temporary Amendment Eff. December 1, 1999;
 Amended Eff. January 1, 2015; December 1, 2005; July 1, 2000;
 Readopted Eff. April 1, 2018;
 Amended Eff. September 1, 2022.

15A NCAC 02Q .0104 WHERE TO OBTAIN AND FILE PERMIT APPLICATIONS

- (a) A person may obtain application forms for a permit or permit modification from the Division of Air Quality website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting>. A person may request to receive copies of application forms available on the Division of Air Quality website, and the Director shall provide the requested copies.
- (b) An applicant for a permit or permit modification shall submit the application for permit or permit modification as follows:
 - (1) Provide a hard copy of submittals pursuant to 15A NCAC 02Q .0500 with original signature of the responsible official, as defined in 15A NCAC 02Q .0503, to the Director, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641.
 - (2) Provide a hard copy of submittals pursuant to 15A NCAC 02Q .0300 with original signature of the responsible official, as defined in 15A NCAC 02Q .0303, to the regional office address for the region in which the facility is located in accordance with 15A NCAC 02Q .0105.
 - (3) After the Division makes available a system for receiving electronic submittals, as identified in Paragraph (c) of this Rule, applicants may submit permit applications in electronic format following the procedures in Paragraph (c) of this Rule in lieu of the procedures in Subparagraphs (1) and (2) of this Paragraph.
- (c) Electronic submittals shall meet the following requirements:
 - (1) The applicant shall provide electronic submittals pursuant to 15A NCAC 02Q .0500 to the Division through a system that has been approved by EPA as compliant with the Cross Media Electronic Reporting Rule (CROMERR) pursuant to 40 CFR Part 3. When the approved electronic reporting system is approved by EPA and available, a link shall be available on the Division of Air Quality permitting website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting>.

- (2) The applicant shall provide electronic submittals pursuant to 15A NCAC 02Q .0300 to the Division through the system identified in Subparagraph (1) of this Paragraph, or as otherwise specified by the Division on its permitting website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting>.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
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Amended Eff. January 1, 2015; August 1, 2002; July 1, 1997;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2023.

15A NCAC 02Q .0105 COPIES OF REFERENCED DOCUMENTS

- (a) Copies of the Code of Federal Regulations (CFR) sections referred to in this Subchapter may be obtained free of charge online at <https://www.govinfo.gov/app/collection/cfr/>. Copies of the rules are also available for public inspection at Department of Environmental Quality regional offices upon request. The contact information for the regional offices is provided on the Division of Air Quality website at <https://deq.nc.gov/about/divisions/air-quality/regional-offices>.
- (b) Excluding information entitled to confidential treatment pursuant to 15A NCAC 02Q .0107, permit applications and permits may be reviewed electronically through the public access portal on the Division of Air Quality website or at a Department of Environmental Quality regional office, which may be contacted as specified in Paragraph (a) of this Rule.
- (c) Paper copies of permit applications and permits may be requested for pickup at a Department of Environmental Quality regional office for ten cents (\$0.10) per page.

History Note: Authority G.S. 143-215.3(a)(1); 150B-19(5);
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. December 1, 2005;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2023.

15A NCAC 02Q .0106 INCORPORATION BY REFERENCE

- (a) The CFRs referenced in this Subchapter shall be incorporated by reference and shall include subsequent amendments and editions unless a rule specifies otherwise.
- (b) The CFR may be obtained free of charge online at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

History Note: Authority G.S. 143-215.3(a)(1); 150B-21.6;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0107 CONFIDENTIAL INFORMATION

- (a) All information required to be submitted to the Commission or the Director pursuant to 15A NCAC 02Q or 02D shall be disclosed to the public unless the person submitting the information demonstrates that the information is entitled to confidential treatment pursuant to G.S. 143-215.3C.
- (b) A request that information be treated as confidential shall be made by the person submitting the information at the time that the information is submitted. The request shall state in writing the reasons why the information should be treated as confidential.
- (c) The Director shall decide which information is entitled to confidential treatment and shall notify the person requesting confidential treatment of his or her decision within 180 days of receipt of a request to treat information as confidential.

(d) Information for which a request has been made pursuant to Paragraph (b) of this Rule shall be treated as confidential until the Director decides that it is not confidential.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.3C;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; July 1, 1997;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0108 DELEGATION OF AUTHORITY

The Director may delegate the processing of permit applications and the issuance of permits to the Deputy Director, the regional office air quality supervisor, or any supervisor in the Permitting Section of the Division of Air Quality. This delegation shall not include the authority to deny a permit application or to revoke or suspend a permit.

History Note: Authority G.S. 143-215.3(a)(1),(4);
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1998;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0109 COMPLIANCE SCHEDULE FOR PREVIOUSLY EXEMPTED ACTIVITIES

(a) If a source has been exempt from permitting but, because of change in permit exemptions, it is now required to have a permit:

- (1) if the source is located at a facility that currently has an air quality permit, the source shall be added to the air quality permit of the facility the next time that permit is revised or renewed, whichever occurs first; or
- (2) if the source is located at a facility that currently does not have an air quality permit, the owner or operator of that source shall apply for a permit within six months after the effective date of the change in the permit exemption.

(b) If a source becomes subject to requirements promulgated under 40 CFR Part 63, the owner or operator of the source shall apply for a permit at least 270 days before the final compliance date of the requirement, unless exempted pursuant to 15A NCAC 02Q .0102.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 2001; July 1, 1996;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0110 RETENTION OF PERMIT AT PERMITTED FACILITY

The permittee shall retain a copy of all active permits issued pursuant to this Subchapter at the facility identified in the permit.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0111 APPLICABILITY DETERMINATIONS

Any person may submit a request in writing to the Director requesting a determination as to whether a particular source or facility that the person owns or operates or proposes to own or operate is subject to any of the permitting

requirements pursuant to this Subchapter. The request shall contain information sufficient to make the requested determination. The Director may request any additional information that is needed to make the determination.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0112 APPLICATIONS REQUIRING PROFESSIONAL ENGINEER SEAL

(a) If required by G.S. 89C, a professional engineer shall seal technical portions of air permit applications for new sources and modifications of existing sources as defined in 15A NCAC 02Q .0103 that involve:

- (1) design;
- (2) determination of applicability and appropriateness; or
- (3) determination and interpretation of performance of air pollution capture and control systems.

(b) The requirements of Paragraph (a) of this Rule shall not apply to the following:

- (1) any source with non-optional air pollution control equipment that constitutes an integral part of the process equipment as originally designed and manufactured by the equipment supplier;
- (2) sources that are permitted pursuant to 15A NCAC 02Q .0310 or .0509;
- (3) paint spray booths without air pollution capture and control systems for volatile organic compound emissions;
- (4) particulate emission sources with air flow rates of less than or equal to 10,000 actual cubic feet per minute;
- (5) nonmetallic mineral processing plants with wet suppression control systems for particulate emissions; or
- (6) permit renewal if no modifications are included in the permit renewal application.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
RRC Objection Eff. November 17, 1994 due to lack of statutory authority;
Eff. February 1, 1995;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0113 NOTIFICATION IN AREAS WITHOUT ZONING

(a) State and local governments shall be exempt from this Rule.

(b) Before a person submits a permit application for a new or expanded facility in an area without zoning, he or she shall:

- (1) publish a legal notice in a newspaper of general circulation in the area where the source is or will be located at least two weeks before submitting the permit application for the source. The notice shall identify:
 - (A) the name of the affected facility;
 - (B) the name and address of the permit applicant; and
 - (C) the activity or activities involved in the permit action; and
- (2) post a sign on the property where the new or expanded source is or will be located. The sign shall meet the following specifications:
 - (A) it shall be at least six square feet in area;
 - (B) it shall be set off the road right-of-way, but no more than 10 feet from the road right-of-way;
 - (C) the bottom of the sign shall be at least six feet above ground;
 - (D) it shall contain the name of the affected facility; the name and address of the permit applicant; and the activity or activities involved in the permit action;
 - (E) lettering shall be a size that the sign can be read by a person with 20/20 vision standing in the center of the road;
 - (F) the side with the lettering shall face the road, and sign shall be parallel to the road; and
 - (G) the sign shall be posted at least 10 days before the permit application is submitted and shall remain posted for at least 30 days after the application is submitted.

(c) The permit applicant shall submit with the permit application an affidavit and proof of publication that the legal notice required pursuant to Paragraph (b) of this Rule was published.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Eff. April 1, 2004;
Readopted Eff. April 1, 2018.*

SECTION .0200 - PERMIT FEES

15A NCAC 02Q .0201 APPLICABILITY

(a) This Section shall apply to all permitted facilities.

(b) A general facility obtaining a permit pursuant to 15A NCAC 02Q .0509 shall comply with provisions of this Section that are applicable to a Title V facility except that the fees are different as stated in 15A NCAC 02Q .0203.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.106A; 150B-21.6;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1998; July 1, 1996;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0202 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Actual emissions" means the actual rate of emissions in tons per year of any air pollutant emitted from the facility over the preceding calendar year. Actual emissions shall be calculated using the sources' actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions shall include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes pursuant to 15A NCAC 02Q .0201 or .0203 and emissions reporting purposes pursuant to 15A NCAC 02Q .0207, actual emissions shall not include emissions beyond the normal emissions during violations, malfunctions, start-ups, and shut-downs; do not include a facility's secondary emissions such as those from motor vehicles associated with the facility; and do not include emissions from insignificant activities because of category as defined pursuant to 15A NCAC 02Q .0503.
- (2) "General facility" means a facility obtaining a permit pursuant to 15A NCAC 02Q .0310 or .0509.
- (3) "Minor modification" means a modification made pursuant to 15A NCAC 02Q .0515, Minor Permit Modifications.
- (4) "Significant modification" means a modification made pursuant to 15A NCAC 02Q .0516, Significant Permit Modification.
- (5) "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general facility, nor solely a transportation facility.
- (6) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Item (7) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations shall be enforceable by EPA and may include air pollution control equipment, restrictions on hours of operation, and the type or amount of material combusted, stored, or processed.
- (7) "Title V facility" means a facility that is required to have a permit pursuant to 15A NCAC 02Q .0500 except perchloroethylene dry cleaners whose potential emissions are less than:
 - (a) 10 tons per year of each hazardous air pollutant;
 - (b) 25 tons per year of all hazardous air pollutants combined; and
 - (c) 100 tons per year of each regulated air pollutant.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;*

*Amended Eff. July 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. April 1, 2004; August 1, 2002; July 1, 2000;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0203 PERMIT AND APPLICATION FEES

(a) The owner or operator of any facility holding a permit shall pay the following annual permit fees:

ANNUAL PERMIT FEES (FEES FOR CALENDAR YEAR 2021)			
Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee
Title V	\$40.00	\$8,775	\$4,056
Synthetic Minor		\$1,500	
Small		\$250	
General	50% of the otherwise applicable fee		
General Title V ACI	10% of the otherwise applicable fee		

A facility, other than a Title V facility, that has been in compliance is eligible for a 25 percent discount from the annual permit fees as described in 15A NCAC 02Q .0205(a). Annual permit fees for Title V facilities in this Paragraph shall be adjusted for inflation as described in 15A NCAC 02Q .0204. Annual permit fees for Title V facilities in this Paragraph are equal to the sum of the basic permit fee, tonnage factor fee, and nonattainment area added fee, as applicable.

(b) In addition to the annual permit fees required by Paragraph (a) of this Rule, the owner or operator of a Title V facility shall pay the following annual complexity fee, as applicable:

- (1) for facilities subject to at least three and no greater than six of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be two thousand five hundred dollars (\$2,500); or
- (2) for facilities subject to seven or greater of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be seven thousand five hundred dollars (\$7,500).

Annual complexity fees for Title V facilities shall be adjusted for inflation as described in 15A NCAC 02Q .0204.

(c) For purposes of Paragraph (b) of this Rule, each of the following shall be considered a federal program for the purposes of determining annual complexity fees:

- (1) the PSD program is considered one federal program for any facility that is subject to 15A NCAC 02D .0530;
- (2) the Risk Management Program under Section 112r of the Clean Air Act is considered one federal program for any facility that is subject to 15A NCAC 02D .2100;
- (3) each Subpart under 40 CFR Part 60, New Source Performance Standards (NSPS) is considered one federal program, with the exception of Subparts A, B, Ba, and C;
- (4) each Subpart under 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) is considered one federal program, with the exception of Subpart A; and
- (5) each Subpart under 40 CFR Part 63, NESHAP for Source Categories, is considered one federal program, with the exception of Subparts A, B, C, D, and E.

The sum of all applicable federal programs identified in Subparagraphs (1) through (5) of this Paragraph shall be used to determine the annual complexity fee in accordance with Paragraph (b) of this Rule.

(d) In addition to the annual permit fee and any applicable annual complexity fee, a permit applicant shall pay a non-refundable permit application fee as follows:

PERMIT APPLICATION FEES (FEES FOR CALENDAR YEAR 2021)					
Facility Category	New or Modification	New	Significant Modification	Minor Modification	Ownership Change
Title V		\$10,325	\$7,000	\$3,000	\$60
Title V (PSD or NSR/NAA)	\$15,631				\$60

Title V (PSD and NSR/NAA)	\$30,402	\$60
Synthetic Minor	\$400	\$50
Small	\$50	\$50
General		50% of the otherwise applicable fee
General Title V ACI		10% of the otherwise applicable fee

Permit application fees for Title V facilities shall be adjusted for inflation as described in 15A NCAC 02Q .0204.

(e) The current annual permit fees, annual complexity fees, and permit application fees shall be found on the Division's website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permits/modifying-applying-for-air-quality-permit>.

(f) If a facility, other than a general facility, belongs to more than one facility category, the fees shall be those of the applicable category with the highest fees. If a permit application belongs to more than one type of application, the fee shall be that of the applicable permit application type with the highest fee.

(g) The tonnage factor fee shall be applicable only to Title V facilities. It shall be computed by multiplying the tonnage factor indicated in the table in Paragraph (a) of this Rule by the facility's combined total actual emissions of all regulated air pollutants, rounded to the nearest ton, contained in the latest emissions inventory that has been completed by the Division. The calculation shall not include the amount of actual emissions of each pollutant that exceeds 4,000 tons per year nor the actual emissions of the following pollutants:

- (1) carbon monoxide;
- (2) any pollutant that is regulated solely because it is a Class I or II substance listed pursuant to Section 602 of the federal Clean Air Act (ozone depleters);
- (3) any pollutant that is regulated solely because it is subject to a regulation or standard pursuant to Section 112(r) of the federal Clean Air Act (accidental releases); and
- (4) greenhouse gases.

Even though a pollutant may be classified in more than one pollutant category, the amount of pollutant emitted shall be counted only once for tonnage factor fee purposes and in a pollutant category chosen by the permittee. If a facility has more than one permit, the tonnage factor fee for the facility's combined total actual emissions as described in this Paragraph shall be paid only on the permit whose anniversary date first occurs on or after July 1.

(h) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with 15A NCAC 02D .0531, Sources in Nonattainment Areas, 15A NCAC 02D .0900, Volatile Organic Compounds, or 15A NCAC 02D .1400, Nitrogen Oxides, and either:

- (1) are in an area designated in 40 CFR 81.334 as nonattainment; or
- (2) are covered by a nonattainment or maintenance State Implementation Plan submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

(i) The facility category, Title V (PSD or NSR/NAA), in the permit application fees table in Paragraph (d) of this Rule means a facility whose application shall be subject to review pursuant to 15A NCAC 02D .0530, Prevention of Significant Deterioration, or 15A NCAC 02D .0531.

(j) The facility category, Title V (PSD and NSR/NAA), in the permit application fees table in Paragraph (d) of this Rule means a facility whose application shall be subject to review pursuant to 15A NCAC 02D .0530 and .0531.

(k) Minor modification permit applications that are group processed shall require the payment of only one permit application fee per facility included in the group.

(l) No permit application fee shall be required for renewal of an existing permit, for changes to an unexpired permit when the only reason for the changes is initiated by the Director or the Commission, for a name change with no ownership change, for a change pursuant to 15A NCAC 02Q .0523, Changes Not Requiring Permit Revisions, or for a construction date change, a test date change, a reporting procedure change, or a similar change.

(m) The permit application fee paid for modifications pursuant to 15A NCAC 02Q .0400, Acid Rain Procedures, shall be the fee for the same modification if it were subject to 15A NCAC 02Q .0500, Title V Procedures.

(n) An applicant who files permit applications pursuant to 15A NCAC 02Q .0504 shall pay an application fee equal to the application fee for the permit required pursuant to 15A NCAC 02Q .0500; this fee shall cover both applications, provided that the second application covers only what is covered under the first application. If permit terms or conditions in an existing or future permit issued pursuant to 15A NCAC 02Q .0500 are established or modified by an application for a modification and if these terms or conditions are enforceable by the Division only, then the applicant shall pay the fee under the column entitled "Minor Modification" in the table in Paragraph (d) of this Rule.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d);
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner.
Eff. July 1, 1994;
Amended Eff. January 1, 2015; March 1, 2008; April 1, 2004; April 1, 2001; July 1, 1996;
Readopted Eff. April 1, 2018;
Amended Eff. November 18, 2021.

15A NCAC 02Q .0204 INFLATION ADJUSTMENT

Beginning in 2012, the fees of 15A NCAC 02Q .0203 for Title V facilities shall be adjusted as of January 1st of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv). The tonnage factor shall be rounded to a whole cent and the other fees shall be rounded to a whole dollar, except that the ownership change application fee shall be rounded to the nearest ten-dollar (\$10.00) increment.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. March 1, 2008; July 1, 1996;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0205 OTHER ADJUSTMENTS

- (a) If a facility other than a Title V facility has been in full compliance with all applicable administrative, regulatory, and self-monitoring reporting requirements and permit conditions during the previous calendar year, the annual permit fee shall be 25% less than that listed in 15A NCAC 02Q .0203. A facility shall be considered to have been in compliance during the previous calendar year if it has not been sent any Notices of Non-compliance or Notices of Violation during that calendar year.
- (b) If a facility changes so that its facility category changes, the annual fee changes with the next annual fee.
- (c) A facility that is moved to a new site may receive credit toward new permit fees for any unused portion of an annual fee if the permit for the old site is relinquished.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0206 PAYMENT OF FEES

- (a) Payment of fees required pursuant to 15A NCAC 02Q .0200 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.
- (b) If, within 30 days after being billed, the permit holder fails to pay an annual fee required pursuant to 15A NCAC 02Q .0200, the Director may initiate action to terminate the permit pursuant to 15A NCAC 02Q .0309 or .0519.
- (c) A holder of multiple permits may arrange to consolidate the payment of annual fees into one annual payment.
- (d) The payment of the permit application fee required by 15A NCAC 02Q .0200 shall accompany the application and is non-refundable.
- (e) The Division shall annually prepare and make publicly available an accounting showing aggregate fee payments collected pursuant to 15A NCAC 02Q .0200 from facilities that have obtained or will obtain permits pursuant to 15A NCAC 02Q .0500 except synthetic minor facilities, as defined in 15A NCAC 02Q .0503, and showing a summary of reasonable direct and indirect expenditures required to develop and administer the Title V permit program.
- (f) In lieu of the procedures in Paragraph (a) of this Rule, fees required pursuant to 15A NCAC 02Q .0200 may be paid electronically if an electronic payment option is available for the fee, as provided on the Division of Air Quality Permitting website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting>.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d);

Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. September 1, 2015;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2023.

15A NCAC 02Q .0207 ANNUAL EMISSIONS REPORTING

(a) The owner or operator of a Title V facility shall report by June 30th of each year the actual emissions during the previous calendar year of:

- (1) volatile organic compounds;
- (2) nitrogen oxides;
- (3) total suspended particulates;
- (4) sulfur dioxide;
- (5) fluorine;
- (6) hydrogen chloride;
- (7) hydrogen fluoride;
- (8) hydrogen sulfide;
- (9) methyl chloroform;
- (10) methylene chloride;
- (11) ozone;
- (12) chlorine;
- (13) hydrazine;
- (14) phosphine;
- (15) particulate matter (PM10);
- (16) carbon monoxide;
- (17) lead; and
- (18) perchloroethylene.

(b) The accuracy of the report required by Paragraph (a) of this Rule shall be certified by a responsible official of the facility as defined pursuant to 40 CFR 70.2.

(c) The owner or operator of a facility not included in Paragraph (a) of this Rule, other than a transportation facility, that has actual emissions of 25 tons per year or more of nitrogen oxides or volatile organic compounds shall report by June 30th of each year the actual emissions of nitrogen oxides and volatile organic compounds during the previous calendar year, if the facility is in:

- (1) the townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;
- (2) the townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County;
- (3) the townships of Davidson and Coddle Creek in Iredell County;
- (4) the townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;
- (5) the townships in Mecklenburg County;
- (6) the townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury, Steele, and Unity in Rowan County; or
- (7) the townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.

(d) The annual reporting requirement pursuant to Paragraph (c) of this Rule shall begin with calendar year 2017 emissions for facilities in the areas identified in Paragraph (c) of this Rule.

(e) The report shall be in or on such form as may be established by the Director. Pursuant to G.S. 143-215.107(a)(4), the Director may require reporting for sources within a facility, for other facilities, or for other pollutants, parameters, or information, by permit condition or pursuant to 15A NCAC 02D .0202 (Registration of Air Pollution Sources).

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.65; 143-215.107; 143B-282; 150B-21.6;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 2007; July 1, 1998; July 1, 1996;

Readopted Eff. April 1, 2018.

SECTION .0300 - CONSTRUCTION AND OPERATION PERMITS

15A NCAC 02Q .0301 APPLICABILITY

- (a) Except for the permit exemptions allowed pursuant to 15A NCAC 02Q .0102 and 15A NCAC 02Q .0900 or as allowed pursuant to G.S. 143-215.108A, the owner or operator of a new, modified, or existing facility or source shall not begin construction or operation without first obtaining a construction and operation permit pursuant to 15A NCAC 02Q .0300; however, Title V facilities shall be subject to the Title V procedures pursuant to 15A NCAC 02Q .0500 including the acid rain procedures pursuant to 15A NCAC 02Q .0400 for Title IV sources.
- (b) The owner or operator of a source required to have a permit pursuant to this Section shall also be subject to applicable air toxic permit procedures pursuant to 15A NCAC 02Q .0700.
- (c) The owner or operator of a source required to have a permit under this Section shall pay permit fees required pursuant to 15A NCAC 02Q .0200.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. December 1, 2005; July 1, 1998;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0302 FACILITIES NOT LIKELY TO CONTRAVENE DEMONSTRATION

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1998; July 1, 1996;
Repealed Eff. June 13, 2016.*

15A NCAC 02Q .0303 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Modified facility" means a modification of an existing facility or source and:
 - (a) the permitted facility or source is being modified in such a manner as to require a new or reissued permit pursuant to this Section; or
 - (b) a new source is being added in such a manner as to require a new or reissued permit pursuant to this Section.

