

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0101

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 28 – should there be a space between “chromium” and “(VI)”?*

*Page 2, Line 13 – delete “in accordance with the standard procedures”*

*Page 2, line 15 – replace “under” with “pursuant to”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0101 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES**

4  
5 **SECTION .0100 - GENERAL PROVISIONS**

6  
7 **15A NCAC 02Q .0101 REQUIRED AIR QUALITY PERMITS**

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

- 10 (1) construct, operate, or modify a source subject to an applicable standard, requirement, or rule that  
11 emits any regulated pollutant or one or more of the following:
- 12 (A) sulfur dioxide;
  - 13 (B) total suspended particulates;
  - 14 (C) particulate matter (PM10);
  - 15 (D) carbon monoxide;
  - 16 (E) nitrogen oxides;
  - 17 (F) volatile organic compounds;
  - 18 (G) lead and lead compounds;
  - 19 (H) fluorides;
  - 20 (I) total reduced sulfur;
  - 21 (J) reduced sulfur compounds;
  - 22 (K) hydrogen sulfide;
  - 23 (L) sulfuric acid mist;
  - 24 (M) asbestos;
  - 25 (N) arsenic and arsenic compounds;
  - 26 (O) beryllium and beryllium compounds;
  - 27 (P) cadmium and cadmium compounds;
  - 28 (Q) chromium(VI) and chromium(VI) compounds;
  - 29 (R) mercury and mercury compounds;
  - 30 (S) hydrogen chloride;
  - 31 (T) vinyl chloride;
  - 32 (U) benzene;
  - 33 (V) ethylene oxide;
  - 34 (W) dioxins and furans;
  - 35 (X) ozone; or
  - 36 (Y) any toxic air pollutant listed in 15A NCAC 02D .1104; or

1 (2) construct, operate, or modify a facility that has the potential to emit at least 10 tons per year of any  
2 hazardous air pollutant or 25 tons per year of all hazardous air pollutants combined, or that are  
3 subject to requirements established under the following sections of the federal Clean Air Act:

4 (A) Section 112(d), emissions standards;

5 (B) Section 112(f), standards to protect public health and the environment;

6 (C) Section 112(g), construction and reconstruction;

7 (D) Section 112(h), work practice standards and other requirements;

8 (E) Section 112(i)(5), early reduction;

9 (F) Section 112(j), federal failure to promulgate standards; or

10 (G) Section 112(r), accidental releases.

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

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

19  
20 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;

21 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
22 *becomes effective, whichever is sooner;*

23 *Eff. July 1, 1994;*

24 *Amended Eff. January 1, 2015; December 1, 2005; July 1, ~~1998, 1998;~~*

25 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0102

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 6 – replace “does” with “shall”*

*Line 23 – delete “any facility as follows”*

*Line 35 – replace “do” with “shall”*

*Page 2, line 1 – replace “which” with “that”*

*Page 2, line 36 – add a comma after “lubricants”*

*Page 3, line 5 – replace with “hosiery dyeing operations that do not use bleach or solvent dyes;”*

*Page 3, line 7 – delete “solid waste landfills: This does not apply to”*

*Page 3, line 8 – replace “are required to be permitted” with “shall obtain a permit”*

*Page 3, line 25 – do you mean “and” or “or”*

*Page 3, line 28 – replace “is required to be permitted” with “shall obtain a permit”*

*Page 3, lines 31-32 – replace “is required to be permitted” with “shall obtain a permit”*

*Page 3, lines 35-36 – replace “be required to have a” with “obtain a”*

*Page 4, line 2 – replace “do” with “shall”*

*Page 4, line 3 – replace “are” with “shall be”*

*Page 4, line 18 – add a comma after “plants”*

*Page 4, line 20 – add a comma after “operations”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Page 4, line 21 – add a comma after “.0803”*

*Page 4, line 25 – add a comma after “exemption”*

*Page 4, line 26 – replace “are not” with “shall not be”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0102 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **15A NCAC 02Q .0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS**

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

6 (b) This Rule does not apply to:

7 (1) facilities whose potential emissions require a permit pursuant to 15A NCAC 02Q .0500 (Title V  
8 Procedures); or

9 (2) a source emitting a pollutant that is part of the facility's 15A NCAC 02D .1100 (Control of Toxic  
10 Air Pollutants) modeling demonstration if that source is not exempted pursuant to 15A NCAC 02Q  
11 .0702.

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

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

19 (e) Any facility that is not exempted from permitting pursuant to Paragraph (d) of this Rule and whose actual total  
20 aggregate emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon  
21 monoxide, hazardous air pollutants, and toxic air pollutants are greater than or equal to five tons per year and less than  
22 25 tons per year may register their facility pursuant to 15A NCAC 02D .0202 instead of obtaining a permit pursuant  
23 to 15A NCAC 02Q .0300. This Paragraph shall not apply to any facility as follows:

24 (1) synthetic minor facilities that are regulated pursuant to ~~Rule .0315 of this Subchapter.~~ 15A NCAC  
25 02Q .0315;

26 (2) facilities with a source subject to maximum achievable control technology pursuant to 40 CFR Part  
27 63;

28 (3) facilities with sources of volatile organic compounds or nitrogen oxides that are located in a  
29 nonattainment area; or

30 (4) facilities with a source regulated pursuant to New Source Performance Standards (NSPS), unless  
31 the source is exempted pursuant to Paragraph (g) or (h) of this Rule.

32 (f) The Director may require the owner or operator of a facility to register such facility pursuant to 15A NCAC 02D  
33 .0200 or obtain a permit pursuant to 15A NCAC 02Q .0300, if necessary to obtain compliance with any other  
34 applicable State or federal requirement.

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

36 (1) maintenance, upkeep, and replacement:

- 1 (A) maintenance, structural changes, or repair activities which do not increase the capacity of  
2 such process and do not cause any change in the quality or nature or an increase in quantity  
3 of an emission of any regulated air pollutant;
- 4 (B) housekeeping activities or building maintenance procedures, including painting buildings,  
5 paving parking lots, resurfacing floors, repairing roofs, washing, using portable vacuum  
6 cleaners, sweeping, using and associated storing of janitorial products, or removing  
7 insulation;
- 8 (C) using office supplies, supplies to maintain copying equipment, or blueprint machines;
- 9 (D) using firefighting equipment (excluding engines regulated pursuant to 40 CFR 63, Subpart  
10 ZZZZ); or
- 11 (E) replacing existing equipment with equipment of the same size (or smaller), type, and  
12 function that does not result in an increase to the actual or potential emission of regulated  
13 air pollutants, does not affect the facility's compliance with any other applicable State or  
14 federal requirements, and that fits the description of the existing equipment in the permit,  
15 including the application, such that the replacement equipment can be lawfully operated  
16 pursuant to that permit without modifying the permit;
- 17 (2) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not  
18 transport, remove, or exhaust regulated air pollutants to the atmosphere;
- 19 (3) laboratory or classroom activities:
- 20 (A) bench-scale, on-site equipment used for experimentation, chemical or physical analysis for  
21 quality control purposes or for diagnosis of illness, training, or instructional purposes;
- 22 (B) research and development activities that produce no commercial product or feedstock  
23 material; or
- 24 (C) educational activities, including wood working, welding, and automotive repair;
- 25 (4) storage tanks with no applicable requirements other than Stage I controls pursuant to 15A NCAC  
26 02D .0928, Gasoline Service Stations Stage I;
- 27 (5) combustion and heat transfer equipment:
- 28 (A) heating units used for human comfort, excluding space heaters burning used oil, that have  
29 a heat input of less than 10 million Btu per hour and that do not provide heat for any  
30 manufacturing or other industrial process;
- 31 (B) residential wood stoves, heaters, or fireplaces; or
- 32 (C) water heaters that are used for domestic purposes only and are not used to heat process  
33 water;
- 34 (6) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater  
35 treatment processes for which there are no state or federal air requirements;
- 36 (7) dispensing equipment: equipment used solely to dispense gasoline, diesel fuel, kerosene, lubricants  
37 or cooling oils;

- 1 (8) electric motor burn-out ovens with secondary combustion chambers or afterburners;
- 2 (9) electric motor bake-on ovens;
- 3 (10) burn-off ovens with afterburners for paint-line hangers;
- 4 (11) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and
- 5 hosiery dyeing processes where bleach or solvent dyes are not used;
- 6 (12) woodworking operations processing only green wood;
- 7 (13) solid waste landfills: This does not apply to flares and other sources of combustion at solid waste
- 8 landfills. These flares and other combustion sources are required to be permitted pursuant to 15A
- 9 NCAC 02Q .0300 unless they qualify for another exemption pursuant to this Paragraph; or
- 10 (14) miscellaneous:
- 11 (A) equipment that does not emit any regulated air pollutants;
- 12 (B) sources for which there are no applicable requirements;
- 13 (C) motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled
- 14 vehicles with internal combustion engines;
- 15 (D) engines regulated pursuant to Title II of the Federal Clean Air Act (Emission Standards for
- 16 Moving Sources);
- 17 (E) equipment used for preparing food for direct on-site human consumption;
- 18 (F) a source whose emissions are regulated only pursuant to Section 112(r) or Title VI of the
- 19 Federal Clean Air Act;
- 20 (G) exit gases from in-line process analyzers;
- 21 (H) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing
- 22 traps;
- 23 (I) refrigeration equipment that complies with the regulations set forth in Sections 601 through
- 24 618 of Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part
- 25 82, and any other regulations promulgated by EPA pursuant to Title VI for stratospheric
- 26 ozone protection, except ~~those units~~ refrigeration equipment used as or in conjunction with
- 27 air pollution control equipment. Refrigeration equipment used as or in conjunction with
- 28 air pollution control equipment is required to be permitted pursuant to 15A NCAC 02Q
- 29 .0300 unless it qualifies for another exemption pursuant to this Paragraph;
- 30 (J) equipment not vented to the outdoor atmosphere, with the exception of equipment that
- 31 emits volatile organic compounds. Equipment that emits volatile organic compounds is
- 32 required to be permitted pursuant to 15A NCAC 02Q .0300 unless it qualifies for another
- 33 exemption pursuant to this Paragraph;
- 34 (K) animal operations not required to have control technology pursuant to 15A NCAC 02D
- 35 .1800. If an animal operation is required to have control technology, it shall be required to
- 36 have a permit pursuant to this Subchapter;
- 37 (L) any incinerator that meets the requirements set forth in 15A NCAC 02D .1201(c)(4); or



1 (M) dry cleaning operations, regardless of NSPS or NESHAP applicability.

2 (h) The following activities do not require a permit or permit modification pursuant to 15A NCAC 02Q .0300. These  
3 activities are included in determining applicability of any rule or standard that requires facility-wide aggregation of  
4 source emissions, including activities regulated by 15A NCAC 02D .0530, 15A NCAC 02D .0531, 15A NCAC 02Q  
5 .0500, and 15A NCAC 02Q .0700:

6 (1) combustion and heat transfer equipment (including direct-fired equipment that only emit regulated  
7 pollutants from fuel combustion):

8 (A) fuel combustion equipment (excluding internal combustion engines) not regulated pursuant  
9 to 40 CFR Part 60, NSPS, firing exclusively unadulterated liquid fossil fuel, wood, or an  
10 approved equivalent unadulterated fuel as defined in 15A NCAC 02Q .0103;

11 (B) fuel combustion equipment (excluding internal combustion engines) firing exclusively  
12 natural gas or liquefied petroleum gas or a mixture of these fuels; or

13 (C) space heaters burning waste oil if:

14 (i) the heater burns only oil that the owner or operator generates or used oil from do-  
15 it-yourself oil changers who generate used oil as household wastes; and

16 (ii) the heater is designed to have a maximum heat input of not more than 500,000  
17 Btu per hour;

18 (2) gasoline distribution: bulk gasoline plants as defined in 15A NCAC 02D .0926(a)(3), with an  
19 average daily throughput of less than 4,000 gallons;

20 (3) paint spray booths or graphic arts operations, coating operations, and solvent cleaning operations as  
21 defined in 15A NCAC 02Q .0803 located at a facility whose facility-wide actual uncontrolled  
22 emissions of volatile organic compounds are less than five tons per year, except that such emission  
23 sources whose actual uncontrolled emissions of volatile organic compounds are less than 100  
24 pounds per year shall qualify for this exemption regardless of the facility-wide emissions. For the  
25 purpose of this exemption water wash and filters that are an integral part of the paint spray booth  
26 are not considered air pollution control devices;

27 (4) electrostatic dry powder coating operations with filters or powder recovery systems;

28 (5) miscellaneous: any source whose potential uncontrolled emissions of particulate matter (PM10),  
29 sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide shall each be no  
30 more than five tons per year; or

31 (6) case-by-case exemption: activities that the applicant demonstrates to the Director do not violate any  
32 applicable emission control standard.

33 (i) The owner or operator of a facility or source claiming that an activity is exempt pursuant to Paragraphs (d), (e),  
34 (g) or (h) of this Rule shall submit emissions data, documentation of equipment type, or other supporting documents  
35 to the Director upon request that the facility or source is qualified for that exemption.

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37 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;*

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*Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*  
*Eff. July 1, 1994;*  
*Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;*  
*Temporary Amendment Eff. December 1, 1999;*  
*Amended Eff. June 13, 2016; May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, ~~2000-2000~~;*  
*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0103

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 13 – add a comma after “substance”*

*Line 13 – replace “which” with “that”*

*Line 17 – do you need this definition? Isn't “modification” and “modify” all that is needed?*

*Line 22 – add a comma after “Act”*

*Line 24 – replace “covered” with “issued”*

*Page 2, line 4 – replace “the person” with “a person”*

*Page 2, line 10 – replace “are not” with “shall not be considered”*

*Page 2, line 26 – replace “pollutant emitting” with “pollutant-emitting”*

*Page 2, line 28 – is the term “federal-enforceable” necessary?*

*Page 3, line 6 – delete “requirement”*

*Page 3, lines 25-27 – consider revising as follows:*

facility's on-site electrical load during peak demand periods and does not generate electricity for resale, or is used for emergency backup.

*Page 3, lines 30-31 – consider revising as follows:*

and that allows that facility or source to operate in compliance with G.S. 143-215.108, and specifies the requirements applicable to the facility or source and to the permittee.

*Page 3, line 32 – replace “received” with “been issued”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

*Page 3, line 37 – add “shall” before “include”*

*Page 4, line 1 – add “shall” before “include”*

*Page 4, lines 2 and 4 – replace “do” with “shall”*

*Page 4, line 7 – replace “covered pursuant to” with “governed by” or “regulated pursuant to”*

*Page 4, line 23 – replace “are not” with “shall not be”*

*Page 4, line 29 – replace “means” with “shall be considered”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0103 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **15A NCAC 02Q .0103 DEFINITIONS**

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

- 6 (1) "Administrator" means, when it appears in any Code of Federal Regulation incorporated by  
7 reference in ~~this Subchapter,~~15A NCAC 02Q, the Director of the Division of Air Quality unless:  
8 (a) a specific rule in this Subchapter specifies otherwise, or  
9 (b) the U.S. Environmental Protection Agency in its delegation or approval states that a  
10 specific authority of the Administrator of the Environmental Protection Agency is not  
11 included in its delegation or approval.
- 12 (2) "Air Pollutant" means an air pollution agent or combination of such agents, including any physical,  
13 chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the  
14 ambient air. Water vapor shall not be considered an air pollutant.
- 15 (3) "Allowable emissions" mean the maximum emissions allowed by the applicable rules ~~contained set~~  
16 forth in 15A NCAC 02D or by permit conditions if the permit limits emissions to a lesser amount.
- 17 (4) "Alter or change" means to make a modification.
- 18 (5) "Applicable requirements" means:  
19 (a) any requirement of ~~Section .0500 of this Subchapter,~~15A NCAC 02Q .0500;  
20 (b) any standard or other requirement provided for in the implementation plan approved or  
21 promulgated by EPA through rulemaking ~~under~~pursuant to Title I of the federal Clean Air  
22 Act that implements the relevant requirements of the federal Clean Air Act including any  
23 revisions to 40 CFR Part 52;  
24 (c) any term or condition of a construction permit for a facility covered ~~under~~pursuant to 15A  
25 ~~NCAC 2D02D~~ .0530, .0531, or .0532;  
26 (d) any standard or other requirement ~~under~~pursuant to Section 111 or 112 of the federal Clean  
27 Air Act, but not including the contents of any risk management plan required  
28 ~~under~~pursuant to Section 112 of the federal Clean Air Act;  
29 (e) any standard or other requirement ~~under~~pursuant to Title IV of the federal Clean Air Act;  
30 (f) any standard or other requirement governing solid waste incineration ~~under~~pursuant to  
31 Section 129 of the federal Clean Air Act;  
32 (g) any standard or other requirement ~~under~~pursuant to Section 183(e), 183(f), or 328 of the  
33 federal Clean Air Act;  
34 (h) any standard or requirement ~~under~~pursuant to Title VI of the federal Clean Air Act unless  
35 a permit for such requirement is not required ~~under~~pursuant to this Section;  
36 (i) any requirement ~~under~~pursuant to Section 504(b) or 114(a)(3) of the federal Clean Air Act;  
37 or

- 1 (j) any national ambient air quality standard or increment or visibility requirement  
2 ~~underpursuant to~~ Part C of Title I of the federal Clean Air Act, but only as it would apply  
3 to temporary sources permitted pursuant to Section 504(e) of the federal Clean Air Act.
- 4 (6) "Applicant" means the person who is applying for an air quality permit from the Division.
- 5 (7) "Application package" means all elements or documents ~~needed~~required to make an application  
6 complete.
- 7 (8) "CFR" means the Code of Federal Regulations.
- 8 (9) "Construction" means change in the method of operation or any physical change, including on-site  
9 fabrication, erection, installation, replacement, demolition, or modification of a source, that results  
10 in a change in emissions or affects the compliance status. The following activities are not  
11 construction:
- 12 (a) clearing and grading;
- 13 (b) building access roads, driveways, and parking lots;
- 14 (c) building and installing underground pipe work, including water, sewer, electric, and  
15 telecommunications utilities; or
- 16 (d) building ancillary structures, including fences and office buildings that are not a necessary  
17 component of an air contaminant source, equipment, or associated air cleaning device for  
18 which a permit is required ~~underpursuant to~~ G.S. 143-215.108.
- 19 (10) "Director" means the Director of the Division of Air Quality.
- 20 (11) "Division" means the Division of Air Quality.
- 21 (12) "EPA" means the United States Environmental Protection Agency or the Administrator of the  
22 Environmental Protection Agency.
- 23 (13) "EPA approves" means full approval, interim approval, or partial approval by EPA.
- 24 (14) "Equivalent unadulterated fuels" means used oils that have been refined such that the content of  
25 toxic additives or contaminants in the oil are no greater than those in unadulterated fossil fuels.
- 26 (15) "Facility" means all of the pollutant emitting activities, except transportation facilities, that are  
27 located on one or more adjacent properties under common control.
- 28 (16) "Federally enforceable" or "federal-enforceable" means enforceable by EPA.
- 29 (17) "Fuel combustion equipment" means any fuel burning source covered ~~underpursuant to~~ 15A NCAC  
30 02D .0503, .0504, .0536, or 40 CFR Part 60 Subpart D, Da, Db, or Dc.
- 31 (18) "Green wood" means wood with a moisture content of 18% or more.
- 32 (19) "Hazardous air pollutant" means any pollutant that has been listed pursuant to Section 112(b) of the  
33 federal Clean Air Act. Pollutants listed only in 15A NCAC 02D .1104 (Toxic Air Pollutant  
34 Guidelines), but not pursuant to Section 112(b), shall not be included in this definition.
- 35 (20) "Insignificant activities" means activities defined as insignificant activities because of category or  
36 as insignificant activities because of size or production rate ~~underpursuant to Rule .0503 of this~~  
37 ~~Subchapter.~~ 15A NCAC 02Q .0503.

- 1 (21) "Lesser quantity cutoff" means:
- 2 (a) for a source subject to the requirements of Section 112(d) or (j) of the federal Clean Air
- 3 Act, the level of emissions of hazardous air pollutants below which the following are not
- 4 required:
- 5 (i) maximum achievable control technology (MACT) or generally available control
- 6 technology (GACT), including work practice standards, requirement
- 7 ~~underpursuant to~~ Section 112(d) of the federal Clean Air Act;
- 8 (ii) a MACT standard established ~~underpursuant to~~ Section 112(j) of the federal Clean
- 9 Air Act; or
- 10 (iii) substitute MACT or GACT adopted ~~underpursuant to~~ Section 112(l) of the federal
- 11 Clean Air Act.~~Act;~~
- 12 (b) for modification of a source subject to, or that may be subject to, the requirements of
- 13 Section 112(g) of the federal Clean Air Act, the level of emissions of hazardous air
- 14 pollutants below which MACT is not required to be applied ~~underpursuant to~~ Section
- 15 112(g) of the federal Clean Air Act; or
- 16 (c) for all other sources, potential emissions of each hazardous air pollutant below 10 tons per
- 17 year and the aggregate potential emissions of all hazardous air pollutants below 25 tons per
- 18 year.
- 19 (22) "Major facility" means a major source as defined ~~underpursuant to~~ 40 CFR 70.2.
- 20 (23) "Modification" means any physical change or change in method of operation that results in a change
- 21 in emissions or affects compliance status of the source or facility.
- 22 (24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility,
- 23 source, or air pollution control equipment.
- 24 (25) "Peak shaving generator" means a generator that is located at a facility and is used only to serve that
- 25 facility's on-site electrical load during peak demand periods for the purpose of reducing the cost of
- 26 electricity; it does not generate electricity for resale. A peak shaving generator may also be used for
- 27 emergency backup.
- 28 (26) "Permit" means the binding written document, including any revisions thereto, issued pursuant to
- 29 G.S. 143-215.108 to the owner or operator of a facility or source that emits one or more air pollutants
- 30 and that allows that facility or source to operate in compliance with G.S. 143-215.108. This
- 31 document shall specify the requirements applicable to the facility or source and to the permittee.
- 32 (27) "Permittee" means the person who has received an air quality permit from the Division.
- 33 (28) "Potential emissions" means the rate of emissions of any air pollutant that would occur at the
- 34 facility's maximum capacity to emit any air pollutant under its physical and operational design. Any
- 35 physical or operational limitation on the capacity of a facility to emit an air pollutant shall be treated
- 36 as a part of its design if the limitation is federally enforceable. Such physical or operational
- 37 limitations include air pollution control equipment and restrictions on hours of operation or on the

1 type or amount of material combusted, stored, or processed. Potential emissions include fugitive  
2 emissions as specified in the definition of major source in 40 CFR 70.2. Potential emissions do not  
3 include a facility's secondary emissions such as those from motor vehicles associated with the  
4 facility and do not include emissions from insignificant activities because of category as defined  
5 ~~under Rule .0503 of this Section in 15A NCAC 02Q .0503~~. If a rule in 40 CFR Part 63 uses a  
6 different methodology to calculate potential emissions, that methodology shall be used for sources  
7 and pollutants covered ~~under~~pursuant to that rule.

