

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Repealed Eff.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 in writing 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 all 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, Registration of Air Pollution Sources (the applicant shall use emission inventory forms or electronic data systems provided by the Division to satisfy this requirement); 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 (prevention of significant deterioration) or .0531 (new source review for sources in nonattainment areas), applicants shall file air permit applications at least 180 days before the projected construction date. For all other sources, applicants shall file air permit applications at least 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 at the address 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 copies of letters specified in 15A NCAC 02Q .0305(a)(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 at the address specified in 15A NCAC 02Q .0104. To make changes in construction or test dates or reporting procedures, the applicant shall send the Director the copies of letters specified in 15A NCAC 02Q .0305(a)(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 such that they are mailed to the Director at the address specified in 15A NCAC 02Q .0104 and postmarked at least 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 imminent name or ownership change.

(h) Number of copies of additional information. The applicant shall submit the same number of copies of additional information as required for the application package.

(i) 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 necessary 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 any inquiry or investigation that is necessary to determine compliance with applicable standards.

(j) Application fee. With the exceptions specified in 15A NCAC 02Q .0203(i), a non-refundable permit application processing fee shall accompany each 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.

(k) 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.

(l) Retaining copy of permit application package. The applicant shall retain for the duration of the permit term one complete copy of the application package and all 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.

15A NCAC 02Q .0305 APPLICATION SUBMITTAL CONTENT

(a) 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 if required; and
 - (E) applications required pursuant to 15A NCAC 02Q .0304(a) and Paragraph (b) of this Rule and signed by the responsible official;
- (2) for renewals: one copy of the application required pursuant to 15A NCAC 02Q .0304(a) and (d) and 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: one copy 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) one copy of a letter signed by the seller and the buyer, indicating the change; or
 - (B) one copy of 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 one copy of the appropriate form provided by the Division; and
- (5) for corrections of typographical errors; changes in name, address, or telephone number of any individual identified in the permit; changes in test dates or construction dates; or similar minor changes: one copy of a letter signed by the responsible official describing the proposed change and explaining the need for the proposed change.

(b) The applicant shall submit copies of the application package as follows:

- (1) one copy for all applications;
- (2) one additional copy for facilities demonstrating compliance through modeling analysis; and
- (3) three additional copies for sources subject to the requirements of 15A NCAC 02D .0530 or .0531.

*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.*

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 mailed to persons who are on the Division's mailing 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, all other relevant supporting materials, and all other materials available to the Division that are relevant to the permit decision;
- (5) the activity or activities involved in the permit action;
- (6) any emissions change involved in any 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 any hearing that has already been scheduled.

(d) The notice shall allow at least 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 at least 30 days before the public hearing.

(f) The Director shall make available for public inspection in at least one location 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 each 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 each such 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.*

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.*