A modified facility does not include a facility or source that requests to change name or ownership, construction or test dates, or reporting procedures.
- (2) "New facility" means a facility that is receiving a permit from the Division for construction and operation of an emission source that it is not currently permitted.
- (3) "Plans and Specifications" means the completed application and any other documents required to define the operating conditions of the air pollution source.
- (4) "Responsible official" means one of the following:
 - (a) for a corporation: a president, secretary, treasurer, or vice-president of the corporation who is in charge of a principal business function; any other person who performs similar policy or decision-making functions for the corporation; or a duly-authorized representative of such a person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or
 - (ii) the delegation of authority to such representatives is approved in advance by the permitting authority;

- (b) for a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
- (c) for a municipality, State, federal, or other public agency: either a principal executive officer or ranking elected official. A principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).
- (5) "Title IV source" means a source that is required to be permitted pursuant to 15A NCAC 02Q .0400.
- (6) "Title V source" means a source that is required to be permitted pursuant to 15A NCAC 02Q .0500.

*History Note: Authority G.S. 143-213; 143-215.3(a)(1);
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0304 APPLICATIONS

(a) Obtaining and filing application. Permit, permit modification, or permit renewal applications may be obtained and shall be filed according to 15A NCAC 02Q .0104.

(b) Information to accompany application. Along with filing a complete application form, the applicant shall also file the following:

- (1) for a new facility or an expansion of existing facility, a zoning consistency determination according to G.S. 143-215.108(f) that:
 - (A) bears the date of receipt entered by the clerk of the local government; or
 - (B) consists of a letter from the local government indicating that zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or an expansion of existing facility in an area without zoning, an affidavit and proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113;
- (3) for permit renewal, an emissions inventory that contains the information specified pursuant to 15A NCAC 02D .0202 using emission inventory forms or electronic data systems provided by the Division; and
- (4) documentation showing the applicant complies with Parts (A) or (B) of this Subparagraph if this information is necessary to evaluate the source, its air pollution abatement equipment, or the facility:
 - (A) the applicant is financially qualified to carry out the permitted activities; or
 - (B) the applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged, and has been in substantial compliance with federal and State environmental laws and rules.

(c) When to file application. For sources subject to the requirements of 15A NCAC 02D .0530 or .0531, applicants shall file air permit applications no less than 180 days before the projected construction date. For other sources, applicants shall file air permit applications no less than 90 days before the projected date of construction of a new source or modification of an existing source.

(d) Permit renewal, name, or ownership changes with no modifications. If no modification has been made to the originally permitted source, application for permit change may be made by application to the Director as specified in 15A NCAC 02Q .0104. The permit renewal, name, or ownership change application shall state that there have been no changes in the permitted facility since the permit was last issued.

To make a name or ownership change, the applicant shall send the Director the content specified in 15A NCAC 02Q .0305(3) or (4) signed by the responsible official as defined in 15A NCAC 02Q .0303.

(e) Applications for date and reporting changes. Application for changes in construction or test dates or reporting procedures may be made by letter to the Director as specified in 15A NCAC 02Q .0104. To make changes in construction or test dates or reporting procedures, the applicant shall send the Director the letter specified in 15A NCAC 02Q .0305(5) signed by the responsible official as defined in 15A NCAC 02Q .0303.

(f) When to file applications for permit renewal. Applicants shall file applications for renewals as specified in 15A NCAC 02Q .0104 no less than 90 days before expiration of the permit. If a hard copy of the application is mailed to the Director, the application shall be postmarked no later than 90 days before expiration of the permit.

- (g) Name or ownership change. The permittee shall file requests for permit name or ownership changes when the permittee is aware of the name or ownership change.
- (h) Requesting additional information. Whenever the information provided on the permit application forms does not adequately describe the source or its air cleaning device, the Director may request that the applicant provide other information to evaluate the source or its air cleaning device. Before acting on a permit application, the Director may request information from an applicant and conduct an inquiry or investigation to determine compliance with standards.
- (i) Application fee. With the exceptions specified in 15A NCAC 02Q .0203(i), a non-refundable permit application processing fee shall accompany the application. The permit application processing fees are listed in 15A NCAC 02Q .0200. A permit application shall be incomplete until the permit application processing fee is received.
- (j) Correcting submittals of incorrect information. An applicant shall have a continuing obligation to submit relevant facts pertaining to his or her permit application and to correct incorrect information in his or her permit application.
- (k) Retaining copy of permit application package. The applicant shall retain during the permit term one complete copy of the application package and the information submitted in support of the application package.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. September 1, 2015; January 1, 2009; December 1, 2005; July 1, 1999;
 Readopted Eff. April 1, 2018;
 Amended Eff. September 1, 2023.*

15A NCAC 02Q .0305 APPLICATION SUBMITTAL CONTENT

If an applicant does not submit the following information with the application package, the application package shall be considered incomplete for processing:

- (1) for new facilities and modified facilities:
 - (a) an application fee required pursuant to 15A NCAC 02Q .0200;
 - (b) a zoning consistency determination required pursuant to 15A NCAC 02Q .0304(b)(1);
 - (c) the documentation required pursuant to 15A NCAC 02Q .0304(b)(2) if required;
 - (d) a financial qualification or substantial compliance statement pursuant to 15A NCAC 02Q .0507(d)(3), if required; and
 - (e) applications required pursuant to 15A NCAC 02Q .0304(a) and signed by the responsible official;
- (2) for renewals: the application required pursuant to 15A NCAC 02Q .0304(a) and (d), signed by the responsible official, and an emissions inventory that contains the information specified pursuant to 15A NCAC 02D .0202, Registration of Air Pollution Sources;
- (3) for a name change: a letter signed by the responsible official indicating the current facility name, the date on which the name change will occur, and the new facility name;
- (4) for an ownership change: an application fee required pursuant to 15A NCAC 02Q .0200 and:
 - (a) a letter signed by the seller and the buyer, indicating the change;
 - (b) a letter bearing the signature of both the seller and buyer, containing a written agreement with a specific date for the transfer of permit responsibility, coverage, and liability between the current and new permittee; or
 - (c) submit the form provided by the Division pursuant to 15A NCAC 02Q .0104; and
- (5) for corrections of typographical errors; changes in name, address, or telephone number of the individual identified in the permit; changes in test dates or construction dates; or similar minor changes: a letter signed by the responsible official describing the proposed change and explaining the need for the proposed change.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. December 1, 2005; April 1, 2004;*

Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2023.

15A NCAC 02Q .0306 PERMITS REQUIRING PUBLIC PARTICIPATION

(a) The Director shall provide public notice for comments with an opportunity for the public to request a public hearing on draft permits for the following:

- (1) any source that may be designated by the Director based on public interest relevant to air quality;
- (2) a source to which 15A NCAC 02D .0530 or .0531 applies;
- (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds the height defined in 15A NCAC 02D .0533(a)(4)(A), (B), or (C);
- (4) a source required to have controls more stringent than the applicable emission standards in 15A NCAC 02D .0500 according to 15A NCAC 02D .0501 when necessary to comply with an ambient air quality standard pursuant to 15A NCAC 02D .0400;
- (5) alternative controls different than the applicable emission standards in 15A NCAC 02D .0900 pursuant to 15A NCAC 02D .0952;
- (6) a limitation on the quantity of solvent-borne ink that may be used by a printing unit or printing system pursuant to 15A NCAC 02D .0961 and .0965;
- (7) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an incinerator constructed before July 1, 1987, in accordance with 15A NCAC 02D .1208(b)(2)(B);
- (8) an alternative mix of controls pursuant to 15A NCAC 02D .0501(f);
- (9) a source that is subject to the requirements of 15A NCAC 02D .1109 or .1112;
- (10) a source seeking exemption from the 20-percent opacity standard pursuant to 15A NCAC 02D .0521(f);
- (11) a source using an alternative monitoring procedure or methodology pursuant to 15A NCAC 02D .0606(g) or .0608(g); or
- (12) when the owner or operator requests that the draft permit go to public notice with an opportunity to request a public hearing.

(b) If EPA requires the State to submit a permit as part of the North Carolina State Implementation Plan for Air Quality (SIP) and if the Commission approves a permit containing any of the conditions described in Paragraph (a) of this Rule as a part of the SIP, the Director shall submit the permit to the EPA on behalf of the Commission for inclusion as part of the federally-approved SIP.

History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. September 1, 2010; January 1, 2007; August 1, 2004; July 1, 2000; July 1, 1999;
July 1, 1998;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0307 PUBLIC PARTICIPATION PROCEDURES

(a) This Rule shall not apply to sources subject to the requirements of 15A NCAC 02D .0530 or .0531 or Appendix S of 40 CFR Part 51. For sources subject to the requirements of 15A NCAC 02D .0530 or .0531 or Appendix S of 40 CFR Part 51, the procedures in 15A NCAC 02D .0530 or .0531 or Appendix S of 40 CFR Part 51 shall be followed, respectively.

(b) Public notice shall be given by publication in a newspaper of general circulation in the area where the facility is located and shall be provided to persons who are on the Division's notification list for air quality permit notices and to the EPA.

(c) The public notice shall identify:

- (1) the affected facility;
- (2) the name and address of the permittee;
- (3) the name and address of the person to whom to send comments and requests for public hearing;
- (4) the name, address, and telephone number of a Divisional staff person from whom interested persons may obtain additional information, including copies of the draft permit, the application, compliance plan, monitoring and compliance reports, other relevant supporting materials, and other materials available to the Division that are relevant to the permit decision;

- (5) the activity or activities involved in the permit action;
 - (6) the emissions change involved in a permit modification;
 - (7) a brief description of the public comment procedures;
 - (8) the procedures to follow to request a public hearing unless a public hearing has already been scheduled; and
 - (9) the time and place of the hearing that has already been scheduled.
- (d) The notice shall allow not less than 30 days for public and EPA comments.
- (e) If the Director determines that significant public interest exists or that the public interest will be served, the Director shall require a public hearing to be held on a draft permit. Notice of a public hearing shall be given not less than 30 days before the public hearing.
- (f) The Director shall make available for public inspection in the region affected the information submitted by the permit applicant and the Division's analysis of that application.
- (g) The Director shall send EPA a copy of the draft permit subject to public and EPA comment when sending EPA the notice of request for public comment for that permit and shall send EPA a copy of the permit when it is issued.
- (h) Confidential material shall be handled in accordance with 15A NCAC 02Q .0107.

History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.4(b); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. July 1, 1998;
 Readopted Eff. April 1, 2018;
 Amended Eff. September 1, 2023.

15A NCAC 02Q .0308 FINAL ACTION ON PERMIT APPLICATIONS

- (a) The Director may:
- (1) issue a permit, permit modification, or a renewal containing the conditions necessary to carry out the purposes of G.S. 143, Article 21B;
 - (2) rescind a permit upon request by the permittee; or
 - (3) deny a permit application when necessary to carry out the purposes of G.S. 143, Article 21B.
- (b) Any person whose application for a permit, permit modification, renewal, change in name or ownership, construction or test date, or reporting procedure is denied, or is granted subject to conditions that are unacceptable, shall have the right to appeal the Director's decision under Article 3 of G.S. 150B. Pursuant to G.S. 143-215.108(e), the person shall have 30 days following receipt of the notice of the Director's decision on the application or permit in which to appeal the Director's decision. The permit shall become final if the applicant does not contest the permit within this 30-day period.
- (c) The Director shall issue or renew a permit for a term of eight years.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. January 1, 2015;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0309 TERMINATION, MODIFICATION AND REVOCATION OF PERMITS

- (a) The Director may terminate, modify, or revoke and reissue any permit issued pursuant to this Section 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 permit holder fails to pay the fee required pursuant to 15A NCAC 02Q .0200 within 30 days after being billed;
 - (5) the permittee refuses to allow the Director or their authorized representative upon presentation of credentials:

- (A) to enter the permittee's premises in which a source of emissions is located or in which any records are required to be kept pursuant to the terms and conditions of the permit;
- (B) to have access to any copy or records required to be kept pursuant to the terms and conditions of the permit;
- (C) to inspect any source of emissions, control equipment, and any monitoring equipment or method required in the permit; or
- (D) to sample any emission source at the facility; or
- (6) the Director finds that termination, modification, or revocation and reissuance of a permit is necessary to carry out the purpose of G.S. 143, Article 21B.
- (b) The permittee shall furnish information that the Director may request in writing to determine whether cause exists for terminating, modifying, or revoking and reissuing the permit or to determine compliance with the permit.
- (c) Operating a facility or source after its permit has been terminated is a violation of this Section and G.S. 143-215.108.
- (d) The permittee may request modifications to his permit.
- (e) The filing of a request by a permittee for a permit termination, modification, revocation and reissuance, notification of planned changes, or anticipated noncompliance shall not stay any permit term or condition.
- (f) If a permit is modified, the proceedings shall affect only those parts of the permit that are being modified.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C;
 Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. July 1, 1999;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0310 PERMITTING OF NUMEROUS SIMILAR FACILITIES

- (a) The Director shall not issue a single permit for more than one facility pursuant to this Rule unless:
 - (1) there is no difference between the facilities that would require special permit conditions for any individual facility; and
 - (2) no unique analysis is required for any facility covered by the permit.
- (b) A permit issued pursuant to this Rule shall identify criteria by which facilities or sources qualify for the permit. The Director shall grant the terms and conditions of the permit to facilities or sources that qualify.
- (c) The facility or source shall be subject to enforcement action for operating without a permit if the facility or source is later determined not to qualify for the the permit issued pursuant to this Rule.
- (d) The owner or operator of a facility or source that qualifies for a permit issued pursuant to this Rule shall apply for coverage by the terms of the permit issued pursuant to this Rule or shall apply for a standard permit for each facility or source pursuant to this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0311 PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES

The Director shall not issue a single permit authorizing emissions from a facility or source at multiple temporary sites unless the permit includes:

- (1) the identification of each site;
- (2) the conditions that will assure compliance with all applicable requirements at all approved sites;
- (3) a requirement that the permittee notify the Division at least 10 days in advance of each change of site; and
- (4) the conditions that assure compliance with all other provisions of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;

Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1996;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0312 APPLICATION PROCESSING SCHEDULE

(a) The Division shall adhere to the following schedule for processing applications for permits, permit modifications, and permit renewals:

(1) for permit applications, except for prevention of significant deterioration pursuant to 15A NCAC 02D .0530 and case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or .1112:

- (A) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
- (B) The Division shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant in writing that:
 - (i) the application as submitted is complete and specifying the completeness date,
 - (ii) the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division, or
 - (iii) the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant in writing within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in a written request for additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.

- (C) The Division shall determine within 45 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. The Division shall complete the technical review within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (D) If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (E) If the draft permit is required to go to public notice with a request for opportunity for public hearing pursuant to 15A NCAC 02Q .0306(a), the Director shall:
 - (i) send the draft permit to public notice within 90 days after receipt of a complete application; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (F) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0307(e), the Director shall:
 - (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.

(2) for permit applications for prevention of significant deterioration pursuant to 15A NCAC 02D .0530, the processing schedules are set out in that Rule.

- (3) for permit applications for case-by-case maximum achievable control technology pursuant to 15A NCAC 02D .1109 or .1112:
- (A) The Division shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
 - (B) The Division shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Division shall notify the applicant in writing that:
 - (i) the application as submitted is complete and specifying the completeness date;
 - (ii) the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Division; or
 - (iii) the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant in writing within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in the letter requesting additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.
 - (C) The Division shall determine within 60 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. The Division shall complete the technical review within 120 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
 - (D) The Director shall:
 - (i) send the draft permit to public notice within 120 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
 - (E) If the draft permit is required to go to public hearing as a result of a request for public hearing pursuant to 15A NCAC 02Q .0307(e), the Director shall:
 - (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
 - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (b) The days that fall between sending out a written notification requesting additional information and receiving that additional information shall not be counted in the schedules pursuant to Paragraph (a) of this Rule.
- (c) The Director shall cease processing an application that contains insufficient information to complete the review.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Eff. February 1, 1995;
 Amended Eff. July 1, 1998;
 Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0313 EXPEDITED APPLICATION PROCESSING SCHEDULE

- (a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.
- (b) An applicant may file an application to follow the expedited review for application certified by a professional engineer as set out in G.S. 143-215.108(h) if:

- (1) the applicant specifically requests that the permit application be processed pursuant to the procedures in G.S. 143-215.108(h); and
 - (2) the applicant submits:
 - (A) applications as required pursuant to 15A NCAC 02Q .0304 and .0305;
 - (B) a completeness checklist showing that the permit application is complete;
 - (C) a draft permit;
 - (D) all required dispersion modeling;
 - (E) a certification signed by a professional engineer registered in North Carolina certifying the accuracy and completeness of draft permit and the application, including emissions estimates, applicable standards and requirements, and process specifications;
 - (F) a zoning consistency determination as required pursuant to 15A NCAC 02Q .0304(b)(1);
 - (G) a written description of current and projected plans to reduce the emissions of air contaminants as required pursuant to 15A NCAC 02Q .0304(b)(2);
 - (H) a financial qualification if required;
 - (I) substantial compliance statement if required; and
 - (J) the application fee as required pursuant to 15A NCAC 02Q .0200.
- (c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.
- (d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete permit application. This checklist shall be used by the Division to determine if the application is complete.
- (e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.
- (f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.
- (g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in accordance with this Rule.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Eff. July 1, 1998;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0314 GENERAL REQUIREMENTS FOR ALL PERMITS

- (a) All emissions limitations, controls, and other requirements imposed by a permit issued pursuant to this Section shall be at least as stringent as any other applicable requirement as defined pursuant to 15A NCAC 02Q .0103. The permit shall not waive or make less stringent any limitation or requirement contained in any applicable requirement.
- (b) Emissions limitations, controls, and requirements contained in permits issued pursuant to this Section shall be permanent, quantifiable, and otherwise enforceable as a practical matter pursuant to G.S. 143-215.114A, 143-215.114B, and 143-215.114C.
- (c) The owner or operator of a source permitted under this Section shall comply with the permit. Failure of the owner or operator of a permitted source to comply with the terms and conditions of the permit shall be grounds for:
 - (1) enforcement action;
 - (2) permit termination, revocation and reissuance, or modification; or
 - (3) denial of permit renewal applications.
- (d) A permit shall not convey any property rights of any sort, or any exclusive privileges.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
 Eff. July 1, 1999;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0315 SYNTHETIC MINOR FACILITIES

- (a) A synthetic minor facility means a facility whose permit contains terms and conditions to avoid the procedures of 15A NCAC 02Q .0500, Title V Procedures.
- (b) The owner or operator of a facility to which 15A NCAC 02Q .0500 applies may request to have terms and conditions placed in the facility's permit to restrict operations, limiting the potential to emit of the facility and making the requirements of 15A NCAC 02Q .0500 inapplicable to the facility. An application for the addition of such terms and conditions shall be processed pursuant to this Section.

(c) A modification to a permit to remove terms and conditions in the permit that made 15A NCAC 02Q .0500 inapplicable shall be processed pursuant to this Section or 15A NCAC 02Q .0500. The applicant shall choose which of these procedures to follow. However, if the terms and conditions are removed following the procedures of this Section, the permittee shall submit a permit application pursuant to the procedures of 15A NCAC 02Q .0500 within one year after the limiting terms and conditions are removed.

(d) After a facility is issued a permit that contains terms and conditions that made 15A NCAC 02Q .0500 inapplicable, the facility shall comply with the permitting requirements of this Section.

(e) The Director may require monitoring, recordkeeping, and reporting necessary to assure compliance with the terms and conditions placed in a permit issued pursuant to this Rule.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108; Eff. July 1, 1999; Readopted Eff. April 1, 2018.

15A NCAC 02Q .0316 ADMINISTRATIVE PERMIT AMENDMENTS

(a) An "administrative permit amendment" means a permit revision that:

- (1) corrects typographical errors;
- (2) identifies a change in the name, address, or telephone number of any individual identified in the permit or provides a similar minor administrative change at the facility;
- (3) requires more frequent monitoring or reporting by the permittee;
- (4) changes test dates or construction dates, provided that no applicable requirements are violated by the change in test dates or construction dates; or
- (5) changes the permit number without changing any portion of the permit that would not otherwise qualify as an administrative amendment.

(b) In making administrative permit amendments, the Director:

- (1) shall take final action on a request for an administrative permit amendment within 60 days after receiving such a request; and
- (2) shall make administrative amendments using the criteria in Paragraph (a) without providing notice to the public.

(c) The permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. April 1, 2001; Readopted Eff. April 1, 2018.

15A NCAC 02Q .0317 AVOIDANCE CONDITIONS

(a) The owner or operator of a facility may request that terms and conditions be placed in that facility's permit to avoid the applicability of:

- (1) 15A NCAC 02D .0530, Prevention of Significant Deterioration;
- (2) 15A NCAC 02D .0531, Sources in Nonattainment Areas;
- (3) 15A NCAC 02D .0900, Volatile Organic Compounds;
- (4) 15A NCAC 02D .1109, 112(j) Case-by-Case Maximum Achievable Control Technology;
- (5) 15A NCAC 02D .1111, Maximum Achievable Control Technology;
- (6) 15A NCAC 02D .1112, 112(g) Case-by-Case Maximum Achievable Control Technology;
- (7) 15A NCAC 02D .1400, Nitrogen Oxides; or
- (8) other rules of 15A NCAC 02D, Air Pollution Control Requirements or Title 40 of the Code of Federal Regulations that contain applicability thresholds.

(b) The Director may require the monitoring, recordkeeping, and reporting necessary to assure compliance with the terms and conditions placed in the permit that includes an avoidance condition pursuant to this Rule.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.108; Eff. April 1, 2001; Readopted Eff. April 1, 2018.

15A NCAC 02Q .0318 CHANGES NOT REQUIRING PERMIT REVISIONS

(a) This Rule applies to sources that are not exempt pursuant to 15A NCAC 02Q .0102 and to facilities that have been issued an air quality permit pursuant to this Section.

(b) An owner or operator of a facility may make changes to that facility without first modifying an applicable air permit if:

- (1) the change does not violate any existing requirements or add new applicable requirements;
- (2) the change does not cause emissions allowed under the current permit to be exceeded;
- (3) the change does not require a modification of a permit term or condition pursuant to Rule .0315 or avoidance condition pursuant to Rule .0317 of this Section;
- (4) the change does not require a permit pursuant to 15A NCAC 02Q .0700, Toxic Air Pollutant Procedures;
- (5) the change does not require a professional engineer's seal pursuant to Rule 15A NCAC 02Q .0112; and
- (6) the owner or operator notifies the Director in writing, using forms provided by the Division, seven calendar days before the change is made. Within 10 business days of receipt of the notice, the Division shall notify the owner or operator of its determination that the change meets the requirements of Subparagraphs (b)(1) through (b)(5) of this Rule.