8 (29) "Portable generator" means a generator permanently mounted on a trailer or a frame with wheels.

9 (30) "Regulated air pollutant" means:

10 (a) nitrogen oxides or any volatile organic compound as defined ~~under~~pursuant to 40 CFR  
11 51.100;

12 (b) any pollutant for which there is an ambient air quality standard ~~under~~pursuant to 40 CFR  
13 Part 50;

14 (c) any pollutant regulated ~~under~~pursuant to 15A NCAC 02D .0524, .1110, or .1111; or 40  
15 CFR Part 60, 61, or 63;

16 (d) any pollutant subject to a standard promulgated ~~under~~pursuant to Section 112 of the federal  
17 Clean Air Act or other requirements established ~~under~~pursuant to Section 112 of the federal  
18 Clean Air Act, including Section 112(g) (but only for the facility subject to Section  
19 112(g)(2) of the federal Clean Air Act), (j), or (r) of the federal Clean Air Act; or

20 (e) any Class I or II substance listed ~~under~~pursuant to Section 602 of the federal Clean Air  
21 Act.

22 (31) "Sawmill" means a place or operation where logs are sawed into lumber consisting of one or more  
23 of these activities: debarking, sawing, and sawdust handling. Activities that are not considered part  
24 of a sawmill include chipping, sanding, planing, routing, lathing, and drilling.

25 (32) "Source" means any stationary article, machine, process equipment, or other contrivance, or  
26 combination thereof, from which air pollutants emanate or are emitted, either directly or indirectly.

27 (33) "Toxic air pollutant" means any of the carcinogens, chronic toxicants, acute systemic toxicants, or  
28 acute irritants that are listed in 15A NCAC 02D .1104.

29 (34) "Transportation facility" means a complex source as defined in G.S. 143-213(22).

30 (35) "Unadulterated fossil fuel" means fuel oils, coal, natural gas, or liquefied petroleum gas to which no  
31 toxic additives have been added that may result in the emissions of a toxic air pollutant listed  
32 ~~under~~pursuant to 15A NCAC 02D .1104.

33  
34 *History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1);*

35 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
36 *becomes effective, whichever is sooner;*

37 *Eff. July 1, 1994;*



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*Amended Eff. April 1, 1999; July 1, 1998; July 1, 1996;*

*Temporary Amendment Eff. December 1, 1999;*

*Amended Eff. January 1, 2015; December 1, 2005; July 1, ~~2000-2000~~;*

*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0104

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Correct the Submission for Permanent Rule form to indicate "02Q" rather than "02D"*

*Line 4 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0104 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0104 WHERE TO OBTAIN AND FILE PERMIT APPLICATIONS**

4 (a) Application forms for a permit or permit modification may be obtained from and shall be filed with the Director,  
5 Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641 or any of the regional offices  
6 listed ~~under pursuant to Rule .0105 of this Section.~~ 15A NCAC 02Q .0105.

7 (b) The number of copies of applications to be filed shall be specified in ~~Rules~~ 15A NCAC 02Q .0305 (construction  
8 and operation permit procedures) and .0507 (Title V permit ~~procedures~~) of this Subchapter.

9

10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;*

11 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
12 *becomes effective, whichever is sooner;*

13 *Eff. July 1, 1994;*

14 *Amended Eff. January 1, 2015; August 1, 2002; July 1, ~~1997-1997~~;*

15 *Readopted Eff. March 1, 2018.*

16

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0105

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 23 – delete the comma*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0105 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **15A NCAC 02Q .0105 COPIES OF REFERENCED DOCUMENTS**

4 (a) Copies of applicable Code of Federal Regulations (CFR) sections referred to in this Subchapter are available for  
5 public inspection at Department of ~~Environment and Natural Resources~~Environmental Quality regional offices. The  
6 regional offices are:

- 7 (1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;  
8 (2) Winston-Salem Regional Office, ~~585 Waughtown Street, Winston Salem, North Carolina 27107450~~  
9 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105;  
10 (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville, North Carolina  
11 28115;  
12 (4) Raleigh Regional Office, 3800 Barrett Drive, Post Office Box 27687, Raleigh, North Carolina  
13 ~~28115;~~27609;  
14 (5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, North  
15 Carolina 28301;  
16 (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889;  
17 and  
18 (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, North Carolina 28403.

19 (b) Permit applications and permits may be reviewed at the Central Files office in the ~~Parker Lincoln Building, 2758~~  
20 ~~Capital Boulevard, Department of Environmental Quality, Green Square Office Building, 217 West Jones Street,~~  
21 Raleigh, North Carolina, 27603, excluding information entitled to confidential treatment ~~under~~pursuant to Rule .0107  
22 ~~of this Section.~~15A NCAC 02Q .0107.

23 (c) Copies of ~~CFR~~, permit applications, and permits can be made for ten cents (\$0.10) per page. Copies of CFR may  
24 be obtained free of charge online at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectioCode=CFR>.

25  
26 *History Note: Authority G.S. 143-215.3(a)(1); 150B-19(5);*  
27 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
28 *rule becomes effective, whichever is sooner;*  
29 *Eff. July 1, 1994;*  
30 *Amended Eff. December 1, ~~2005-2005;~~*  
31 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0106

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “Referenced CFR contained” with “CFRs referenced”*

*Line 4 – replace “are” with “shall be”*

*Line 5 – revise as follows, if this is what is meant:*

(b) CFRs incorporated by reference in this Subchapter shall include subsequent amendments and editions

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0106 is readopted as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0106 INCORPORATION BY REFERENCE**

4 (a) Referenced CFR contained in this Subchapter are incorporated by reference.

5 (b) The CFR incorporated by reference in this Subchapter shall automatically include any later amendments thereto  
6 unless a specific rule specifies otherwise.

7 (c) The CFR may be ~~purchased from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250. The~~  
8 ~~cost of the 40 CFR Parts 61 to 80 is fourteen dollars (\$14.00).~~ obtained free of charge online at  
9 <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

10

11 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
12 *rule becomes effective, whichever is sooner;*

13 *Authority G.S. 143-215.3(a)(1); 150B-21.6;*

14 *Eff. July 1, ~~1994~~1994;*

15 *Readopted Eff. March 1, 2018.*

16

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0107

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 5-6 – replace “can demonstrate” with “demonstrates”*

*Line 8 – add “the” before “reasons”*

*Line 9 – replace “held” with “treated as”*

*Line 9 – delete the final sentence on this line.*

*Line 11 – add “or her” after “his”*

*Line 13 – delete “to treat as confidential”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0107 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0107 CONFIDENTIAL INFORMATION**

4 (a) All information required to be submitted to the Commission or the Director ~~under~~pursuant to 15A NCAC 02Q or  
5 ~~Subchapter 2D02D of this Title~~ shall be disclosed to the public unless the person submitting the information can  
6 demonstrate that the information is entitled to confidential treatment ~~under~~pursuant to G.S. 143-215.3C.

7 (b) A request that information be treated as confidential shall be made by the person submitting the information at  
8 the time that the information is submitted. The request shall state in writing reasons why the information should be  
9 held confidential. Any request not meeting these requirements shall be invalid.

10 (c) The Director shall decide which information is entitled to confidential treatment and shall notify the person  
11 requesting confidential treatment of his decision within 180 days of receipt of a request to treat information as  
12 confidential.

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

15

16 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
17 *rule becomes effective, whichever is sooner;*

18 *Authority G.S. 143-215.3(a)(1); 143-215.3C;*

19 *Eff. July 1, 1994;*

20 *Amended Eff. April 1, 1999; July 1, ~~1997~~.1997;*

21 *Readopted Eff. March 1, 2018.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0108

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is this rule necessary – is it internal agency policy?*

*Lines 5-6 – delete “as he or she considers appropriate”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0108 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0108 DELEGATION OF AUTHORITY**

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

8

9 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
10 *rule becomes effective, whichever is sooner;*

11 *Authority G.S. 143-215.3(a)(1),(4);*

12 *Eff. July 1, 1994;*

13 *Amended Eff. July 1, ~~1998~~.1998;*

14 *Readopted Eff. March 1, 2018.*

15

16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0109

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – delete “heretofore”*

*Line 4 – delete the comma after “permit”*

*Line 4 – add a comma after “but”*

*Line 5 – delete “as follows”*

*Lines 12-14 – revise as follows:*

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0109 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0109 COMPLIANCE SCHEDULE FOR PREVIOUSLY EXEMPTED ACTIVITIES**

4 (a) If a source has heretofore been exempted from needing a permit, but because of change in permit exemptions, it  
5 is now required to have a permit as follows:

6 (1) ~~If~~ the source is located at a facility that currently has an air quality permit, the source shall be  
7 added to the air quality permit of the facility the next time that permit is revised or renewed,  
8 whichever occurs ~~first~~first; or

9 (2) ~~If~~ the source is located at a facility that currently does not have an air quality permit, the owner or  
10 operator of that source shall apply for a permit within six months after the effective date of the  
11 change in the permit exemption.

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

15

16 *History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
17 *is effective, whichever is sooner;*

18 *Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;*

19 *Eff. July 1, 1994;*

20 *Amended Eff. April 1, 2001; July 1, ~~1996~~1996;*

21 *Readopted Eff. March 1, 2018.*

22

23

1 15A NCAC 02Q .0110 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0110 RETENTION OF PERMIT AT PERMITTED FACILITY**

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

6

7 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
8 *rule becomes effective, whichever is sooner;*

9 *Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;*

10 *Eff. July 1, ~~1994~~,1994;*

11 *Readopted Eff. March 1, 2018.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0111

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 6 – delete “such” and “believed to be”*

*Line 7 – delete “for the Director”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0111 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0111 APPLICABILITY DETERMINATIONS**

4 Any person may submit a request in writing to the Director requesting a determination as to whether a particular  
5 source or facility that the person owns or operates or proposes to own or operate is subject to any of the permitting  
6 requirements ~~under~~ pursuant to this Subchapter. The request shall contain such information believed to be sufficient  
7 for the Director to make the requested determination. The Director may request any additional information that is  
8 needed to make the determination.

9

10 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
11 *rule becomes effective, whichever is sooner;*

12 *Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;*

13 *Eff. July 1, ~~1994~~, 1994;*

14 *Readopted Eff. March 1, 2018.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0112

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – delete Paragraph (a).*

*Line 5 – in similar situations, DEQ has used the language set out below. Why is that language not use here? Does State or federal law expressly require that these p[ortions of an application be submitted under seal?*

If required by G.S. 89C, a professional engineer shall prepare \_\_\_\_\_. [Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that preparation of engineering design documents pursuant to this Paragraph constitutes practicing engineering under G.S. 89C.]

*Line 9 – do you mean “and” or “or”?*

*Line 10 – delete the semicolon after “performance”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0112 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **15A NCAC 02Q .0112 APPLICATIONS REQUIRING PROFESSIONAL ENGINEER SEAL**

4 (a) This Rule shall not apply to permit applications submitted before December 1, 1994.

5 (b) A professional engineer registered in North Carolina shall be required to seal technical portions of air permit  
6 applications for new sources and modifications of existing sources as defined in ~~Rule .0103 of this Section~~ 15A NCAC  
7 02Q .0103 that involve:

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

11 (c) The requirements of Paragraph (b) of this Rule ~~do~~ shall not apply to the following:

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

23  
24 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
25 *RRC Objection Eff. November 17, 1994 due to lack of statutory authority;*  
26 *Eff. February 1, 1995-1995;*  
27 *Readopted Eff. March 1, 2018.*  
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0113

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “are” with “shall be”*

*Lines 5-30 – consider revising as follows:*

- (b) Before a person submits a permit application for a new or expanded facility in an area without zoning, he or she shall:
  - (1) publish a legal notice in a newspaper of general circulation in the area where the source is or will be located at least two weeks before submitting the permit application for the source. The notice shall identify:
    - (1) the name of the affected facility;
    - (2) the name and address of the permit applicant; and
    - (3) the activity or activities involved in the permit action; and
  - (2) post a sign on the property where the new or expanded source is or will be located. The sign shall meet the following specifications:
    - (1) it shall be at least six square feet in area;
    - (2) it shall be set off the road right-of-way, but no more than 10 feet from the road right-of-way.
    - (3) the bottom of the sign shall be at least six feet above the ground;
    - (4) it shall contain the name of the affected facility; the name and address of the permit applicant; and the activity or activities involved in the permit action;
    - (5) lettering shall be a size that the sign can be read by a person with 20/20 vision standing in the center of the road;
    - (6) the side with the lettering shall face the road, and sign shall be parallel to the road; and
    - (7) the sign shall be posted at least 10 days before the permit application is submitted and shall remain posted for at least 30 days after the application is submitted.
- (c) The permit applicant shall submit with the permit application an affidavit and proof of publication that the legal notice required pursuant to Paragraph (d) of this Rule was published.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0113 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **15A NCAC 02Q .0113 NOTIFICATION IN AREAS WITHOUT ZONING**

4 (a) State and local governments are exempt from this Rule.

5 (b) Before a person submits a permit application for a new or expanded facility in an area without zoning, he or she  
6 shall provide public notification as setout in this Rule.

7 (c) A person covered ~~under~~pursuant to this Rule shall publish a legal notice as specified in Paragraph (d) of this Rule  
8 and shall post a sign as specified in Paragraph (f) of this Rule.

9 (d) A person covered ~~under~~pursuant to this Rule shall publish a legal notice in a newspaper of general circulation in  
10 the area where the source is or will be located at least two weeks before submitting the permit application for the  
11 source. The notice shall identify:

- 12 (1) the name of the affected facility;  
13 (2) the name and address of the permit applicant; and  
14 (3) the activity or activities involved in the permit action;

15 (e) The permit applicant shall submit with the permit application an affidavit and proof of publication that the legal  
16 notice required ~~under~~pursuant to Paragraph (d) of this Rule was published.

17 (f) A person covered ~~under~~pursuant to this Rule shall post a sign on the property where the new or expanded source  
18 is or will be located. The sign shall meet the following specifications:

- 19 (1) It shall be at least six square feet in area;  
20 (2) It shall be set off the road right-of-way, but no more than 10 feet from the road right-of-way.  
21 (3) The bottom of the sign shall be at least six feet above the ground;  
22 (4) It shall contain the following information:  
23 (A) the name of the affected facility;  
24 (B) the name and address of the permit applicant; and  
25 (C) the activity or activities involved in the permit action;  
26 (5) Lettering shall be a size that the sign can be read by a person with 20/20 vision standing in the center  
27 of the road; and  
28 (6) The side with the lettering shall face the road, and sign shall be parallel to the road.

29 The sign shall be posted at least 10 days before the permit application is submitted and shall remain posted for at least  
30 30 days after the application is submitted.

31  
32 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
33 *Eff. April 1, ~~2004-2004~~;*  
34 *Readopted Eff. March 1, 2018.*  
35  
36

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0201

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6-14 – what is the purpose of this Paragraph? At this time, isn't it simply saying "This Section shall apply to all facilities"?*

*Lines 16-17 – what does "are different as stated" mean? Can you refer to another rule that sets forth the applicable fees?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0201 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **SECTION .0200 - PERMIT FEES**

4  
5 **15A NCAC 02Q .0201 APPLICABILITY**

6 (a) This Section ~~is~~ shall be applicable:

- 7 (1) as of the permit anniversary date on or after July 1, 1994, to facilities that have or will have actual  
8 emissions of:  
9 (A) 100 tons per year or more of particulate, sulfur dioxide, nitrogen oxides, volatile organic  
10 compounds, or carbon monoxide;  
11 (B) 10 tons per year or more of at least one hazardous air pollutant; or  
12 (C) 25 tons per year or more of all hazardous air pollutants combined; and  
13 (2) as of the permit anniversary date on or after October 1, 1994, to all facilities other than the facilities  
14 described in Subparagraph (a)(1) of this Rule.

15 (b) A general facility obtaining a permit ~~underpursuant to Rule .0509 of this Subchapter~~ 15A NCAC 02Q .0509 shall  
16 comply with provisions of this Section that are applicable to a Title V facility except that the fees are different as  
17 stated.

18 ~~(c) Rule .0207 of this Section is applicable to all facilities as of its effective date.~~

19  
20 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
21 rule is effective, whichever is sooner;

22 Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.106A; 150B-21.6;

23 Eff. July 1, 1994;

24 Amended Eff. July 1, 1998; July 1, ~~1996-1996~~;

25 Readopted Eff. March 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0202

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 5 – delete “actual” before “rate”*

*Lines 7 – delete actual”*

*Line 8 – add “shall” after “emissions”*

*Line 12 – replace “do” with “shall”*

*Line 13 – replace the comma after “shut-downs” with a semicolon*

*Line 14 – replace the comma with a semicolon*

*Line 35 – does “Title V facility” refer only to a “Title V facility that is a perchloroethylene dry cleaner” in this context? If so, say so explicitly.*

*Line 36 – do you mean to refer to Paragraph (7)?*

*Page 2, line 2 – replace the comma with either “and” or “or”*

*Page 2, lines 5 and 6 – replace the commas with semicolons*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0202 is readopted with changes as published in 32:04 NCR 165 as follows:

2  
3 **15A NCAC 02Q .0202 DEFINITIONS**

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

- 5 (1) "Actual emissions" means the actual rate of emissions in tons per year of any air pollutant emitted  
6 from the facility over the preceding calendar year. Actual emissions shall be calculated using the  
7 sources' actual operating hours, production rates, in-place control equipment, and types of materials  
8 processed, stored, or combusted during the preceding calendar year. Actual emissions include  
9 fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability  
10 and calculation purposes ~~under Rule .0201 or .0203 of this Section pursuant to 15A NCAC 02Q~~  
11 ~~.0201 or .0203~~ and emissions reporting purposes ~~under Rule .0207 of this Section, pursuant to 15A~~  
12 ~~NCAC 02Q .0207~~, actual emissions do not include emissions beyond the normal emissions during  
13 violations, malfunctions, start-ups, and shut-downs, do not include a facility's secondary emissions  
14 such as those from motor vehicles associated with the facility, and do not include emissions from  
15 insignificant activities because of category as defined ~~under Rule .0503 of this Subchapter, pursuant~~  
16 ~~to 15A NCAC 02Q .0503~~.
- 17 ~~(2) "Title V facility" means a facility that that is required to have a permit under Section .0500 of this~~  
18 ~~Subchapter except perchloroethylene dry cleaners whose potential emissions are less than:~~  
19 ~~(a) — 10 tons per year of each hazardous air pollutant,~~  
20 ~~(b) — 25 tons per year of all hazardous air pollutants combined, and~~  
21 ~~(c) — 100 tons per year of each regulated air pollutant.~~
- 22 (2) "General facility" means a facility obtaining a permit pursuant to 15A NCAC 02Q .0310 or .0509.
- 23 (3) "Minor modification" means a modification made pursuant to 15A NCAC 02Q .0515, Minor Permit  
24 Modifications.
- 25 ~~(4) — "Synthetic minor facility" means a facility that would be a Title V facility except that the potential~~  
26 ~~emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical~~  
27 ~~or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations~~  
28 ~~must be enforceable by EPA and may include air pollution control equipment and restrictions on~~  
29 ~~hours of operation, the type or amount of material combusted, stored, or processed.~~
- 30 ~~(5)(4)~~ "Significant modification" means a modification made pursuant to 15A NCAC 02Q .0516,  
31 Significant Permit Modification.
- 32 ~~(6) — "General facility" means a facility obtaining a permit under Rule .0310 or .0509 of this Subchapter.~~
- 33 ~~(7)(5)~~ "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general  
34 facility, nor solely a transportation facility.
- 35 ~~(6)~~ "Synthetic minor facility" means a facility that would be a Title V facility except that the potential  
36 ~~emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical~~  
37 ~~or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations~~

1 must be enforceable by EPA and may include air pollution control equipment and restrictions on  
2 hours of operation, the type or amount of material combusted, stored, or processed.

3 (7) "Title V facility" means a facility that is required to have a permit pursuant to 15A NCAC 02Q  
4 .0500 except perchloroethylene dry cleaners whose potential emissions are less than:

5 (a) 10 tons per year of each hazardous air pollutant,

6 (b) 25 tons per year of all hazardous air pollutants combined, and

7 (c) 100 tons per year of each regulated air pollutant.

8  
9 *History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;*  
10 *Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective,*  
11 *whichever is sooner;*  
12 *Eff. July 1, 1994;*  
13 *Amended Eff. July 1, 1996;*  
14 *Temporary Amendment Eff. December 1, 1999;*  
15 *Amended Eff. April 1, 2004; August 1, 2002; July 1, ~~2000-2000~~;*  
16 *Readopted Eff. March 1, 2018.*  
17  
18  
19

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0203

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – is the phrase “(FEES FOR CALENDAR YEAR 2011)” necessary?*

*Line 12 – is the phrase “(FEES FOR CALENDAR YEAR 1994)” necessary?*

*Page 2, line 10 – I assume you mean “rounded” and not “rounded up” or “rounded down”?*

*Page 2, lines 28-33 – why are these definitions here and not in your definitions rule? If they are definitions, change “is” to “means.”*

*Page 2, line 34 – add “shall” before “require”*

*Page 3, line 7 – replace “as would be determined by” with “equal to” if that is what you mean.*

*Page 3, line 10 – replace “shall be” with “are”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0203 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0203 PERMIT AND APPLICATION FEES**

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

ANNUAL PERMIT FEES  
(FEES FOR CALENDAR YEAR 2011)

Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee
Title V	\$30.00	\$6,500	\$3,500
Synthetic Minor		\$1,500	
Small		\$250	
General		50% of the otherwise applicable fee	

5

6 A facility, other than a Title V facility, that has been in compliance is eligible for a 25 percent discount from the annual  
7 permit fees as described in Paragraph (a) of ~~Rule .0205 of this Section.~~ 15A NCAC 02Q .0205(a). Annual permit fees

8 for Title V facilities shall be adjusted for inflation as described in ~~Rule .0204 of this Section.~~ 15A NCAC 02Q .0204.

