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 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. 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) "Relevant source" means only those sources that are subject to applicable requirements.

(15) "Responsible official" means a responsible official as defined in 40 CFR 70.2.

(16) "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.

(17) "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.

(18) "Timely" means:

(a) for a new facility, one year after commencing operation;

(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. 143-215.3(a)(1); 143-212; 143-213;*
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.

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

(a) Pursuant to 15A NCAC 02Q .0501(c)(2) or (d)(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 must obtain a permit pursuant to this Section may file an application pursuant to 15A NCAC 02Q .0300.

(b) The applicant shall state in his permit application that he or she wishes to follow the procedures in this Rule.

(c) If the option allowed pursuant to 15A NCAC 02Q .0501(b)(1) is used, then the application processing procedures for prevention of significant deterioration in 15A NCAC 02D .0530 and new source review for nonattainment areas in 15A NCAC 02D .0531 do not apply. If the option allowed pursuant to 15A NCAC 02Q .0501(b)(2) is used, then the application processing procedures in this Section and in either of the following rules shall apply:

(1) 15A NCAC 02D .0530 for prevention of significant deterioration; or

(2) 15A NCAC 02D .0531 for new source review for nonattainment areas.

(d) If the procedures in 15A NCAC 02Q .0300 are followed, the permittee shall have one year from the date of beginning operation of the 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;*
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Eff. July 1, 1994;
Readopted Eff. April 1, 2018.

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 if required; and
  (e) applications as required pursuant to 15A NCAC 02Q .0507(a) and (e) and signed as required by 15A NCAC 02Q .0520;

(2) for renewals: applications as required pursuant to 15A NCAC 02Q .0507(a) and (e) and signed as required by 15A NCAC 02Q .0520;

(3) for a name change: three copies of 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) three copies of a letters signed by the seller and the buyer indicating the change; or
  (b) three copies of 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 any individual identified in the permit; changes in test dates or construction dates; or similar minor changes: three copies of 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); 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.

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 source shall have one year from the date of beginning of operation of a source 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(c) or (d) and 15A NCAC 02Q .0504.

(b) An application shall include all 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 giving all necessary 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 any 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 all 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) The applicant shall submit copies of the application package as follows:

(1) for sources subject to the requirements of 15A NCAC 02D .0530, .0531, or .1200, five copies plus one additional copy for each affected state that the Director has to notify pursuant to 15A NCAC 02Q .0521 and 15A NCAC 02Q .0522;

(2) for sources not subject to the requirements of 15A NCAC 02D .0530, .0531, or .1200, three copies plus one additional copy for each affected state that the Director has to notify pursuant to 15A NCAC 02Q .0521 and 15A NCAC 02Q .0522.

(f) Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date he filed a complete application but prior to release of a draft permit.

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

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

(i) 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 such permit applications after receipt of the complete permit application.

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

(k) 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); 143-215.107(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.

15A NCAC 02Q .0508 PERMIT CONTENT

(a) A permit shall specify and reference the origin and authority for each term or condition and shall identify any 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 at least every six months. The permittee shall submit reports:
  - (A) on forms obtained from the Division at the address 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 such 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 factors such as 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 all 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 will continue to be valid in the event of a challenge to any other portion of the permit;

(3) state that noncompliance with any condition of the permit 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 in order 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 will 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 will 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 such copies are requested by the Director.

(The permit shall also state that for information claimed to be confidential, the permittee may furnish such 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 Section 502(b)(10) changes, off-permit changes, or emission trades in accordance with 15A NCAC 02Q .0523;

(12) include all applicable requirements for all sources covered by the permit;

(13) include fugitive emissions, if regulated, 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 all 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 such 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:

(1) both EPA and the Division;

(2) the Division only;

(3) EPA only; and

(4) citizens pursuant to the federal Clean Air Act.

(l) A permit shall state that the permittee will 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 any source, 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, for the purpose of assuring 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 at least 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 such activities, milestones, or compliance were achieved; and

(2) an explanation of why any dates in the compliance schedule were not or will 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 (not less than 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; and

(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); and

(E) such 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); 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;
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Readopted Eff. April 1, 2018.

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.

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 .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;
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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) moves terms and conditions from the State-enforceable only portion of a permit to the State- and federal-enforceable portion of the permit provided that terms and conditions being moved have become federally enforceable through Section 110, 111, or 112 or other parts of the federal Clean Air Act;

(6) moves terms and conditions from the federal-enforceable only portion of a permit to the State- and federal-enforceable portion of the permit;

(7) changes the permit number without changing any portion of the permit that is federally enforceable that would not otherwise qualify as an administrative amendment;

(8) removes non-applicable permit conditions; or

(9) removes references to 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) Upon taking final action granting a request for an administrative permit amendment, the Director shall allow coverage by the permit shield pursuant to 15A NCAC 02Q .0512 for the administrative permit amendments made.

(e) Administrative amendments for sources covered pursuant to Title IV shall be governed by rules in 15A NCAC 02Q .0400.

(f) 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.

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.

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 .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 may:

(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 may not issue a final permit or permit revision, except administrative permit amendments pursuant to 15A NCAC 02Q .0514, until EPA's 45-day review period has expired or until EPA has notified the Director that EPA will not object to issuance of the permit or permit revision, whichever occurs first. The Director shall issue the permit or permit revision within five days of receipt of notification from EPA that it will not object to issuance or of the expiration of EPA's 45-day review period, 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) 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.

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 if the Director finds it is in the best interest of the public.

(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, 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 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) If the Director finds that a public hearing is in the best interest of the public, 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 hearing.

(h) 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) 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.

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, 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 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.

(c) 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.

(d) 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.

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.

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. 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, 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. A completeness determination shall not be necessary for minor modifications pursuant to 15A NCAC 02Q .0515.

(3) 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 when 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 270 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

(4) The Director shall send the public notice for public comment on the draft permit to affected states, to EPA, and to persons on the mailing list within 270 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

(5) 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.

(6) The Director shall complete the review of the record and send the proposed permit to EPA:

(a) within 30 days after the close of the public comment period if there is no public hearing on the draft permit; or

(b) within 45 days after the close of the public hearing if there is a public hearing on the draft permit.

(7) If EPA does not object to the proposed permit, the Director shall issue the permit within five days after:

(a) expiration of EPA 45-day review period; or

(b) receipt of notice from EPA that it will not object to issuance, whichever comes first.

(8) 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); 143-215.107(a)(10); 143-215.108;*
Eff. February 1, 1995;
Amended Eff. July 1, 1998;
Readopted Eff. April 1, 2018.

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)(A) 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 that 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.

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 pursuent 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.