(c) The written notification from the owner or operator required pursuant to Subparagraph (b)(6) of this Rule shall include:

- (1) a description of the change;
- (2) the date on which the change will occur;
- (3) any change in emissions; and
- (4) all permit terms or conditions of the current permit that may be affected by this change.

(d) A copy of the notification from the owner or operator required pursuant to Subparagraph (b)(6) of this Rule shall be attached to the current permit until the permit is revised at the next modification, name change, ownership change, or renewal.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Eff. June 13, 2016;
Amended Eff. April 1, 2018.

SECTION .0400 – ACID RAIN PROCEDURES

15A NCAC 02Q .0401 PURPOSE AND APPLICABILITY

(a) The purpose of this Rule is to implement Phase II of the federal acid rain program pursuant to the requirements of Title IV of the Clean Air Act as provided in 40 CFR Parts 72 and 76.

(b) This Section shall apply to the sources described in 40 CFR 72.6 with such exceptions as allowed pursuant to 40 CFR 72.6.

(c) A certifying official of any unit may petition the Administrator for a determination of applicability under 40 CFR 72.6(c). The Administrator's determination of applicability shall be binding upon the Division, except as allowed under 40 CFR 72.6(c).

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(8); 143-215.108;
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 2001; April 1, 1999; April 1, 1996;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0402 ACID RAIN PERMITTING PROCEDURES

(a) For the purpose of this Rule the definitions contained in 40 CFR 72.2 and 76.2 and the measurements, abbreviations, and acronyms contained in 40 CFR 72.3 shall apply.

(b) Affected units as defined in 40 CFR 72.6, 76.1, or 15A NCAC 02Q .0402(b) shall comply with the permit, monitoring, sulfur dioxide, nitrogen oxides, excess emissions, recordkeeping and reporting, liability, and any other provisions as required in 40 CFR Part 72 and 76. The term "permitting authority" shall mean the Department of Environmental Quality and the term "Administrator" shall mean the Administrator of the United States Environmental Protection Agency.

(c) If the provisions or requirements of 40 CFR Part 72 or 76 conflict with or are not included in 15A NCAC 02Q .0500, then Part 72 or 76 provisions and requirements shall apply and take precedence.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(8); 143-215.108;
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; April 1, 1996;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0403	NEW UNITS EXEMPTION
15A NCAC 02Q .0404	RETIRED UNITS EXEMPTION
15A NCAC 02Q .0405	REQUIREMENT TO APPLY
15A NCAC 02Q .0406	REQUIREMENTS FOR PERMIT APPLICATIONS
15A NCAC 02Q .0407	PERMIT APPLICATION SHIELD AND BINDING EFFECT OF PERMIT APPLICATION
15A NCAC 02Q .0408	COMPLIANCE PLANS
15A NCAC 02Q .0409	PHASE II REPOWERING EXTENSIONS
15A NCAC 02Q .0410	PERMIT CONTENTS
15A NCAC 02Q .0411	STANDARD REQUIREMENTS
15A NCAC 02Q .0412	PERMIT SHIELD
15A NCAC 02Q .0413	PERMIT REVISIONS GENERALLY
15A NCAC 02Q .0414	PERMIT MODIFICATIONS
15A NCAC 02Q .0415	FAST-TRACK MODIFICATIONS
15A NCAC 02Q .0416	ADMINISTRATIVE PERMIT AMENDMENT
15A NCAC 02Q .0417	AUTOMATIC PERMIT AMENDMENT
15A NCAC 02Q .0418	PERMIT REOPENINGS

*History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(8); 143-215.108;
Eff. July 1, 1994;
Repealed Eff. April 1, 1996.*

SECTION .0500 - TITLE V PROCEDURES

15A NCAC 02Q .0501 PURPOSE OF SECTION AND REQUIREMENT FOR A PERMIT

(a) The purpose of this Section is to establish an air quality permitting program as required pursuant to Title V of the Clean Air Act and 40 CFR Part 70.

(b) With the exception in Paragraph (c) of this Rule, the owner or operator of an existing facility, new facility, or modification of an existing facility (except for minor modifications pursuant to 15A NCAC 02Q .0515), including significant modifications that would not contravene or conflict with a condition in the existing permit, shall not begin construction without first obtaining:

- (1) a construction and operation permit following the procedures set forth in this Section (except for 15A NCAC 02Q .0504), or
- (2) a construction and operation permit following the procedures set forth in 15A NCAC 02Q .0504 and filing a complete application within 12 months after commencing operation to modify the construction and operation permit to meet the requirements of this Section.

(c) If the owner or operator proposes to make a significant modification pursuant to 15A NCAC 02Q .0516 that would contravene or conflict with a condition in the existing permit, the owner or operator shall not begin construction or make the modification until the owner or operator has obtained:

- (1) a construction and operation permit following the procedures set forth in this Section (except for 15A NCAC 02Q .0504); or
- (2) a construction and operation permit following the procedures set forth in 15A NCAC 02Q .0504 and, before beginning operation, files an application and obtains a permit modifying the

construction and operation permit to meet the requirements of this Section (except for 15A NCAC 02Q .0504).

- (d) All facilities subject to this Section shall have a permit to operate that assures compliance with 40 CFR Part 70 and all applicable federal and State requirements.
- (e) Except as allowed pursuant to 15A NCAC 02Q .0515(f) (minor modifications), no facility subject to the requirements of this Section may operate after the time that it is required to submit a timely and complete application pursuant to this Section except in compliance with a permit issued pursuant to this Section. This Paragraph does not apply to permit renewals pursuant to 15A NCAC 02Q .0513.
- (f) If the conditions of 15A NCAC 02Q .0512(b) (application shield) are met, the facility's failure to have a permit pursuant to this Section shall not be a violation of operating without a permit.
- (g) If the owner or operator of a facility subject to the requirements of this Section submits an application for a revision to his permit before receiving the initial permit pursuant to this Section, the application for the revision shall be processed pursuant to 15A NCAC 02Q .0300.
- (h) The owner or operator of a facility or source subject to the requirements of this Section may also be subject to the toxic air pollutant procedures set forth in 15A NCAC 2Q .0700.
- (i) The owner or operator of an affected unit subject to the acid rain program requirements of Title IV is also subject to the procedures pursuant to 15A NCAC 02Q .0400.
- (j) The owner or operator of a facility subject to the requirements of this Section shall pay permit fees in accordance with the requirements of 15A NCAC 02Q .0200.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1998; July 1, 1996; Readopted Eff. April 1, 2018.

15A NCAC 02Q .0502 APPLICABILITY

(a) Except as provided in Paragraph (b) or (c) of this Rule, the following facilities are required to obtain a permit pursuant to this Section:

- (1) major facilities;
- (2) facilities with a source subject to 15A NCAC 02D .0524 or 40 CFR Part 60, except new residential wood heaters;
- (3) facilities with a source subject to 15A NCAC 02D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
- (4) facilities with a source subject to 15A NCAC 02D .1111 or 40 CFR Part 63 or any other standard or other requirement set forth in Section 112 of the federal Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to rules or requirements set forth in Section 112(r) of the federal Clean Air Act;
- (5) facilities to which 15A NCAC 02D .0517(2), .0528, .0529, .0534, or .1700 applies;
- (6) facilities with a source subject to Title IV or 40 CFR Part 72; or
- (7) facilities in a source category designated by EPA as subject to the requirements of 40 CFR Part 70.

(b) This Section does not apply to minor facilities with sources subject to requirements of 15A NCAC 2D .0524, .1110, or .1111 or 40 CFR Part 60, 61, or 63 unless these facilities are required to have a permit pursuant to 40 CFR Part 70.

(c) A facility shall not be required to obtain a permit pursuant to this Section solely on the basis of its greenhouse gas emissions.

(d) If a facility is subject to this Section because of emissions of one pollutant, the owner or operator of that facility shall submit an application that includes all sources of all regulated air pollutants located at the facility except for insignificant activities because of category as defined in 15A NCAC 02Q .0503(7).

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994;

Amended Eff. July 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. July 1, 2000;
Temporary Amendment Eff. December 2, 2014;
Amended Eff. September 1, 2015;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0503 DEFINITIONS

For the purposes of this Section, the definitions in G.S. 143-212, G.S. 143-213, 15A NCAC 02Q .0103, and the following definitions apply:

- (1) "Affected States" means all states or local air pollution control agencies whose areas of jurisdiction are:
 - (a) contiguous to North Carolina and located less than $D=Q/12.5$ from the facility, where:
 - (i) Q = emissions of the pollutant emitted at the highest permitted rate in tons per year, and
 - (ii) D = distance from the facility to the contiguous state or local air pollution control agency in miles unless the applicant can demonstrate that the ambient impact in the contiguous states or local air pollution control agencies is less than the incremental ambient levels in 15A NCAC 02D .0532(c)(5); or
 - (b) within 50 miles of the permitted facility.
- (2) "Complete application" means an application that provides all information described in 40 CFR 70.5(c) and such other information that is necessary to determine compliance with all applicable federal and State requirements.
- (3) "Draft permit" means the version of a permit that the Division offers for public participation pursuant to 15A NCAC 02Q .0521 or affected state review pursuant to 15A NCAC 02Q .0522.
- (4) "Emissions allowable under the permit" means an emissions limit, including a work practice standard, established by a federally enforceable permit term or condition, or a federally enforceable emissions cap that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject.
- (5) "Final permit" means the version of a permit that the Director issues that has completed all review procedures required pursuant to this Section if the permittee does not file a petition pursuant to Article 3 of G.S. 150B that is related to the permit.
- (6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- (7) "Insignificant activities because of category" means:
 - (a) mobile sources;
 - (b) air-conditioning units used for human comfort that are not subject to applicable requirements pursuant to Title VI of the federal Clean Air Act and do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;
 - (c) ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;
 - (d) heating units used for human comfort that have a heat input of less than 10,000,000 Btu per hour and that do not provide heat for any manufacturing or other industrial process;
 - (e) noncommercial food preparation;
 - (f) consumer use of office equipment and products;
 - (g) janitorial services and consumer use of janitorial products;
 - (h) internal combustion engines used for landscaping purposes;
 - (i) new residential wood heaters subject to 40 CFR Part 60, Subpart AAA; and
 - (j) demolition and renovation activities covered solely pursuant to 40 CFR Part 61, Subpart M.
- (8) "Insignificant activities because of size or production rate" means any activity whose emissions would not violate any applicable emissions standard and whose potential emission of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, are each no more than five tons per year and whose potential emissions of hazardous air pollutants before air pollution control devices, are each below 1000 pounds per year.

- (9) "Minor facility" means any facility that is not a major facility.
- (10) "Operation" means the use of equipment that emits regulated pollutants.
- (11) "Permit renewal" means the process by which a permit is reissued at the end of its term.
- (12) "Permit revision" means any permit modification pursuant to 15A NCAC 02Q .0515, .0516, or .0517 or any administrative permit amendment pursuant to 15A NCAC 02Q .0514.
- (13) "Proposed permit" means the version of a permit that the Director proposes to issue and forwards to EPA for review pursuant to 15A NCAC 02Q .0522.
- (14) "Responsible official" means a responsible official as defined in 40 CFR 70.2.
- (15) "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes shall 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.
- (16) "Synthetic minor facility" means a facility that would otherwise be required to follow the procedures of this Section except that the potential to emit is restricted by one or more federally enforceable physical or operational limitations, including air pollution control equipment and restrictions on hours or operation, the type or amount of material combusted, stored, or processed, or similar parameters.
- (17) "Timely" means:
 - (a) for a new facility or newly subject facility, 12 months from the date that the facility or source becomes subject to the Title V operating permit program pursuant to 15A NCAC 02Q .0500;
 - (b) for renewal of a permit previously issued pursuant to this Section, six months before the expiration of that permit;
 - (c) for a minor modification pursuant to 15A NCAC 02Q .0515, before commencing the modification;
 - (d) for a significant modification pursuant to 15A NCAC 02Q .0516 where the change would not contravene or conflict with a condition in the existing permit, 12 months after commencing operation;
 - (e) for reopening for cause pursuant to 15A NCAC 02Q .0517, as specified by the Director in a request for additional information by the Director;
 - (f) for requests for additional information, as specified by the Director in a request for additional information by the Director; or
 - (g) for modifications made pursuant to Section 112(j) of the federal Clean Air Act, 18 months after EPA fails to promulgate a standard for that category of source pursuant to Section 112 of the federal Clean Air Act by the date established pursuant to Section 112(e)(1) or (3) of the federal Clean Air Act.

*History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1);
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. July 1, 1996;
 Temporary Amendment Eff. December 1, 1999;
 Amended Eff. January 1, 2007; July 1, 2000;
 Readopted Eff. April 1, 2018;
 Amended Eff. September 1, 2022.*

15A NCAC 02Q .0504 OPTION FOR OBTAINING CONSTRUCTION AND OPERATION PERMIT

- (a) Pursuant to 15A NCAC 02Q .0501(b)(2) or (c)(2), the owner or operator of a new or modified facility subject to the requirements of this Section that chooses to obtain a construction and operation permit before the facility is required to obtain a permit pursuant to this Section may file an application pursuant to 15A NCAC 02Q .0300.
- (b) The applicant shall state in his or her permit application that he or she wishes to follow the procedures in Paragraph (a) of this Rule.
- (c) If the procedures in 15A NCAC 02Q .0300 are followed, the permittee shall have 12 months after the facility or source becomes subject to the permit program in 15A NCAC 02Q .0500 if the permittee is applying for a Title V permit for the first time. Otherwise, the permittee shall have 12 months from the date of beginning operation of the

modified facility or source to file an amended application following the procedures in this Section. The Director shall place a condition in the construction and operation permit stating this requirement.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2022.*

15A NCAC 02Q .0505 APPLICATION SUBMITTAL CONTENT

If an applicant does not submit the following information with its application package, the application package shall be returned:

- (1) for new facilities and modified facilities:
 - (a) an application fee as required pursuant to 15A NCAC 02Q .0200;
 - (b) a consistency determination as required pursuant to 15A NCAC 02Q .0507(d)(1);
 - (c) the documentation required pursuant to 15A NCAC 02Q .0507(d)(2);
 - (d) a financial qualification or substantial compliance statement pursuant to 15A NCAC 02Q .0507(d)(3) if required; and
 - (e) applications as required pursuant to 15A NCAC 02Q .0507(a), signed as required by 15A NCAC 02Q .0520;
- (2) for renewals: applications as required pursuant to 15A NCAC 02Q .0507(a), signed as required by 15A NCAC 02Q .0520;
- (3) for a name change: a letter signed by a responsible official in accordance with 15A NCAC 02Q .0520 indicating the current facility name, the date on which the name change will occur, and the new facility name;
- (4) for an ownership change: an application fee as required pursuant to 15A NCAC 02Q .0200; and a letter bearing the signature of both the seller and buyer and containing a written agreement with a specific date for the transfer of permit responsibility, coverage, and liability between the current and new permittee; and
- (5) for corrections of typographical errors; changes of the name, address, or telephone number of an individual identified in the permit; changes in test dates or construction dates; or similar minor changes: a letter signed by a responsible official in accordance with 15A NCAC 02Q .0520 describing the proposed change and explaining the need for the proposed change.

*History Note: Authority G.S. 143-215.3(a)(1), (1a); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 2004;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2023; September 1, 2022.*

15A NCAC 02Q .0506 INITIAL PERMIT APPLICATION SUBMITTAL

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Repealed Eff. July 1, 2007.*

15A NCAC 02Q .0507 APPLICATION

(a) Except for:

- (1) minor permit modifications covered pursuant to 15A NCAC 02Q .0515;
- (2) significant modifications covered pursuant to 15A NCAC 02Q .0516(c); or
- (3) renewals submitted pursuant to 15A NCAC 02Q .0513;

the owner or operator of a new or existing source shall have 12 months after the facility or source becomes subject to the Title V operating permit program pursuant to 15A NCAC 02Q .0500 to file a complete application for a permit or permit revision. However, the owner or operator of a source shall not begin construction or operation of a source until he or she has obtained a construction and operation permit pursuant to 15A NCAC 02Q .0501(b) or (c) and 15A NCAC 02Q .0504.

(b) An application shall include the information described in 40 CFR 70.3(d) and 70.5(c), including a list of insignificant activities because of size or production rate but not including insignificant activities because of category. An application shall be certified by a responsible official for truth, accuracy, and completeness. In an application submitted pursuant to this Rule, the applicant may attach copies of applications submitted pursuant to 15A NCAC 02Q .0400 or 15A NCAC 02D .0530 or .0531 if the information in those applications contains information required in this Section and is current, accurate, and complete.

(c) Application for a permit, permit revision, or permit renewal shall be made in accordance with 15A NCAC 02Q .0104 on forms of the Division and shall include plans and specifications with complete data and information as required by this Rule. If the information provided on these forms does not describe the source or its air pollution abatement equipment to the extent necessary to evaluate the application, the Director shall request that the applicant provide other information necessary to evaluate the source and its air pollution abatement equipment.

(d) Along with filing a complete application, the applicant shall also file the following:

- (1) for a new facility or an expansion of existing facility, a consistency determination in accordance with G.S. 143-215.108(f) that:
 - (A) bears the date of receipt entered by the clerk of the local government; or
 - (B) consists of a letter from the local government indicating that zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or an expansion of an existing facility in an area without zoning, an affidavit and proof of publication of a legal notice as required pursuant to 15A NCAC 02Q .0113; and
- (3) if required by the Director, information showing that:
 - (A) the applicant is financially qualified to carry out the permitted activities; or
 - (B) the applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged and has been in substantial compliance with federal and State environmental laws and rules.

(e) An applicant who fails to submit relevant facts or submits incorrect information in a permit application shall, upon becoming aware of the failure or incorrect submittal, submit supplementary facts or corrected information to resolve the deficiency. In addition, an applicant shall provide additional information to address requirements to which the source becomes subject after the date the applicant filed a complete application but prior to release of a draft permit.

(f) The submittal of a complete permit application shall not affect the requirement that a facility have a permit pursuant to 15A NCAC 02D .0530, .0531, or .0532 or pursuant to 15A NCAC 02Q .0400.

(g) The Director shall give priority to permit applications containing early reduction demonstrations pursuant to Section 112(i)(5) of the federal Clean Air Act. The Director shall take final action on these permit applications after receipt of the complete permit application.

(h) Except as specified in 15A NCAC 02Q .0203(i), a non-refundable permit application processing fee, defined in 15A NCAC 02Q .0200, shall accompany the application. The permit application shall be deemed incomplete until the permit application processing fee is received.

(i) The applicant shall retain during the permit term one complete copy of the application package and the information submitted in support of the application package.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1997; July 1, 1996; February 1, 1995; Temporary Amendment Eff. December 1, 1999; Amended Eff. September 1, 2015; April 1, 2004; July 1, 2000; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2023; September 1, 2022.

(a) A permit shall specify and reference the origin and authority for each term or condition and shall identify differences compared to the applicable requirement on which the term or condition is based.

(b) A permit shall specify emission limitations and standards, including operational requirements and limitations, that assure compliance with all applicable requirements at the time of permit issuance.

(c) Where an applicable requirement of the federal Clean Air Act is more stringent than an applicable requirement of rules promulgated pursuant to Title IV, both provisions shall be placed in a permit. A permit shall state that both provisions are enforceable by EPA.

(d) A permit for sources using an alternative emission limit established in 15A NCAC 02D .0501(d) or 15A NCAC 02D .0952 shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(e) The expiration date of a permit shall be for a fixed term of five years for sources covered by Title IV and for a term of no more than five years from the date of issuance for all other sources including solid waste incineration units combusting municipal waste subject to standards in Section 129(e) of the federal Clean Air Act.

(f) A permit shall contain monitoring and related recordkeeping and reporting requirements as specified in 40 CFR 70.6(a)(3) and 70.6(c)(1), including conditions requiring:

(1) the permittee to submit reports of required monitoring no less frequent than every six months. The permittee shall submit reports:

(A) on forms obtained from the Division as specified in 15A NCAC 02Q .0104;

(B) in a manner as specified by a permit condition; or

(C) on other forms that contain the information required by this Subchapter or as specified by a permit condition;

(2) the permittee to report:

(A) malfunctions, emergencies, and other upset conditions as prescribed in 15A NCAC 02D .0524, .0535, .1110, or .1111; and

(B) deviations quarterly from permit requirements not covered by 15A NCAC 02D .0524, .0535, .1110, or .1111. The permittee shall include the probable cause of the deviations and any corrective actions or preventive measures taken; and

(3) the responsible official to certify all deviations from permit requirements.

(g) At the request of a permittee, the Director may allow records to be maintained in electronic form in lieu of maintaining paper records. The Director shall make this decision based on whether the electronic records contain the same information as the paper records and the availability of the electronic records for inspection to demonstrate compliance.

(h) A permit for facilities covered by 15A NCAC 02D .2100, Risk Management Program, shall contain:

(1) a statement listing 15A NCAC 02D .2100 as an applicable requirement; and

(2) conditions that require the owner or operator of the facility to submit:

(A) a compliance schedule for meeting the requirements of 15A NCAC 02D .2100 by the dates provided in 15A NCAC 02D .2101(a); or

(B) as part of the compliance certification required by Paragraph (n) of this Rule, a certification statement that the source is in compliance with the requirements of 15A NCAC 02D .2100, including the registration and submission of the risk management plan.

The content of the risk management plan need not be incorporated as a permit term or condition.

(i) A permit shall:

(1) contain a condition prohibiting emissions exceeding any allowances that a facility lawfully holds pursuant to Title IV but shall not limit the number of allowances held by a permittee. A permittee shall not use allowances as a defense to noncompliance with any other applicable requirement;

(2) contain a severability clause so that various permit requirements shall continue to be valid in the event of a challenge to any other portion of the permit;

(3) state that noncompliance with a condition of the permit constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;

(4) state that the permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the permit;

(5) state that the Director may reopen, modify, revoke and reissue, or terminate the permit for reasons specified in 15A NCAC 02Q .0517 or .0519;

- (6) state that the filing of a request by the permittee for a permit revision, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition;
 - (7) specify the conditions in which the permit may be reopened before the expiration of the permit;
 - (8) state that the permit does not convey any property rights of any sort, or any exclusive privileges;
 - (9) state that the permittee shall furnish to the Division, in a timely manner:
 - (A) any 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, and
 - (B) copies of records required to be kept by the permit when copies are requested by the Director.