9 Annual permit fees for Title V facilities consist of the sum of the applicable fee elements. The current annual permit

10 fees shall be found on the Division's website at ~~[http://www.ncair.org/permits/Fee\\_Table\\_and\\_Guide.pdf](http://www.ncair.org/permits/Fee_Table_and_Guide.pdf)~~.

11 ~~[https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting/Fee\\_Table\\_and\\_Guide.pdf](https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting/Fee_Table_and_Guide.pdf)~~.

12 (b) In addition to the annual permit fee, a permit applicant shall pay a non-refundable permit application fee as follows:

PERMIT APPLICATION FEES  
(FEES FOR CALENDAR YEAR 1994)

Facility Category	New or Modification	New or Significant Modification	Minor Modification	Ownership Change
Title V		\$7,200	\$700	\$50
Title V (PSD or NSR/NAA)	\$10,900			\$50
Title V (PSD and NSR/NAA)	21,200			\$50
Synthetic Minor	\$400			\$50
Small	\$50			\$50
General		50% of the otherwise applicable fee		\$25

13

1 Permit application fees for Title V facilities shall be adjusted for inflation as described in ~~Rule .0204 of this~~  
2 ~~Section 15A NCAC 02Q .0204~~. The current permit application fees shall be found on the Division's website at  
3 [http://www.ncair.org/permits/Fee\\_Table\\_and\\_Guide.pdf](http://www.ncair.org/permits/Fee_Table_and_Guide.pdf).[https://deq.nc.gov/about/divisions/air-quality/air-quality-](https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting)  
4 [permitting](https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting).

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

8 (d) The tonnage factor fee shall be applicable only to Title V facilities. It shall be computed by multiplying the tonnage  
9 factor indicated in the table in Paragraph (a) of this Rule by the facility's combined total actual emissions of all  
10 regulated air pollutants, rounded to the nearest ton, contained in the latest emissions inventory that has been completed  
11 by the Division. The calculation shall not include:

- 12 (1) carbon monoxide;
- 13 (2) any pollutant that is regulated solely because it is a Class I or II substance listed ~~under~~pursuant to  
14 Section 602 of the federal Clean Air Act (ozone depleters);
- 15 (3) any pollutant that is regulated solely because it is subject to a regulation or standard ~~under~~pursuant  
16 to Section 112(r) of the federal Clean Air Act (accidental releases); and
- 17 (4) the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.

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

22 (e) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with 15A NCAC  
23 02D .0531 (Sources in Nonattainment Areas), 15A NCAC 02D .0900 (Volatile Organic Compounds), or 15A NCAC  
24 02D .1400 (Nitrogen Oxides) and either:

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

28 (f) A Title V (PSD or NSR/NAA) facility is a facility whose application shall be subject to review ~~under~~pursuant to  
29 15A NCAC 02D .0530 (Prevention of Significant Deterioration) or 15A NCAC 02D .0531 (Sources in Nonattainment  
30 Areas).

31 (g) A Title V (PSD and NSR/NAA) facility is a facility whose application shall be subject to review ~~under~~pursuant  
32 to 15A NCAC 02D .0530 (Prevention of Significant Deterioration) and 15A NCAC 02D .0531 (Sources in  
33 Nonattainment Areas).

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

36 (i) No permit application fee shall be required for renewal of an existing permit, for changes to an unexpired permit  
37 when the only reason for the changes is initiated by the Director or the Commission, for a name change with no

1 ownership change, for a change ~~underpursuant to Rule .0523~~ 15A NCAC 02Q .0523 (Changes Not Requiring Permit  
2 ~~Revisions)Revisions~~), of this Subchapter, or for a construction date change, a test date change, a reporting procedure  
3 change, or a similar change.

4 (j) The permit application fee paid for modifications ~~underpursuant to~~ 15A NCAC 02Q .0400, Acid Rain Procedures,  
5 shall be the fee for the same modification if it were ~~under~~subject to 15A NCAC 02D .0500, Title V Procedures.

6 (k) An applicant who files permit applications pursuant to ~~Rule .0504 of this Subchapter~~15A NCAC 02Q .0504 shall  
7 pay an application fee as would be determined by the application fee for the permit required ~~underpursuant to Section~~  
8 ~~.0500 of this Subchapter~~15A NCAC 02Q .0500; this fee shall cover both applications, provided that the second  
9 application covers only what is covered under the first application. If permit terms or conditions in an existing or  
10 future permit issued ~~underpursuant to Section .0500 of this Subchapter~~15A NCAC 02Q .0500 shall be established or  
11 modified by an application for a modification and if these terms or conditions are enforceable by the Division only,  
12 then the applicant shall pay the fee under the column entitled "Minor Modification" in the table in Paragraph (b) of  
13 this Rule.

14  
15 *History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d);*

16 *Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective,*  
17 *whichever is sooner.*

18 *Eff. July 1, 1994;*

19 *Amended Eff. January 1, 2015; March 1, 2008; April 1, 2004; April 1, 2001; July 1, ~~1996~~1996;*

20 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0204

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “Beginning in 2012, the” with “The”*

*Lines 6-7 – I assume you mean “rounded” and not “rounded up” or “rounded down”?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0204 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0204 INFLATION ADJUSTMENT**

4 Beginning in 2012, the fees of ~~Rule .0203 of this Section~~ 15A NCAC 02Q .0203 for Title V facilities shall be adjusted  
5 as of January 1<sup>st</sup> of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR  
6 70.9(b)(2)(iv). The tonnage factor shall be rounded to a whole cent and the other fees shall be rounded to a whole  
7 dollar, except that the ownership change application fee shall be rounded to the nearest ten-dollar (\$10.00) increment.

8

9 *History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;*

10 *Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective*  
11 *, whichever is sooner;*

12 *Eff. July 1, 1994;*

13 *Amended Eff. March 1, 2008; July 1, ~~1996~~.1996;*

14 *Readopted Eff. March 1, 2018.*

15

16

17

18



1 15A NCAC 02Q .0205 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0205 OTHER ADJUSTMENTS**

4 (a) If a facility other than a Title V facility has been in full compliance with all applicable administrative, regulatory,  
5 and self-monitoring reporting requirements and permit conditions during the previous calendar year, the annual permit  
6 fee shall be 25% less than that listed in ~~Rule .0203 of this Section.~~ 15A NCAC 02Q .0203. A facility shall be considered  
7 to have been in compliance during the previous calendar year if it has not been sent any Notices of Non-compliance  
8 or Notices of Violation during that calendar year.

9 (b) If a facility changes so that its facility category changes, the annual fee changes with the next annual fee.

10 (c) A facility that is moved to a new site may receive credit toward new permit fees for any unused portion of an  
11 annual fee if the permit for the old site is relinquished.

12

13 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
14 rule becomes effective, whichever is sooner;

15 Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;

16 Eff. July 1, ~~1994~~, 1994;

17 Readopted Eff. March 1, 2018.

18

19

20

21

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0206

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 9 – delete “as appropriate” or replace it with “as applicable” if that is what is meant.*

*Line 14 – replace “which” with “that”*

*Line 15 – replace “under” with “pursuant to”*

*Line 15 – add a comma after “facilities”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0206 is readopted with changes as published in 32:04 NCR 165 as follows:

2

3 **15A NCAC 02Q .0206 PAYMENT OF FEES**

4 (a) Payment of fees required ~~underpursuant to this Section~~15A NCAC 02Q .0200 may be by check or money order  
5 made payable to the N.C. Department of ~~Environment and Natural Resources~~Environmental Quality. Annual permit  
6 fee payments shall refer to the permit number.

7 (b) If, within 30 days after being billed, the permit holder fails to pay an annual fee required ~~underpursuant to this~~  
8 ~~Section~~15A NCAC 02Q .0200, the Director may initiate action to terminate the permit ~~underpursuant to Rule .0309~~  
9 ~~or .0519 of this Subchapter~~15A NCAC 02Q .0309 or .0519 as appropriate.

10 (c) A holder of multiple permits may arrange to consolidate the payment of annual fees into one annual payment.

11 (d) The payment of the permit application fee required by ~~this Section~~15A NCAC 02Q .0200 shall accompany the  
12 application and is non-refundable.

13 (e) The Division shall annually prepare and make publicly available an accounting showing aggregate fee payments  
14 collected ~~underpursuant to this Section~~15A NCAC 02Q .0200 from facilities which have obtained or will obtain  
15 permits under ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500 except synthetic minor facilities and showing  
16 a summary of reasonable direct and indirect expenditures required to develop and administer the Title V permit  
17 program.

18

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

20 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
21 *becomes effective, whichever is sooner;*

22 *Eff. July 1, 1994;*

23 *Amended Eff. September 1, ~~2015~~2015;*

24 *Readopted Eff. March 1, 2018.*

25

26

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0207

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6-22 – replace the commas with semicolons*

*Page 2, lines 8-16 – begin each line with “the”*

*Page 2, line 20 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

*Page 2, line 20 – what standards, factors, or circumstances determine whether the Director “may” require additional reporting?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0207 is readopted as published in 32:04 NCR 165-166 as follows:

2

3 **15A NCAC 02Q .0207 ANNUAL EMISSIONS REPORTING**

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

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

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

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

- 30 (1) ~~Cabarrus County,~~
- 31 (2) ~~Davidson County,~~
- 32 (3) ~~Durham County,~~
- 33 (4) ~~Forsyth County,~~
- 34 (5) ~~Gaston County,~~
- 35 (6) ~~Guilford County,~~
- 36 (7) ~~Lincoln County,~~
- 37 (8) ~~Mecklenburg County,~~

- 1           (9) ~~Rowan County,~~  
 2           (10) ~~Union County,~~  
 3           (11) ~~Wake County,~~  
 4           (12) ~~Davidson Township and Coddle Creek Township in Iredell County,~~  
 5           (13) ~~Dutchville Township in Granville County, or~~  
 6           (14) ~~that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway~~  
 7                 ~~801, Fulton Creek and back to the Yadkin River.~~  
 8           (1) townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount  
 9                 Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;  
 10          (2) townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County  
 11          (3) townships of Davidson and Coddle Creek in Iredell County;  
 12          (4) townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;  
 13          (5) all townships in Mecklenburg County;  
 14          (6) townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury,  
 15                 Steele, and Unity in Rowan County; or  
 16          (7) townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.

17 (d) The annual reporting requirement ~~under~~pursuant to Paragraph (c) of this Rule shall begin with calendar year  
 18 ~~2007~~2017 emissions for facilities in ~~Cabarrus, Lincoln, Rowan, and Union counties and Davidson Township and~~  
 19 ~~Coddle Creek Township in Iredell County.~~the areas identified in Paragraph (c) of this Rule.

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

23  
 24 *History Note:*     *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
 25 *rule is effective, whichever is sooner;*  
 26 *Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.65; 143-215.107; 143B-282; 150B-21.6;*  
 27 *Eff. July 1, 1994;*  
 28 *Amended Eff. July 1, 2007; July 1, 1998; July 1, ~~1996~~,1996;*  
 29 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0301

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 10 – delete “in accordance with the procedures”*

*Line 11 – replace “are” with “shall be”*

*Line 13 – replace “under” with “pursuant to”*

*Line 13 – replace “may also be subject to the air toxic” with “shall also be subject to applicable air toxic” if that is what is meant.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0301 is readopted with changes as published in 32:04 NCR 166 as follows:

2  
3  
4 **SECTION .0300 - CONSTRUCTION AND OPERATION PERMITS**

5  
6 **15A NCAC 02Q .0301 APPLICABILITY**

7 (a) Except for the permit exemptions allowed ~~under pursuant to Rules 15A NCAC 02Q .0102 and .0302 of this~~  
8 ~~Subchapter, 15A NCAC 02Q .900~~ or as allowed ~~under pursuant to~~ G.S. 143-215.108A, the owner or operator of a new,  
9 modified, or existing facility or source shall not begin construction or operation without first obtaining a construction  
10 and operation permit in accordance with the procedures ~~under pursuant to Section .0300; 15A NCAC 02Q .0300;~~  
11 however, Title V facilities are subject to the Title V procedures ~~under pursuant to Section .0500; 15A NCAC 02Q~~  
12 ~~.0500~~ including the acid rain procedures ~~under pursuant to Section .0400; 15A NCAC 02Q .0400~~ for Title IV sources.

13 (b) The owner or operator of a source required to have a permit under this Section may also be subject to the air toxic  
14 permit procedures ~~under pursuant to 15A NCAC 2Q .0700; 02Q .0700.~~

15 (c) The owner or operator of a source required to have a permit under this Section shall pay permit fees required ~~under~~  
16 ~~pursuant to Section .0200 of this Subchapter. 15A NCAC 02Q .0200.~~

17  
18 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
19 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
20 *becomes effective, whichever is sooner;*  
21 *Eff. July 1, 1994;*  
22 *Amended Eff. December 1, 2005; July 1, ~~1998; 1998;~~*  
23 *Readopted Eff. March 1, 2018.*  
24  
25



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0303

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 8-10 – what would “require” reissuance? Can you cite to s rules or set of rules governing this requirement?*

*Line 20 – add “who is” after “of the corporation”*

*Line 21 – replace the comma with a semicolon*

*Line 21 – delete “or”*

*Line 22 – replace the comma with a semicolon*

*Line 22 – replace “duly authorized” with “duly-authorized”*

*Line 23 – add “a” before “person”*

*Line 26 – delete the comma*

*Lines 31 and 32 – do not capitalize “federal”*

*Line 35 and Page 2, line 1 – delete “following the procedures”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0303 is readopted as published in 32:04 NCR 166-167 as follows:

2  
3 **15A NCAC 02Q .0303 DEFINITIONS**

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

5 ~~(1) "New facility" means a facility that is receiving a permit from the Division for construction and~~  
6 ~~operation of a source of an emissions polluting operation that it is not currently permitted.~~

7 ~~(2)(1) "Modified facility" means a modification of an existing facility or source and:~~

8 ~~(a) The~~ the permitted facility or source is being modified in such a manner as to require the  
9 Division to reissue the permit, or

10 ~~(b) A~~ a new source is being added that requires the Division to reissue the permit.

11 ~~A modified facility does not include a facility or source that requests to change name or ownership, construction or~~  
12 ~~test dates, or reporting procedures.~~

13 A modified facility does not include a facility or source that requests to change name or ownership,  
14 construction or test dates, or reporting procedures.

15 ~~(2) "New facility" means a facility that is receiving a permit from the Division for construction and~~  
16 ~~operation of an emission source that it is not currently permitted.~~

17 (3) "Plans and Specifications" means the completed application and any other documents required to  
18 define the operating conditions of the air pollution source.

19 ~~(4) "Responsible official" means one of the following:~~

20 ~~(a) for a corporation: a president, secretary, treasurer, or vice-president of the corporation in~~  
21 ~~charge of a principal business function, or any other person who performs similar policy~~  
22 ~~or decision-making functions for the corporation, or a duly authorized representative of~~  
23 ~~such person if the representative is responsible for the overall operation of one or more~~  
24 ~~manufacturing, production, or operating facilities applying for or subject to a permit and~~  
25 ~~either;~~

26 ~~(i) the facilities employ more than 250 persons, or have gross annual sales or~~  
27 ~~expenditures exceeding \$25 million (in second quarter 1980 dollars); or~~

28 ~~(ii) the delegation of authority to such representatives is approved in advance by the~~  
29 ~~permitting authority;~~

30 ~~(b) for a partnership or sole proprietorship: a general partner or the proprietor, respectively; or~~

31 ~~(c) for a municipality, State, Federal, or other public agency: either a principal executive~~  
32 ~~officer or ranking elected official. A principal executive officer of a Federal agency~~  
33 ~~includes the chief executive officer having responsibility for the overall operations of a~~  
34 ~~principal geographic unit of the agency (e.g., a Regional Administrator of EPA).~~

35 ~~(4)(5) "Title IV source" means a source that is required to be permitted following the procedures under~~  
36 ~~Section .0400 of this Subchapter pursuant to 15A NCAC 02Q .0400.~~

1           ~~(5)(6)~~ "Title V source" means a source that is required to be permitted following the procedures under  
2           ~~Section .0500 of this Subchapter pursuant to 15A NCAC 02Q .0500.~~

3  
4    *History Note:*    *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
5                        *rule becomes effective, whichever is sooner;*  
6                        *Authority G.S. 143-213; 143-215.3(a)(1);*  
7                        *Eff. July 1, ~~1994~~, 1994;*  
8                        *Readopted Eff. March 1, 2018.*

9  
10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0304

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6 and 18 require the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

*Line 10 – replace the comma with a semicolon*

*Line 16 – replace “under” with “pursuant to”*

*Lines 19-20 – delete “the Director finds”*

*Line 19 – add “is” before “necessary”*

*Line 22 – replace the comma with a semicolon*

*Line 25 – capitalize “State” if you are referring to the State of North Carolina.*

*Page 2, line 4 – delete “number of”*

*Page 2, line 6 – add “as” before “defined”*

*Page 2, line 8 – replace “may” with “shall” if that is what you mean.*

*Page 2, line 10 – delete “number of”*

*Page 2, line 11 – add “as” before “defined”*

*Page 2, line 15 – delete the comma*

*Page 2, line 15 – what does “as soon as” mean?*

*Page 2, lines 20 and 21 – do you mean “and” or “or”?*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

*Page 2, line 22 – replace “may” with “shall” if that is what you mean.*

*Page 2, line 23 – replace “he or she considers” with “is”*

*Page 2, line 34 – consider replacing “defined” with “listed” or “described”*

*Page 3, line 2 – replace “on” with “in”*

*Page 3, line 5 – replace “any” with “all” if that is what is meant.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0304 is readopted as published in 32:04 NCR 167-168 as follows:

2  
3 **15A NCAC 02Q .0304 APPLICATIONS**

4 (a) Obtaining and filing application. Permit, permit modification, or permit renewal applications may be obtained and  
5 shall be filed in writing according to ~~Rule .0104 of this Subchapter.~~ 15A NCAC 02Q .0104.

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

8 (1) for a new facility or an expansion of existing facility, a zoning consistency determination according  
9 to G.S. 143-215.108(f) that:

10 (A) bears the date of receipt entered by the clerk of the local government, or

11 (B) consists of a letter from the local government indicating that all zoning or subdivision  
12 ordinances are met by the facility;

13 (2) for a new facility or an expansion of existing facility in an area without zoning, an affidavit and  
14 proof of publication of a legal notice as required ~~under Rule .0113 of this Subchapter;~~ pursuant to  
15 15A NCAC 02Q .0113;

16 (3) for permit renewal, an emissions inventory that contains the information specified under 15A NCAC  
17 02D .0202, Registration of Air Pollution Sources (the applicant ~~may shall~~ use emission inventory  
18 forms or electronic data systems provided by the Division to satisfy this requirement); and

19 (4) documentation showing the applicant complies with Parts (A) or (B) of this Subparagraph if the  
20 Director finds this information necessary to evaluate the source, its air pollution abatement  
21 equipment, or the facility:

22 (A) ~~The the~~ applicant is financially qualified to carry out the permitted activities, or

23 (B) ~~The the~~ applicant has substantially complied with the air quality and emissions standards  
24 applicable to any activity in which the applicant has previously been engaged, and has been  
25 in substantial compliance with federal and state environmental laws and rules.

26 (c) When to file application. For sources subject to the requirements of 15A NCAC 02D .0530 (prevention of  
27 significant deterioration) or .0531 (new source review for sources in nonattainment areas), applicants shall file air  
28 permit applications at least 180 days before the projected construction date. For all other sources, applicants shall file  
29 air permit applications at least 90 days before the projected date of construction of a new source or modification of an  
30 existing source.

31 (d) Permit renewal, name, or ownership changes with no modifications. If no modification has been made to the  
32 originally permitted source, application for permit change may be made by letter application to the Director at the  
33 address specified in ~~Rule .0104 of this Subchapter.~~ 15A NCAC 02Q .0104. The permit renewal, name, or ownership  
34 change ~~letter application must shall~~ state that there have been no changes in the permitted facility since the permit was  
35 last issued. ~~However, the Director may require the applicant for ownership change to submit additional information,~~  
36 ~~if the Director finds the following information necessary to evaluate the applicant for ownership change, showing that:~~

37 (1) ~~The applicant is financially qualified to carry out the permitted activities, or~~

1           ~~(2) — The applicant has substantially complied with the air quality and emissions standards applicable to~~  
2           ~~any activity in which the applicant has previously been engaged, and has been in substantial~~  
3           ~~compliance with federal and state environmental laws and rules.~~

4 To make a name or ownership change, the applicant shall send the Director the number of copies of letters specified  
5 in ~~Rule .0305(a)(3) or (4) of this Section~~ 15A NCAC 02Q .0305(a)(3) or (4) signed by a ~~person specified in Paragraph~~  
6 ~~(j) of this Rule, the responsible official defined in 15A NCAC 02Q .0303.~~

7 (e) Applications for date and reporting changes. Application for changes in construction or test dates or reporting  
8 procedures may be made by letter to the Director at the address specified in ~~Rule .0104 of this Subchapter,~~ 15A NCAC  
9 02Q .0104. To make changes in construction or test dates or reporting procedures, the applicant shall send the Director  
10 the number of copies of letters specified in ~~Rule .0305(a)(5)~~ 15A NCAC 02Q .0305(a)(5) of ~~this Section~~ signed by a  
11 ~~person specified in Paragraph (j) of this Rule, the responsible official defined in 15A NCAC 02Q .0303.~~

12 (f) When to file applications for permit renewal. Applicants shall file applications for renewals such that they are  
13 mailed to the Director at the address specified in ~~Rule .0104 of this Subchapter~~ 15A NCAC 02Q .0104 and postmarked  
14 at least 90 days before expiration of the permit.