The permit shall also state that for information claimed to be confidential, the permittee may furnish the confidential records directly to EPA along with a claim of confidentiality;
 - (10) contain a provision to ensure that the permittee pays fees required by 15A NCAC 02Q .0200;
 - (11) contain a condition that authorizes the permittee to make CAA 502(b)(10) changes pursuant to 15A NCAC 02Q .0523(a), off-permit changes, or emission trades in accordance with 15A NCAC 02Q .0523;
 - (12) include the applicable requirements for the sources covered by the permit;
 - (13) include fugitive emissions in the same manner as stack emissions;
 - (14) contain a condition requiring annual reporting of actual emissions as required by 15A NCAC 02Q .0207;
 - (15) include sources, including insignificant activities; and
 - (16) contain other provisions the Director considers appropriate.
- (j) A permit shall state the terms and conditions for reasonably anticipated operating scenarios identified by the applicant in the application. These terms and conditions shall:
- (1) require the permittee, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the operating scenario in which it is operating;
 - (2) extend the permit shield described in 15A NCAC 02Q .0512 to all terms and conditions in each reasonably anticipated operating scenario; and
 - (3) ensure that each operating scenario meets all applicable requirements of Subchapter 02D of this Chapter and of this Section.
- (k) A permit shall identify which terms and conditions are enforceable by the Division only.
- (l) A permit shall state that the permittee shall allow personnel of the Division to:
- (1) enter the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept by the conditions of the permit;
 - (2) have access to and copy any records that are required to be kept by the conditions of the permit;
 - (3) inspect sources, equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required by the permit; and
 - (4) sample or monitor substances or parameters, to assure compliance with the permit or applicable requirements.
- (m) When a compliance schedule is required by 40 CFR 70.5(c)(8) or by a rule contained in Subchapter 02D of this Chapter, the permit shall contain the compliance schedule and shall state that the permittee shall submit semiannually, or more frequently if specified in the applicable requirement, a progress report. The progress report shall contain:
- (1) dates for achieving the activities, milestones, or compliance required in the compliance schedule and dates when these activities, milestones, or compliance were achieved; and
 - (2) an explanation of why any dates in the compliance schedule were not or may not be met and any preventive or corrective measures adopted.
- (n) The permit shall contain requirements for compliance certification with the terms and conditions in the permit that are enforceable by EPA pursuant to Title V of the federal Clean Air Act, including emissions limitations, standards, and work practices. The permit shall specify:
- (1) the frequency, annually or more frequently as specified in the applicable requirements, of submissions of compliance certifications;
 - (2) a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

- (3) a requirement that the compliance certification include:
 - (A) the identification of each term or condition of the permit that is the basis of the certification;
 - (B) the status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the methods or means designated in 40 CFR 70.6(c)(5)(iii)(B). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance was required and in which an excursion or exceedance as defined in 40 CFR 64 occurred;
 - (C) whether compliance was continuous or intermittent;
 - (D) the identification of the methods or other means used by the owner and operator for determining the compliance status with each term and condition during the certification period; these methods shall include the methods and means required in 40 CFR Part 70.6(a)(3). The owner or operator also shall identify any other material information that shall be included in the certification to comply with Section 113(c)(2) of the federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and
 - (E) other facts as the Director may require to determine the compliance status of the source; and
- (4) that all compliance certifications be submitted to EPA as well as to the Division.

History Note: Authority G.S. 143-215.3(a)(1),(2); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108; Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1996; Temporary Amendment Eff. December 1, 1999; Amended Eff. August 1, 2008; June 1, 2008; January 1, 2007; December 1, 2005; April 1, 2001; July 1, 2000; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2023; September 1, 2022.

15A NCAC 02Q .0509 PERMITTING OF NUMEROUS SIMILAR FACILITIES

- (a) The Director shall not issue a single permit to cover numerous similar facilities or sources unless a notice and opportunity for public participation has been provided as required by 15A NCAC 02Q .0521.
- (b) The Director shall not issue a single permit for numerous similar facilities and sources pursuant to this Rule unless:
 - (1) there is no difference between the facilities or sources that would require special permit conditions for any individual facility or source; and
 - (2) no unique analysis is required for any facility or source covered by the permit.
- (c) A permit issued pursuant to this Rule shall comply with all the requirements of this Section.
- (d) A permit issued pursuant to this Rule shall identify criteria by which facilities or sources may qualify for the permit. To facilities or sources that qualify, the Director shall grant the terms and conditions of the permit.
- (e) The facility or source shall be subject to enforcement action for operating without a permit if the facility or source is later determined not to qualify for the terms and conditions of the permit issued pursuant to this Rule.
- (f) Sources subject to Title IV shall not be eligible for a permit issued pursuant to this Rule.
- (g) The owner or operator of a facility or source that qualifies for a permit issued pursuant to this Rule shall apply for coverage by the terms of the permit issued pursuant to this Rule or shall apply for a standard permit for each facility or source pursuant to this Section.
- (h) The Division need not repeat the public participation procedures pursuant to 15A NCAC 02Q .0521 if it grants a request by a permit applicant to operate by a permit issued pursuant to this Rule, but such a grant shall not be a final permit action for purposes of judicial review.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. July 1, 1994;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2022.

15A NCAC 02Q .0510 PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES

- (a) The Director may, issue a single permit authorizing emissions from similar operations by the same facility owner or operator at multiple temporary sites, based on factors such as those set forth in this Rule.
- (b) No facility shall qualify for a permit for multiple temporary sites pursuant to this Rule unless the operation involves at least one change of site during the term of the permit.
- (c) Sources subject to Title IV shall not be eligible for a permit pursuant to this Section.
- (d) Permits for facilities at multiple temporary sites shall include:
 - (1) identification of each site;
 - (2) conditions that will assure compliance with all applicable requirements at all authorized locations;
 - (3) requirements that the permittee notify the Division at least 10 days in advance of each change of location; and
 - (4) conditions that assure compliance with all other provisions of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0511 SYNTHETIC MINOR FACILITIES

History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108;
Eff. July 1, 1994;
Repealed Eff. July 1, 1999.

15A NCAC 02Q .0512 PERMIT SHIELD AND APPLICATION SHIELD

(a) Permit Shield:

- (1) The Director shall place in a permit issued pursuant to this Section a permit term or condition (a permit shield) stating that compliance with the conditions of the permit shall be deemed compliance with applicable requirements specifically identified in the permit in effect as of the date of permit issuance, provided that:
 - (A) such applicable requirements are included and are specifically identified in the permit; or
 - (B) the Director, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source and the permit includes that determination or a concise summary thereof.
- (2) A permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.
- (3) A permit shield shall state that it does not alter or affect:
 - (A) the power of the Commission, Secretary of the Department, or Governor under G.S. 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 EPA pursuant to Section 114 of the federal Clean Air Act) to obtain information to determine compliance of the facility with its permit, this Section, or Subchapter 02D of this Chapter.
- (4) A permit shield shall not apply to any change made at a facility that does not require a permit revision.
- (5) A permit shield shall not extend to minor permit modifications made pursuant to 15A NCAC 02Q .0515.

(b) Application Shield.

- (1) Except as provided in Subparagraph (b)(2) of this Rule, if the applicant submits a timely and complete application for permit issuance (including for renewal), the facility's failure to have a permit pursuant to this Section shall not be a violation:
 - (A) unless the delay in final action is due to the failure of the applicant to timely submit information as required or requested by the Director, or
 - (B) until the Director takes final action on the permit application.
- (2) Subparagraph (b)(1) of this Rule shall cease to apply if, subsequent to the completeness determination made pursuant to 15A NCAC 02Q .0507, the applicant fails to submit by the deadline specified in writing by the Director, any additional information identified as being needed to process the application.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. July 1, 1997;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0513 PERMIT RENEWAL AND EXPIRATION

- (a) Permits being renewed shall be subject to the procedural requirements of this Section, including those for public participation and affected state and EPA review.
- (b) Permit expiration shall terminate the facility's right to operate unless a complete renewal application has been submitted at least six months before the date of permit expiration.
- (c) If the permittee or applicant has complied with 15A NCAC 02Q .0512(b)(1), 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.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0514 ADMINISTRATIVE PERMIT AMENDMENTS

- (a) An "administrative permit amendment" means a permit revision that:
 - (1) corrects typographical errors;
 - (2) identifies a change in the name, address, or telephone number of any individual identified in the permit or provides a similar minor administrative change at the facility;
 - (3) requires more frequent monitoring or reporting by the permittee;
 - (4) changes test dates or construction dates provided that no applicable requirements are violated by the change in test dates or construction dates;
 - (5) removes designation of State-enforceable only from terms and conditions provided that the terms and conditions have become federally enforceable through Section 110, 111, or 112 or other parts of the federal Clean Air Act;
 - (6) changes the permit number without changing any portion of the permit that would not otherwise qualify as an administrative amendment; or
 - (7) removes references and non-applicable permit requirements for equipment that has been permanently removed from service.
- (b) In making administrative permit amendments, the Director:
 - (1) shall take final action on a request for an administrative permit amendment within 60 days after receiving such request;
 - (2) may make administrative amendments without providing notice to the public or any affected states pursuant to 15A NCAC 02Q .0521(a), provided he or she designates any such permit revision as having been made pursuant to this Rule; and
 - (3) shall submit a copy of the revised permit to EPA.

- (c) The permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.
- (d) Administrative amendments for sources covered pursuant to Title IV shall be governed by rules in 15A NCAC 02Q .0400.
- (e) This Rule shall not apply to the State-enforceable only part of a Title V permit. For the State-enforceable only part of a Title V permit, 15A NCAC 02Q .0316 shall govern administrative permit amendments.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. January 1, 2007; July 1, 1997;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2022.*

15A NCAC 02Q .0515 MINOR PERMIT MODIFICATIONS

- (a) The procedures set out in this Rule shall apply to permit modifications if the modifications:
 - (1) do not violate any applicable requirement;
 - (2) do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - (3) do not require or change a case-by-case determination of an emission limitation or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
 - (4) do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject. Such terms and conditions include:
 - (A) a federally enforceable emissions cap assumed to avoid an applicable requirement pursuant to any provision of Title I of the federal Clean Air Act; or
 - (B) an alternative emissions limit approved as part of an early reduction plan submitted pursuant to Section 112(i)(5) of the federal Clean Air Act;
 - (5) are not modifications pursuant to any provision of Title I of the federal Clean Air Act; and
 - (6) are not required to be processed as a significant modification pursuant to 15A NCAC 02Q .0516.
- (b) In addition to the items required pursuant to 15A NCAC 02Q .0505, an application requesting the use of the procedures set out in this Rule shall include:
 - (1) an application form including:
 - (A) a description of the change;
 - (B) the emissions resulting from the change; and
 - (C) identification of any new applicable requirements that will apply if the change occurs;
 - (2) a list of the facility's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the thresholds set out in Subparagraphs (c)(1) through (3) of this Rule;
 - (3) the applicant's suggested draft permit;
 - (4) certification by a responsible official that the proposed modification meets the criteria for using the procedures set out in this Rule and a request that these procedures be used; and
 - (5) complete information for the Director to use to notify EPA and affected states.
- (c) The Director shall use group processing for minor permit modifications processed pursuant to this Rule. The Director shall notify EPA and affected states of the requested permit revisions pursuant to this Rule and shall provide the information specified in 15A NCAC 02Q .0522 on a quarterly basis. If the aggregated emissions from all pending minor permit modifications equal or exceed:
 - (1) 10 percent of the emissions allowed for the source for which the change is requested;
 - (2) 20 percent of the applicable definition of major facility; or
 - (3) five tons per year,then the Director shall notify EPA and affected states within five business days of the requested permit revision pursuant to this Rule and provide the information specified in 15A NCAC 02Q .0522.
- (d) Within 90 days after receiving a complete application that exceeds the thresholds in Subparagraphs (c)(1), (2), or (3) of this Rule or 15 days after the end of EPA's 45-day review period, whichever is later, the Director shall:

- (1) issue the permit modification as proposed;
 - (2) deny the permit modification application;
 - (3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q .0516; or
 - (4) revise the draft permit modification and transmit the proposed permit to EPA.
- (e) If the thresholds in Subparagraphs (c)(1), (2), and (3) of this Rule are not exceeded, the Director shall, within 180 days after receiving a completed application for a permit modification or 15 days after the end of EPA's 45-day review period, whichever is later:
- (1) issue the permit modification as proposed;
 - (2) deny the permit modification application;
 - (3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q .0516; or
 - (4) revise the draft permit modification and transmit the proposed permit to EPA.
- (f) The permit applicant may make the change proposed in his minor permit modification application immediately after filing the completed application with the Division. After the applicant makes the change, the facility shall comply with both the applicable requirements governing the change and the proposed permit terms and conditions until the Director takes one of the final actions specified in Paragraph (d) of this Rule. Between the filing of the permit modification application and the Director's final action, the facility need not comply with the existing permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms and conditions during this time period, the Director may enforce the terms and conditions of the existing permit that the applicant seeks to modify, as necessary to ensure protection of air quality.
- (g) The permit shield allowed pursuant to 15A NCAC 02Q .0512 shall not extend to minor permit modifications.
- (h) If the State-enforceable only portion of the permit is revised, the procedures in 15A NCAC 02Q .0300 shall be followed.
- (i) The proceedings shall affect only those parts of the permit related to the modification.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. July 1, 1997;
 Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0516 SIGNIFICANT PERMIT MODIFICATION

- (a) The procedures set out in this Rule shall apply to applications requesting permit modifications pursuant to this Rule or permit modifications that are not governed by 15A NCAC 02Q .0514, .0515, .0523, or .0524.
- (b) An application for a significant permit modification that would contravene or conflict with an existing permit shall be processed following the procedure set out in 15A NCAC 02Q .0501(c).
- (c) An application for a significant permit modification that does not contravene or conflict with an existing permit shall be processed following the procedure set out in 15A NCAC 02Q .0501(b).
- (d) This Rule shall not preclude the permittee from making changes consistent with this Section that would render existing permit compliance terms and conditions irrelevant.
- (e) 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 revise a permit pursuant to this Rule. If the State-enforceable only portion of the permit is revised, the procedures in 15A NCAC 02Q .0300 shall be followed. The proceedings shall affect only those parts of the permit related to the significant modification.
- (f) Significant permit modifications shall be covered by the permit shield in accordance with 15A NCAC 02Q .0512.
- (g) Significant permit modifications shall be processed in accordance with 15A NCAC 02Q .0525.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Readopted Eff. April 1, 2018;
 Amended Eff. September 1, 2022.*

15A NCAC 02Q .0517 REOPENING FOR CAUSE

(a) A permit shall be reopened and revised under the following circumstances:

- (1) additional applicable requirements become applicable to a facility with a remaining permit term of three or more years;
- (2) additional requirements (including excess emissions requirements) become applicable to a source covered by Title IV (upon approval by EPA, excess emissions offset plans shall be deemed to be incorporated into the permit);
- (3) 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
- (4) the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(b) Any permit reopening pursuant to Subparagraph (a)(1) of this Rule 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).

(c) 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 a permit that has been reopened pursuant to this Rule. 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.

(d) 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 Director may notify the permittee less than 60 days before reopening the permit. The notice shall explain why the permit is being reopened.

(e) Within 90 days, or 180 days if EPA extends the response period, after receiving notification from EPA that it finds that a permit should be terminated, modified, or revoked and reissued, the Director shall send to EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1997; Readopted Eff. April 1, 2018.

15A NCAC 02Q .0518 FINAL ACTION

(a) The Director shall:

- (1) issue a permit, permit revision, or renewal containing the conditions necessary to carry out the purposes of G.S. 143, Article 21B and the federal Clean Air Act;
- (2) rescind a permit upon request by the permittee; or
- (3) deny a permit application when necessary to carry out the purposes of G.S. 143, Article 21B and the federal Clean Air Act.

(b) The Director shall not issue a final permit or permit revision, except administrative permit amendments pursuant to 15A NCAC 02Q .0514 and .0524, until 15 days after the end of EPA's 45-day review period or until EPA has notified the Director that EPA will not object to issuance of the permit or permit revision, whichever occurs first.

(c) If EPA objects to a proposed permit, the Director shall respond to EPA's objection within 90 days after receipt of EPA's objection. The Director shall not issue a permit pursuant to this Section over EPA's objection.

(d) If EPA does not object in writing to the issuance of a permit, any person may petition EPA to make such objections by following the procedures and meeting the requirements of 40 CFR 70.8(d).

(e) No permit shall be issued, revised, or renewed pursuant to this Section unless all the procedures set out in this Section have been followed and all the requirements of this Section have been met. The Director shall not issue any permit, permit revision, or permit renewal pursuant to this Section by default.

(f) Notwithstanding the application processing schedules set forth in 15A NCAC 02Q .0514, .0515, and .0524, the Division shall take final action on each permit application, including a request for permit modification or renewal, within 18 months of receipt of a complete application.

(g) Thirty days after issuing a permit, including a permit issued pursuant to 15A NCAC 02Q .0509, that is not challenged by the applicant, the Director shall notice the issuance of the final permit. The notice shall be issued on

the North Carolina Division of Air Quality web site at <http://deq.nc.gov/about/divisions/air-quality>. The notice shall include the name and address of the facility and the permit number.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. January 1, 2010; February 1, 1995;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2022.

15A NCAC 02Q .0519 TERMINATION, MODIFICATION, REVOCATION OF PERMITS

(a) The Director may terminate, modify, or revoke and reissue a permit issued pursuant to this Section if:

- (1) the information contained in the application or presented in support thereof is determined to be incorrect;
- (2) the conditions by which the permit or permit renewal was granted have changed;
- (3) permit conditions have been violated;
- (4) the permit holder fails to pay fees required pursuant to 15A NCAC 02Q .0200 within 30 days after being billed;
- (5) the permittee refuses to allow the Director or his authorized representative, upon presentation of credentials:
 - (A) to enter the permittee's premises in which a source of emissions is located or in which any records are required to be kept by the terms and conditions of the permit;
 - (B) to have access to any copy or records required to be kept by the terms and conditions of the permit;
 - (C) to inspect any source of emissions, control equipment, and any monitoring equipment or method required in the permit; or
 - (D) to sample any emission source at the facility;
- (6) the EPA requests that the permit be revoked pursuant to 40 CFR 70.7(g) or 70.8(d); or
- (7) the Director finds that termination, modification or revocation and reissuance of a permit is necessary to carry out the purpose of G.S. 143, Article 21B.

(b) To operate a facility or source after its permit has been revoked shall be a violation of this Section.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0520 CERTIFICATION BY RESPONSIBLE OFFICIAL

(a) A responsible official shall certify the truth, accuracy, and completeness of any application form, report, or compliance certification required by this Section or by a term or condition in a permit issued pursuant to this Section.

(b) This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

History Note: Authority G.S. 143-215.3(a)(1),(2); 143-215.107(a)(10); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0521 PUBLIC PARTICIPATION

(a) The Director shall give public notice with an opportunity for comments and a hearing on all draft permits and permit revisions except permit revisions issued pursuant to 15A NCAC 02Q .0514, .0515, and .0524. The Director shall give public notice with an opportunity for comments and a hearing on draft permit revisions issued pursuant to

15A NCAC 02Q .0514, .0515, and .0524 for any source that may be designated by the Director based on public interest relevant to air quality.

(b) Notice of any draft permit for an existing facility for which a public hearing is scheduled or for a new facility shall be given by publication in a newspaper of general circulation in the area where the facility is located, posted on the North Carolina Division of Air Quality web site at <http://deq.nc.gov/about/divisions/air-quality> for the duration of the public comment period, and emailed to persons who are on the Division's emailing list for air quality permits.

(c) Notice for existing facilities for which a public hearing is not scheduled shall be given by posting the draft permit on the North Carolina Division of Air Quality web site at <http://deq.nc.gov/about/divisions/air-quality> for the duration of the public comment period and shall be emailed to persons who are on the Division's emailing list for air quality permit notices.

(d) The notice shall identify:

- (1) the affected facility;
- (2) the name and address of the permittee;
- (3) the name and address of the person to whom to send comments and requests for public hearing;
- (4) the name, address, and telephone number of Divisional staff from whom interested persons may obtain additional information, including copies of the permit draft, the application, compliance plan, monitoring and compliance reports, all other relevant supporting materials, and all other materials available to Division that are relevant to the permit decision;
- (5) the activity or activities involved in the permitted action;
- (6) any emissions change involved in any permit modification;
- (7) a brief description of the comment procedures;
- (8) the procedures to follow to request a hearing unless a hearing has already been scheduled; and
- (9) the time and place of all hearing that have already been scheduled.

(e) The Director shall send a copy of the notice to affected states and EPA.

(f) The notice shall allow 30 days for public comments.

(g) Notice of any public hearing shall be given at least 30 days before the hearing.

(h) The Division shall keep a record of the public participation process, including the following:

- (1) the names of all commenters;
- (2) the issues raised during the public participation process; and
- (3) all written comments submitted during the public participation process.

If EPA requests a record of the comments and of the issues raised during the public participation process, the Director shall provide EPA this record.

(i) The Division shall respond in writing to comments raised during the public participation process, including any written comments submitted during the public comment period and any comments raised during any public hearing on the permit. The response to comments shall be included in the statement of basis and any Hearing Officer's report.

(j) Persons who desire to be placed on the Division's email notification list for air quality permit notices shall subscribe to the permits email list serve at <http://deq.nc.gov/about/divisions/air-quality>.

*History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.107(a)(10); 143-215.108; 143-215.111(4);
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule
becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. January 1, 2010; July 1, 1998;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2022.*

15A NCAC 02Q .0522 REVIEW BY EPA AND AFFECTED STATES

(a) The Director shall provide EPA with a copy of each permit application, including any application for permit revision, the statement of basis required under Paragraph (b) of this Rule, each proposed permit, and each final permit issued pursuant to this Section. If EPA has informed the Director that a permit application summary and relevant portion of the permit application and compliance plan are sufficient, the Director may provide these documents instead of the complete application.

(b) The Division shall provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references for the applicable statutory or regulatory provisions. The Division shall provide this statement to EPA and any other person who requests it.

- (c) If comments are received during the public participation process, the written responses shall be provided to EPA through submittal of a statement of basis, required pursuant to 15A NCAC 02Q .0521, with an explanation of how those public comments and the Division's responses are available to the public.
- (d) The Division shall retain for five years a copy of all permit applications, permits, and other related material submitted to or issued by the Division pursuant to this Section.
- (e) The Director shall provide notice to each affected state of each draft permit at or before the time notice is provided to the public pursuant to 15A NCAC 02Q .0521.
- (f) The Director, in writing, shall notify EPA and any affected state of any refusal by the Division to accept all recommendations for the proposed permit that the affected state submitted during the public or affected state review period and shall state the reasons for not accepting any such recommendations.
- (g) The information specified in Paragraphs (a) through (c) of this Rule shall be provided to EPA in a computer-readable format compatible with EPA's national database management system.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.111(5);
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule
becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018;
Amended Eff. September 1, 2022.*

15A NCAC 02Q .0523 CHANGES NOT REQUIRING PERMIT REVISIONS

(a) Section 502(b)(10) changes:

- (1) A permittee may make Section 502(b)(10) changes without having his or her permit revised if:
 - (A) the changes are not a modification pursuant to 15A NCAC 02D or Title I of the federal Clean Air Act;
 - (B) the changes do not cause the emissions allowed in the permit to be exceeded;
 - (C) the permittee notifies the Director and EPA in writing at least seven days before the change is made; and
 - (D) the permittee attaches the notice to the relevant permit.
- (2) The written notification required by Part (a)(1)(C) of this Rule shall include:
 - (A) a description of the change;
 - (B) the date on which the change will occur;
 - (C) all changes in emissions; and
 - (D) all permit term or conditions that are no longer applicable as a result of the change.
- (3) Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.

(b) Off-permit changes. A permittee may make changes in his or her operation or emissions without revising his or her permit if:

- (1) the change affects only insignificant activities and the activities remain insignificant after the change;
- (2) the change is not covered by any applicable requirement; and
- (3) the changes are consistent with this Section and would not render existing permit compliance terms and conditions irrelevant.

(c) Emissions trading.

- (1) To the extent that emissions trading is allowed pursuant to 15A NCAC 02D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revisions provided that:
 - (A) all applicable requirements are met;
 - (B) the permittee complies with all terms and conditions of the permit in making the emissions trade; and
 - (C) the permittee notifies the Director and EPA in writing at least seven days before the trade is made.
- (2) If an emissions cap has been established by a permit condition for the purposes of limiting emissions below that allowed by an otherwise applicable requirement, emissions trading shall be allowed to the extent allowed by the permit if:
 - (A) an emissions cap is established in the permit to limit emissions;

- (B) the permit specifies the emissions limits with which each source shall comply with any applicable requirement;
 - (C) the permittee complies with all permit terms that ensure the emissions trades are enforceable, accountable, and quantifiable;
 - (D) the permittee complies with all applicable requirements;
 - (E) the permittee complies with the emissions trading procedures in the permit; and
 - (F) the permittee notifies the Director and EPA in writing at least seven days before the trade is made.
- (3) The written notification required in Subparagraph (1) of this Paragraph shall include:
 - (A) a description of the change;
 - (B) the date on when the change will occur;
 - (C) the change in emissions;
 - (D) the permit requirement with which the facility or source will comply using the emissions trading provision of the applicable provision of 15A NCAC 02D; and
 - (E) the pollutants emitted subject to the emissions trade.
 - (4) The written notification required in Subparagraph (2) of this Paragraph shall include:
 - (A) a description of the change;
 - (B) the date on when the change will occur;
 - (C) the changes in emissions that will result and how the increases and decrease in emissions will comply with the terms and conditions of the permit.
- (d) The permit shield allowed pursuant to 15A NCAC 02Q .0512 shall not apply to changes made pursuant to Paragraphs (a), (b), or (c) of this Rule.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Amended Eff. June 1, 2008; December 1, 2005;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0524 OWNERSHIP CHANGE

- (a) Applications for ownership changes shall:
 - (1) contain the information required by 15A NCAC 02Q .0505(4); and
 - (2) follow the procedures set forth in 15A NCAC 02Q .0300.
- (b) If the Director permits an ownership change, he or she shall submit a copy of the permit to EPA as an administrative amendment.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. July 1, 1994;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0525 APPLICATION PROCESSING SCHEDULE

The Division shall adhere to the following schedule in processing permit applications:

- (1) The Division shall send written acknowledgment of receipt of an application to the applicant within 10 days of receipt of the application.
- (2) The Division shall review all permit applications within 60 days of receipt of the application to determine whether the application is complete or incomplete. A completeness determination shall not be necessary for minor modifications pursuant to 15A NCAC 02Q .0515. The Division shall notify the applicant by letter:
 - (a) stating that the application as submitted is complete and specifying the completeness date;
 - (b) stating that the application is incomplete, requesting additional information necessary to conduct the technical review of the application, and specifying the date by which the requested information is required to be received by the Division; or

- (c) stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Division does not notify the applicant by letter dated within 60 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date if such information is necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the date specified in the letter requesting additional information, the Director shall cease processing the application until additional information is provided. The applicant may request a time extension for submittal of the requested additional information.

- (3) The Division shall complete the technical review of significant modifications received pursuant to 15A NCAC 02Q .0516 in accordance with 40 CFR 70.7(e)(4)(ii).
- (4) The Division shall provide for public participation in accordance with 15A NCAC 02Q .0521. If a public hearing is requested and approved by the Director for a draft permit, it shall be held within 45 days of the Director's decision to hold a public hearing.
- (5) The Director shall complete the review of the record and send the proposed permit to EPA and affected states in accordance with 15A NCAC 02Q .0522.
- (6) Final permit action shall be taken in accordance with 15A NCAC 02Q .0518.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; Eff. February 1, 1995; Amended Eff. July 1, 1998; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2022.

15A NCAC 02Q .0526 112(J) CASE-BY-CASE MACT PROCEDURES

(a) An owner or operator of a source required to apply maximum achievable control technology (MACT) pursuant to 15A NCAC 02D .1109 shall follow the permit procedures set out in this Rule.

(b) For the purposes of this Rule, the definitions in 15A NCAC 02D .1109, 40 CFR 63.51, 40 CFR 63.2, and the following definitions apply:

- (1) "Equivalent emission limitation" means an emission limitation, established pursuant to Section 112(j) of the federal Clean Air Act, that is equivalent to the MACT standard that EPA would have promulgated pursuant to Section 112(d) or (h) of the federal Clean Air Act.
- (2) "Source category schedule for standards" means the schedule for promulgating MACT standards issued pursuant to Section 112(e) of the federal Clean Air Act.
- (3) "Title V permit" means a permit issued pursuant to this Section.

(c) Except as provided for in Paragraph (d) or (e) of this Rule, the owner or operator of a source required to apply MACT pursuant to 15A NCAC 02D .1109 shall submit an application for a permit or for a significant permit revision, as applicable pursuant to this Section.

(d) Approval process for new and existing affected sources that are subject to Section 112(j) as of the Section 112(j) deadline. The requirements of Subparagraphs (d)(1) and (2) of this Paragraph shall apply to major sources that include, as of the Section 112(j) deadline, one or more sources in a category or subcategory for which the EPA has failed to promulgate an emission standard pursuant to 40 CFR Part 63 on or before an applicable Section 112(j) deadline. Existing source MACT requirements, including relevant compliance deadlines, as specified in a Title V permit issued to the facility pursuant to the requirements of 40 CFR Part 63, Subpart B, shall apply to such sources.

- (1) The owner or operator shall submit an application for a permit or for a revision to an existing Title V permit issued or a pending Title V permit that meets the requirements of Subparagraph (m)(1) of this Rule by the Section 112(j) deadline if the owner or operator can reasonably determine that one or more sources at the facility belong in a category or subcategory subject to Section 112(j) of the federal Clean Air Act.
- (2) The owner or operator of a source that does not submit an application pursuant to Subparagraph (d)(1) of this Rule and is notified in writing by the Division that one or more sources at the facility belong to a category or subcategory subject to Section 112(j) of the federal Clean Air Act shall submit an application for a Title V permit or for a revision to an existing Title V permit that meets the requirements of Paragraph (m)(1) of this Rule within 30 days after being notified in writing by the Division. The Division shall not be required to make this notification.

- (3) The requirements in Parts (A) and (B) of this Subparagraph shall apply if the owner or operator has obtained a Title V permit that incorporates a Section 112(g) case-by-case MACT determination by the Division pursuant to 15A NCAC 02D .1112, but has not submitted an application for a Title V permit revision that addresses the emission limitation requirements of Section 112(j) of the federal Clean Air Act.

(A) If the owner or operator has a Title V permit that incorporates a Section 112(g) case-by-case MACT determination pursuant to 15A NCAC 02D .1112, the owner or operator shall submit an application that meets the requirements of Paragraph (m)(1) of this Rule for a Title V permit revision within 30 days of the Section 112(j) deadline or within 30 days of being notified in writing by the Division that one or more sources at the major facility belong in such category or subcategory. The Division shall use the procedures in 40 CFR 63.52(e) to determine whether the emission limitations adopted pursuant to the prior 112(g) case-by-case MACT determination are substantially as effective as the emission limitations that Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in question. If the Division determines the previously adopted 112(g) emission limitations are substantially as effective, then the Division shall retain the existing limitations in the permit to effectuate Section 112(j) of the federal Clean Air Act. If the Division does not retain the previously adopted 112(g) emission limitations, the MACT requirements of this Rule shall be satisfied upon issuance of a revised Title V permit incorporating any additional Section 112(j) requirements.

(B) If the owner or operator has submitted a Title V permit application that incorporates a Section 112(g) case-by-case MACT determination by the Division pursuant to 15A NCAC 02D .1112, but has not received the permit incorporating the Section 112(g) requirements, the owner or operator shall continue to apply for a Title V permit that addresses the requirements of Section 112(g) of the federal Clean Air Act. The owner or operator shall submit a permit application meeting the requirements of Paragraph (m)(1) of this Rule within 30 days of issuance of that Title V permit. The Division shall use the procedures in 40 CFR 63.52(e) to determine whether the emissions limitations adopted pursuant to the prior 112(g) case-by-case MACT determination are substantially as effective as the emission limitations that the Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in question. If the Division determines that the previously adopted 112(g) emission limitations are substantially as effective, then the Director shall retain the existing emission limitations to effectuate Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does not retain the previously adopted 112(g) emission limitations, the MACT requirements of this Rule shall be satisfied upon issuance of a revised Title V permit incorporating any additional Section 112(j) requirements.

(e) Sources that become subject to Section 112(j) of the federal Clean Air Act after the Section 112(j) deadline and that do not have a Title V permit addressing Section 112(j) requirements. The requirements of this Paragraph shall apply to sources that do not meet the criteria in Paragraph (d) of this Rule on the Section 112(j) deadline and are not subject to Section 112(j) of the federal Clean Air Act on that date, but subsequent to the Section 112(j) deadline the source becomes subject to the requirements of this Rule and the source does not have a Title V permit that addresses the requirements of Section 112(j) of the federal Clean Air Act.

- (1) If one or more sources in a category or subcategory subject to the requirements of this Rule are installed at a major source or result in the source becoming a major source due to the installation, and the installation does not invoke Section 112(g) requirements in 15A NCAC 02D .1112, the owner or operator shall submit an application meeting the requirements of Paragraph (m)(1) of this Rule within 30 days of startup of the source. Existing source MACT requirements (including relevant compliance deadlines), as specified in a Title V permit issued pursuant to the requirements of this Rule, shall apply to such sources. The Division shall use the procedures in 40 CFR 63.52(e) to determine whether the emissions limitations adopted pursuant to the prior 112(g) case-by-case MACT determination are substantially as effective as the emission limitations that the Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in question. If the Division determines the previously adopted 112(g) emission limitations are substantially as effective, then the Division shall retain the existing emission limitations to

effectuate Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does not retain the previously adopted 112(g) emission limitations, the MACT requirements of this Rule shall be satisfied upon issuance of a revised Title V permit incorporating any additional Section 112(j) requirements.

- (2) If one or more sources in a category or subcategory subject to 112(j) requirements are installed at a major source or result in the source becoming a major source due to the installation, and the installation requires 112(g) emission limitations to be established and permitted pursuant to 15A NCAC 02Q .0528 and the owner or operator has not submitted an application for a Title V permit revision that addresses the emission limitation requirements of Section 112(j) of the federal Clean Air Act, the owner or operator shall apply for and obtain a Title V permit that addresses the emission limitation requirements of Section 112(g) of the federal Clean Air Act. Within 30 days of issuance of that Title V permit, the owner or operator shall submit an application that meets the requirements of Paragraph (m)(1) of this Rule for a revision to the existing Title V permit. The Division shall determine whether the emissions limitations adopted pursuant to the prior 112(g) case-by-case MACT determination are substantially as effective as the emission limitations that the Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in question. If the Division determines the previously adopted 112(g) emission limitations are substantially as effective, then the Division shall retain the existing emission limitations to effectuate Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does not retain the previously adopted 112(g) emission limitations, the permit shall be revised to incorporate any additional Section 112(j) requirements.
- (3) The owner or operator of an area source that, due to a relaxation in any federally enforceable emission limitation, such as a restriction on hours of operation, increases its potential to emit hazardous air pollutants such that the source becomes a major source that is subject to this Rule, shall submit an application meeting the requirements of Paragraph (m)(1) of this Rule within 30 days after the date that such source becomes a major source. The Director shall use the procedures in Paragraph (n) of this Rule in reviewing the application. The existing source MACT requirements, including relevant compliance deadlines, shall apply to such sources.
- (4) If EPA establishes a lesser quantity emission rate pursuant to Section 112(a)(1) of the Federal Clean Air Act that results in an area source becoming a major source that is subject to this Rule, then the owner or operator of such a major source shall submit an application that meets the requirements of Paragraph (m)(1) of this Rule on or before the date six months after the date that such source becomes a major source. Existing source MACT requirements, including relevant compliance deadlines, as specified in a Title V permit issued pursuant to the requirements of this Rule, shall apply to such sources.

(f) Sources that have a Title V permit addressing Section 112(j) requirements. The requirements of this Paragraph apply to major sources that include one or more sources in a category or subcategory for which EPA fails to promulgate an emission standard on or before the Section 112(j) deadline, the owner or operator has a permit meeting the Section 112(j) requirements, and if changes occur at the major source to equipment, activities, or both subsequent to the Section 112(j) deadline.

- (1) If the Title V permit already provides the requirements that address the events described in this Paragraph subsequent to the Section 112(j) deadline, then the source shall comply with the applicable new source MACT or existing source MACT requirements as specified in the permit, and the Section 112(j) requirements shall be deemed satisfied.
- (2) If the Title V permit does not contain the requirements that address the events described in this Paragraph subsequent to the Section 112(j) deadline, then the owner operator shall submit an application for a revision of the existing Title V permit that meets the requirements of Paragraph (m)(1) of this Rule within 30 days of beginning construction. Existing source MACT requirements, including relevant compliance deadlines, as specified in a Title V permit issued pursuant to the requirements of this Rule, shall apply to such sources.

(g) Requests for applicability determination. An owner or operator who is unsure of whether one or more sources at a major source belong in a category or subcategory for which EPA has failed to promulgate an emission standard pursuant to 40 CFR Part 63 may, on or before an applicable Section 112(j) deadline, request an applicability determination from the Division by submitting an application that meets the requirements of Paragraph (m)(1) of this Rule by the applicable deadlines specified in Paragraphs (d), (e), or (f) of this Rule.

(h) An owner or operator who submits a Part 1 MACT application that meets the requirements of Paragraph (m)(1) of this Rule shall submit a Part 2 MACT application that meets the requirements of Paragraph (m)(2) of this Rule no later than the applicable date specified in 40 CFR 63 Subpart B Table 1. The submission date specified in 40 CFR 63 Subpart B Table 1 for Miscellaneous Organic Chemical Manufacturing shall apply to sources in each of the source categories listed in 40 CFR 63 Subpart B Table 2. If an owner or operator is required by 15A NCAC 02D .1109 and this Rule to submit an application meeting the requirements of Paragraph (m)(1) of this Rule by a date that is after the date for a Part 2 MACT application for sources in the category or subcategory in question established by 40 CFR 63 Subpart B Table 1, the owner or operator shall submit a Part 2 MACT application meeting the requirements of Paragraph (m)(2) of this Rule within 60 additional days after the applicable deadline for submission of the Part 1 MACT application. The Part 2 applications shall be reviewed by the Division according to the procedures established in 40 CFR 63.55.

- (1) Any owner or operator who submitted a request for an applicability determination on or before May 15, 2002, that remained pending as of May 30, 2003, and who still wishes to obtain such a determination shall resubmit that request by the date that is 60 days after the Administrator publishes in the Federal Register a proposed standard pursuant to Section 112(d) or 112(h) of the Clean Air Act for the category or subcategory in question. Such a resubmitted request shall be supplemented to discuss the relation between the sources in question and the applicability provision in the proposed standard for the category or subcategory in question, and to explain why there may still be uncertainties that require a determination of applicability. The Director shall take action on each supplemented and resubmitted request within an additional 60 days after the applicable deadline for the resubmitted request. If more than three years remain on the current Title V permit, the owner or operator shall submit an application for a Title V permit revision to make any conforming changes in the permit required to adopt the existing emission limitations as the Section 112(j) MACT emission limitations. If less than three years remain on the current Title V permit, any required conforming changes shall be made when the permit is renewed. If the applicability determination is positive, the owner or operator shall submit a Part 2 MACT application meeting the requirements of Paragraph (m)(2) of this Rule by the date specified for the category or subcategory in question in 40 CFR 63 Subpart B Table 1. If the applicability determination is negative, no further action by the owner or operator shall be necessary.
 - (2) An owner or operator who has submitted an application that meets the requirements of Paragraph (m)(1) of this Rule may request a determination of whether emission limitations adopted pursuant to a prior case-by-case MACT determination pursuant to Section 112(g) that apply to one or more sources in a relevant category or subcategory are substantially as effective as the emission limitations that the Division would otherwise adopt pursuant to this Rule for the source in question. Such a request must be submitted by the date for the category or subcategory in question specified in 40 CFR 63 Subpart B Table 1. Each request for a determination pursuant to this Paragraph shall be construed as a complete application for an equivalent emission limitation pursuant to this Rule. If the Director determines that the emission limitations in the prior case-by-case MACT determination are substantially as effective as the emission limitations the Director would otherwise adopt pursuant to this Rule, then the Director shall adopt the existing emission limitations in the permit as the emission limitations to effectuate Section 112(j) for the source in question. If the Director determines that the emission limitations in the prior case-by-case MACT determination pursuant to Section 112(g) are not substantially as effective as the emission limitations that the Director would otherwise adopt for the source in question pursuant to this Rule, the Director shall make a new MACT determination and adopt a Title V permit incorporating an appropriate equivalent emission limitation pursuant to this Rule. The Division shall use the procedures in 40 CFR 63.52(e) to determine whether the emission limitations adopted pursuant to the prior 112(g) case-by-case MACT determination are substantially as effective as the emission limitations which Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in question.
- (i) If the Director disapproves a permit application submitted pursuant to this Rule or determines that the application is incomplete, the owner or operator shall revise and resubmit the application to meet the Director's objections not later than six months after first receiving notification that the application has been disapproved or is incomplete.
 - (j) If the owner or operator of a source subject to this Rule has submitted a timely and complete application for a permit, significant permit revision, or administrative amendment required by this Rule, any failure to have this

permit shall not be a violation of the requirements of this Rule unless the delay in final action is due to the failure of the applicant to submit, in a timely manner, information required or requested to process the application.

(k) The permit shall contain the items specified in 40 CFR 63.52 including:

- (1) specification of the affected source and the new affected source;
- (2) emission limitations or emission standards equivalent to existing source MACT and emission limitations equivalent to new source MACT for control of emissions of hazardous air pollutants for that category or subcategory determined according to 40 CFR 63.55(a) on a case-by-case basis;
- (3) emission limits, production limits, operational limits, or other terms and conditions necessary to ensure practicable enforceability of the MACT emission limitation;
- (4) notification, operation and maintenance, performance testing, monitoring, reporting, and recordkeeping requirements; and
- (5) compliance dates by which the owner or operator of an existing source is required to be in compliance with the MACT emission limitation and all other applicable terms and conditions of the permit, not to exceed three years from the date of issuance of the permit. The owner or operator of a new affected source shall comply with a new source MACT level of control immediately upon startup.

(l) Early reductions made pursuant to Section 112(i)(5)(A) of the federal Clean Air Act shall be achieved not later than the date on which the relevant standard should have been promulgated according to the source category schedule for standards.

(m) A permit application for a MACT determination shall consist of two parts.

- (1) The Part 1 application shall contain the information required by 40 CFR 63.53(a) and shall be submitted by the applicable deadline specified in Paragraph (d), (e), or (f) of this Rule.
- (2) The Part 2 application shall contain the information required by 40 CFR 63.53(b) and shall be submitted no later than the deadline in 40 CFR 63 Subpart B Table 1.

(n) Permit application review. The Director shall follow 40 CFR 63.55(a) in reviewing permit applications for MACT. The resulting MACT determination shall be incorporated into the facility's Title V permit according to the procedures established in this Section. Following submittal of a Part 1 or Part 2 MACT application, the Director may request, pursuant to 15A NCAC 02Q .0507(c) and .0525(a), additional information from the owner or operator; and the owner or operator shall submit the requested information within 30 days. A Part 2 MACT application shall be deemed complete if it is sufficient to begin processing the application for a Title V permit addressing Section 112(j) requirements. If the Division disapproves a permit application or determines that the application is incomplete, the owner or operator shall revise and resubmit the application to meet the objections of the Division within the time period specified by the Division, which shall not exceed six months from the date that the owner or operator is first notified that the application has been disapproved or is incomplete. After receipt of a complete Part 2 MACT application that is subsequently approved by the Division, the Director shall issue a Title V permit that meets Section 112(j) requirements, following the schedule in 15A NCAC 02Q .0525.

(o) The following requirements shall apply to case-by-case determinations of equivalent emission limitations when a MACT standard is subsequently promulgated:

- (1) If EPA promulgates an emission standard that is applicable to one or more sources within a major facility before the date a proposed permit pursuant to this Rule is approved, the permit shall contain the promulgated standard rather than the emission limitation determined pursuant to 15A NCAC 02D .1109, and the owner or operator of the source shall comply with the promulgated standard by the compliance date in the promulgated standard.
- (2) If EPA promulgates an emission standard that is applicable to a source after the date that a permit is issued pursuant to this Rule, the Director shall revise the permit on its next renewal to reflect the promulgated standard. Subparagraph (a)(1) of 15A NCAC 02Q .0517 shall not apply to requirements established pursuant to this Rule. The Director shall establish a compliance date in the revised permit that assures that the owner or operator complies with the promulgated standard within a reasonable time, but no longer than eight years after such standard is promulgated or eight years after the date by which the owner or operator was first required to comply with the emission limitation established by permit, whichever is earlier. The period for compliance for existing sources shall not be shorter than that provided for existing sources in the promulgated standard.
- (3) Notwithstanding the requirements of Subparagraphs (1) or (2) of this Paragraph, if EPA promulgates an emission standard that is applicable to a source after the date a proposed permit is approved, the Director shall not be required to change the emission limitation in the permit to reflect the promulgated standard if the level of control required by the emission limitation in the

permit is as effective as that required by the promulgated standard. If EPA promulgates an emission standard that is applicable to an affected source after the date a permit application is approved and the level of control required by the promulgated standard is less stringent than the level of control required by an emission limitation in the prior MACT determination, the Division shall not be required to incorporate a less stringent emission limitation of the promulgated standards after considering the effects on air quality. The Division may consider any more stringent provision of the MACT determination to be applicable legal requirements, as necessary to protect air quality, when issuing or revising such a Title V permit.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;
Eff. July 1, 1996;
Amended Eff. February 1, 2004;
Readopted Eff. April 1, 2018;
Amended Eff. August 1, 2022.