15 (g) Name, or ownership change. The permittee shall file requests for permit name or ownership changes as soon as  
16 the permittee is aware of the imminent name or ownership change.

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

19 (i) Requesting additional information. Whenever the information provided on the permit application forms does not  
20 adequately describe the source and its air cleaning device, the Director may request that the applicant provide any  
21 other information that the Director considers necessary to evaluate the source and its air cleaning device. Before acting  
22 on any permit application, the Director may request any information from an applicant and conduct any inquiry or  
23 investigation that ~~he or she~~ considers necessary to determine compliance with applicable standards.

24 ~~(j) Signature on application. Permit applications submitted pursuant to this Rule shall be signed as follows:~~

25           ~~(1) — for corporations, by a principal executive officer of at least the level of vice president, or his duly~~  
26           ~~authorized representative, if such representative is responsible for the overall operation of the~~  
27           ~~facility from which the emissions described in the permit application form originates;~~

28           ~~(2) — for partnership or limited partnership, by a general partner;~~

29           ~~(3) — for a sole proprietorship, by the proprietor;~~

30           ~~(4) — for municipal, state, federal, or other public entity, by a principal executive officer, ranking elected~~  
31           ~~official, or other duly authorized employee.~~

32 ~~(k)(j)~~ Application fee. With the exceptions specified in ~~Rule .0203(i) of this Subchapter,~~ 15A NCAC 02Q .0203(i), a  
33 non-refundable permit application processing fee shall accompany each application. The permit application processing  
34 fees are defined in ~~Section .0200 of this Subchapter,~~ 15A NCAC 02Q .0200. A permit application ~~is~~ shall be incomplete  
35 until the permit application processing fee is received.

1 ~~(k)~~ Correcting submittals of incorrect information. An applicant ~~has~~ shall have a continuing obligation to submit  
2 relevant facts pertaining to his or her permit application and to correct incorrect information on his or her permit  
3 application.

4 ~~(m)(1)~~ Retaining copy of permit application package. The applicant shall retain for the duration of the permit term  
5 one complete copy of the application package and any information submitted in support of the application package.

6  
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
8 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is*  
9 *effective, whichever is sooner;*  
10 *Eff. July 1, 1994;*  
11 *Amended Eff. September 1, 2015; January 1, 2009; December 1, 2005; July 1, ~~1999, 1999~~;*  
12 *Readopted Eff. March 1, 2018.*

13  
14



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0305

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – delete “at a minimum”*

*Line 14 – delete “as”*

*Line 17 add “by” or pursuant to” after “required”*

*Line 23 – replace “shall” with “will”*

*Line 26 – replace “a letter sent by each” with “letters signed by”*

*Line 26 – delete “sent by either”*

*Line 31 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0305 is readopted as published in 32:04 NCR 168-169 as follows:

2  
3 **15A NCAC 02Q .0305 APPLICATION SUBMITTAL CONTENT**

4 (a) If an applicant does not submit, at a minimum, the following information with ~~his~~the application package, the  
5 application package shall be ~~returned~~considered incomplete for processing:

6 (1) for new facilities and modified facilities:

7 (A) an application fee as required ~~under Section .0200 of this Subchapter~~pursuant to 15A  
8 NCAC 02Q .0200;

9 (B) a zoning consistency determination as required ~~under Rule .0304(b)(1) of this~~  
10 Section~~pursuant to 15A NCAC 02Q .0304(b)(1)~~;

11 (C) the documentation required ~~under Rule .0304(b)(2) of this Section~~pursuant to 15A NCAC  
12 02Q .0304(b)(2) if required;

13 (D) a financial qualification or substantial compliance statement if required; and

14 (E) applications as required ~~under Rule .0304(a) of this Section~~pursuant to 15A NCAC 02Q  
15 .0304(a) and Paragraph (b) of this Rule and signed ~~as required by Rule .0304(j) of this~~  
16 Section~~by the responsible official~~;

17 (2) for renewals: ~~two copies of applications~~one copy of the application as required ~~under Rule .0304(a)~~  
18 ~~and (d) of this Section~~15A NCAC 02Q .0304 (a) and (d) and signed ~~as required by Rule .0304(j) of~~  
19 ~~this Section~~by the responsible official and an emissions inventory that contains the information  
20 specified ~~under~~pursuant to 15A NCAC 02D .0202, Registration of Air Pollution Sources;

21 (3) for a name change: ~~two copies of a letter~~one copy signed by the ~~appropriate individual listed in~~  
22 ~~Rule .0304(j)~~responsible official indicating the current facility name, the date on which the name  
23 change shall occur, and the new facility name;

24 (4) for an ownership change: an application fee as required ~~under Section .0200 of this Subchapter~~  
25 pursuant to 15A NCAC 02Q .0200 and:

26 (A) ~~two copies~~one copy of a letter sent by each, the seller and the buyer, indicating the change;  
27 or

28 (B) ~~two copies~~one copy of a letter sent by either bearing the signature of both the seller and  
29 buyer, containing a written agreement with a specific date for the transfer of permit  
30 responsibility, coverage, and liability between the current and new permittee; ~~and or~~

31 (C) submit one copy of the appropriate form provided by the Division; and

32 (5) for corrections of typographical errors; changes in name, address, or telephone number of any  
33 individual identified in the permit; changes in test dates or construction dates; or similar minor  
34 changes: ~~two copies~~one copy of a letter signed by the ~~appropriate individual listed in Rule .0304(j)~~  
35 ~~of this Section~~responsible official describing the proposed change and explaining the need for the  
36 proposed change.

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

- 1           ~~(1) six copies for sources subject to the requirements of 15A NCAC 02D .0530, .0531, or .1200; or~~  
2           ~~(2) three copies for sources not subject to the requirements of 15A NCAC 02D .0530, .0531, or .1200.~~  
3           (1) one copy for all applications;  
4           (2) one additional copy for facilities demonstrating compliance through modeling analysis; and  
5           (3) three additional copies for sources subject to the requirements of 15A NCAC 02Q .0530 or .0531.

6  
7   *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
8                   *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
9                   *becomes effective, whichever is sooner;*  
10                  *Eff. July 1, 1994;*  
11                  *Amended Eff. December 1, 2005; April 1, ~~2004~~2004;*  
12                  *Readopted Eff. March 1, 2018.*  
13  
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0306

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “provide for” with “provide”*

*Lines 14 and 16 – replace “according” with “pursuant”*

*Line 15 – replace “solvent borne” with “solvent-borne”*

*Line 36 – replace “federally approved” with “federally-approved”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0306 is readopted as published in 32:04 NCR 169 as follows:

2  
3 **15A NCAC 02Q .0306 PERMITS REQUIRING PUBLIC PARTICIPATION**

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

- 6 (1) any source that may be designated by the Director based on public interest relevant to air quality;
- 7 (2) a source to which 15A NCAC 02D .0530 or .0531 applies;
- 8 (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds  
9 the height defined in 15A NCAC 02D .0533(a)(4)(A), (B), or (C);
- 10 (4) a source required to have controls more stringent than the applicable emission standards in 15A  
11 NCAC 02D .0500 according to 15A NCAC 02D .0501 when necessary to comply with an ambient  
12 air quality standard ~~under pursuant to~~ 15A NCAC 02D .0400;
- 13 (5) alternative controls different than the applicable emission standards in 15A NCAC 02D .0900  
14 according to 15A NCAC 02D .0952;
- 15 (6) a limitation on the quantity of solvent borne ink that may be used by a printing unit or printing  
16 system according to 15A NCAC 02D .0961 and .0965;
- 17 (7) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an  
18 incinerator constructed before July 1, 1987, in accordance with 15A NCAC 02D .1204(c)(2)(B) and  
19 .1208 (b)(2)(B);
- 20 (8) an alternative mix of controls ~~under pursuant to~~ 15A NCAC 02D .0501(f);
- 21 (9) a source that is subject to the requirements of 15A NCAC 02D .1109 or .1112;
- 22 (10) a source seeking exemption from the 20-percent opacity standard ~~in 15A NCAC 02D .0521~~  
23 ~~under pursuant to~~ 15A NCAC 2D .0521(f);
- 24 (11) a source using an alternative monitoring procedure or methodology ~~under pursuant to~~ 15A NCAC  
25 02D .0606(g) or .0608(g); or
- 26 (12) when the owner or operator requests that the draft permit go to public notice with an opportunity to  
27 request a public hearing.

28 ~~(b) On the Division's website, the Director shall post a copy of the draft permit that changes classification for a facility~~  
29 ~~by placing a physical or operational limitation in it to avoid the applicability of rules in 15A NCAC 02Q .0500. Along~~  
30 ~~with the draft permit, the Director shall also post a public notice for comments with an opportunity to request a public~~  
31 ~~hearing on that draft permit. The public notice shall contain the information specified in Paragraph (c) of Rule .0307~~  
32 ~~of this Section and shall allow at least 30 days for public comment.~~

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

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

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9

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .~~4E~~

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 4-5 – replace “.0530 or .0531, or Appendix S or 40 CFR” with “.0530 or .0531 or Appendix S of 40 CFR”*

*Line 8 – replace “The public” with “Public”*

*Line 29 – delete the comma*

*Line 36 – what statute authorizes the Division to levy this \$30 annual fee?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0307 is readopted as published in 32:04 NCR 169-170 as follows:

2  
3 **15A NCAC 02Q .0307 PUBLIC PARTICIPATION PROCEDURES**

4 (a) This Rule ~~does~~shall not apply to sources subject to the requirements of 15A NCAC ~~2D02D~~.0530 or .0531 or  
5 Appendix S or 40 CFR Part 51. For sources subject to the requirements of 15A NCAC ~~2D02D~~.0530 or .0531 or  
6 Appendix S of 40 CFR Part 51, the procedures in 15A NCAC ~~2D02D~~.0530 or .0531 or Appendix S of 40 CFR Part  
7 51 shall be followed, respectively.

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

11 (c) The public notice shall identify:

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

25 (d) The notice shall allow at least 30 days for public and EPA comments.

26 (e) If the Director determines that significant public interest exists or that the public interest will be served, the  
27 Director shall require a public hearing to be held on a draft permit. Notice of a public hearing shall be given at least  
28 30 days before the public hearing.

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

31 (g) The Director shall send EPA a copy of each draft permit subject to public and EPA comment when ~~he sends~~sending  
32 EPA the notice of request for public comment for that permit and shall send EPA a copy of each such permit when it  
33 is issued.

34 (h) Persons who desire to be placed on the Division's mailing list for air quality permit notices shall send their request  
35 to the Director, Division of Air Quality, ~~P.O. Box 29580,1641 Mail Service Center,~~ Raleigh, North Carolina ~~27626-~~  
36 ~~0580~~27699-1641 and shall pay an annual fee of thirty dollars (\$30.00).



1 (i) ~~Any persons requesting copies of material identified in Subparagraph (b)(4) of this Rule shall pay ten cents (\$0.10)~~  
2 ~~a page for each page copied.~~ Confidential material shall be handled in accordance with ~~Rule .0107 of this~~  
3 ~~Subchapter.~~ 15A NCAC 02Q .0107.

4  
5 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
6 *rule becomes effective, whichever is sooner;*

7 *Authority G.S. 143-215.3(a)(1),(3); 143-215.4(b); 143-215.108;*

8 *Eff. July 1, 1994;*

9 *Amended Eff. July 1, ~~1998-1998~~;*

10 *Readopted Eff. March 1, 2018.*

11

12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0308

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 9-14 – consider revising as follows:*

- (b) Any person whose application for a permit, permit modification, renewal, change in name or ownership, construction or test date, or reporting procedure is denied, or is granted subject to conditions that are unacceptable, and who wishes to appeal the Director's decision shall appeal pursuant to Article 3 of G.S. 150B. The permit shall become final if the applicant does not appeal the Director's decision in compliance with Article 3 of G.S. 150B.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0308 is readopted with changes as published in 32:04 NCR 170 as follows:

2  
3 **15A NCAC 02Q .0308 FINAL ACTION ON PERMIT APPLICATIONS**

4 (a) The Director may:

- 5 (1) issue a permit, permit modification, or a renewal containing the conditions necessary to carry out  
6 the purposes of G.S. 143, Article 21B;  
7 (2) rescind a permit upon request by the permittee; or  
8 (3) deny a permit application when necessary to carry out the purposes of G.S. 143, Article 21B.

9 (b) Any person whose application for a permit, permit modification, renewal, ~~letter requesting~~ change in name or  
10 ownership, construction or test date, or reporting ~~procedure, procedure is denied~~ ~~denied~~, or is granted subject to  
11 conditions that are ~~unacceptable to him~~ ~~unacceptable~~, shall have the right to appeal the Director's decision under Article  
12 3 of G.S. 150B. The person shall have 30 days following receipt of the notice of the Director's decision on the  
13 application or permit in which to appeal the Director's decision. The permit shall become final if the applicant does  
14 not contest the permit within this 30-day period.

15 (c) The Director shall issue or renew a permit for a term of eight years.

16  
17 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
18 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
19 *becomes effective, whichever is sooner;*  
20 *Eff. July 1, 1994;*  
21 *Amended Eff. January 1, ~~2015-2015~~;*  
22 *Readopted Eff. March 1, 2018.*  
23  
24

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0309

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 5, 7, 8, 9, 11, and 23 – do not capitalize the first word in these lines*

*Lines 13, 13, 16, 18, 21, and 25 – delete or define “reasonable”*

*Line 22 – add “or” after the semicolon*

*Line 25 – delete or define “timely”*

*Line 25 – add “with” before “any information”*

*Line 28 – replace “The operation of” with “Operating”*

*Line 32 – replace “does” with “shall”*

*Line 33 – replace “When” with If”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0309 is readopted with changes as published in 32:04 NCR 170 as follows:

2  
3 **15A NCAC 02Q .0309 TERMINATION, MODIFICATION AND REVOCATION OF PERMITS**

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

- 5 (1) The information contained in the application or presented in support thereof is determined to be  
6 incorrect;
- 7 (2) The conditions under which the permit or permit renewal was granted have changed;
- 8 (3) Violations of conditions contained in the permit have occurred;
- 9 (4) The permit holder fails to pay the fee required ~~under Section .0200 of this Subchapter pursuant to~~  
10 15A NCAC 02Q .0200 within 30 days after being billed;
- 11 (5) The permittee refuses to allow the Director or ~~his~~ their authorized representative upon presentation  
12 of credentials:
- 13 (A) to enter, at reasonable times and using reasonable safety practices, the permittee's premises  
14 in which a source of emissions is located or in which any records are required to be kept  
15 ~~under~~ pursuant to the terms and conditions of the permit;
- 16 (B) to have access, at reasonable times, to any copy or records required to be kept  
17 ~~under~~ pursuant to the terms and conditions of the permit;
- 18 (C) to inspect, at reasonable times and using reasonable safety practices, any source of  
19 emissions, control equipment, and any monitoring equipment or method required in the  
20 permit; or
- 21 (D) to sample, at reasonable times and using reasonable safety practices, any emission source  
22 at the facility;
- 23 (6) The Director finds that termination, modification, or revocation and reissuance of a permit is  
24 necessary to carry out the purpose of G.S. 143, Article 21B.

25 (b) The permittee shall furnish the Division, in a timely manner, any reasonable information that the Director may  
26 request in writing to determine whether cause exists for terminating, modifying, or revoking and reissuing the permit  
27 or to determine compliance with the permit.

28 (c) The operation of a facility or source after its permit has been terminated is a violation of this Section and G.S.  
29 143-215.108.

30 (d) The permittee may request modifications to his permit.

31 (e) The filing of a request by a permittee for a permit termination, modification, revocation and reissuance, notification  
32 of planned changes, or anticipated noncompliance does not stay any permit term or condition.

33 (f) When a permit is modified, the proceedings shall affect only those parts of the permit that are being modified.

34  
35 *History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
36 *is effective, whichever is sooner;*

1  
2  
3  
4  
5  
6  
7  
8  
9

*Authority G.S. 143-215.3(a)(1),(1a),(1b); 143-215.108; 143-215.114A; 143-215.114B;  
143-215.114C;  
Eff. July 1, 1994;  
Amended Eff. July 1, ~~1999~~1999;  
Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0310

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – delete Paragraph (a).*

*Lines 5-8 – consider revising as follows:*

- (b) The Director shall not issue a single permit for more than one facility pursuant to this Rule unless:
- (1) there is no difference between the facilities that would require special permit conditions for any individual facility; and
  - (2) no unique analysis is required for any facility covered under the permit.

*Lines 9, 13, and 14 (twice) – replace “under” with “pursuant to”*

*Lines 9-10 – does this mean that the criteria that determine whether such a permit will be issued is not set forth in a rule? If so, what statute or other authority sets forth these criteria?*

*Lines 11-12 – delete Paragraph (d).*

*Line 14 – what does “or shall apply for a standard permit” mean – apply for a permit for each facility?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0310 is readopted as published in 32:04 NCR 170 as follows:

2  
3 **15A NCAC 02Q .0310 PERMITTING OF NUMEROUS SIMILAR FACILITIES**

4 (a) The Director may issue a permit to cover numerous similar facilities or sources.

5 (b) The Director shall not issue a permit under this Rule unless the following conditions are met:

6 (1) There is no unique difference that would require special permit conditions for any individual facility;

7 and

8 (2) No unique analysis is required for any facility covered under the permit.

9 (c) A permit issued under this Rule shall identify criteria by which facilities or sources may qualify for the permit.

10 The Director shall grant the terms and conditions of the permit to facilities or sources that qualify.

11 (d) The facility or source shall be subject to enforcement action for operating without a permit if the facility or source  
12 is later determined not to qualify for the terms and conditions of the permit issued under this Rule.

13 (e) The owner or operator of a facility or source that qualifies for a permit issued under this Rule shall apply for  
14 coverage under the terms of the permit issued under this Rule or shall apply for a standard permit under this Section.

15  
16 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
17 *rule becomes effective, whichever is sooner;*

18 *Authority G.S. 143-215.3(a)(1); 143-215.108;*

19 *Eff. July 1, 1994;*

20 *Readopted Eff. March 1, 2018.*



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0311

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – what standards, factors or circumstances determine whether the Director “may” issue such a permit? If those factors are listed in Paragraph (b), consider revising the entire rule as follows:*

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

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0311 is readopted as published in 32:04 NCR 170 as follows:

2

3 **15A NCAC 02Q .0311 PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES**

4 (a) The Director may issue a single permit authorizing emissions from a facility or source at multiple temporary sites.

5 (b) Permits for facilities at multiple temporary sites shall include:

6 (1) the identification of each site;

7 (2) the conditions that will assure compliance with all applicable requirements at all approved sites;

8 (3) a requirement that the permittee notify the Division at least 10 days in advance of each change of  
9 site; and

10 (4) the conditions that assure compliance with all other provisions of this Section.

11

12 History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
13 rule becomes effective, whichever is sooner;

14 Authority G.S. 143-215.3(a)(1); 143-215.108;

15 Eff. July 1, 1994;

16 Amended Eff. July 1, 1996;

17 Readopted Eff. March 1, 2018.

18

19

20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0312

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 7 – replace the comma with “and”*

*Line 14 – add “that” after “writing”*

*Lines 15, 17, and 20 – delete “stating that”*

*Line 22 – delete “dated”*

*Line 25 – replace “when” with “if”*

*Line 25 – delete “considered”*

*Line 27 – replace “deadline” with “date”*

*Line 28 – replace “the written” with “a written”*

*Line 28 – replace “may” with “shall” if that is what is meant. If not, what standards, factors or circumstances determine whether an application will be returned?*

*Lines 29-30 – what happens after an applicant requests an extension?*

*Line 34 – replace “when” with “if”*

*Line 35 – add a comma after “equipment”*

*Page 2, line 19 – what does “those Rules” refer to? Can you add a cite here?*

*Page 2, line 20 – add “permit applications for” before “case-by-case”*

*Page 2, line 26 – add “that” after “writing”*

*Page 2, lines 27, 29, and 32 – delete “stating that”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Page 2, line 32 – add “requesting” before “that the applicant”*

*Page 2, line 34 – delete “dated”*

*Page 2, line 37 – replace “when” with “if”*

*Page 2, line 37 – delete “considered”*

*Page 3, line 2 – replace “deadline” with “date”*

*Page 3, line 3 – replace “the written” with “a written”*

*Page 3, line 3 – replace “may” with “shall” if that is what is meant. If not, what standards, factors or circumstances determine whether an application will be returned?*

*Page 3, line 9 – replace “when” with “if”*

*Page 3, line 10 – add a comma after “equipment”*

*Page 3, line 30 – do you mean “may” or “shall”? If “shall,” consider revising as follows:  
“(c) The Director shall return an application that contains insufficient information to complete the review. If “may,” what standards, factors or circumstances determine whether an application will be returned?”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0312 is readopted with changes as published in 32:04 NCR 170 as follows:

2  
3 **15A NCAC 02Q .0312 APPLICATION PROCESSING SCHEDULE**

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

6 (1) for permit applications, except for prevention of significant deterioration ~~under~~ pursuant to 15A  
7 NCAC ~~2D02D~~ .0530, case-by-case maximum achievable control technology ~~under~~ pursuant to 15A  
8 NCAC ~~2D02D~~ .1109 or ~~1112, 1112; or a request for synthetic minor facility status before one year~~  
9 ~~after EPA approves Section .0500 of this Subchapter.~~

10 (A) The Division shall send written acknowledgment of receipt of the permit application to the  
11 applicant within 10 days of receipt of the application.

12 (B) The Division shall review all permit applications within 45 days of receipt of the  
13 application to determine whether the application is complete or incomplete for processing  
14 purposes. The Division shall notify the applicant by ~~letter~~ in writing:

15 (i) stating that the application as submitted is complete and specifying the  
16 completeness date,

17 (ii) stating that the application is incomplete, requesting additional information and  
18 specifying the deadline date by which the requested information is to be received  
19 by the Division, or

20 (iii) stating that the application is incomplete and requesting that the applicant rewrite  
21 and resubmit the application.