15A NCAC 02Q .0527 EXPEDITED APPLICATION PROCESSING SCHEDULE

- (a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.
- (b) An applicant may file an application to follow the expedited review for application certified by a professional engineer as set out in G.S. 143-215.108(h) if:
 - (1) the applicant specifically requests that the permit application be processed pursuant to the procedures in G.S. 143-215.108(h); and
 - (2) the applicant submits:
 - (A) applications as required by 15A NCAC 02Q .0507;
 - (B) a completeness check list showing that the permit application is complete;
 - (C) a draft permit;
 - (D) any required dispersion modeling;
 - (E) a certification signed by a professional engineer registered in North Carolina certifying the accuracy and completeness of draft permit and the application, including emissions estimates, applicable standards and requirements, and process specifications;
 - (F) a consistency determination as required pursuant to 15A NCAC 02Q .0507(d)(1);
 - (G) a written description of current and projected plans to reduce the emissions of air contaminants as required pursuant to 15A NCAC 02Q .0507(d)(2);
 - (H) a financial qualification if required;
 - (I) substantial compliance statement if required; and
 - (J) the application fee as required pursuant to 15A NCAC 02Q .0200.
- (c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.
- (d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete permit application. This checklist shall be used by the Division to determine if the application is complete.
- (e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.
- (f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.
- (g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in accordance with this Rule.
- (h) In implementing this Rule, the Director shall either deny the permit or submit a proposed permit to EPA.
- (i) If EPA does not object to the proposed permit, the Director shall issue the permit within five days after:
 - (1) expiration of EPA 45-day review period; or
 - (2) receipt of notice from EPA that it will not object to issuance, whichever comes first.
- (j) If EPA objects to the proposed permit, the Director shall respond to EPA's objection within 90 days after receipt of EPA's objections.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Eff. July 1, 1998;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0528 112(G) CASE-BY-CASE MACT PROCEDURES

(a) Applicability. An owner or operator of a source required to apply maximum achievable control technology (MACT) pursuant to 15A NCAC 02D .1112 shall follow the permit procedures set out in this Rule.

(b) Construction prohibition. A person shall not begin construction or reconstruction of a major source of hazardous air pollutants unless:

- (1) the major source has been specifically regulated or exempted from regulation by:
 - (A) 15A NCAC 02D .1109 or .1111; or
 - (B) a standard issued pursuant to Section 112(d), 112(h), or 112(j) of the federal Clean Air Act pursuant to 40 CFR Part 63 and the owner and operator has fully complied with all procedures and requirements for preconstruction review established by that standard, including any applicable requirements set forth in 40 CFR Part 63, Subpart A; or
- (2) the Division has made a final and effective case-by-case determination pursuant to 15A NCAC 02D .1112 such that emissions from the constructed or reconstructed major source will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

(c) Requirements for constructed and reconstructed major sources. If a case-by-case determination of MACT is required by 15A NCAC 02D .1112, the owner or operator shall submit a permit application to the Division and the Division shall process the application following the procedures of 15A NCAC 02Q .0501(c).

(d) Alternative operating scenarios. When applying for a permit, the owner or operator may request approval of case-by-case MACT determinations for alternative operating scenarios. Approval of such determinations shall satisfy the requirements of Section 112(g) of the federal Clean Air Act for each such scenario.

(e) Application requirements for a case-by-case MACT determination. The owner or operator of a source required to apply MACT pursuant to 15A NCAC 02D .1112 shall submit a permit application that contains all the information required by 40 CFR 63.43(e).

(f) Reporting to the EPA. Within 60 days of the issuance of a permit pursuant to this Section or 15A NCAC 02Q .0300 that incorporates a MACT determination, the Director shall provide a copy of the permit to the EPA and shall provide a summary in electronic format for inclusion in the MACT database.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10);
Eff. July 1, 1998;
Readopted Eff. April 1, 2018.*

NOTE: Per OAH guidance 15A NCAC 02Q .0529 is not subject to review in this round of readoption because only rules in the Code as of January 1, 2024 are subject to review.

15A NCAC 02Q .0529 TITLE V INSIGNIFICANT RESEARCH AND DEVELOPMENT ACTIVITIES EXEMPTION

(a) For the purposes of this Rule, "research and development activities" or "R&D activities" means the following:

- (1) activities conducted to test more efficient production processes or methods for preventing or reducing adverse impacts on the environment, provided that the activities do not include or contribute to the production of an intermediate or final product for sale or exchange for commercial profit; and
- (2) activities conducted at a research or laboratory facility, the primary purpose of which is to conduct research and development into new processes and products, and that is not engaged in or contributing to the manufacture of products for sale or exchange for commercial profit.

(b) Notwithstanding the definition of "insignificant activities because of size or production rate" in 15A NCAC 02Q .0503(8), R&D activities that meet the definition in Paragraph (a) of this Rule and are located at a major facility, as defined pursuant to 15A NCAC 02Q .0103, shall qualify as an insignificant activity because of size or production rate if the R&D activities meet the following requirements:

- (1) emissions from the R&D activities would not violate any applicable emissions standard;
- (2) actual emissions of particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide, from the R&D activities, before accounting for air pollution control devices, are each no more than five tons per year;
- (3) actual emissions of each hazardous air pollutant from the R&D activities, before air pollution control devices, are below 1,000 pounds per year; and

- (4) potential emissions, as defined in 15A NCAC 02Q .0103, from the R&D activities are less than the major source emission thresholds specified in 40 CFR 70.2, which have been incorporated by reference in 15A NCAC 02Q .0106.
- (c) Pursuant to the application requirements in 15A NCAC 02Q .0507(b), the owner or operator of a new major facility shall include in the Title V permit application R&D activities that qualify as an insignificant activity because of size or production rate pursuant to Paragraph (b) of this Rule. For an existing major facility with new R&D activities that qualify as an insignificant activity pursuant to Paragraph (b) of this Rule, the owner or operator shall provide notification of the R&D activities to the Division of Air Quality no less than seven days prior to commencing the R&D activities. The owner or operator of insignificant R&D activities, pursuant to Paragraph (b) of this Rule, shall keep records at least five years demonstrating compliance with this Rule and provide those records to the Division upon request.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108; S.L. 2023-134, s. 12.11.(d);
Eff. January 1, 2025.

SECTION .0600 - TRANSPORTATION FACILITY PROCEDURES

15A NCAC 02Q .0601	PURPOSE OF SECTION AND REQUIREMENT FOR A PERMIT
15A NCAC 02Q .0602	DEFINITIONS
15A NCAC 02Q .0603	APPLICATIONS
15A NCAC 02Q .0604	PUBLIC PARTICIPATION
15A NCAC 02Q .0605	FINAL ACTION ON PERMIT APPLICATIONS
15A NCAC 02Q .0606	TERMINATION, MODIFICATION AND REVOCATION OF PERMITS

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(3); 143-213; 143-215.4(b); 143-215.108; 143-215.109;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. February 1, 2005;
Repealed Eff. January 1, 2015.

15A NCAC 02Q .0607 APPLICATION PROCESSING SCHEDULE

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Eff. February 1, 1995;
Amended Eff. July 1, 1998;
Repealed Eff. January 1, 2015.

SECTION .0700 – TOXIC AIR POLLUTANT PROCEDURES

15A NCAC 02Q .0701 APPLICABILITY

Except as set forth in 15A NCAC 02Q .0702, no person shall cause or allow any toxic air pollutant named in 15A NCAC 02D .1104 to be emitted from any facility into the atmosphere at a rate that exceeds the applicable rate(s) in 15A NCAC 02Q .0711 without having received a permit to emit toxic air pollutants as follows:

- (1) new facilities pursuant to 15A NCAC 02Q .0704; or
- (2) modifications pursuant to 15A NCAC 02Q .0706.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2014; July 10, 2010; February 1, 2005;
Readopted Eff. July 1, 2018.

15A NCAC 02Q .0702 EXEMPTIONS

- (a) A permit to emit toxic air pollutants shall not be required pursuant to this Section for:

- (1) residential wood stoves, heaters, or fireplaces;
- (2) water heaters that are used for domestic purposes only and are not used to heat process water;
- (3) maintenance, structural changes, or repairs that do not change capacity of that process, fuel-burning, refuse-burning, or control equipment and do not involve any change in quality or nature or increase in quantity of emission of any regulated air pollutant or toxic air pollutant;
- (4) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, cleaning with portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or non-asbestos-bearing insulation removal;
- (5) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
- (6) paving parking lots;
- (7) replacement of existing equipment with equipment of the same size, type, and function if the new equipment:
 - (A) does not result in an increase to the actual or potential emissions of any regulated air pollutant or toxic air pollutant;
 - (B) does not affect compliance status; and
 - (C) fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated pursuant to that permit without any changes to the permit;
- (8) comfort air conditioning or comfort ventilation systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (9) equipment used for the preparation of food for direct on-site human consumption;
- (10) non-self-propelled non-road engines regulated by rules adopted by the Environmental Protection Agency pursuant to Title II of the federal Clean Air Act, except generators;
- (11) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
- (12) use of fire-fighting equipment;
- (13) the use for agricultural operations by a farmer of fertilizers, pesticides, or other agricultural chemicals containing one or more of the compounds listed in 15A NCAC 02D .1104 if such compounds are applied according to agronomic practices for agricultural operations acceptable to the North Carolina Department of Agriculture;
- (14) asbestos demolition and renovation projects that comply with 15A NCAC 02D .1110 and that are being done by persons accredited by the Department of Health and Human Services pursuant to the Asbestos Hazard Emergency Response Act;
- (15) incinerators used only to dispose of dead animals or poultry as identified in 15A NCAC 02D .1201(b)(4) or incinerators used only to dispose of dead pets as identified in 15A NCAC 02D .1208(a)(2)(A);
- (16) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA pursuant to Title VI for stratospheric ozone protection, except those units used as or with air pollution control equipment;
- (17) laboratory activities:
 - (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (B) bench scale experimentation, chemical or physical analyses, or training or instruction from nonprofit, non-production educational laboratories;
 - (C) bench scale experimentation, chemical or physical analyses, or training or instruction from hospital or health laboratories pursuant to the determination or diagnoses of illnesses; and
 - (D) research and development laboratory activities that are not required to be permitted pursuant to 15A NCAC 02Q .0500, provided the activity produces no commercial product or feedstock material;
- (18) combustion sources as defined in 15A NCAC 02Q .0703, except new or modified combustion sources permitted on or after July 10, 2010;
- (19) storage tanks used only to store:
 - (A) inorganic liquids with a true vapor pressure less than 1.5 pounds per square inch absolute;

- (B) fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas, liquefied petroleum gas, or petroleum products with a true vapor pressure less than 1.5 pounds per square inch absolute;
- (20) dispensing equipment used solely to dispense diesel fuel, kerosene, lubricants, or cooling oils;
- (21) portable solvent distillation systems that are used for on-site solvent recycling if:
 - (A) the portable solvent distillation system is not owned by the facility;
 - (B) the portable solvent distillation system is not operated for more than seven consecutive days; and
 - (C) the material recycled is recycled at the site of origin;
- (22) processes:
 - (A) electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (B) electric motor bake-on ovens;
 - (C) burn-off ovens for paint-line hangers with afterburners;
 - (D) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes in which bleach or solvent dyes are not used;
 - (E) blade wood planers planing only green wood; and
 - (F) saw mills that saw no more than 2,000,000 board feet per year, provided only green wood is sawed;
- (23) wood furniture manufacturing operations as defined in 40 CFR 63.801(a) that comply with the emission limitations and other requirements of 40 CFR Part 63 Subpart JJ, provided that the terms of this exclusion shall not affect the authority of the Director pursuant to 15A NCAC 02Q .0712;
- (24) wastewater treatment systems at pulp and paper mills for hydrogen sulfide and methyl mercaptan only;
- (25) natural gas and propane fired external combustion sources with an aggregate allowable heat input value less than 450 million Btu per hour that are the only source of benzene at a facility;
- (26) internal combustion sources that are either of the following:
 - (A) emergency engines with an aggregate total horsepower less than 4843 horsepower that are the only source of formaldehyde at a facility; or
 - (B) stationary combustion turbines with an aggregate allowable heat input value less than 56 million Btu per hour that are the only source of formaldehyde at a facility;
- (27) an air emission source that is any of the following:
 - (A) subject to an applicable requirement pursuant to 40 CFR Part 61, as amended;
 - (B) an affected source pursuant to 40 CFR Part 63, as amended; or
 - (C) subject to a case-by-case MACT permit requirement issued by the Division pursuant to Paragraph (j) of 42 U.S.C. Section 7412, as amended;
- (28) gasoline-dispensing facilities or gasoline service station operations that comply with 15A NCAC 02D .0928 and .0932 and that receive gasoline from bulk gasoline plants or bulk gasoline terminals that comply with 15A NCAC 02D .0524, .0925, .0926, .0927, .0932, and .0933 via tank trucks that comply with 15A NCAC 02D .0932;
- (29) the use of ethylene oxide as a sterilant in the production and subsequent storage of medical devices or the packaging and subsequent storage of medical devices for sale if the emissions from all new and existing sources at a facility described in 15A NCAC 02D .0538(d) are controlled to the degree described in 15A NCAC 02D .0538(d) and the facility complies with 15A NCAC 02D .0538(e) and (f);
- (30) bulk gasoline plants, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding the storage and handling of other organic liquids, that comply with 15A NCAC 02D .0524, .0925, .0926, .0932, and .0933 unless the Director finds that a permit to emit toxic air pollutants is required under Paragraph (b) of this Rule or 15A NCAC 02Q .0712 for a particular bulk gasoline plant; or
- (31) bulk gasoline terminals, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding the storage and handling of other organic liquids, that comply with 15A NCAC 02D .0524, .0925, .0927, .0932, and .0933 if the bulk gasoline terminal existed before November 1, 1992, unless:
 - (A) a permit to emit toxic air pollutants is required under Paragraph (b) of this Rule or 15A NCAC 02Q .0712 for a particular bulk gasoline terminal; or

(B) the owner or operator of the bulk gasoline terminal meets the requirements of 15A NCAC 02D .0927(i).

(b) Emissions from the activities identified in Subparagraphs (a)(28) through (a)(31) of this Rule shall be considered in determining compliance with the toxic air pollutant requirements of this Section and shall be addressed in the permit if necessary to assure compliance. Emissions from the activities identified in Subparagraphs (a)(1) through (a)(27) of this Rule shall not be considered in determining compliance with the toxic air pollutant requirements in this Section if the terms of this exclusion will not affect the authority of the Director pursuant to 15A NCAC 02Q .0712.

(c) The addition or modification of an activity identified in Paragraph (a) of this Rule shall not cause the source or facility to be evaluated for emissions of toxic air pollutants.

(d) A source that is exempt from being permitted under this Section shall not be exempt from any applicable requirement other than those pursuant to 15A NCAC 02Q .0700 and 02D .1100. Additionally, the owner or operator of the source shall not be exempt from demonstrating compliance with any applicable requirement other than those exempt pursuant to 15A NCAC 02Q .0700 and 02D .1100.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;
Rule originally codified as part of 15A NCAC 02H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2014; July 10, 2010; April 1, 2005; July 1, 2002; July 1, 2000;
Readopted Eff. July 1, 2018.*

15A NCAC 02Q .0703 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Actual rate of emissions" means:
 - (a) for existing sources:
 - (i) for toxic air pollutants with an annual averaging period, the average rate or rates at which the source emitted the pollutant during the two-year period preceding the date of the particular modification and that represents the normal operation of the source. If this period does not represent the normal operation, the Director may allow the use of a different, more representative, period.
 - (ii) for toxic air pollutants with a 24-hour or one-hour averaging period, the maximum actual emission rate at which the source emitted the pollutant for the applicable averaging period during the two-year period preceding the date of the particular modification and that represents normal operation of the source. If this period does not represent normal operation, the Director may require or allow the use of a different, more representative, period.
 - (b) for new or modified sources, the average rate or rates, determined for the applicable averaging periods, that the proposed source will emit the pollutant as determined by engineering evaluation.
- (2) "Applicable averaging period" means the averaging period for which an acceptable ambient limit has been established by the Commission in 15A NCAC 02D .1104, including the provisions in 15A NCAC 02D .1106(d).
- (3) "Bioavailable chromate pigments" means the group of chromium (VI) compounds consisting of calcium chromate (CAS No.13765-19-0), calcium dichromate (CAS No. 14307-33-6), strontium chromate (CAS No. 7789-06-2), strontium dichromate (CAS No. 7789-06-2), zinc chromate (CAS No. 13530-65-9), and zinc dichromate (CAS No. 7789-12-0).
- (4) "CAS Number" means the Chemical Abstract Service registry number identifying a particular substance.
- (5) "Chromium (VI) equivalent" means the molecular weight ratio of the chromium (VI) portion of a compound to the total molecular weight of the compound multiplied by the associated compound emission rate or concentration at the facility.
- (6) "Combustion sources" means boilers, space heaters, process heaters, internal combustion engines, and combustion turbines that combust wood, unadulterated fossil fuels, or non-hazardous secondary materials that are not solid wastes pursuant to 40 CFR Part 241. It does not include incinerators, waste combustors, kilns, dryers, or direct heat exchange industrial processes.

- (7) "Creditable emissions" means emission decreases that have not been previously relied on to comply with Subchapter 15A NCAC 02D as part of a permit condition.
- (8) "Cresol" means o-cresol, p-cresol, m-cresol, or any combination of these compounds.
- (9) "Evaluation" means:
 - (a) a determination that the emissions from the facility, including emissions from sources exempted by 15A NCAC 02Q .0702(a)(28) through (31), are less than the rate listed in 15A NCAC 02Q .0711; or
 - (b) a determination of ambient air concentrations as described pursuant to 15A NCAC 02D .1106, including emissions from sources exempted by 15A NCAC 02Q .0702(a)(28) through (31).
- (10) "GACT" means a generally available control technology emission standard applied to an area source or facility pursuant to Section 112 of the federal Clean Air Act.
- (11) "Hexane isomers except n-hexane" means 2-methyl pentane, 3-methyl pentane, 2,2-dimethyl butane, 2,3-dimethyl butane, or any combination of these compounds.
- (12) "MACT" means a maximum achievable control technology emission standard applied to a source or facility pursuant to Section 112 federal Clean Air Act.
- (13) "Maximum feasible control" means the maximum degree of reduction for each pollutant subject to regulation under this Section using the best technology that is available taking into account, on a case-by-case basis, human health, energy, environmental, and economic impacts and other costs.
- (14) "Modification" means a physical changes or changes in the methods of operation that result in a net increase in emissions or ambient concentration of a pollutant listed in 15A NCAC 02Q .0711 or that result in the emission of any pollutant listed in 15A NCAC 02Q .0711 not previously emitted.
- (15) "Net increase in emissions" for a modification means the sum of all increases in permitted allowable and decreases in the actual rates of emissions from the proposed modification from the sources at the facility for which the air permit application is being filed. If the net increase in emissions from the proposed modification is greater than zero, all other increases in permitted allowable and decreases in the actual rates of emissions at the facility within the five years immediately preceding the filing of the air permit application for the proposed modification that are otherwise creditable emissions may be included.
- (16) "Nickel, soluble compounds" means the soluble nickel salts of chloride (NiCl_2 , CAS No. 7718-54-9), sulfate (NiSO_4 , CAS No. 7786-81-4), and nitrate ($\text{Ni}(\text{NO}_3)_2$, CAS No. 13138-45-9).
- (17) "Non-specific chromium (VI) compounds" means the group of compounds consisting of any chromium (VI) compounds not specified in this Section as a bioavailable chromate pigment or a soluble chromate compound.
- (18) "Polychlorinated biphenyls" means any chlorinated biphenyl compound or mixture of chlorinated biphenyl compounds.
- (19) "Pollution prevention plan" means a written description of current and projected plans to reduce, prevent, or minimize the generation of pollutants by source reduction and recycling and includes a site-wide assessment of pollution prevention opportunities at a facility that addresses sources of air pollution, water pollution, and solid and hazardous waste generation.
- (20) "Soluble chromate compounds" means the group of chromium (VI) compounds consisting of ammonium chromate (CAS No. 7788-98-9), ammonium dichromate (CAS No. 7789-09-5), chromic acid (CAS No. 7738-94-5), potassium chromate (CAS No. 7789-00-6), potassium dichromate (CAS No. 7778-50-9), sodium chromate (CAS No. 7775-11-3), and sodium dichromate (CAS No. 10588-01-9).

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;
Rule originally codified as part of 15A NCAC 02H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2014; April 1, 2001;
Readopted Eff. July 1, 2018.

15A NCAC 02Q .0704 NEW FACILITIES

- (a) This Rule shall apply only to new facilities.

(b) The owner or operator of a facility that is required to have a permit pursuant to 15A NCAC 02Q .0300 or .0500 and is subject to a Section in 15A NCAC 02D, other than 15A NCAC 02D .1100, shall receive a permit to emit toxic air pollutants before beginning construction and shall comply with the permit when beginning operation. This Rule shall not apply to facilities whose emissions of toxic air pollutants result only from sources exempted pursuant to 15A NCAC 02Q .0102.

(c) The owner or operator of the facility shall submit a permit application to comply with 15A NCAC 02D .1100 if emissions of any toxic air pollutant, excluding sources exempt from evaluation pursuant to 15A NCAC 02Q .0702, exceed the levels set forth in 15A NCAC 02Q .0711. Sources meeting the exemption set forth in 15A NCAC 02Q .0702(a)(27) shall be reviewed by the Division pursuant to G.S. 143-215.107(a)(5)b.

(d) A permit application filed pursuant to this Rule shall include an evaluation for all toxic air pollutants. All sources at the facility, excluding sources exempt from evaluation pursuant to 15A NCAC 02Q .0702, emitting these toxic air pollutants shall be included in the evaluation.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2014;
Readopted Eff. July 1, 2018.

15A NCAC 02Q .0705 EXISTING FACILITIES AND SIC CALLS

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Repealed Eff. May 1, 2014.

15A NCAC 02Q .0706 MODIFICATIONS

(a) The owner or operator shall comply with Paragraphs (b) and (c) of this Rule for a modification that is subject to a Rule in 15A NCAC 02D other than a Rule in 15A NCAC 02D .1100 and that:

- (1) requires a permit pursuant to 15A NCAC 02Q .0300 or .0500; or
- (2) occurs at a facility with a permit pursuant to 15A NCAC 02Q .0500 and emits a pollutant that is part of the facility's previous modeling demonstration conducted pursuant to 15A NCAC 02D .1104 and 15A NCAC 02Q .0709, if that modification is not exempted pursuant to 15A NCAC 02Q .0702.

This Rule shall not apply to facilities whose emissions of toxic air pollutants result only from insignificant activities, as defined in 15A NCAC 02Q .0103(20), or result only from sources exempted pursuant to 15A NCAC 02Q .0102.