22 If the Division does not notify the applicant ~~by letter~~ in writing dated within 45 days of  
23 receipt of the application that the application is incomplete, the application shall be deemed  
24 complete. A completeness determination shall not prevent the Director from requesting  
25 additional information at a later date when such information is considered necessary to  
26 properly evaluate the source, its air pollution abatement equipment, or the facility. If the  
27 applicant has not provided the requested additional information by the deadline specified  
28 in the ~~letter requesting~~ written request for additional information, the Director may return  
29 the application to the applicant as incomplete. The applicant may request a time extension  
30 for submittal of the requested additional information.

31 (C) The Division shall determine within 45 days of receipt of a complete application if any  
32 additional information is needed to conduct the technical review of the application. A  
33 technical completeness determination shall not prevent the Director from requesting  
34 additional information at a later date when such information is considered necessary to  
35 properly evaluate the source, its air pollution abatement equipment or the facility. The  
36 Division shall complete the technical review within 90 days of receipt of a complete  
37 application or 10 days after receipt of requested additional information, whichever is later.

1 (D) If the draft permit is not required to go to public notice or to public hearing, the Director  
2 shall issue or deny the permit within 90 days of receipt of a complete application or 10  
3 days after receipt of requested additional information, whichever is later.

4 (E) If the draft permit is required to go to public notice with a request for opportunity for public  
5 hearing ~~under Rule .0306(a) of this Section, pursuant to 15A NCAC 02Q .0306(a)~~, the  
6 Director shall:

7 (i) send the draft permit to public notice within 90 days after receipt of a complete  
8 application; and

9 (ii) complete the review of the record and take final action on the permit within 30  
10 days after the close of the public comment period.

11 (F) If the draft permit is required to go to public hearing as a result of a request for public  
12 hearing ~~under Rule .0307(e) of this Section, pursuant to 15A NCAC 02Q .0307(a)~~, the  
13 Director shall:

14 (i) send the draft permit to public hearing within 45 days after approving the request  
15 for the public hearing; and

16 (ii) complete the review of the record and take final action on the permit within 30  
17 days after the close of the public hearing.

18 (2) for permit applications for prevention of significant deterioration ~~under~~ pursuant to 15A NCAC  
19 ~~2D02D~~ .0530, the processing schedules are set out in those Rules.

20 (3) for case-by-case maximum achievable control technology ~~under~~ pursuant to 15A NCAC ~~2D02D~~  
21 .1109 or .1112:

22 (A) The Division shall send written acknowledgment of receipt of the permit application to the  
23 applicant within 10 days of receipt of the application.

24 (B) The Division shall review all permit applications within 45 days of receipt of the  
25 application to determine whether the application is complete or incomplete for processing  
26 purposes. The Division shall notify the applicant ~~by letter~~ in writing:

27 (i) stating that the application as submitted is complete and specifying the  
28 completeness ~~date, date~~;

29 (ii) stating that the application is incomplete, requesting additional information and  
30 specifying the deadline date by which the requested information is to be received  
31 by the ~~Division~~ Division; or

32 (iii) stating that the application is incomplete and that the applicant rewrite and  
33 resubmit the application.

34 If the Division does not notify the applicant ~~by letter~~ in writing dated within 45 days of  
35 receipt of the application that the application is incomplete, the application shall be deemed  
36 complete. A completeness determination shall not prevent the Director from requesting  
37 additional information at a later date when such information is considered necessary to

1 properly evaluate the source, its air pollution abatement equipment, or the facility. If the  
2 applicant has not provided the requested additional information by the deadline specified  
3 in the letter requesting additional information, the Director may return the application to  
4 the applicant as incomplete. The applicant may request a time extension for submittal of  
5 the requested additional information.

6 (C) The Division shall determine within 60 days of receipt of a complete application if any  
7 additional information is needed to conduct the technical review of the application. A  
8 technical completeness determination shall not prevent the Director from requesting  
9 additional information at a later date when such information is considered necessary to  
10 properly evaluate the source, its air pollution abatement equipment or the facility. The  
11 Division shall complete the technical review within 120 days of receipt of a complete  
12 application or 10 days after receipt of requested additional information, whichever is later.

13 (D) The Director shall:

14 (i) send the draft permit to public notice within 120 days after receipt of a complete  
15 application or 10 days after receipt of requested additional information, whichever  
16 is later; and

17 (ii) complete the review of the record and take final action on the permit within 30  
18 days after the close of the public comment period.

19 (E) If the draft permit is required to go to public hearing as a result of a request for public  
20 hearing ~~under Rule .0307(e) of this Section, pursuant to 15A NCAC 02Q .0307(e)~~, the  
21 Director shall:

22 (i) send the draft permit to public hearing within 45 days after approving the request  
23 for the public hearing; and

24 (ii) complete the review of the record and take final action on the permit within 30  
25 days after the close of the public hearing.

26 ~~(4) requests for synthetic minor facility status before one year after EPA approves Section .0500 of this~~  
27 ~~Subchapter shall be acted on within one year after EPA approves Section .0500 of this Subchapter.~~

28 (b) The days that fall between sending out a letterwritten notification requesting additional information and receiving  
29 that additional information shall not be counted in the schedules ~~under~~ pursuant to Paragraph (a) of this Rule.

30 (c) The Director may return at any time applications containing insufficient information to complete the review.

31  
32 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*

33 *Eff. February 1, 1995;*

34 *Amended Eff. July 1, 1998-1998;*

35 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0313

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – convert Paragraph (a) into a note as follows: “Note: using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.”*

*Lines 7 and 9 – do not capitalize the first word in these lines.*

*Line 14 – replace “any” with “all”*

*Line 27 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

*Line 29 – delete “the checklist” that appears before “used”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0313 is readopted with changes as published in 32:04 NCR 170 as follows:

2  
3 **15A NCAC 02Q .0313 EXPEDITED APPLICATION PROCESSING SCHEDULE**

4 (a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.

5 (b) An applicant may file an application to follow the expedited review for application certified by a professional  
6 engineer as set out in G.S. 143-215.108(h) if:

7 (1) The applicant specifically requests that the permit application be processed ~~under~~pursuant to the  
8 procedures in G.S. 143-215.108(h); and

9 (2) The applicant submits:

10 (A) applications as required ~~under Rules .0304 and .0305 of this Section;~~pursuant to 15A  
11 NCAC 02Q .0304 and .0305;

12 (B) a completeness checklist showing that the permit application is complete;

13 (C) a draft permit;

14 (D) any required dispersion modeling;

15 (E) a certification signed by a professional engineer registered in North Carolina certifying the  
16 accuracy and completeness of draft permit and the application, including emissions  
17 estimates, applicable standards and requirements, and process specifications;

18 (F) a zoning consistency determination as required ~~under Rule .0304(b)(1) of this~~  
19 ~~Section;~~pursuant to 15A NCAC 02Q .0304(b)(1);

20 (G) a written description of current and projected plans to reduce the emissions of air  
21 contaminants as required ~~under Rule .0304(b)(2) of this Section;~~pursuant to 15A NCAC  
22 02Q .0304(b)(2);

23 (H) a financial qualification if required;

24 (I) substantial compliance statement if required; and

25 (J) the application fee as required ~~under Section .0200 of this Subchapter;~~pursuant to 15A  
26 NCAC 02Q.0200

27 (c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.

28 (d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete  
29 permit application. This checklist shall be the checklist used by the Division to determine if the application is  
30 complete.

31 (e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.

32 (f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the  
33 application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.

34 (g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in  
35 accordance with this Rule.

36  
37 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*

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*Eff. July 1, ~~1998~~, 1998:*

*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0314

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 8 – add a comma after “controls”*

*Line 8 – what does “the Section” refer to?*

*Line 12 – replace “adhere to” with “comply with”*

*Line 16 – delete Paragraph (d) entirely.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0314 is readopted with changes as published in 32:04 NCR 170 as follows:

2

3 **15A NCAC 02Q .0314 GENERAL ~~PERMIT~~ REQUIREMENTS FOR ALL PERMITS**

4 (a) All emissions limitations, controls, and other requirements imposed by a permit issued pursuant to this Section  
5 shall be at least as stringent as any other applicable requirement as defined ~~under Rule .0103 of this~~  
6 ~~Subchapter,~~ pursuant to 15A NCAC 02Q .0103. The permit shall not waive or make less stringent any limitation or  
7 requirement contained in any applicable requirement.

8 (b) Emissions limitations, controls and requirements contained in permits issued pursuant to the Section shall be  
9 permanent, quantifiable, and otherwise enforceable as a practical matter ~~under~~ pursuant to G.S. 143-215.114A,  
10 143-215.114B, and 143-215.114C.

11 (c) The owner or operator of a source permitted under this Section shall comply with the permit. Failure of the owner  
12 or operator of a permitted source to adhere to the terms and conditions of the permit shall be grounds for:

- 13 (1) enforcement action;
- 14 (2) permit termination, revocation and reissuance, or modification; or
- 15 (3) denial of permit renewal applications.

16 (d) A permit does not convey any property rights of any sort, or any exclusive privileges.

17

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

19 *Eff. July 1, ~~1999~~, 1999;*

20 *Readopted Eff. March 1, 2018.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0315

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 4-5 – why is this definition here, instead of in Rule .0103?*

*Lines 4-9 – consider revising as follows:*

(a) “Synthetic minor facility” means is a facility whose permit contains terms and conditions that limit the facility’s potential emissions and make the requirements of 15A NCAC 02Q .0500, Title V Procedures, inapplicable.

(b) The owner or operator of a facility to which 15A NCAC 02Q .0500, Title V Procedures, applies may request that terms and conditions be placed in the facility’s permit that restrict operations, limiting the potential emissions of the facility and making the requirements of 15A NCAC 02Q .0500 inapplicable to the facility. An application for the addition of such terms and conditions shall be processed pursuant to this Section.

*Line 10 – replace “removed the applicability of” with “made”*

*Line 11 – add “inapplicable” before “shall”*

*Line 12 – add “of these” before “procedures”*

*Line 15 – replace “to remove the applicability of” with “that made”*

*Line 16 – add “inapplicable” after “.0500,”*

*Line 17 – replace “may” with “shall” if that is what is meant. If not, what standards, factors or circumstances determine whether monitoring, recordkeeping, or reporting “may” be required?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0315 is readopted with changes as published in 32:04 NCR 170 as follows:

2

3 **15A NCAC 02Q .0315 SYNTHETIC MINOR FACILITIES**

4 (a) A synthetic minor facility is a facility whose permit contains terms and conditions to avoid the procedures of 15A  
5 NCAC ~~2Q-02Q~~.0500, Title V Procedures.

6 (b) The owner or operator of a facility to which 15A NCAC ~~2Q-02Q~~.0500, Title V Procedures, applies may choose  
7 to have terms and conditions placed in his permit to restrict operation to limit the potential to emit of the facility in  
8 order to remove the applicability of 15A NCAC ~~2Q-02Q~~.0500 to the facility. An application for the addition of such  
9 terms and conditions shall be processed ~~under~~ pursuant to this Section.

10 (c) A modification to a permit to remove terms and conditions in the permit that removed the applicability of 15A  
11 NCAC ~~2Q-02Q~~.0500 shall be processed ~~under~~ pursuant to either this Section or 15A NCAC ~~2Q-02Q~~.0500. The  
12 applicant shall choose which procedures to follow. However, if the terms and conditions are removed following the  
13 procedures of this Section, the permittee shall submit a permit application ~~under~~ pursuant to the procedures of 15A  
14 NCAC ~~2Q-02Q~~.0500 within one year after the limiting terms and conditions are removed.

15 (d) After a facility is issued a permit that contains terms and conditions to remove the applicability of 15A NCAC ~~2Q~~  
16 ~~02Q~~.0500, the facility shall comply with the permitting requirements of this Section.

17 (e) The Director may require monitoring, recordkeeping, and reporting necessary to assure compliance with the terms  
18 and conditions placed in the permit to remove the applicability of 15A NCAC ~~2Q-02Q~~.0500.

19

20 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108;

21 *Eff. July 1, ~~1999~~,1999;*

22 *Readopted Eff. March 1, 2018.*

23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0316

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – why is this definition here, instead of in Rule .0103?*

*Line 6 – add a comma after “address”*

*Line 7 – delete the comma after “permit”*

*Line 9 – add a comma after “dates”*

*Line 16 – replace “may” with “shall” if that is what is meant. If not, what standards, factors or circumstances determine whether the Director will provide notice to the public?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0316 is readopted as published in 32:04 NCR 170 as follows:

2  
3 **15A NCAC 02Q .0316 ADMINISTRATIVE PERMIT AMENDMENTS**

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

5 (1) corrects typographical errors;

6 (2) identifies a change in the name, address or telephone number of any individual identified in the  
7 permit, or provides a similar minor administrative change at the facility;

8 (3) requires more frequent monitoring or reporting by the permittee;

9 (4) changes test dates or construction dates provided that no applicable requirements are violated by the  
10 change in test dates or construction dates; or

11 (5) changes the permit number without changing any portion of the permit that would not otherwise  
12 qualify as an administrative amendment.

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

14 (1) shall take final action on a request for an administrative permit amendment within 60 days after  
15 receiving such a request; and

16 (2) may make administrative amendments without providing notice to the public.

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

19  
20 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*

21 *Eff. April 1, 2001;*

22 *Readopted Eff. March 1, 2018.*



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0317

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 15 – replace “may” with “shall” if that is what is meant. If not, what standards, factors or circumstances determine whether monitoring, recordkeeping, or reporting “may” be required?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0317 is readopted with changes as published in 32:04 NCR 170 as follows:

2

3 **15A NCAC 02Q .0317 AVOIDANCE CONDITIONS**

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

6 (1) 15A NCAC 02D .0530, Prevention of Significant Deterioration;

7 (2) 15A NCAC 02D .0531, Sources in Nonattainment Areas;

8 (3) 15A NCAC 02D .0900, Volatile Organic Compounds;

9 (4) 15A NCAC 02D .1109, 112(j) Case-by-Case Maximum Achievable Control Technology;

10 (5) 15A NCAC 02D .1111, Maximum Achievable Control Technology;

11 (6) 15A NCAC 02D ~~.1112(g)~~.1112, 112(g) Case-by-Case Maximum Achievable Control Technology;

12 (7) 15A NCAC 02D .1400, Nitrogen Oxides; or

13 (8) other rules of 15A NCAC 02D, Air Pollution Control Requirements or Title 40 of the Code of  
14 Federal Regulations that contain applicability thresholds.

15 (b) The Director may require the monitoring, recordkeeping, and reporting necessary to assure compliance with the  
16 terms and conditions placed in the permit to remove the applicability of a rule.

17

18 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.108;

19 *Eff. April 1, 2001-2001;*

20 *Readopted Eff. March 1, 2018.*

21

22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0318

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*This is an amendment, not a readoption, because the rule is not yet subject to the existing rules review. Please submit a corrected Submission for Permanent Rule form.*

*Line 5 – capitalize “Rule”*

*Lines 5-6 – replace “.0102. This rule applies to facilities” with “.0102 and to facilities”*

*Line 6 – replace “any” with “an”*

*Line 14 – replace “P.E. Seal” with “professional engineer’s seal”*

*Line 15 – replace “shall notify” with “notifies”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0318 is readopted as published in 32:04 NCR 170-171 as follows:

2  
3 **15A NCAC 02Q .0318 CHANGES NOT REQUIRING PERMIT REVISIONS**

4 (a) This rule applies to sources that are not exempt pursuant to ~~Rule .0102 of this Subchapter.~~ 15A NCAC 02Q .0102.

5 This rule applies to facilities that have been issued an air quality permit pursuant to this Section.

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

8 (1) the change does not violate any existing requirements or add new applicable requirements;

9 (2) the change does not cause emissions allowed under the current permit to be exceeded;

10 (3) the change does not require a modification of a permit term or condition pursuant to Rule .0315 or  
11 avoidance condition pursuant to Rule .0317 of this Section;

12 (4) the change does not require a permit pursuant to 15A NCAC 02Q .0700, Toxic Air Pollutant  
13 Procedures;

14 (5) the change does not require a P.E. Seal pursuant to Rule 15A NCAC 02Q .0112; and

15 (6) the owner or operator shall notify the Director ~~with written notification in writing, using forms~~  
16 provided by the Division, seven calendar days before the change is made. Within ~~seven calendar~~  
17 days 10 business days of receipt of the notice, the Division ~~of Air Quality~~ shall notify the owner or  
18 operator of its determination that the change meets the requirements of Subparagraphs (b)(1)  
19 through (b)(5) of this Rule.

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

22 (1) a description of the change;

23 (2) the date on which the change will occur;

24 (3) any change in emissions; and

25 (4) all permit terms or conditions of the current permit that may be affected by this change.

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

29  
30 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*

31 *Eff. June 13, ~~2016~~2016;*

32 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0401

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6-7 – consider deleting Paragraph (a)*

*Line 8 – replace “applies” with “shall apply”*

*Line 8 – replace “under” with “pursuant to”*

*Line 10 – what does “certifying official” mean? What does “unit” mean?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0401 is readopted with changes as published in 32:04 NCR 171 as follows:

2  
3 **SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES**  
4

5 **15A NCAC 02Q .0401 PURPOSE AND APPLICABILITY**

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

8 (b) This Section applies to the sources described in 40 ~~C.F.R.~~CFR 72.6 with such exceptions as allowed under ~~40~~  
9 ~~C.F.R. 72.6.40~~ CFR 72.6.

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

13  
14 *History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
15 *is effective, whichever is sooner;*

16 *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(8); 143-215.108;*

17 *Eff. July 1, 1994;*

18 *Amended Eff. April 1, 2001; April 1, 1999; April 1, ~~1996, 1996~~;*

19 *Readopted Eff. March 1, 2018.*  
20  
21  
22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0402

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 9 – add “the” before “Department”*

*Line 9 – delete the coma*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0402 is readopted with changes as published in 32:04 NCR 171 as follows:

2

3 **15A NCAC 02Q .0402 ACID RAIN PERMITTING PROCEDURES**

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

6 (b) Affected units as defined in 40 CFR 72.6, 76.1, or ~~Paragraph (b)(1) of Rule .0401 of this Section~~ 15A NCAC 02Q  
7 .0402(b) shall comply with the permit, monitoring, sulfur dioxide, nitrogen oxides, excess emissions, recordkeeping  
8 and reporting, liability, and any other provisions as required in 40 CFR Part 72 and 76. The term "permitting authority"  
9 shall mean ~~Division of Environmental Management, Department of Environmental Quality,~~ and the term  
10 "Administrator" shall mean the Administrator of the United States Environmental Protection Agency.

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

13

14 *History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
15 *is effective, whichever is sooner;*

16 *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(8); 143-215.108;*

17 *Eff. July 1, 1994;*

18 *Amended Eff. April 1, 1999; April 1, ~~1996, 1996;~~*

19 *Readopted Eff. March 1, 2018.*

20



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0501

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6-8 – delete Paragraphs (a) and (b) entirely – they neither impose any requirement nor confer any benefit on any regulated person.*

*Line 8 – if you decide to retain Paragraph (b), replace “do” with “shall”*

*Line 10 – replace “under” with “pursuant to”*

*Lines 11 and 18 – what does “significant modification” mean?*

*Line 12 – the phrase “subject to the requirements of this Section” is ambiguous. Is it necessary?*

*Lines 13, 15, 21, and 23 – replace “under” with “set forth in”*

*Line 18 – replace “under” with “pursuant to”*

*Lines 19 and 20 – add “the” before “owner”*

*Line 27 – replace “must” with “shall”*

*Line 28 – what does “all applicable requirements” refer to?*

*Lines 31 (twice), 33, and 35 – replace “under” with “pursuant to”*

*Line 35 – what does “shall not be a violation” mean? A violation of what, precisely?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0501 is readopted with changes as published in 32:04 NCR 171 as follows:

2  
3 **SECTION .0500 - TITLE V PROCEDURES**  
4

5 **15A NCAC 02Q .0501 PURPOSE OF SECTION AND REQUIREMENT FOR A PERMIT**

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

8 (b) The procedures and requirements under this Section do not apply until EPA approves this Section.

9 (c) With the exception in Paragraph (d) of this Rule, the owner or operator of an existing facility, new facility, or  
10 modification of an existing facility (except for minor modifications under ~~Rule .0515 of this Section~~), 15A NCAC 02Q  
11 .0515), including significant modifications that would not contravene or conflict with a condition in the existing  
12 permit, subject to the requirements of this Section shall not begin construction without first obtaining:

13 (1) a construction and operation permit following the procedures under this Section (except for  
14 ~~Rule .0504~~), 15A NCAC 02Q .0504), or

15 (2) a construction and operation permit following the procedures under ~~Rule~~ 15A NCAC 02Q .0504 and  
16 filing a complete application within 12 months after commencing operation to modify the  
17 construction and operation permit to meet the requirements of this Section.

18 (d) If the ~~permittee~~ owner or operator proposes to make a significant modification under ~~Rule~~ 15A NCAC 02Q .0516  
19 ~~of this Section~~ that would contravene or conflict with a condition in the existing permit, ~~he~~ owner or operator shall  
20 not begin construction or make the modification until ~~he~~ owner or operator has obtained:

21 (1) a construction and operation permit following the procedures under this Section (except for ~~Rule~~  
22 ~~.0504 of this Section~~), 15A NCAC 02Q .0504); or

23 (2) a construction and operation permit following the procedures under ~~Rule~~ 15A NCAC 02Q .0504 ~~of~~  
24 ~~this Section~~ and, before beginning operation, files an application and obtains a permit modifying the  
25 construction and operation permit to meet the requirements of this Section (except for ~~Rule~~ .0504  
26 ~~of this Section~~), 15A NCAC 02Q .0504).

27 (e) All facilities subject to this Section must have a permit to operate that assures compliance with 40 CFR Part 70  
28 and all applicable requirements.

29 (f) Except as allowed under ~~Rule .0515~~ 15A NCAC 02Q .0515(f) (~~minor modifications~~) ~~of this Section~~, (minor  
30 modifications), no facility subject to the requirements of this Section may operate after the time that it is required to  
31 submit a timely and complete application under this Section except in compliance with a permit issued under this  
32 Section. This Paragraph does not apply to ~~initial submittals under Rule .0506 of this Section~~ or to permit renewals  
33 under ~~Rule .0513 of this Section~~. 15A NCAC 02Q .0513.

34 (g) If the conditions of ~~Rule~~ 15A NCAC 02Q .0512(b) (application shield) ~~of this Section~~ are met, the facility's failure  
35 to have a permit under this Section shall not be a violation.

1 (h) If the owner or operator of a facility subject to the requirements of this Section submits an application for a revision  
2 to his permit before receiving the initial permit under this Section, the application for the revision shall be processed  
3 ~~under Section .0300 of this Subchapter, pursuant to 15A NCAC 02Q .0300.~~

4 (i) The owner or operator of a facility or source subject to the requirements of this Section may also be subject to the  
5 toxic air pollutant procedures under 15A NCAC 2Q .0700.

6 (j) The owner or operator of an affected unit subject to the acid rain program requirements of Title IV is also subject  
7 to the procedures ~~under Section .0400 of this Subchapter, pursuant to 15A NCAC 02Q .0400.~~

8 (k) The owner or operator of a facility subject to the requirements of this Section shall pay permit fees in accordance  
9 with the requirements of ~~Section .0200 of this Subchapter, 15A NCAC 02Q .0200.~~

10  
11 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
12 *rule becomes effective, whichever is sooner;*

13 *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*

14 *Eff. July 1, 1994;*

15 *Amended Eff. July 1, 1998; July 1, ~~1996, 1996~~;*

16 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0502

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 5 and 21 – replace “under” with “pursuant to”*

*Line 19 – what does “until EPA requires these facilities to have a permit” mean?*

*Line 21 – replace “on the sole basis” with “solely on the basis”*

*Line 23 – replace “Once” with “If”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0502 is readopted with changes as published in 32:04 NCR 171 as follows:

2  
3 **15A NCAC 02Q .0502 APPLICABILITY**

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

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

18 (b) This Section does not apply to minor facilities with sources subject to requirements of 15A NCAC 2D .0524,  
19 .1110, or .1111 or 40 CFR Part 60, 61, or 63 until EPA requires these facilities to have a permit under 40 CFR Part  
20 70.

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

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

26  
27 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*  
28 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
29 *becomes effective, whichever is sooner;*  
30 *Eff. July 1, 1994;*  
31 *Amended Eff. July 1, 1996;*  
32 *Temporary Amendment Eff. December 1, 1999;*  
33 *Amended Eff. July 1, 2000;*  
34 *Temporary Amendment Eff. December 2, 2014;*  
35 *Amended Eff. September 1, ~~2015~~ 2015;*  
36 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0503

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 13 – delete “to the satisfaction of the Director”*

*Line 17 – replace “under” with “in”*

*Lines 18-19 – what does “all applicable requirements” refer to?*

*Line 20 – add “for” before “public”*

*Lines 20, 21 and 28 (twice) – replace “under” with “pursuant to”*

*Line 21 – do not capitalize “state” unless you mean the State of North Carolina.*

*Lines 23-26 – consider revising as follows:*

- (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.

*Line 29 – add “that is related to the permit” to the end of this line.*

*Line 30 – define or delete “reasonably” unless this is a well-recognized term of art that is widely used in the industry.*

*Page 2, line 14 – is the phrase “i.e., potential uncontrolled emissions” necessary? If not, delete it.*

*Page 2, line 18 – replace “utilization” with “use”*

*Page 2, lines 20, 21, and 24 – replace “under” with “pursuant to”*

*Page 2, line 26 – replace “under” with “in”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Page 2, line 28 – replace “do” with “shall”*

*Page 2, line 32 – replace “that the potential to emit is restricted” with “that its potential emissions are restricted”*

*Page 3, lines 4-5 – correct the tab spacing*

*Page 3, lines 5, 7, 9, 12, 16, and 17 – replace “under” with “pursuant to”*

*Page 3, lines 13 and 14 – replace “the request” with “a request”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0503 is readopted with changes as published in 32:04 NCR 171-172 as follows:

2  
3 **15A NCAC 02Q .0503 DEFINITIONS**

4 For the purposes of this Section, the definitions in ~~G.S. 143-212 and 143-213~~ G.S. 143-212, 143-213, 15A NCAC  
5 ~~02Q .0103~~, and the following definitions apply:

- 6 (1) "Affected States" means all states or local air pollution control agencies whose areas of jurisdiction  
7 are:  
8 (a) contiguous to North Carolina and located less than  $D=Q/12.5$  from the facility, where:  
9 (i) Q = emissions of the pollutant emitted at the highest permitted rate in tons per  
10 year, and  
11 (ii) D = distance from the facility to the contiguous state or local air pollution control  
12 agency in miles  
13 unless the applicant can demonstrate to the satisfaction of the Director that the ambient  
14 impact in the contiguous states or local air pollution control agencies is less than the  
15 incremental ambient levels in 15A NCAC 02D .0532(c)(5); or  
16 (b) within 50 miles of the permitted facility.
- 17 (2) "Complete application" means an application that provides all information described under 40 CFR  
18 70.5(c) and such other information that is necessary to determine compliance with all applicable  
19 requirements.
- 20 (3) "Draft permit" means the version of a permit that the Division offers public participation under Rule  
21 15A NCAC 02Q .0521 of this Section or affected State review under Rule 15A NCAC 02Q .0522  
22 of this Section, .0522.
- 23 (4) "Emissions allowable under the permit" means a federally enforceable permit term or condition  
24 determined at issuance to be an applicable requirement that establishes an emissions limit (including  
25 a work practice standard) or a federally enforceable emissions cap that the facility has assumed to  
26 avoid an applicable requirement to which the facility would otherwise be subject.
- 27 (5) "Final permit" means the version of a permit that the Director issues that has completed all review  
28 procedures required under this Section if the permittee does not file a petition under Article 3 of  
29 G.S. 150B.
- 30 (6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack,  
31 chimney, vent, or other functionally-equivalent opening.
- 32 (7) "Insignificant activities because of category" means:  
33 (a) mobile sources;  
34 (b) air-conditioning units used for human comfort that are not subject to applicable  
35 requirements under Title VI of the federal Clean Air Act and do not exhaust air pollutants  
36 into the ambient air from any manufacturing or other industrial process;



- 1 (c) ventilating units used for human comfort that do not exhaust air pollutants into the ambient  
2 air from any manufacturing or other industrial process;
- 3 (d) heating units used for human comfort that have a heat input of less than 10,000,000 Btu  
4 per hour and that do not provide heat for any manufacturing or other industrial process;
- 5 (e) noncommercial food preparation;
- 6 (f) consumer use of office equipment and products;
- 7 (g) janitorial services and consumer use of janitorial products;
- 8 (h) internal combustion engines used for landscaping purposes;
- 9 (i) new residential wood heaters subject to 40 CFR Part 60, Subpart AAA; and
- 10 (j) demolition and renovation activities covered solely under 40 CFR Part 61, Subpart M.
- 11 (8) "Insignificant activities because of size or production rate" means any activity whose emissions  
12 would not violate any applicable emissions standard and whose potential emission of particulate,  
13 sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air  
14 pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per  
15 year and whose potential emissions of hazardous air pollutants before air pollution control devices,  
16 are each below 1000 pounds per year.
- 17 (9) "Minor facility" means any facility that is not a major facility.
- 18 (10) "Operation" means the utilization of equipment that emits regulated pollutants.
- 19 (11) "Permit renewal" means the process by which a permit is reissued at the end of its term.
- 20 (12) "Permit revision" means any permit modification under Rule 15A NCAC 02Q .0515, 15A NCAC  
21 02Q .0516, or 15A NCAC 02Q .0517 ~~of this Section~~ or any administrative permit amendment under  
22 Rule 15A NCAC 02Q .0514 ~~of this Section. .0514.~~
- 23 (13) "Proposed permit" means the version of a permit that the Director proposes to issue and forwards to  
24 EPA for review under Rule ~~.0522 of this Section.~~ 15A NCAC 02Q .0522.
- 25 (14) "Relevant source" means only those sources that are subject to applicable requirements.
- 26 (15) "Responsible official" means a responsible official as defined under 40 CFR 70.2.
- 27 (16) "Section 502(b)(10) changes" means changes that contravene an express permit term or condition.  
28 Such changes do not include changes that would violate applicable requirements or contravene  
29 federally enforceable permit terms and conditions that are monitoring (including test methods),  
30 recordkeeping, reporting, or compliance certification requirements.
- 31 (17) "Synthetic minor facility" means a facility that would otherwise be required to follow the procedures  
32 of this Section except that the potential to emit is restricted by one or more federally enforceable  
33 physical or operational limitations, including air pollution control equipment and restrictions on  
34 hours or operation, the type or amount of material combusted, stored, or processed, or similar  
35 parameters.
- 36 (18) "Timely" means:

- 1 ~~(a)~~ for initial permit submittals under Rule ~~.0506~~ of this Section, before the end of the time  
2 period specified for submittal of an application for the respective Standard Industrial  
3 Classification;
- 4 ~~(b)~~(a) for a new facility, one year after commencing operation;
- 5 ~~(c)~~(b) for renewal of a permit previously issued under this Section, ~~nine~~ six months before the  
6 expiration of that permit;
- 7 ~~(d)~~(c) for a minor modification under Rule ~~.0515~~ of this Section, 15A NCAC 02Q .0515, before  
8 commencing the modification;
- 9 ~~(e)~~(d) for a significant modification under Rule 15A NCAC 02Q .0516 of this Section where the  
10 change would not contravene or conflict with a condition in the existing permit, 12 months  
11 after commencing operation;
- 12 ~~(f)~~(e) for reopening for cause under Rule ~~.0517~~ of this Section, 15A NCAC 02Q .0517, as  
13 specified by the Director in the request for additional information by the Director;
- 14 ~~(g)~~(f) for requests for additional information, as specified by the Director in the request for  
15 additional information by the Director; or
- 16 ~~(h)~~(g) for modifications made under Section 112(j) of the federal Clean Air Act, 18 months after  
17 EPA fails to promulgate a standard for that category of source under Section 112 of the  
18 federal Clean Air Act by the date established pursuant to Section 112(e)(1) or (3) of the  
19 federal Clean Air Act.

20

21 *History Note: Authority G.S. 143-215.3(a)(1); 143-212; 143-213;*  
22 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
23 *becomes effective, whichever is sooner;*  
24 *Eff. July 1, 1994;*  
25 *Amended Eff. July 1, 1996;*  
26 *Temporary Amendment Eff. December 1, 1999;*  
27 *Amended Eff. January 1, 2007; July 1, 2000-2000;*  
28 *Readopted Eff. March 1, 2018.*  
29  
30

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0504

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6, 9, and 11 – replace “under” with “pursuant to”*

*Line 8 – add “or she” after “he”*

*Lines 8, 10, and 11 – replace “under” with “in”*

*Lines 12-14 – consider revising as follows:*

NCAC 02Q .0501(c)(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.

*Line 16 – replace “pursuant to” with “in”*

*Line 18 – replace “of” with “in”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0504 is readopted with changes as published in 32:04 NCR 172 as follows:

2

3 **15A NCAC 02Q .0504 OPTION FOR OBTAINING CONSTRUCTION AND OPERATION PERMIT**

4 (a) Pursuant to ~~Rule .0501(e) or (d)(2) of this Section,~~ 15A NCAC 02Q .0501(c)(2) or (d)(2), the owner or operator  
5 of a new or modified facility subject to the requirements of this Section that chooses to obtain a construction and  
6 operation permit before the facility must obtain a permit under this Section may file an application ~~under Section~~  
7 ~~.0300 of this Subchapter pursuant to 15A NCAC 02Q .0300.~~

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

9 (c) If the option allowed under ~~Rule 15A NCAC 02Q .0501(c)(1) of this Section~~ is used, then the application  
10 processing procedures for prevention of significant deterioration under 15A NCAC ~~2D02D~~ .0530 and new source  
11 review for nonattainment areas under 15A NCAC ~~2D02D~~ .0531 do not apply. If the option allowed under ~~Rule 15A~~  
12 ~~NCAC 02Q .0501(c)(2) of this Section~~ is used, then the application processing procedures in this Section and:

13 (1) under 15A NCAC ~~2D02D~~ .0530 for prevention of significant deterioration, or

14 (2) under 15A NCAC ~~2D02D~~ .0531 for new source review for nonattainment areas, ~~shall apply.~~  
15 ~~apply.~~

16 (d) If the procedures ~~under Section .0300 of this Subchapter pursuant to 15A NCAC 02Q .0300~~ are followed, the  
17 permittee shall have one year from the date of beginning operation of the facility or source to file an amended  
18 application following the procedures of this Section. The Director shall place a condition in the construction and  
19 operation permit stating this requirement.

20

21 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
22 rule becomes effective, whichever is sooner;

23 *Authority* G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

24 *Eff.* July 1, ~~1994~~ 1994;

25 *Readopted Eff. March 1, 2018.*

26

27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0505

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – delete “, at a minimum,”*

*Line 4 – replace “is” with “its”*

*Line 22 – replace “shall” with “will”*

*Line 25 – replace “a letter sent by each” with “letters signed by”*

*Line 26 – delete “sent by either”*

*Line 26 – delete the semicolon*

*Line 29 – add “of the” before “name”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0505 is readopted with changes as published in 32:04 NCR 172 as follows:

2  
3 **15A NCAC 02Q .0505 APPLICATION SUBMITTAL CONTENT**

4 If an applicant does not submit, at a minimum, the following information with is application package, the application  
5 package shall be returned:

- 6 (1) for new facilities and modified facilities:
- 7 (a) an application fee as required ~~under Section .0200 of this Subchapter;~~ pursuant to 15A  
8 NCAC 02Q .0200;
  - 9 (b) a consistency determination as required ~~under Rule .0507(d)(1) of this Section;~~ pursuant to  
10 15A NCAC 02Q .0507(d)(1);
  - 11 (c) the documentation required ~~under Rule .0507(d)(2) of this Section;~~ pursuant to 15A NCAC  
12 02Q .0507(d)(2);
  - 13 (d) a financial qualification or substantial compliance statement if required; and
  - 14 (e) applications as required ~~under Rule .0507(a) and (c) of this Section;~~ pursuant to 15A NCAC  
15 02Q .0507(a) and (c) and signed as required by Rule .0520 of this Section; 15A NCAC 02Q  
16 .0520;
- 17 (2) for renewals: applications as required ~~under Rule .0507(a) and (c) of this Section;~~ pursuant to 15A  
18 NCAC 02Q .0507(a) and (c) and signed as required by Rule .0520 of this Section; 15A NCAC 02Q  
19 .0520;
- 20 (3) for a name change: three copies of a letter signed by ~~the~~ a responsible official in accordance with  
21 ~~Rule .0520~~ 15A NCAC 02Q .0520 indicating the current facility name, the date on which the name  
22 change shall occur, and the new facility name;
- 23 (4) for an ownership change: an application fee as required ~~under Section .0200 of this Subchapter,~~  
24 pursuant to 15A NCAC 02Q .0200; and:
- 25 (a) three copies of a letter sent by each the seller and the buyer indicating the change; or
  - 26 (b) three copies of a letter sent by either bearing the signature of both the seller and buyer; and  
27 containing a written agreement with a specific date for the transfer of permit responsibility,  
28 coverage, and liability between the current and new permittee; and
- 29 (5) for corrections of typographical errors; changes name, address, or telephone number of any  
30 individual identified in the permit; changes in test dates or construction dates; or similar minor  
31 changes: three copies of a letter signed by a responsible official in accordance with ~~Rule .0520 of~~  
32 ~~this Section~~ 15A NCAC 02Q .0520 describing the proposed change and explaining the need for the  
33 proposed change.

34  
35 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;  
36 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule  
37 becomes effective, whichever is sooner;

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*Eff. July 1, 1994;*  
*Amended Eff. April 1, ~~2004, 2004~~;*  
*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0507

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 8 – replace “under” with “pursuant to”*

*Line 8 – delete the period*

*Line 9 and 10 – replace “the source” with “a source”*

*Line 11 – replace “operation until he has” with “operation of a source until he or she has”*

*Lines 13 and 15 (twice) – replace “The application” with “An application”*

*Line 14 – delete the semicolon*

*Line 17 – delete the comma*

*Line 17 – replace “provided” with “if”*

*Line 18 – what does “valid” mean? Do you mean “accurate”?*

*Line 20 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

*Line 21 – replace “Whenever” with “If”*

*Line 23 – what standards, factors, or circumstances determine whether the Director “may” request additional information?*

*Line 23 – delete “that the Director considers”*

*Lines 28 and 35 – replace the comma with a semicolon*

*Page 2, line 2 – delete the comma*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018



*Page 2, line 11 – what standards, factors, or circumstances determine whether the Director “may” request additional copies?*

*Page 2, line 14 – delete or define “as soon as possible”*

*Page 2, lines 21 and 23 – replace “under” with “pursuant to”*

*Page 2, lines 24-25 – delete or define “as soon as practicable”*

*Page 2, lines 26-29 – consider revising as follows:*

(j) Except as specified in 15A NCAC 02Q .0203(i), a non-refundable permit application processing fee, 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.

*Line 31 – replace “any” with “all” if that is what is meant.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0507 is readopted with changes as published in 32:04 NCR 172-173 as follows:

2  
3 **15A NCAC 02Q .0507 APPLICATION**

4 (a) Except for:

- 5 (1) minor permit modifications covered under ~~Rule .0515 of this Section,~~ 15A NCAC 02Q .0515,  
6 (2) significant modifications covered under ~~Rule .0516(e) of this Section,~~ 15A NCAC 02Q .0516(c), or  
7 ~~(3) permit applications submitted under Rule .0506 of this Section,~~  
8 ~~(3) renewals submitted under 15A NCAC 02Q .0513.~~

9 the owner or operator of a source shall have one year from the date of beginning of operation of the source to file a  
10 complete application for a permit or permit revision. However, the owner or operator of the source shall not begin  
11 construction or operation until he has obtained a construction and operation permit pursuant to ~~Rule~~15A NCAC 02Q  
12 .0501(c) or (d) and Rule .0504 of this Section, 15A NCAC 02Q .0504.

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

19 (c) Application for a permit, permit revision, or permit renewal shall be made in accordance with ~~Rule .0104 of this~~  
20 ~~Subchapter~~ 15A NCAC 02Q .0104 on forms of the Division and shall include plans and specifications giving all  
21 necessary data and information as required by this Rule. Whenever the information provided on these forms does not  
22 describe the source or its air pollution abatement equipment to the extent necessary to evaluate the application, the  
23 Director may request that the applicant provide any other information that the Director considers necessary to evaluate  
24 the source and its air pollution abatement equipment.

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

- 26 (1) for a new facility or an expansion of existing facility, a consistency determination in accordance  
27 with G.S. 143-215.108(f) that:  
28 (A) bears the date of receipt entered by the clerk of the local government, or  
29 (B) consists of a letter from the local government indicating that all zoning or subdivision  
30 ordinances are met by the facility;  
31 (2) for a new facility or an expansion of an existing facility in an area without zoning, an affidavit and  
32 proof of publication of a legal notice as required ~~under Rule .0113 of this Subchapter;~~ pursuant to  
33 15A NCAC 02Q .0113; and  
34 (3) if required by the Director, information showing that:  
35 (A) the applicant is financially qualified to carry out the permitted activities, or

1 (B) the applicant has substantially complied with the air quality and emissions standards  
2 applicable to any activity in which the applicant has previously been engaged, and has been  
3 in substantial compliance with federal and state environmental laws and rules.

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

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

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

11 The Director may at any time during the application process request additional copies of the complete application  
12 package from the applicant.

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

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

20 (h) The submittal of a complete permit application shall not affect the requirement that any facility have a  
21 ~~preconstruction~~ permit under 15A NCAC 02D .0530, .0531, or .0532 or ~~under Section .0400 of this Subchapter.~~  
22 pursuant to 15A NCAC 02Q .0400.

23 (i) The Director shall give priority to permit applications containing early reduction demonstrations under Section  
24 112(i)(5) of the federal Clean Air Act. The Director shall take final action on such permit applications as soon as  
25 practicable after receipt of the complete permit application.

26 (j) With the exceptions specified in ~~Rule .0203(i) of this Subchapter;~~ 15A NCAC 02Q .0203(i), a non-refundable  
27 permit application processing fee shall accompany each application. The permit application processing fees are  
28 defined in ~~Section .0200 of this Subchapter.~~ 15A NCAC 02Q .0200. Each permit or renewal application is incomplete  
29 until the permit application processing fee is received.

30 (k) The applicant shall retain for the duration of the permit term one complete copy of the application package and  
31 any information submitted in support of the application package.

32  
33 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;  
34 Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule  
35 becomes effective, whichever is sooner;  
36 Eff. July 1, 1994;  
37 Amended Eff. July 1, 1997; July 1, 1996; February 1, 1995;

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*Temporary Amendment Eff. December 1, 1999;*  
*Amended Eff. September 1, 2015; April 1, 2004; July 1, ~~2000~~2000;*  
*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0508

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 4, 6, 9 (twice), 11, 14, 17, and 34 – replace “The permit” with “A permit”*

*Line 5 – what does “differences in form” mean – is “in form” necessary?*

*Line 11 – there appears to be an extra space before “(d)”*

*Line 14 – replace “contained in” with “of”*

*Line 16 – replace “under” with “in”*

*Line 18 – add a comma after “70.6(c)(1)”*

*Line 19 – delete “any”*

*Lines 20 and 21 – replace the commas with semicolons*

*Line 24 – delete “and”*

*Line 27 – replace the period with a semicolon and add “and”*

*Line 28 – replace “under” with “by”*

*Line 29 – replace “deviation” with “deviations”*

*Line 30 – replace the period with a semicolon and add “and”*

*Line 31 – do not capitalize “the”*

*Line 32 – replace “the permittee” with “a permittee”*

*Line 32 – do you mean “may” or “shall”? If “may,” what standards, factors, or circumstances determine whether the Director “may” allow computerized records?*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Lines 32 and 33 – do you mean “computerized” or “electronic”?*

*Line 35 – add “and” after the semicolon*

*Page 2, line 3 – replace “under” with “required by”*

*Page 2, line 6 – delete “itself”*

*Page 2, line 7 – replace “The” with “A”*

*Page 2, line 9 – delete the semicolon*

*Page 2, line 9 – replace “permittee, but the permittee” with “permittee. A permittee”*

*Page 2, line 10 – replace “may” with “shall”*

*Page 2, line 21 – delete “or”*

*Page 2, lines 24 and 26 – replace “shall” with “will”*

*Page 2, line 32 – replace “For” with “The permit shall also state that, for”*

*Page 2, line 34 – add “by” after “required”*

*Page 3, line 3 – replace “under” with “by”*

*Page 3, line 21 – replace “shall allow” with “will allow”*

*Page 3, lines 24, 26 (twice), 29, and 30 – what does “reasonable” mean?*

*Page 3, line 31 – replace “under” with “by” (twice).*

*Page 3, line 35 – delete the comma after :schedule”*

*Page 4, line 1 – delete the comma*

*Page 4, line 3 – replace “compliance certification” with “certification of compliance”*

*Page 4, line 4 – replace “or” with “and” (compare with page 4, line 8)*

*Page 4, line 16 – replace “is” with “was”*

*Page 4, line 19 – replace “method(s)” with “methods”*

*Page 4, line 24 – add “and” after the semicolon*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0508 is readopted with changes as published in 32:04 NCR 173 as follows:

2  
3 **15A NCAC 02Q .0508 PERMIT CONTENT**

4 (a) The permit shall specify and reference the origin and authority for each term or condition and shall identify any  
5 differences in form as compared to the applicable requirement on which the term or condition is based.