(b) The owner or operator of the facility shall submit a permit application that complies with 15A NCAC 02D .1100 if the modification results in:

- (1) a net increase in emissions or ambient concentration as previously determined pursuant to 15A NCAC 02D .1106 and 15A NCAC 02Q .0709 of any toxic air pollutant that the facility was emitting before the modification; or
- (2) emissions of any toxic air pollutant that the facility was not emitting before the modification if such emissions exceed the levels set forth in 15A NCAC 02Q .0711.

(c) The permit application filed pursuant to this Rule shall include an evaluation for all toxic air pollutants identified pursuant to Paragraph (b) of this Rule.

(d) All sources at the facility, excluding sources exempt pursuant to 15A NCAC 02Q .0702, emitting these toxic air pollutants shall be included in the evaluation of toxic air pollutants required by Paragraph (c) of this Rule. Sources meeting the exemption set forth in 15A NCAC 02Q .0702(a)(27) shall be reviewed by the Division pursuant to G.S. 143-215.107(a)(5)b.

(e) If a source is included in an air toxic evaluation pursuant to Paragraph (c) of this Rule but is not the source that is being added or modified at the facility, and if the emissions from this source must be reduced in order for the facility to comply with the rules in this Section and 15A NCAC 02D .1100, the emissions from this source shall be reduced by the time the new or modified source begins operating such that the facility shall be in compliance with the rules of this Section and 15A NCAC 02D .1100.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;

*Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2014; July 10, 2010; December 1, 2005; April 1, 2005;
Readopted Eff. July 1, 2018;
Amended Eff. November 1, 2023.*

15A NCAC 02Q .0707 PREVIOUSLY PERMITTED FACILITIES

A facility with a permit that contains a restriction based on the evaluation of a source exempted pursuant to 15A NCAC 02Q .0702 may request a permit modification to adjust the restriction by removing from consideration the portion of emissions resulting from the exempt source unless the removal of the exempt source will result in an acceptable ambient level in 15A NCAC 02D .1104 being exceeded. The Director shall modify the permit to remove the applicability of the air toxic rules to the exempt source. No fee shall be charged solely for such a permit modification.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Readopted Eff. July 1, 2018.*

15A NCAC 02Q .0708 COMPLIANCE SCHEDULE FOR PREVIOUSLY UNKNOWN TOXIC AIR POLLUTANT EMISSIONS

(a) The owner or operator of a facility permitted to emit toxic air pollutants shall submit a permit application within six months after the owner or operator learns of an emission of a previously unknown toxic air pollutant from a source at the facility that would have been included in the permit when it was issued. The application shall include the information required by Paragraph (b) of this Rule.

(b) When an application to revise a permit is submitted under this Rule, the owner or operator shall in addition to the application, submit to the Director:

- (1) an evaluation for the pollutant required by this Section and 15 NCAC 02D .1100 that demonstrates compliance with the acceptable ambient level set forth in 15A NCAC 02D .1104; or
- (2) a compliance schedule containing the information required by Paragraph (c) of this Rule for the proposed modifications to the facility, required to assure compliance with the acceptable ambient level pursuant to this Section and Section 15A NCAC 02Q .1100.

(c) The compliance schedule required under Subparagraph (b)(2) of this Rule shall contain the following increments of progress, as applicable:

- (1) a date by which contracts for emission control and process equipment will be awarded or orders will be issued for the purchase of component parts;
- (2) a date by which on-site construction or installation of the emission control and process equipment will begin;
- (3) a date by which on-site construction or installation of the emission control and process equipment will be completed; and
- (4) the date by which final compliance will be achieved.

(d) Final compliance shall be achieved no later than:

- (1) six months after the permit modification or renewal was issued if construction or installation of emission control or process equipment was not required;
- (2) one year after the permit modification or renewal was issued if construction or installation of emission control or process equipment is required; or
- (3) the time that was normally required to construct a stack or install other dispersion enhancement modifications but not more than one year after the permit modification or renewal was issued.

(e) The owner or operator shall certify to the Director, within 10 days after each applicable deadline for each increment of progress required in Paragraph (c) of this Rule, whether the required increment of progress has been met.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(5); 143B-282; S.L. 1989, c. 168, s. 45;
Eff. July 1, 1998;
Readopted Eff. July 1, 2018.*

15A NCAC 02Q .0709 DEMONSTRATIONS

(a) Demonstrations. The owner or operator of a source that is applying for a permit or permit modification to emit toxic air pollutants shall:

- (1) demonstrate to the Director through dispersion modeling conducted pursuant to 15A NCAC 02D .1106 that the emissions of toxic air pollutants from the facility will not cause any acceptable ambient level listed in 15A NCAC 02D .1104 to be exceeded beyond the facility's premises with such exceptions as may be allowed pursuant to 15A NCAC 02Q .0700; or
- (2) demonstrate to the Commission or its delegate that the ambient concentration beyond the premises (adjacent property boundary) for the subject toxic air pollutant will not adversely affect human health (e.g., with a risk assessment specific to the facility) though the concentration is higher than the acceptable ambient level in 15A NCAC 02D .1104 by providing one of the following demonstrations:
 - (A) the area where the ambient concentrations are expected to exceed the acceptable ambient levels in 15A NCAC 02D .1104 is not inhabitable or occupied for the duration of the averaging time of the pollutant of concern; or
 - (B) new toxicological data that show that the acceptable ambient level in 15A NCAC 02D .1104 for the pollutant of concern is too low and the facility's ambient impact is below the level indicated by the new toxicological data.

(b) Technical Infeasibility and Economic Hardship. This Paragraph shall not apply to any incinerator governed by 15A NCAC 02D .1200. The owner or operator of any source constructed before May 1, 1990, or a combustion source as defined in 15A NCAC 02Q .0703 permitted before July 10, 2010, that cannot supply a demonstration described in Paragraph (a) of this Rule shall:

- (1) demonstrate to the Commission or its delegate that complying with the guidelines in 15A NCAC 02D .1104 is technically infeasible, because the technology necessary to reduce emissions to a level to prevent the acceptable ambient levels in 15A NCAC 02D .1104 from being exceeded does not exist; or
- (2) demonstrate to the Commission or its delegate that complying with the guidelines in 15A NCAC 02D .1104 would result in serious economic hardship. In deciding if a serious economic hardship exists, the Commission or its delegate shall consider market impact; impacts on local, regional, and state economy; risk of closure; capital cost of compliance; annual incremental compliance cost; and environmental and health impacts.

If the owner or operator makes a demonstration pursuant to Subparagraphs (1) or (2) of this Paragraph, the Director shall require the owner or operator of the source to apply maximum feasible control. Maximum feasible control shall be in place and operating within three years from the date that the permit is issued for the maximum feasible control.

(c) Pollution Prevention Plan. The owner or operator of any facility using the provisions of Part (a)(2)(A) or Paragraph (b) of this Rule shall develop and implement a pollution prevention plan consisting of the following elements:

- (1) a statement of corporate and facility commitment to pollution prevention;
- (2) an identification of current and past pollution prevention activities;
- (3) a timeline and strategy for implementation;
- (4) a description of ongoing and planned employee education efforts; and
- (5) an identification of internal pollution prevention goals selected by the facility and expressed in either qualitative or quantitative terms.

The facility shall submit the plan along with the permit application. The plan shall be maintained on site. A progress report on implementation of the plan shall be prepared by the facility annually and be made available to Division personnel for review upon request.

(d) Modeling Demonstration. If the owner or operator of a facility demonstrates by modeling that no toxic air pollutant emitted from the facility exceeds the acceptable ambient level values set out in 15A NCAC 02D .1104 beyond the facility's premises, further modeling demonstration shall not be required with the permit application. However, the Commission may still require more stringent emission levels based on its analysis pursuant to 15A NCAC 02D .1107.

(e) Change in Acceptable Ambient Level. When an acceptable ambient level for a toxic air pollutant in 15A NCAC 02D .1104 is changed, any condition that has previously been put in a permit to ensure compliance with the previous acceptable ambient level for that toxic air pollutant shall not be changed until:

- (1) The permit is renewed, at which time the owner or operator of the facility shall submit an air toxic evaluation, excluding sources exempt from evaluation in 15A NCAC 02Q .0702, showing that the

new acceptable ambient level will not be exceeded. If additional time is needed to bring the facility into compliance with the new acceptable ambient level, the owner or operator shall negotiate a compliance schedule with the Director to protect public health as demonstrated pursuant to this Rule. The compliance schedule shall be written into the facility's permit and final compliance shall not exceed two years from the effective date of the change in the acceptable ambient level; or

- (2) The owner or operator of the facility requests that the condition be changed and submits along with that request an air toxic evaluation, excluding sources exempt from evaluation in 15A NCAC 02Q .0702, showing that the new acceptable ambient level shall not be exceeded.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2014; July 10, 2010; February 1, 2005;
Readopted Eff. July 1, 2018.

15A NCAC 02Q .0710 PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC HEARING

(a) If the owner or operator of a facility chooses to make a demonstration pursuant to 15A NCAC 02Q .0709(a)(2) or (b), the Commission or its delegate shall approve or disapprove the permit after a public notice with an opportunity for a public hearing.

(b) The public notice shall be given by publication in a newspaper of general circulation in the area where the facility is located and shall be provided to persons who are on the Division's notification list for air quality permit notices.

(c) The public notice shall identify:

- (1) the affected facility;
- (2) the name and address of the permittee;
- (3) the name and address of the person to whom to send comments and requests for public hearing;
- (4) the name, address, and telephone number of a Divisional staff person from whom interested persons may obtain additional information, including copies of the draft permit, the application, compliance plan, pollution prevention plan, monitoring and compliance reports, and other materials available to the Division that are relevant to the permit decision;
- (5) the activity or activities involved in the permit action;
- (6) emissions change involved in the proposed permit modification;
- (7) a brief description of the public comment procedures;
- (8) the procedures to follow to request a public hearing unless a public hearing has already been scheduled; and
- (9) the time and place of a hearing that has already been scheduled.

(d) The notice shall allow not less than 30 days for public comments.

(e) If the Director determines that significant public interest exists or that the public interest will be served, the Director shall require a public hearing to be held on a draft permit. Notice of a public hearing shall be given not less than 30 days before the public hearing.

(f) The Director shall make available for public inspection in the region affected the information submitted by the permit applicant and the Division's analysis of that application.

(g) A person requesting paper copies of material identified in Subparagraph (c)(4) of this Rule shall pay ten cents (\$0.10) per page copied. Confidential material shall be handled in accordance with 15A NCAC 02Q .0107.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Readopted Eff. July 1, 2018;
Amended Eff. September 1, 2023.

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

(a) A permit to emit toxic air pollutants shall be required for any facility, excluding sources exempt from evaluation by 15A NCAC 02Q .0702, if one or more emission release points are obstructed or non-vertically oriented whose

actual rate of emissions by pollutant from all sources is greater than any one of the following toxic air pollutant permitting emissions rates:

Obstructed or Non-Vertical Oriented Toxic Air Pollutant Permitting Emission Rates (TPER)				
Pollutant (CAS Number)	Carcinogens lb/yr	Chronic Toxicants lb/day	Acute Systemic Toxicants lb/hr	Acute Irritants lb/hr
acetaldehyde (75-07-0)				6.8
acetic acid (64-19-7)				0.96
acrolein (107-02-8)				0.02
acrylonitrile (107-13-1)		0.4	0.22	
ammonia (7664-41-7)				0.68
aniline (62-53-3)			0.25	
arsenic and inorganic arsenic compounds	0.053			
asbestos (1332-21-4)	5.7×10^{-3}			
aziridine (151-56-4)		0.13		
benzene (71-43-2)	8.1			
benzidine and salts (92-87-5)	0.0010			
benzo(a)pyrene (50-32-8)	2.2			
benzyl chloride (100-44-7)			0.13	
beryllium (7440-41-7)	0.28			
beryllium chloride (7787-47-5)	0.28			
beryllium fluoride (7787-49-7)	0.28			
beryllium nitrate (13597-99-4)	0.28			
bioavailable chromate pigments, as chromium (VI) equivalent	0.0056			
bis-chloromethyl ether (542-88-1)	0.025			
bromine (7726-95-6)				0.052
1,3-butadiene (106-99-0)	11			
cadmium (7440-43-9)	0.37			
cadmium acetate (543-90-8)	0.37			
cadmium bromide (7789-42-6)	0.37			
carbon disulfide (75-15-0)		3.9		
carbon tetrachloride (56-23-5)	460			
chlorine (7782-50-5)		0.79		0.23
chlorobenzene (108-90-7)		46		
chloroform (67-66-3)	290			
chloroprene (126-99-8)		9.2	0.89	
cresol (1319-77-3)			0.56	
p-dichlorobenzene (106-46-7)				16.8
di(2-ethylhexyl)phthalate (117-81-7)		0.63		
dimethyl sulfate (77-78-1)		0.063		
1,4-dioxane (123-91-1)		12		
epichlorohydrin (106-89-8)	5600			
ethyl acetate (141-78-6)			36	
ethylenediamine (107-15-3)		6.3	0.64	
ethylene dibromide (106-93-4)	27			
ethylene dichloride (107-06-2)	260			
ethylene glycol monoethyl ether (110-80-5)		2.5	0.48	
ethylene oxide (75-21-8)	1.8			
ethyl mercaptan (75-08-1)			0.025	
fluorides		0.34	0.064	
formaldehyde (50-00-0)				0.04

Obstructed or Non-Vertical Oriented Toxic Air Pollutant Permitting Emission Rates (TPER)				
Pollutant (CAS Number)	Carcinogens lb/yr	Chronic Toxicants lb/day	Acute Systemic Toxicants lb/hr	Acute Irritants lb/hr
hexachlorocyclopentadiene (77-47-4)		0.013	0.0025	
hexachlorodibenzo-p-dioxin (57653- 85-7)	0.0051			
n-hexane (110-54-3)		23		
hexane isomers except n-hexane				92
hydrazine (302-01-2)		0.013		
hydrogen chloride (7647-01-0)				0.18
hydrogen cyanide (74-90-8)		2.9	0.28	
hydrogen fluoride (7664-39-3)		0.63		0.064
hydrogen sulfide (7783-06-4)		1.7		
maleic anhydride (108-31-6)		0.25	0.025	
manganese and compounds		0.63		
manganese cyclopentadienyl tricarbonyl (12079-65-1)		0.013		
manganese tetroxide (1317-35-7)		0.13		
mercury, alkyl		0.0013		
mercury, aryl and inorganic compounds		0.013		
mercury, vapor (7439-97-6)		0.013		
methyl chloroform (71-55-6)		250		64
methylene chloride (75-09-2)	1600		0.39	
methyl ethyl ketone (78-93-3)		78		22.4
methyl isobutyl ketone (108-10-1)		52		7.6
methyl mercaptan (74-93-1)			0.013	
nickel carbonyl (13463-39-3)		0.013		
nickel metal (7440-02-0)		0.13		
nickel, soluble compounds, as nickel		0.013		
nickel subsulfide (12035-72-2)	0.14			
nitric acid (7697-37-2)				0.256
nitrobenzene (98-95-3)		1.3	0.13	
n-nitrosodimethylamine (62-75-9)	3.4			
non-specific chromium (VI) compounds, as chromium (VI) equivalent	0.0056			
pentachlorophenol (87-86-5)		0.063	0.0064	
perchloroethylene (127-18-4)	13000			
phenol (108-95-2)			0.24	
phosgene (75-44-5)		0.052		
phosphine (7803-51-2)				0.032
polychlorinated biphenyls (1336-36- 3)	5.6			
soluble chromate compounds, as chromium (VI) equivalent		0.013		
styrene (100-42-5)			2.7	
sulfuric acid (7664-93-9)		0.25	0.025	
tetrachlorodibenzo-p-dioxin (1746- 01-6)	0.00020			
1,1,2,2-tetrachloroethane (79-34-5)	430			
toluene (108-88-3)		98		14.4
toluene diisocyanate,2,4-(584-84-9) and 2,6- (91-08-7) isomers		0.003		
trichloroethylene (79-01-6)	4000			
vinyl chloride (75-01-4)	26			
vinylidene chloride (75-35-4)		2.5		

Obstructed or Non-Vertical Oriented Toxic Air Pollutant Permitting Emission Rates (TPER)				
Pollutant (CAS Number)	Carcinogens	Chronic Toxicants	Acute Systemic Toxicants	Acute Irritants
	lb/yr	lb/day	lb/hr	lb/hr
xylene (1330-20-7)		57		16.4

(b) A permit to emit toxic air pollutants shall be required for any facility if all emission release points are unobstructed and vertically oriented whose actual rate of emissions from all sources is greater than any one of the following toxic air pollutant permitting emissions rates:

Unobstructed Toxic Air Pollutant Permitting Emission Rates (TPER)				
Pollutant (CAS Number)	Carcinogens	Chronic Toxicants	Acute Systemic Toxicants	Acute Irritants
	lb/yr	lb/day	lb/hr	lb/hr
acetaldehyde (75-07-0)				28.43
acetic acid (64-19-7)				3.90
acrolein (107-02-8)				0.08
acrylonitrile (107-13-1)		1.3	1.05	
ammonia (7664-41-7)				2.84
aniline (62-53-3)			1.05	
arsenic and inorganic arsenic compounds	0.194			
asbestos (1332-21-4)	7.748 x 10 ⁻³			
aziridine (151-56-4)		0.3		
benzene (71-43-2)	11.069			
benzidine and salts (92-87-5)	1.384 x 10 ⁻³			
benzo(a)pyrene (50-32-8)	3.044			
benzyl chloride (100-44-7)			0.53	
beryllium (7440-41-7)	0.378			
beryllium chloride (7787-47-5)	0.378			
beryllium fluoride (7787-49-7)	0.378			
beryllium nitrate (13597-99-4)	0.378			
bioavailable chromate pigments, as chromium (VI) equivalent	0.008			
bis-chloromethyl ether (542-88-1)	0.034			
bromine (7726-95-6)				0.21
1,3-butadiene (106-99-0)	40.585			
cadmium (7440-43-9)	0.507			
cadmium acetate (543-90-8)	0.507			
cadmium bromide (7789-42-6)	0.507			
carbon disulfide (75-15-0)		7.8		
carbon tetrachloride (56-23-5)	618.006			
chlorine (7782-50-5)		1.6		0.95
chlorobenzene (108-90-7)		92.7		
chloroform (67-66-3)	396.631			
chloroprene (126-99-8)		18.5	3.69	
cresol (1319-77-3)			2.32	
p-dichlorobenzene (106-46-7)				69.50
di(2-ethylhexyl)phthalate (117-81-7)		1.3		
dimethyl sulfate (77-78-1)		0.1		
1,4-dioxane (123-91-1)		23.6		
epichlorohydrin (106-89-8)	7655.891			
ethyl acetate (141-78-6)			147.41	

Unobstructed Toxic Air Pollutant Permitting Emission Rates (TPER)				
Pollutant (CAS Number)	Carcinogens lb/yr	Chronic Toxicants lb/day	Acute Systemic Toxicants lb/hr	Acute Irritants lb/hr
ethylenediamine (107-15-3)		12.6	2.63	
ethylene dibromide (106-93-4)	36.896			
ethylene dichloride (107-06-2)	350.511			
ethylene glycol monoethyl ether (110-80-5)		5.1	2.00	
ethylene oxide (75-21-8)	2.490			
ethyl mercaptan (75-08-1)			0.11	
fluorides		0.7	0.26	
formaldehyde (50-00-0)				0.16
hexachlorocyclopentadiene (77-47-4)		2.5×10^{-2}	0.01	
hexachlorodibenzo-p-dioxin (57653- 85-7)	0.007			
n-hexane (110-54-3)		46.3		
hexane isomers except n-hexane				379.07
hydrazine (302-01-2)		2.5×10^{-2}		
hydrogen chloride (7647-01-0)				0.74
hydrogen cyanide (74-90-8)		5.9	1.16	
hydrogen fluoride (7664-39-3)		1.3		0.26
hydrogen sulfide (7783-06-4)		5.1		
maleic anhydride (108-31-6)		0.5	0.11	
manganese and compounds		1.3		
manganese cyclopentadienyl tricarbonyl (12079-65-1)		2.5×10^{-2}		
manganese tetroxide (1317-35-7)		0.3		
mercury, alkyl		2.5×10^{-3}		
mercury, aryl and inorganic compounds		2.5×10^{-2}		
mercury, vapor (7439-97-6)		2.5×10^{-2}		
methyl chloroform (71-55-6)		505.4		257.98
methylene chloride (75-09-2)	2213.752		1.79	
methyl ethyl ketone (78-93-3)		155.8		93.19
methyl isobutyl ketone (108-10-1)		107.8		31.59
methyl mercaptan (74-93-1)			0.05	
nickel carbonyl (13463-39-3)		2.5×10^{-2}		
nickel metal (7440-02-0)		0.3		
nickel, soluble compounds, as nickel		2.5×10^{-2}		
nickel subsulfide (12035-72-2)	0.194			
nitric acid (7697-37-2)				1.05
nitrobenzene (98-95-3)		2.5	0.53	
n-nitrosodimethylamine (62-75-9)	4.612			
non-specific chromium (VI) compounds, as chromium (VI) equivalent	0.008			
pentachlorophenol (87-86-5)		0.1	0.03	
perchloroethylene (127-18-4)	17525.534			
phenol (108-95-2)			1.00	
phosgene (75-44-5)		0.1		
phosphine (7803-51-2)				0.14
polychlorinated biphenyls (1336-36- 3)	7.656			
soluble chromate compounds, as chromium (VI) equivalent		2.6×10^{-2}		
styrene (100-42-5)			11.16	
sulfuric acid (7664-93-9)		0.5	0.11	

Unobstructed Toxic Air Pollutant Permitting Emission Rates (TPER)				
Pollutant (CAS Number)	Carcinogens	Chronic Toxicants	Acute Systemic Toxicants	Acute Irritants
	lb/yr	lb/day	lb/hr	lb/hr
tetrachlorodibenzo-p-dioxin (1746- 01-6)	2.767 x 10 ⁻⁴			
1,1,2,2-tetrachloroethane (79-34-5)	581.110			
toluene (108-88-3)		197.96		58.97
toluene diisocyanate,2,4-(584-84-9) and 2,6- (91-08-7) isomers		8.4 x 10 ⁻³		
trichloroethylene (79-01-6)	5442.140			
vinyl chloride (75-01-4)	35.051			
vinylidene chloride (75-35-4)		5.1		
xylene (1330-20-7)		113.7		68.44

(c) For the following pollutants, the highest emissions occurring in any 15-minute period shall be multiplied by four and the product shall be compared to the value in Paragraph (a) or (b), as applicable:

- (1) acetaldehyde (75-07-0);
- (2) acetic acid (64-19-7);
- (3) acrolein (107-02-8);
- (4) ammonia (7664-41-7);
- (5) bromine (7726-95-6);
- (6) chlorine (7782-50-5);
- (7) formaldehyde (50-00-0);
- (8) hydrogen chloride (7647-01-0);
- (9) hydrogen fluoride (7664-39-3); and
- (10) nitric acid (7697-37-2).