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

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

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

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

17 (f) The permit shall contain monitoring and related recordkeeping and reporting requirements as specified in 40 CFR  
18 70.6(a)(3) and 70.6(c)(1) including conditions requiring:

19 (1) the permittee to submit reports of any required monitoring at least every six months. The permittee  
20 shall submit reports:

21 (A) on forms obtained from the Division at the address in Rule .0104 of this Subchapter,

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

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

25 (2) the permittee to report:

26 (A) malfunctions, emergencies, and other upset conditions as prescribed in 15A NCAC 02D  
27 .0524, .0535, .1110, or .1111.

28 (B) deviations quarterly from permit requirements not covered under 15A NCAC 02D .0524,  
29 .0535, .1110, or .1111. The permittee shall include the probable cause of such deviation  
30 and any corrective actions or preventive measures taken.

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

32 (g) At the request of the permittee, the Director may allow records to be maintained in computerized form in lieu of  
33 maintaining paper records if computerized records contain the same information as the paper records would contain.

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

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

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

- 1 (A) a compliance schedule for meeting the requirements of 15A NCAC 02D .2100 by the dates  
2 provided in 15A NCAC 02D .2101(a); or  
3 (B) as part of the compliance certification under Paragraph ~~(t)(n)~~ of this Rule, a certification  
4 statement that the source is in compliance with all requirements of 15A NCAC 02D .2100,  
5 including the registration and submission of the risk management plan.

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

7 (i) The permit shall:

- 8 (1) contain a condition prohibiting emissions exceeding any allowances that a facility lawfully holds  
9 under Title IV; but shall not limit the number of allowances held by a permittee, but the permittee  
10 may not use allowances as a defense to noncompliance with any other applicable requirement;  
11 (2) contain a severability clause so that various permit requirements will continue to be valid in the  
12 event of a challenge to any other portion of the permit;  
13 (3) state that noncompliance with any condition of the permit is grounds for enforcement action; for  
14 permit termination, revocation and reissuance, or modification; or for denial of a permit renewal  
15 application;  
16 (4) state that the permittee may not use as a defense in an enforcement action that it would have been  
17 necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions  
18 of the permit;  
19 (5) state that the Director may reopen, modify, revoke and reissue, or terminate the permit for reasons  
20 specified in ~~Rule 15A NCAC 02Q .0517 or .0519 of this Section;~~  
21 (6) state that the filing of a request by the permittee for a permit revision, revocation and reissuance, or  
22 termination, notification of planned changes, or anticipated noncompliance does not stay any permit  
23 condition;  
24 (7) specify the conditions under which the permit shall be reopened before the expiration of the permit;  
25 (8) state that the permit does not convey any property rights of any sort, or any exclusive privileges;  
26 (9) state that the permittee shall furnish to the Division, in a timely manner:  
27 (A) any reasonable information that the Director may request in writing to determine whether  
28 cause exists for modifying, revoking and reissuing, or terminating the permit or to  
29 determine compliance with the permit, and  
30 (B) copies of records required to be kept by the permit when such copies are requested by the  
31 Director.  
32 (For information claimed to be confidential, the permittee may furnish such records directly to EPA  
33 along with a claim of confidentiality.)  
34 (10) contain a provision to ensure that the permittee pays fees required ~~under Section .0200 of this~~  
35 ~~Subchapter;~~ 15A NCAC 02Q .0200;  
36 (11) contain a condition that authorizes the permittee to make Section 502(b)(10) changes, off-permit  
37 changes, or emission trades in accordance with ~~Rule .0523 of this Section;~~ 15A NCAC 02Q .0523;



- 1 (12) include all applicable requirements for all sources covered under the permit;
- 2 (13) include fugitive emissions, if regulated, in the same manner as stack emissions;
- 3 (14) contain a condition requiring annual reporting of actual emissions as required under ~~Rule .0207 of~~  
4 ~~this Subchapter;~~ 15A NCAC 02Q 0207;
- 5 (15) include all sources including insignificant activities; and
- 6 (16) contain other provisions the Director considers appropriate.
- 7 (j) The permit shall state the terms and conditions for reasonably anticipated operating scenarios identified by the  
8 applicant in the application. These terms and conditions shall:
- 9 (1) require the permittee, contemporaneously with making a change from one operating scenario to  
10 another, to record in a log at the permitted facility a record of the operating scenario under which it  
11 is operating;
- 12 (2) extend the permit shield described in ~~Rule 15A NCAC 02Q .0512 of this Section~~ to all terms and  
13 conditions under each such operating scenario; and
- 14 (3) ensure that each operating scenario meets all applicable requirements of Subchapter 02D of this  
15 Chapter and of this Section.
- 16 (k) The permit shall identify which terms and conditions are enforceable by:
- 17 (1) both EPA and the Division;
- 18 (2) the Division only;
- 19 (3) EPA only; and
- 20 (4) citizens under the federal Clean Air Act.
- 21 (l) The permit shall state that the permittee shall allow personnel of the Division to:
- 22 (1) enter the permittee's premises where the permitted facility is located or emissions-related activity is  
23 conducted, or where records are kept under the conditions of the permit;
- 24 (2) have access to and copy, at reasonable times, any records that are required to be kept under the  
25 conditions of the permit;
- 26 (3) inspect at reasonable times and using reasonable safety practices any source, equipment (including  
27 monitoring and air pollution control equipment), practices, or operations regulated or required under  
28 the permit; and
- 29 (4) sample or monitor substances or parameters, using reasonable safety practices, for the purpose of  
30 assuring compliance with the permit or applicable requirements at reasonable times.
- 31 (m) When a compliance schedule is required under 40 CFR 70.5(c)(8) or under a rule contained in Subchapter 02D  
32 of this Chapter, the permit shall contain the compliance schedule and shall state that the permittee shall submit at least  
33 semiannually, or more frequently if specified in the applicable requirement, a progress report. The progress report  
34 shall contain:
- 35 (1) dates for achieving the activities, milestones, or compliance required in the compliance schedule,  
36 and dates when such activities, milestones, or compliance were achieved; and

- 1 (2) an explanation of why any dates in the compliance schedule were not or will not be met, and any  
2 preventive or corrective measures adopted.
- 3 (n) The permit shall contain requirements for compliance certification with the terms and conditions in the permit  
4 that are enforceable by EPA under Title V of the federal Clean Air Act, including emissions limitations, standards, or  
5 work practices. The permit shall specify:
- 6 (1) the frequency (not less than annually or more frequently as specified in the applicable requirements)  
7 of submissions of compliance certifications;
- 8 (2) a means for monitoring the compliance of the source with its emissions limitations, standards, and  
9 work practices; and
- 10 (3) a requirement that the compliance certification include:
- 11 (A) the identification of each term or condition of the permit that is the basis of the certification;
- 12 (B) the status of compliance with the terms and conditions of the permit for the period covered  
13 by the certification, based on the methods or means designated in 40 CFR  
14 70.6(c)(5)(iii)(B). The certification shall identify each deviation and take it into account in  
15 the compliance certification. The certification shall also identify as possible exceptions to  
16 compliance any periods during which compliance is required and in which an excursion or  
17 exceedance as defined under 40 CFR 64 occurred;
- 18 (C) whether compliance was continuous or intermittent;
- 19 (D) the identification of the method(s) or other means used by the owner and operator for  
20 determining the compliance status with each term and condition during the certification  
21 period; these methods shall include the methods and means required under 40 CFR Part  
22 70.6(a)(3); and
- 23 (E) such other facts as the Director may require to determine the compliance status of the  
24 source;
- 25 (4) that all compliance certifications be submitted to EPA as well as to the Division.
- 26

27 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108;  
28 *Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective,*  
29 *whichever is sooner;*  
30 *Eff. July 1, 1994;*  
31 *Amended Eff. July 1, 1996;*  
32 *Temporary Amendment Eff. December 1, 1999;*  
33 *Amended Eff. August 1, 2008; June 1, 2008; January 1, 2007; December 1, 2005; April 1, 2001;*  
34 *July 1, ~~2000-2000~~;*  
35 *Readopted Eff. March 1, 2018.*

36

37

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0509

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 4-5 – consider revising as follows:*

- (a) The Director shall not issue a 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.

*Lines 6-9 – consider revising as follows:*

- (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 under the permit.

*Lines 10, 11, 14, 15, 16, 17 (twice), 18, and 19 – replace “under” with “pursuant to”*

*Lines 11-12 – does this mean that the criteria that determine whether such a permit will be issued is not set forth in a rule? If so, what statute or other authority sets forth these criteria?*

*Lines 13-14 – delete Paragraph (e).*

*Line 17 – what does “or shall apply for a standard permit” mean – apply for a permit for each facility or source?*

*Line 19 – replace “when” with “if”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0509 is readopted with changes as published in 32:04 NCR 173 as follows:

2  
3 **15A NCAC 02Q .0509 PERMITTING OF NUMEROUS SIMILAR FACILITIES**

4 (a) The Director may issue, after notice and opportunity for public participation provided in ~~Rule .0521 of this Section,~~  
5 15A NCAC 02Q .0521, a permit to cover numerous similar facilities or sources.

6 (b) The Director shall not issue a permit under this Rule unless the following conditions are met:

7 (1) There is no unique difference that would require special permit conditions for any individual facility;  
8 and

9 (2) No unique analysis is required for any facility covered under the permit.

10 (c) A permit issued under this Rule shall comply with all the requirements of this Section.

11 (d) A permit issued under this Rule shall identify criteria by which facilities or sources may qualify for the permit.  
12 To facilities or sources that qualify, the Director shall grant the terms and conditions of the permit.

13 (e) The facility or source shall be subject to enforcement action for operating without a permit if the facility or source  
14 is later determined not to qualify for the terms and conditions of the permit issued under this Rule.

15 (f) Sources subject to Title IV shall not be eligible for a permit issued under this Rule.

16 (g) The owner or operator of a facility or source that qualifies for a permit issued under this Rule shall apply for  
17 coverage under the terms of the permit issued under this Rule or shall apply for a regular permit under this Section.

18 (h) The Division need not repeat the public participation procedures required under ~~Rule 15A NCAC 02Q .0521 of~~  
19 ~~this Section~~ when it grants a request by a permit applicant to operate under a permit issued under this Rule.

20  
21 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
22 *rule becomes effective, whichever is sooner;*

23 *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*

24 *Eff. July 1, ~~1994~~1994;*

25 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0510

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – what standards, factors or circumstances determine whether the Director “may” issue such a permit? If those factors are listed in Paragraph (d), delete Paragraph (a), renumber the remaining paragraphs, and see suggested revisions for lines 9-14, below.*

*Line 6 – replace “In order of a facility to” with “No facility shall”*

*Line 6 – replace “site” with “sites”*

*Line 6 – replace “under this Rule, the operation must involve” with “pursuant to this Rule unless the operation involves”*

*Lines 9-14 – consider revising as follows:*

- (c) The Director shall not issue a single permit authorizing emissions from similar operations by the same facility owner or operator at multiple temporary sites unless the permit includes:
  - (1) the identification of each site;
  - (2) the conditions that will assure compliance with all applicable requirements at all authorized locations;
  - (3) a requirement 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.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0510 is readopted as published in 32:04 NCR 173 as follows:

2  
3 **15A NCAC 02Q .0510 PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES**

4 (a) The Director may issue a single permit authorizing emissions from similar operations by the same facility owner  
5 or operator at multiple temporary sites.

6 (b) In order for a facility to qualify for a permit for multiple temporary site under this Rule, the operation must involve  
7 at least one change of site during the term of the permit.

8 (c) Sources subject to Title IV shall not be eligible for a permit under this Section.

9 (d) Permits for facilities at multiple temporary sites shall include:

10 (1) identification of each site;

11 (2) conditions that will assure compliance with all applicable requirements at all authorized locations;

12 (3) requirements that the permittee notify the Division at least 10 days in advance of each change of  
13 location; and

14 (4) conditions that assure compliance with all other provisions of this Section.

15  
16 History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
17 rule becomes effective, whichever is sooner;

18 Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

19 Eff. July 1, 1994;

20 Readopted Eff. March 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0512

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 5, 21, 26, 31, and 36 – replace “under” with “pursuant to”*

*Lines 9 and 10 – do not capitalize the first word in these lines*

*Line 11 – delete the comma*

*Line 12 – replace “the” with “that”*

*Lines 16-19 – delete these lines entirely. The EMC does not have authority to establish these legal conclusions by rule.*

*Line 32 – what does “the failure of the applicant’s timely submission” mean – that the requested information was provided late?*

*Page 2, line 1 – add a comma after “submit”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0512 is readopted with changes as published in 32:04 NCR 173 as follows:

2  
3 **15A NCAC 02Q .0512 PERMIT SHIELD AND APPLICATION SHIELD**

4 (a) Permit Shield:

5 (1) The Director shall place in a permit issued under this Section a permit term or condition (a permit  
6 shield) stating that compliance with the conditions of the permit shall be deemed compliance with  
7 applicable requirements specifically identified in the permit in effect as of the date of permit  
8 issuance, provided that:

9 (A) Such applicable requirements are included and are specifically identified in the permit; or

10 (B) The Director, in acting on the permit application or revision, determines in writing that  
11 other requirements specifically identified are not applicable to the source, and the permit  
12 includes the determination or a concise summary thereof.

13 (2) A permit that does not expressly state that a permit shield exists shall be presumed not to provide  
14 such a shield.

15 (3) A permit shield shall not alter or affect:

16 (A) the power of the Commission, Secretary of the Department, or Governor under G.S.  
17 143-215.3(a)(12) or EPA under Section 303 of the federal Clean Air Act;

18 (B) the liability of an owner or operator of a facility for any violation of applicable  
19 requirements prior to the effective date of the permit or at the time of permit issuance;

20 (C) the applicable requirements under Title IV; or

21 (D) the ability of the Director (or EPA under Section 114 of the federal Clean Air Act) to obtain  
22 information to determine compliance of the facility with its permit, this Section, or  
23 Subchapter 2D of this Chapter.

24 (4) A permit shield shall not apply to any change made at a facility that does not require a permit  
25 revision.

26 (5) A permit shield shall not extend to minor permit modifications made under ~~Rule .0515 of this~~  
27 ~~Section.~~ 15A NCAC 02Q .0515.

28 (b) Application Shield.

29 (1) Except as provided in Subparagraph (b)(2) of this Rule, if the applicant submits a timely and  
30 complete application for permit issuance (including for renewal), the facility's failure to have a  
31 permit under this Section shall not be a violation:

32 (A) unless the delay in final action is due to the failure of the applicant's timely submission of  
33 information as required or requested by the Director, or

34 (B) until the Director takes final action on the permit application.

35 (2) Subparagraph (b)(1) of this Rule shall cease to apply if, subsequent to the completeness  
36 determination made under ~~Rule .0507 of this Section,~~ 15A NCAC 02Q .0507, the applicant fails to



1 submit by the deadline specified in writing by the Director, any additional information identified as  
2 being needed to process the application.

3  
4 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
5 *rule becomes effective, whichever is sooner;*  
6 *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*  
7 *Eff. July 1, 1994;*  
8 *Amended Eff. July 1, ~~1997-1997~~;*  
9 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0513

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “are” with “shall be”*

*Line 5 – do not capitalize “state” unless referring to the State of North Carolina*

*Line 6 – replace “terminates” with “shall terminate”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0513 is readopted with changes as published in 32:04 NCR 173 as follows:

2

3 **15A NCAC 02Q .0513 PERMIT RENEWAL AND EXPIRATION**

4 (a) Permits being renewed are subject to the procedural requirements of this Section, including those for public  
5 participation and affected State and EPA review.

6 (b) Permit expiration terminates the facility's right to operate unless a complete renewal application has been  
7 submitted at least ~~nine~~ six months before the date of permit expiration.

8 (c) If the permittee or applicant has complied with ~~Rule .0512(b)(1) of this Section, 15A NCAC 02Q .0512(b)(1),~~ the  
9 existing permit shall not expire until the renewal permit has been issued or denied. All terms and conditions of the  
10 existing permit shall remain in effect until the renewal permit has been issued or denied.

11

12 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
13 rule becomes effective, whichever is sooner;

14 Authority 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

15 Eff. July 1, ~~1994~~, 1994;

16 Readopted Eff. March 1, 2018.

17

18

19

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0514

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 6 – add a comma after “address”*

*Line 7 – delete the comma*

*Lines 12 and 16 – replace “State-and-federal-enforceable” with “State- and federal-enforceable”*

*Line 16 – delete “or”*

*Line 18 – replace the period with a semicolon*

*Line 20 – add “references to” after “removes”*

*Line 23 – replace the comma with a semicolon*

*Line 24 – do you mean “may” or “shall”? If “may,” what standards, factors, or circumstances determine whether the Director “may” make such amendments without public notice?*

*Line 24 – replace “State(s)” with “states”*

*Line 25 – replace the comma with a semicolon*

*Lines 30 and 32 – replace “under” with “pursuant to”*

*Line 34 – replace “be used to make changes” with “apply”*

*Line 35 – replace “be used for” with “govern”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0514 is readopted with changes as published in 32:04 NCR 173-174 as follows:

2  
3 **15A NCAC 02Q .0514 ADMINISTRATIVE PERMIT AMENDMENTS**

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

- 5 (1) corrects typographical errors;
- 6 (2) identifies a change in the name, address or telephone number of any individual identified in the  
7 permit, or provides a similar minor administrative change at the facility;
- 8 (3) requires more frequent monitoring or reporting by the permittee;
- 9 (4) changes test dates or construction dates provided that no applicable requirements are violated by the  
10 change in test dates or construction dates;
- 11 (5) moves terms and conditions from the State-enforceable only portion of a permit to the  
12 State-and-federal- enforceable portion of the permit provided that terms and conditions being moved  
13 have become federally enforceable through Section 110, 111, or 112 or other parts of the federal  
14 Clean Air Act;
- 15 (6) moves terms and conditions from the federal-enforceable only portion of a permit to the  
16 State-and-federal-enforceable portion of the permit; or
- 17 (7) changes the permit number without changing any portion of the permit that is federally enforceable  
18 that would not otherwise qualify as an administrative amendment.
- 19 ~~(8) removes non-applicable permit conditions; or~~
- 20 ~~(9) removes equipment that has been permanently removed from service.~~

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

- 22 (1) shall take final action on a request for an administrative permit amendment within 60 days after  
23 receiving such request,
- 24 (2) may make administrative amendments without providing notice to the public or any affected State(s)  
25 provided he designates any such permit revision as having been made pursuant to this Rule, and
- 26 (3) shall submit a copy of the revised permit to EPA.

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

29 (d) Upon taking final action granting a request for an administrative permit amendment, the Director shall allow  
30 coverage by the permit shield under ~~Rule 15A NCAC 02Q .0512 of this Section~~ for the administrative permit  
31 amendments made.

32 (e) Administrative amendments for sources covered under Title IV shall be governed by rules in ~~Section .0400 of this~~  
33 ~~Subchapter .15A NCAC 02Q .0400.~~

34 (f) This Rule shall not be used to make changes to the state-enforceable only part of a Title V permit. For the state-  
35 enforceable only part of a Title V permit, ~~Rule .0316 of this Subchapter 15A NCAC 02Q .0316~~ shall be used for  
36 administrative permit amendments.

37

1 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*  
2 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
3 *becomes effective, whichever is sooner;*  
4 *Eff. July 1, 1994;*  
5 *Amended Eff. January 1, 2007; July 1, ~~1997-1997~~;*  
6 *Readopted Eff. March 1, 2018.*  
7  
8

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0515

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – do you mean “may” or “shall”? If “may,” what standards, factors, or circumstances determine whether the procedures in this Rule “may” be used?*

*Line 4 – replace “be used for” with “apply to”*

*Line 4 – replace “when” with “if”*

*Line 6 – define or delete “significant”*

*Line 9 – delete the first “or”*

*Lines 11-12 – what does “corresponding underlying applicable requirement” mean?*

*Lines 18, 19, and 35 – replace “under” with “pursuant to”*

*Line 23 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

*Lines 24 and 25 – replace the commas with semicolons*

*Lines 27 and 34 – what does “group processing” mean?*

*Lines 33 and 35 – do not capitalize “states”*

*Page 2, lines 1 and 2 – replace the commas with semicolons*

*Page 2, line 4 – do not capitalize “states”*

*Page 2, line 6 – replace “causes” with “exceeds”*

*Page 2, line 7 – delete “to be exceeded”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Page 2, lines 12 and 20 – delete “therefore,”*

*Page 2, lines 12, 20, and 30 – replace “under” with “pursuant to”*

*Page 2, lines 12 and 20 – add “or” after the semicolon*

*Page 2, line 25 – do you mean to refer to Paragraph (c)?*

*Page 2, line 28 – do you mean “may” or “shall”? If “may,” what standards, factors, or circumstances determine whether the Director “may” enforce the existing permit terms?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0515 is readopted with changes as published in 32:04 NCR 174 as follows:

2  
3 **15A NCAC 02Q .0515 MINOR PERMIT MODIFICATIONS**

4 (a) The procedures set out in this Rule may be used for permit modifications when the modifications:

- 5 (1) do not violate any applicable requirement;
- 6 (2) do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements  
7 in the permit;
- 8 (3) do not require or change a case-by-case determination of an emission limitation or other standard,  
9 or a source-specific determination for temporary sources of ambient impacts, or a visibility or  
10 increment analysis;
- 11 (4) do not seek to establish or change a permit term or condition for which there is no corresponding  
12 underlying applicable requirement and that the facility has assumed to avoid an applicable  
13 requirement to which the facility would otherwise be subject. Such terms and conditions include:
- 14 (A) a federally enforceable emissions cap assumed to avoid an applicable requirement under  
15 any provision of Title I of the federal Clean Air Act; or
- 16 (B) an alternative emissions limit approved as part of an early reduction plan submitted  
17 pursuant to Section 112(i)(5) of the federal Clean Air Act;
- 18 (5) are not modifications under any provision of Title I of the federal Clean Air Act; and
- 19 (6) are not required to be processed as a significant modification under ~~Rule .0516 of this Section.~~ 15A  
20 NCAC 02Q .0516.