History Note: Authority G.S. 143-215.3(a)(1); 143-215-107; 143-215.108; 143B-282;
Rule originally codified as part of 15A NCAC 02H .0610;
Eff. July 1, 1998;
Amended Eff. May 1, 2015; July 7, 2014; May 1, 2014; January 1, 2010; June 1, 2008; April 1, 2005; February 1, 2005; April 1, 2001;
Readopted Eff. July 1, 2018.

15A NCAC 02Q .0712 CALLS BY THE DIRECTOR

Notwithstanding any other provision of this Section or 15A NCAC 02D .1100, upon a written finding that a source or facility emitting toxic air pollutants presents an unacceptable risk to human health based on the acceptable ambient levels in 15A NCAC 02D .1104 or epidemiology studies, the Director shall require the owner or operator of the source or facility to submit a permit application to comply with 15A NCAC 02D .1100 for any or all of the toxic air pollutants emitted from the facility.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45;
Rule originally codified as part of 15A NCAC 2H .0610;
Eff. July 1, 1998;
Readopted Eff. July 1, 2018.

15A NCAC 02Q .0713 POLLUTANTS WITH OTHERWISE APPLICABLE FEDERAL STANDARDS OR REQUIREMENTS

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S.L. 1989, c. 168, s. 45;
Eff. July 1, 1998;
Repealed Eff. July 1, 2018.

15A NCAC 02Q .0714 WASTEWATER TREATMENT SYSTEMS AT PULP AND PAPER MILLS

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143B-282;
Eff. April 1, 2005;
Repealed Eff. May 1, 2014.*

SECTION .0800 - EXCLUSIONARY RULES

15A NCAC 02Q .0801 PURPOSE AND SCOPE

(a) This Section establishes categories of facilities that may be exempt from the requirements of 15A NCAC 02Q .0500, 15A NCAC 02D .1111, or 40 CFR Part 63 by defining their potential emissions to be less than:

- (1) 100 tons per year of each regulated air pollutant;
- (2) 10 tons per year of each hazardous air pollutant; and
- (3) 25 tons per year of all hazardous air pollutants combined;

as determined by criteria set out in each individual source category rule.

(b) A maximum achievable control technology (MACT) standard promulgated pursuant to 40 CFR Part 63 shall be used to determine the applicability of that MACT standard, notwithstanding any exemption established in this Section.

(c) Potential emissions of hazardous air pollutants limited through the procedures of this Section may be used to determine the applicability of specific requirements of 40 CFR Part 63 to a facility.

(d) The owner or operator of a facility or source qualified to be governed pursuant to a rule in this Section who chooses not to be governed pursuant to that rule shall notify the Director in writing that he or she does not want the facility or source to be governed by this Section, and this Section shall no longer apply to that facility or source.

(e) Violations of rate-based emission limits or other applicable requirements shall not be excused by reliance on emission limits or caps set forth in this Section.

(f) An exemption pursuant to this Section from the requirements set forth in 15A NCAC 02Q .0500, 15A NCAC 02D.1111, or 40 CFR Part 63 shall not affect the requirements of 15A NCAC 02Q .0300, Construction and Operation Permit.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. April 1, 1999;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0802 GASOLINE SERVICE STATIONS AND DISPENSING FACILITIES

(a) For the purpose of this Rule the following definitions shall apply:

- (1) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.
- (2) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.

(b) This Rule shall apply only to gasoline service stations and gasoline dispensing facilities that are in compliance with 15A NCAC 02D .0928.

(c) Potential emissions from gasoline service stations and gasoline dispensing facilities shall be determined using actual gasoline throughput.

(d) A gasoline service station or gasoline dispensing facility that has an annual throughput, on a calendar month rolling average basis, of less than 52,000,000 gallons shall be exempt from the requirements of 15A NCAC 02Q .0500.

(e) The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from 15A NCAC 02Q .0500 shall submit a report containing the information described in Paragraph (f) of this Rule if:

- (1) annual throughput exceeds 45,000,000 gallons, by the end of the month following the month that throughput exceeds 45,000,000 gallons and every 12 months thereafter;
- (2) annual throughput exceeds 50,000,000 gallons, by the end of the month following the month that throughput exceeds 50,000,000 gallons and every six months thereafter; or
- (3) annual throughput equals or exceeds 52,000,000 gallons, by the end of the month following the month that throughput equals or exceeds 52,000,000 gallons and shall submit a permit application pursuant to 15A NCAC 02Q .0500.

- (f) The report required by Paragraph (e) of this Rule shall include:
- (1) the name and location of the gasoline service station or gasoline dispensing facility;
 - (2) the annual throughput of gasoline for each of the 12-month periods ending on each month since the previous report was submitted, including monthly gasoline throughput for each month required to calculate the annual gasoline throughput for each 12-month period; and
 - (3) the signature of the responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.
- (g) The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of annual throughput to the Director upon request. The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document annual throughput for all 12-month periods during the previous three years.
- (h) For facilities governed by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Readopted Eff. April 1, 2018;
Amended Eff. July 1, 2024.*

15A NCAC 02Q .0803 COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS

- (a) For the purposes of this Rule, the following definitions shall apply:
- (1) "Coating operation" means a process in which paints, enamels, lacquers, varnishes, inks, dyes, glues, and other similar materials are applied to wood, paper, metal, plastic, textiles, or other types of substrates.
 - (2) "Solvent cleaning operation" means the use of solvents containing volatile organic compounds to clean soils from metal, plastic, or other types of surfaces.
 - (3) "Graphic arts operation" means the application of inks to form words, designs, or pictures to a substrate, usually by a series of application rolls each with only partial coverage and usually using letterpress, offset lithography, rotogravure, or flexographic process.
- (b) Potential emissions from a coating operation, solvent cleaning operation, or graphic arts operation shall be determined using actual emissions without accounting for any air pollution control devices to reduce emissions of volatile organic compounds or hazardous air pollutants, including perchloroethylene, methyl chloroform, and methyl chloride, from the coating operation, solvent cleaning operation, or graphic arts operation. All volatile organic compounds; hazardous air pollutants that are also volatile organic compounds; and perchloroethylene, methyl chloroform, and methyl chloride shall be assumed to evaporate and be emitted into the atmosphere at the source.
- (c) Paragraphs (e) through (m) of this Rule shall not apply to any facility whose potential emissions are greater than or equal to:
- (1) 100 tons per year of each regulated air pollutant;
 - (2) 10 tons per year of each hazardous air pollutant; or
 - (3) 25 tons per year of all hazardous air pollutants combined,
- as determined by criteria set out in each individual source category rule.
- (d) A maximum achievable control technology (MACT) standard promulgated pursuant to 40 CFR Part 63 shall be used to determine the applicability of that MACT standard, notwithstanding any exemption established in this Rule.
- (e) With the exception of Paragraph (c) of this Rule, the owner or operator of a coating, solvent cleaning, or graphics arts operation shall be exempt from the requirements of 15A NCAC 02Q .0500, provided that the owner or operator of the facility complies with Paragraphs (g) through (k) of this Rule, as appropriate.
- (f) Only Paragraph (b) of this Rule shall apply to coating operations, solvent cleaning operations, or graphic arts operations that are exempt from permitting by 15A NCAC 02Q .0102.
- (g) The owner or operator of a facility whose potential emissions:
- (1) of volatile organic compounds are less than 100 tons per year but more than or equal to 75 tons per year;
 - (2) of each hazardous air pollutant is less than 10 tons per year but more than or equal to 7.5 tons per year; or
 - (3) of all hazardous air pollutants combined are less than 25 tons per year but more than or equal to 18 tons per year,

shall maintain records and submit reports as described in Paragraphs (h) and (k) of this Rule.

(h) For facilities governed by Paragraph (g) of this Rule, the owner or operator shall:

- (1) maintain monthly consumption records of each material used that contains volatile organic compounds as follows:
 - (A) the quantity of volatile organic compound in pounds per gallon of each material used;
 - (B) the pounds of volatile organic compounds of each material used per month and the total pounds of volatile organic compounds of each material used during the 12-month period ending on that month;
 - (C) the quantity of each hazardous air pollutant in pounds per gallon of each material used;
 - (D) the pounds of each hazardous air pollutant of each material used per month and the total pounds of each hazardous air pollutant of each material used during the 12-month period ending on that month;
 - (E) the quantity of all hazardous air pollutants in pounds per gallon of each material used; and
 - (F) the pounds of all hazardous air pollutants of each material used per month and the total pounds of all hazardous air pollutants of each material used during the 12-month period ending on that month; and
- (2) submit to the Director each quarter, or more frequently if required by a permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants containing the following:
 - (A) the pounds volatile organic compounds used:
 - (i) for each month during the quarter; and
 - (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method;
 - (B) the greatest quantity in pounds of an individual hazardous air pollutant used:
 - (i) for each month during the quarter; and
 - (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method; and
 - (C) the pounds of all hazardous air pollutants used:
 - (i) for each month during the quarter; and
 - (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method.

(i) The owner or operator of a facility whose potential emissions:

- (1) of volatile organic compounds are less than 75 tons per year;
- (2) of each hazardous air pollutant is less than 7.5 tons per year, and
- (3) of all hazardous air pollutants combined are less than 18 tons per year,

shall maintain records and submit reports as described in Paragraphs (j) and (k) of this Rule.

(j) For facilities governed by Paragraph (i) of this Rule, the owner or operator shall submit to the regional supervisors of the appropriate Division regional office by March 1 of each year, or more frequently if required by a permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants containing the following:

- (1) the number of pounds of volatile organic compounds used during the previous calendar year;
- (2) the number of pounds of the highest individual hazardous air pollutant used during the previous year; and
- (3) the number of pounds of all hazardous air pollutants used during the previous year.

(k) In addition to the specific reporting requirements for sources governed by Paragraphs (g) and (i) of this Rule, the owner or operator of the source shall:

- (1) maintain purchase orders and invoices of materials containing volatile organic compounds, which shall be made available to the Director upon request;
- (2) retain purchase orders and invoices for a period of at least three years;
- (3) report to the Director any exceedance of a requirement of this Rule within one week of occurrence; and
- (4) certify all submittals as to the truth, completeness, and accuracy of all information recorded and reported over the signature of a responsible official as defined in 15A NCAC 02Q .0303.

(l) Copies of all records required to be maintained pursuant to Paragraphs (h), (j) or (k) of this Rule shall be maintained at the facility and shall be available for inspection by personnel of the Division.

(m) The Director shall maintain a list of facilities governed by this Rule.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. April 1, 2001; April 1, 1999;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0804 DRY CLEANING FACILITIES

(a) For the purpose of this Rule, the following definitions shall apply:

- (1) "Dry cleaning facility" means an establishment with one or more dry cleaning systems as defined in 40 CFR 63.321.
- (2) "Perchloroethylene consumption" means the total volume of perchloroethylene purchased based upon purchase receipts or other reliable measures.

(b) Potential emissions from dry cleaning facilities shall be determined using perchloroethylene consumption.

(c) A dry cleaning facility that has a yearly perchloroethylene consumption as determined pursuant to 40 CFR 63.323(d) of less than 10 tons shall be exempt from the requirements of 15A NCAC 02Q .0500.

(d) The owner or operator of a dry cleaning facility shall report perchloroethylene consumption in accordance with 40 CFR 63.324.

(e) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0805 GRAIN ELEVATORS

(a) This Rule shall apply to grain elevators that only:

- (1) receive grain directly from the farm; and
- (2) clean, dry, grind, or store grain before it is transported elsewhere.

(b) This Rule shall not apply to:

- (1) facilities that process grain beyond cleaning, drying, or grinding; or
- (2) facilities that use:
 - (A) tunnel belts; or
 - (B) head houses and elevator legs vented to cyclonic control devices.

(c) Potential emissions from grain elevators shall be determined using tons of grain received or shipped, whichever is greater.

(d) A grain elevator that receives or ships less than 588,000 tons of grain per year shall be exempt from the requirements of 15A NCAC 02Q .0500.

(e) The owner or operator of a grain elevator that receives or ships:

- (1) less than 392,000 tons of grain per year shall retain records of annual tons of grain received or shipped at the site. These records shall be made available to Division personnel upon request of the Division; or
- (2) at least 392,000 but less than 588,000 tons of grain per year shall retain records of annual tons of grain received or shipped at the site and shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:
 - (A) the name and location of the grain elevator;
 - (B) the number of tons of grain received and shipped during the previous calendar year; and
 - (C) the signature of a responsible official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

(f) The owner or operator of the grain elevator exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of annual tons of grain received or shipped to the Director upon request. The owner or operator of a grain elevator exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document annual tons of grain received or shipped for each of the previous three years.

(g) For facilities governed by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. April 1, 2001; July 1, 1998;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0806 COTTON GINS

- (a) Potential emissions from cotton gins shall be determined using number of bales of cotton, not exceeding 500 pounds each, produced.
- (b) A cotton gin that gins less than 167,000 bales of cotton per year shall be exempt from the requirements of 15A NCAC 02Q .0500.
- (c) The owner or operator of a cotton gin exempted by this Rule from 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:
 - (1) the name and location of the cotton gin;
 - (2) the number of bales of cotton produced during the previous year; and
 - (3) the signature of a responsible official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.
- (d) The owner or operator of a cotton gin exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of the number of bales produced to the Director upon request. The owner or operator of a cotton gin exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document number of bales of cotton produced for each of the previous three years.
- (e) If the number of bales specified in Paragraph (b) of this Rule are exceeded, the owner or operator shall report to the Director this event within one week of its occurrence.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. June 1, 2004; April 1, 2001; July 1, 1998;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0807 EMERGENCY GENERATORS

- (a) This Rule shall apply to facilities whose only sources requiring a permit are one or more emergency generators or emergency use internal combustion engines and associated fuel storage tanks.
- (b) For the purposes of this Rule:
 - (1) "Emergency generator" means a stationary internal combustion engine used to generate electricity at the facility only during the loss of primary power that is beyond the control of the owner or operator of the facility or during maintenance if necessary to protect the environment. An emergency generator may be operated periodically to ensure that it will operate.
 - (2) "Emergency use internal combustion engines" means stationary internal combustion engines used to drive pumps, aerators, and other equipment at the facility only during the loss of primary power that is beyond the control of the owner or operator of the facility or during maintenance if necessary to protect the environment. An emergency use internal combustion engine may be operated periodically to ensure that it will operate.
- (c) For the purposes of this Rule, potential emissions from emergency generators and emergency use internal combustion engines shall be determined using fuel consumption.
- (d) A facility whose emergency generators and emergency use internal combustion engines that consume less than:
 - (1) 322,000 gallons per year of diesel fuel for diesel-powered generators;
 - (2) 62,500,000 cubic feet per year of natural gas for natural gas-powered generators;
 - (3) 1,440,000 gallons per year of liquefied petroleum gas for liquefied petroleum gas-powered generators; and
 - (4) 50,800 gallons per year of gasoline for gasoline-powered generators,shall be exempt from the requirements of 15A NCAC 02Q .0500.
- (e) The owner or operator of a emergency generator or emergency use internal combustion engine exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office by March 1 of each year a report containing the following information:
 - (1) the name and location of the facility;

- (2) the types and quantity of fuel consumed by emergency generators and emergency use internal combustion engines; and
 - (3) the signature of the responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.
- (f) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of types and quantities of fuel consumed to the Director upon request. The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document types and quantities of fuels consumed for each of the previous three years.
- (g) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
 Eff. August 1, 1995;
 Amended Eff. April 1, 2001; July 1, 1998;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0808 PEAK SHAVING GENERATORS

- (a) This Rule shall apply to facilities whose only sources requiring a permit are one or more peak shaving generators and their associated fuel storage tanks.
- (b) For the purpose of this Rule, potential emissions shall be determined using actual total fuel consumption.
- (c) A facility whose total fuel consumption by one or more peak shaving generators shall be exempt from the requirements of 15A NCAC 02Q .0500 if the facility uses:
 - (1) natural gas burning turbine-driven generators that combust less than or equal to 5,625,000 therms per year;
 - (2) distillate oil burning turbine-driven generators that combust less than or equal to 1,496,000 gallons per year;
 - (3) combined fuel (natural gas and six percent or more distillate oil) burning engine-driven generators that combust less than or equal to 633,320 therms natural gas and 24,330 gallons distillate oil per year; or
 - (4) distillate oil burning engine-driven generators that combust less than or equal to 410,580 gallons per year.
- (d) The owner or operator of a peak shaving generator exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:
 - (1) the name and location of the facility;
 - (2) the number and size of all peak shaving generators located at the facility;
 - (3) the total number of hours of operation of all peak shaving generators located at the facility;
 - (4) the total amount of energy production per year from all peak shaving generators located at the facility; and
 - (5) the signature of a responsible official as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.
- (e) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of number, size, number of hours of operation, and amount and type of fuel burned per calendar year from all peak shaving generators located at the facility to the Director upon request. The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document the amount of total energy production per year for the previous three years.
- (f) For facilities covered by this Rule, the owner or operator shall report to the Director if the total fuel combusted by all peak shaving generators located at the facility exceeds the applicable consumption fuel limit in Paragraph (c) of this Rule within one week of its occurrence.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
 Eff. July 1, 1999;
 Amended Eff. December 1, 2005; April 1, 2001;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0809 CONCRETE BATCH PLANTS

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. June 1, 2004;
Repealed Eff. April 1, 2018.

15A NCAC 02Q .0810 AIR CURTAIN BURNERS

- (a) This Rule shall apply to facilities whose only sources requiring a permit are one or more air curtain burners.
- (b) A facility whose air curtain burners combust less than 8,100 tons of land clearing debris per year shall be exempt from the requirements of 15A NCAC 02Q .0500.
- (c) The owner or operator of a air curtain burner exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:
 - (1) the name and location of the facility;
 - (2) the quantity of material combusted during the previous calendar year; and
 - (3) the signature of a responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.
- (d) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of the quantity of material combusted to the Director upon request. The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document the amount of material combusted per year for the previous three years.
- (e) For facilities governed by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. December 1, 2005;
Readopted Eff. April 1, 2018.

SECTION .0900 – PERMIT EXEMPTIONS

15A NCAC 02Q .0901 PURPOSE AND SCOPE

- (a) The purpose of this Section is to define categories of facilities or sources that are exempt from the requirements of 15A NCAC 02Q .0300.
- (b) Sources at a facility required to have a permit pursuant to 15A NCAC 02Q .0500 shall not be eligible for exemption pursuant to this Section.
- (c) This Section shall not apply to activities exempted from permitting pursuant to 15A NCAC 02Q .0102.
- (d) The owner or operator of a facility or source qualified to be governed pursuant to a rule in this Section who chooses not to be governed by that rule shall notify the Director in writing that he or she does not want the facility or source governed by this Section. Along with the notification, the owner or operator shall submit a permit application that meets the requirements of 15A NCAC 02Q .0300 and the Director shall act on that application pursuant to 15A NCAC 02Q .0300.
- (e) To qualify for exemption pursuant to this Section, the facility or source shall comply with all the requirements in the applicable rule in this Section.
- (f) If a facility or source covered in this Section is in violation of the requirements of this Section, the Director shall require that facility or source to be permitted pursuant to 15A NCAC 02Q .0300 if necessary to obtain or maintain compliance with the requirements in Subchapters 02D and 02Q of this Chapter.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. January 1, 2005;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0902 TEMPORARY CRUSHERS

- (a) For the purposes of this Rule, "temporary crusher" means a crusher that will not be operated at any one facility or site for more than 12 months.
- (b) This Rule applies to any temporary crusher that:
 - (1) crushes no more than 300,000 tons at any one facility or site;
 - (2) does not operate at a quarry that has an air permit issued pursuant to this Subchapter;

- (3) continuously uses water spray to control emissions from the crusher; and
 - (4) does not operate at a facility that is required to have a mining permit issued by the Division of Energy, Mineral, and Land Resources.
- (c) The owner or operator of a temporary crusher and all associated equipment shall comply with all applicable rules of Subchapter 02D, including Rules .0510 (Particulates From Sand, Gravel, Or Crushed Stone Operations), .0521 (Control Of Visible Emissions), .0524 (New Source Performance Standards, 40 CFR Part 60, Subparts OOO), .0535 (Excess Emissions Reporting And Malfunctions), .0540 (Particulates From Fugitive Non-Process Dust), and .1806 (Control and Prohibition of Odorous Emissions).
- (d) The owner or operator of a temporary crusher shall not cause or allow any material to be produced, handled, transported, and stockpiled so that the ambient air quality standards for particulate matter (PM2.5, PM10, and total suspended particulates) are not exceeded beyond the property line.
- (e) The owner or operator of a temporary crusher shall maintain records of the amount of material crushed by each temporary crusher.
- (f) The owner or operator of a temporary crusher shall label each crusher, hopper, feeder, screen, conveyor, elevator, and generator with a permanent and unique identification number.
- (g) If a source is governed by 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO), the owner or operator of a temporary crusher shall submit to the Director notifications and test reports required pursuant to 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO).
- (h) If the Director or his or her authorized representative requests copies of notifications or testing records required pursuant to 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO), the owner or operator of a temporary crusher shall submit the requested notifications or testing records within two business days of such a request.
- (i) If the owner or operator of a crusher plans to operate a crusher at a facility or site for more than twelve months, the owner or operator shall apply for and shall have received an air quality permit issued pursuant to this Subchapter before beginning operations.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
 Eff. January 1, 2005;
 Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); January 1, 2009;
 Readopted Eff. April 1, 2018.

15A NCAC 02Q .0903 EMERGENCY GENERATORS AND STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

- (a) For the purposes of this Rule, the following definitions shall apply:
- (1) "Emergency generator" means an emergency stationary reciprocating internal combustion engine, as defined in 40 CFR 63.6675.
 - (2) "Stationary reciprocating internal combustion engine" shall be defined as set forth in 40 CFR 63.6675.
- (b) This Rule shall apply to emergency generators and stationary reciprocating internal combustion engines at a facility whose only sources that would require a permit are emergency generators and stationary reciprocating internal combustion engines whose facility-wide actual emissions are less than 100 tons per calendar year of any regulated pollutant, 10 tons per calendar year of any hazardous air pollutant, or 25 tons per calendar year of any combination of hazardous air pollutants.
- (c) The owner or operator of emergency generators and stationary reciprocating internal combustion engines regulated pursuant to this Rule shall comply with 15A NCAC 02D .0516, .0521, .0524, and .1111.
- (d) The owner or operator of emergency generators and stationary reciprocating internal combustion engines regulated pursuant to this Rule shall provide the Director with documentation, upon request, that the emergency generators and stationary reciprocating internal combustion engines meet the applicability requirements set forth in Paragraph (b) of this Rule.

History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
 Eff. June 1, 2008;
 Amended Eff. June 13, 2016;
 Readopted Eff. April 1, 2018.