21 (b) In addition to the items required ~~under Rule .0505 of this Section,~~ pursuant to 15A NCAC 02Q .0505, an  
22 application requesting the use of the procedures set out in this Rule shall include:

- 23 (1) an application form including:
- 24 (A) a description of the change,
- 25 (B) the emissions resulting from the change, and
- 26 (C) identification of any new applicable requirements that will apply if the change occurs;
- 27 (2) a list of the facility's other pending applications awaiting group processing and a determination of  
28 whether the requested modification, aggregated with these other applications, equals or exceeds the  
29 thresholds set out under Subparagraphs (c)(1) through (3) of this Rule;
- 30 (3) the applicant's suggested draft permit;
- 31 (4) certification by a responsible official that the proposed modification meets the criteria for using the  
32 procedures set out in this Rule and a request that these procedures be used; and
- 33 (5) complete information for the Director to use to notify EPA and affected States.

34 (c) The Director shall use group processing for minor permit modifications processed under this Rule. The Director  
35 shall notify EPA and affected States of the requested permit revisions under this Rule and shall provide the information  
36 specified in ~~Rule .0522 of this Section.~~ 15A NCAC 02Q .0522 on a quarterly basis. If the aggregated emissions from  
37 all pending minor permit modifications equal or exceed:

- 1 (1) 10 percent of the emissions allowed for the source for which the change is requested,
- 2 (2) 20 percent of the applicable definition of major facility, or
- 3 (3) five tons per year,

4 then the Director shall notify EPA and affected States within five business days of the requested permit revision under  
5 this Rule and provide the information specified in ~~Rule .0522 of this Section~~, 15A NCAC 02Q .0522.

6 (d) Within 90 days after receiving a complete application that causes the thresholds in Subparagraphs (c)(1), (2), or  
7 (3) of this Rule to be exceeded or 15 days after the end of EPA's 45-day review period, whichever is later, the Director  
8 shall:

- 9 (1) issue the permit modification as proposed;
- 10 (2) deny the permit modification application;
- 11 (3) determine that the requested modification does not qualify for the procedures set out in this Rule  
12 and should therefore, be processed under ~~Rule .0516 of this Section~~, 15A NCAC 02Q .0516;
- 13 (4) revise the draft permit modification and transmit the proposed permit to EPA.

14 (e) If the thresholds in Subparagraphs (c)(1), (2), and (3) of this Rule are not exceeded, the Director shall, within 180  
15 days after receiving a completed application for a permit modification or 15 days after the end of EPA's 45-day review  
16 period, whichever is later:

- 17 (1) issue the permit modification as proposed;
- 18 (2) deny the permit modification application;
- 19 (3) determine that the requested modification does not qualify for the procedures set out in this Rule  
20 and should therefore, be processed under ~~Rule .0516 of this Section~~, 15A NCAC 02Q .0516;
- 21 (4) revise the draft permit modification and transmit the proposed permit to EPA.

22 (f) The permit applicant may make the change proposed in his minor permit modification application immediately  
23 after filing the completed application with the Division. After the applicant makes the change, the facility shall comply  
24 with both the applicable requirements governing the change and the proposed permit terms and conditions until the  
25 Director takes one of the final actions specified in Paragraph ~~(d)(1) through (d)(4)(c)~~ of this Rule. Between the filing  
26 of the permit modification application and the Director's final action, the facility need not comply with the existing  
27 permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms  
28 and conditions during this time period, the Director may enforce the terms and conditions of the existing permit that  
29 the applicant seeks to modify.

30 (g) The permit shield allowed under ~~Rule 15A NCAC 02Q .0512 of this Section~~ shall not extend to minor permit  
31 modifications.

32 (h) If the State-enforceable only portion of the permit is revised, the procedures in ~~Section .0300 of this Subchapter~~  
33 15A NCAC 02Q. 0300 shall be followed.

34 (i) The proceedings shall affect only those parts of the permit related to the modification.

35  
36 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
37 rule becomes effective, whichever is sooner;

1  
2  
3  
4  
5  
6

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*  
*Eff. July 1, 1994;*  
*Amended Eff. July 1, ~~1997~~1997;*  
*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0516

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “be used for” with “apply to”*

*Lines 4 and 25 – replace “under” with “pursuant to”*

*Line 5 – replace “do not qualify for” with “are not governed by”*

*Lines 18, 20, 27, and 28 – what does “significant” mean?*

*Lines 18 and 20 – replace “the existing” with “an existing”*

*Line 21 – do you mean to refer to “(d)” or “(c)”?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0516 is readopted with changes as published in 32:04 NCR 174 as follows:

2  
3 **15A NCAC 02Q .0516 SIGNIFICANT PERMIT MODIFICATION**

4 (a) The procedures set out in this Rule shall be used for applications requesting permit modifications under this Rule  
5 or permit modifications that do not qualify for ~~Rule 15A NCAC 02Q .0514, .0515, .0523, or .0524 of this Section.~~  
6 .0524.

7 ~~(b) Significant modifications include modifications that:~~

8 (1) ~~involve a significant change in existing monitoring permit terms or conditions or relax any reporting~~  
9 ~~or recordkeeping permit terms or conditions;~~

10 (2) ~~require or change a case-by-case determination of an emissions limitation or other standard, or a~~  
11 ~~source-specific determination for temporary sources of ambient impacts, or a visibility or increment~~  
12 ~~analysis;~~

13 (3) ~~seek to establish or change a permit term or condition for which there is no corresponding underlying~~  
14 ~~applicable requirement and that the facility has assumed to avoid an applicable requirement to which~~  
15 ~~the facility would otherwise be subject; or~~

16 (4) ~~are modifications under any provision of 15A NCAC 2D or 2Q or Title I of the federal Clean Air~~  
17 ~~Act not processed under Rule .0514, .0515, .0523, or .0524 of this Section.~~

18 ~~(e)(b)~~ An application for a significant permit modification that would contravene or conflict with the existing permit  
19 shall be processed following the procedure set out in ~~Rule .0501(d) of this Section.~~ 15A NCAC 02Q .0501(d).

20 ~~(d)(c)~~ An application for a significant permit modification that does not contravene or conflict with the existing permit  
21 shall be processed following the procedure set out in ~~Rule .0501(e) of this Section.~~ 15A NCAC 02Q .0501(d).

22 ~~(e)(d)~~ This Rule shall not preclude the permittee from making changes consistent with this Section that would render  
23 existing permit compliance terms and conditions irrelevant.

24 ~~(f)(c)~~ Except for the State-enforceable only portion of the permit, the procedures set out in ~~Rule 15A NCAC 02Q .0507,~~  
25 ~~.0521, or .0522 of this Section~~ shall be followed to revise a permit under this Rule. If the State-enforceable only  
26 portion of the permit is revised, the procedures in ~~Section .0300 of this Subchapter~~ 15A NCAC 02Q .0300 shall be  
27 followed. The proceedings shall affect only those parts of the permit related to the significant modification.

28 ~~(h)(f)~~ Significant permit modifications shall be covered under the permit shield in accordance with ~~Rule .0512 of this~~  
29 ~~Section.~~ 15A NCAC 02Q .0512.

30  
31 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
32 rule becomes effective, whichever is sooner;

33 Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

34 Eff. July 1, 1994, 1994;

35 Readopted Eff. March 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0517

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 5, 7, 10, and 11 – do not capitalize the first word in these lines.*

*Line 5 – add “a” before “remaining”*

*Line 8 – do not capitalize “upon”*

*Line 9 – delete the period*

*Line 11 – what does “were made” mean – by whom, about what? Is the phrase needed?*

*Line 14 – replace “under” with “pursuant to”*

*Line 19 – delete the comma*

*Line 27 – replace “needs to” with “should”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0517 is readopted with changes as published in 32:04 NCR 174 as follows:

2  
3 **15A NCAC 02Q .0517 REOPENING FOR CAUSE**

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

- 5 (1) Additional applicable requirements become applicable to a facility with remaining permit term of  
6 three or more years;
- 7 (2) Additional requirements (including excess emissions requirements) become applicable to a source  
8 covered by Title IV (Upon approval by EPA, excess emissions offset plans shall be deemed to be  
9 incorporated into the permit.);
- 10 (3) The Director or EPA finds that the permit contains a material mistake or that inaccurate statements  
11 were made in establishing the emissions standards or other terms or conditions of the permit; or
- 12 (4) The Director or EPA determines that the permit must be revised or revoked to assure compliance  
13 with the applicable requirements.

14 (b) Any permit reopening under Subparagraph (a)(1) of this Rule shall be completed or a revised permit issued within  
15 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the  
16 requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to ~~Rule~~  
17 ~~.0513(c) of this Section.~~ 15A NCAC 02Q .0513(c).

18 (c) Except for the State-enforceable only portion of the permit, the procedures set out in ~~Rule~~ 15A NCAC 02Q .0507,  
19 15A NCAC 02Q .0521, or 15A NCAC 02Q .0522 of this Section shall be followed to reissue a permit that has been  
20 reopened under this Rule. If the State-enforceable only portion of the permit is reopened, the procedures in ~~Section~~  
21 ~~.0300 of this Subchapter.~~ 15A NCAC 02Q .0300 shall be followed. The proceedings shall affect only those parts of  
22 the permit for which cause to reopen exists.

23 (d) The Director shall notify the permittee at least 60 days in advance of the date that the permit is to be reopened,  
24 except in cases of imminent threat to public health or safety the Director may notify the permittee less than 60 days  
25 before reopening the permit. The notice shall explain why the permit is being reopened.

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

29  
30 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
31 rule becomes effective, whichever is sooner;

32 Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;

33 Eff. July 1, 1994;

34 Amended Eff. July 1, 1997-1997;

35 Readopted Eff. March 1, 2018.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0518

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 5 – delete the “a” before “renewal”*

*Lines 10-11 – replace “covered under” with “pursuant to*

*Line 18 – replace “under” with “of”*

*Line 19 – replace “under” with “pursuant to”*

*Lines 20-21 – revise this sentence as follows: “The Director shall not issue any permit, permit revision, or permit renewal pursuant to this Section by default.”*

*Line 25 – add “the” before “permit”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0518 is readopted with changes as published in 32:04 NCR 174 as follows:

2  
3 **15A NCAC 02Q .0518 FINAL ACTION**

4 (a) The Director may:

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

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

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

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

19 (e) No permit shall be issued, revised, or renewed under this Section unless all the procedures set out in this Section  
20 have been followed and all the requirements of this Section have been met. Default issuance of a permit, permit  
21 revision, or permit renewal by the Director is prohibited.

22 (f) Thirty days after issuing a permit, including a permit issued pursuant to ~~Rule .0509 of this Section~~, 15A NCAC  
23 02Q .0509, that is not challenged by the applicant, the Director shall notice the issuance of the final permit. The notice  
24 shall be issued on the North Carolina Division of Air Quality web site at ~~http://www.ncair.org/permits/~~  
25 <http://deq.nc.gov/about/divisions/air-quality>. The notice shall include the name and address of the facility and permit  
26 number.

27  
28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*  
29 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
30 *becomes effective, whichever is sooner;*  
31 *Eff. July 1, 1994;*  
32 *Amended Eff. January 1, 2010; February 1, ~~1995-1995~~;*  
33 *Readopted Eff. March 1, 2018.*  
34  
35

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0519

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 4 and 23 – replace “under” with “pursuant to”*

*Lines 5, 7, 8, 9, 11, 23, and 24 – do not capitalize the first word in these lines*

*Line 8 – revise as follows: “permit conditions have been violated;”*

*Line 11 – add a comma after “representative”*

*Lines 13, 16, 18, and 21 – what does “reasonable” mean?*

*Lines 15 and 16 – replace “under” with “by the”*

*Line 26 – replace “is” with “shall be”*

*Line 26 – delete “and G.S. 143-215.108”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0519 is readopted with changes as published in 32:04 NCR 174 as follows:

2  
3 **15A NCAC 02Q .0519 TERMINATION, MODIFICATION, REVOCATION OF PERMITS**

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

- 5 (1) The information contained in the application or presented in support thereof is determined to be  
6 incorrect;
- 7 (2) The conditions under which the permit or permit renewal was granted have changed;
- 8 (3) Violations of conditions contained in the permit have occurred;
- 9 (4) The permit holder fails to pay fees required ~~under Section .0200 of this Subchapter~~ pursuant to 15A  
10 NCAC 02Q .0200 within 30 days after being billed;
- 11 (5) The permittee refuses to allow the Director or his authorized representative upon presentation of  
12 credentials:
- 13 (A) to enter, at reasonable times and using reasonable safety practices, the permittee's premises  
14 in which a source of emissions is located or in which any records are required to be kept  
15 under terms and conditions of the permit;
- 16 (B) to have access, at reasonable times, to any copy or records required to be kept under terms  
17 and conditions of the permit;
- 18 (C) to inspect, at reasonable times and using reasonable safety practices, any source of  
19 emissions, control equipment, and any monitoring equipment or method required in the  
20 permit; or
- 21 (D) to sample, at reasonable times and using reasonable safety practices, any emission source  
22 at the facility;
- 23 (6) EPA requests that the permit be revoked under 40 CFR 70.7(g) or 70.8(d); or
- 24 (7) The Director finds that termination, modification or revocation and reissuance of a permit is  
25 necessary to carry out the purpose of G.S. 143, Article 21B.

26 (b) To operate a facility or source after its permit has been revoked is a violation of this Section and G.S. 143-215.108.

27  
28 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
29 *rule becomes effective, whichever is sooner;*

30 *Authority G.S. 143-215.3(a)(1),(1a),(1b); 143-215.107(a)(10); 143-215.108;*

31 *Eff. July 1, ~~1994~~1994;*

32 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0520

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 5 – replace the first “under” with “by”*

*Line 5 – replace the second “under” with “pursuant to”*

*Line 6 – replace “statement” with “statements”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0520 is readopted as published in 32:04 NCR 174 as follows:

2

3 **15A NCAC 02Q .0520 CERTIFICATION BY RESPONSIBLE OFFICIAL**

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

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

8

9 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
10 *rule becomes effective, whichever is sooner;*

11 *Authority G.S. 143-215.3(a)(1),(2); 143-215.107(a)(10); 143-215.108;*

12 *Eff. July 1, 1994;*

13 *Readopted Eff. March 1, 2018.*

14

15

16

17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0521

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 5 and 7 – replace “under” with “pursuant to”*

*Lines 9 and 14 – replace “The notice” with “Notice”*

*Line 9 – delete the commas*

*Line 9 – replace “or new facility” with “or for a new facility”*

*Line 15 – delete the comma*

*Line 25 – replace “permit” with “permitted”*

*Line 29 – replace “any hearing that has” with “all hearings that have” if that is what is meant.*

*Line 30 – do not capitalize “states”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0521 is readopted with changes as published in 32:04 NCR 174 as follows:

2  
3 **15A NCAC 02Q .0521 PUBLIC PARTICIPATION**

4 (a) The Director shall give public notice with an opportunity for comments and a hearing on all draft permits and  
5 permit revisions except permit revisions issued under ~~Rules 15A NCAC 02Q .0514, 15A NCAC 02Q .0515, .0524 of~~  
6 ~~this Section~~ and 15A NCAC 02Q .0524. The Director shall give public notice with an opportunity for comments and  
7 a hearing on draft permit revisions issued under ~~Rule 15A NCAC 02Q .0514, 15A NCAC 02Q .0515, and 15A NCAC~~  
8 ~~02Q .0524 of this Section~~ if the Director finds it is in the best interest of the public.

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

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

17 (d) The notice shall identify:

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

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

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

32 (g) If the Director finds that a public hearing is in the best interest of the public, the Director shall require a public  
33 hearing to be held on a draft permit. Notice of a public hearing shall be given at least 30 days before the hearing.

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

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

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

7  
8



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0522

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – add “with” after “EPA”*

*Lines 5, 9, and 11 – replace “under” with “pursuant to”*

*Line 6 – replace “all it needs” with “sufficient”*

*Line 7 – replace “this abridgement in place” with “these documents instead”*

*Lines 10, 12, and 13 (twice) – do not capitalize “state”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0522 is readopted with changes as published in 32:04 NCR 174 as follows:

2

3 **15A NCAC 02Q .0522 REVIEW BY EPA AND AFFECTED STATES**

4 (a) The Director shall provide EPA a copy of each permit application, including any application for permit revision,  
5 each proposed permit, and each final permit issued under this Section. If EPA has informed the Director that a permit  
6 application summary and relevant portion of the permit application and compliance plan are all it needs, the Director  
7 may provide this abridgement in place of the complete application.

8 (b) The Division shall retain for five years a copy of all permit applications, permits, and other related material  
9 submitted to or issued by the Division under this Section.

10 (c) The Director shall provide notice to each affected State of each draft permit at or before the time notice is provided  
11 to the public under ~~Rule .0521 of this Section.~~ 15A NCAC 02Q .0521.

12 (d) The Director, in writing, shall notify EPA and any affected State of any refusal by the Division to accept all  
13 recommendations for the proposed permit that the affected State submitted during the public or affected State review  
14 period and shall state the reasons for not accepting any such recommendations.

15

16 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent  
17 rule becomes effective, whichever is sooner;

18 Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.111(5);

19 Eff. July 1, 1994, 1994;

20 Readopted Eff. March 1, 2018.

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0523

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 5 – replace “The” with “A”*

*Lines 5 and 19 (twice) – add “or her” after “his”*

*Lines 6, 8, 9, 11, 20, 22, 23, 29, 30, 31, and page 2, lines 4, 5, 7, 9, 10, and 11 – do not capitalize the first word in these lines*

*Lines 6 and page 2, line 28 (twice) – replace “under” with “pursuant to”*

*Lines 9, 32, and page 2, line 11 – replace “written notification” with “in writing”*

*Lines 13, 14, 15, 21, and page 2, lines 14, 15, 16, 18, 24, and 25 – replace the final commas with semicolons*

*Line 15 – replace “any” with “the”*

*Line 16 – replace “any permit term or conditions that is” with “all permit terms or conditions that are” if that is what is meant.*

*Line 20 – what does “insignificant” mean?*

*Line 22 – add “and” after the semicolon if that is what is meant.*

*Line 23 – do you mean “not render” or “render”?*

*Line 27 and page 2, line 2 – replace “is” with “shall be”*

*Page 2, line 13 and 23 – replace “under” with “in”*

*Page 2, line 16 – replace “any” with “the”*

*Page 2, line 26 – add “the” before “changes”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Page 2, line 28 – replace “does” with “shall”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0523 is readopted as published in 32:04 NCR 174-175 as follows:

2  
3 **15A NCAC 02Q .0523 CHANGES NOT REQUIRING PERMIT REVISIONS**

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

5 (1) The permittee may make Section 502(b)(10) changes without having his permit revised if:

6 (A) The changes are not a modification under 15A NCAC 02D or Title I of the federal Clean  
7 Air Act;

8 (B) The changes do not cause the emissions allowed under the permit to be exceeded;

9 (C) The permittee notifies the Director and EPA with written notification at least seven days  
10 before the change is made; and

11 (D) The permittee attaches the notice to the relevant permit.

12 (2) The written notification required under Part (a)(1)(C) of this Rule shall include:

13 (A) a description of the change,

14 (B) the date on which the change will occur,

15 (C) any change in emissions, and

16 (D) any permit term or conditions that is no longer applicable as a result of the change.

17 (3) Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or  
18 renewed, whichever comes first.

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

20 (1) The change affects only insignificant activities and the activities remain insignificant after the  
21 change, ~~or~~

22 (2) The change is not covered under any applicable requirement.

23 (3) The changes are consistent with this Section and would render existing permit compliance terms  
24 and conditions irrelevant.

25 (c) Emissions trading.

26 (1) To the extent that emissions trading is allowed under 15A NCAC 02D, including subsequently  
27 adopted maximum achievable control technology standards, emissions trading is allowed without  
28 permit revisions provided that:

29 (A) All applicable requirements are met;

30 (B) The permittee complies with all terms and conditions of the permit in making the emissions  
31 trade; and

32 (C) The permittee notifies the Director and EPA with written notification at least seven days  
33 before the trade is made; ~~this notification requirement does not apply to trades made under~~  
34 ~~15A NCAC 02D .1419, Nitrogen Oxide Budget Trading Program, 15A NCAC .02D .2408,~~  
35 ~~Trading Program and Banking (CAIR), or 15A NCAC 02D .2510, Trading and Banking~~  
36 ~~(CAMR), made.~~

1 (2) If an emissions cap has been established by a permit condition for the purposes of limiting emissions  
2 below that allowed by an otherwise applicable requirement, emissions trading is allowed to the  
3 extent allowed by the permit if:

4 (A) An emissions cap is established in the permit to limit emissions;

5 (B) The permit specifies the emissions limits with which each source shall comply under any  
6 applicable requirement;

7 (C) The permittee complies with all permit terms that ensure the emissions trades are  
8 enforceable, accountable, and quantifiable;

9 (D) The permittee complies with all applicable requirements;

10 (E) The permittee complies with the emissions trading procedures in the permit; and

11 (F) The permittee notifies the Director and EPA with written notification at least seven days  
12 before the trade is made.

13 (3) The written notification required under Subparagraph (1) of this Paragraph shall include:

14 (A) a description of the change,

15 (B) the date on when the change will occur,

16 (C) any change in emissions,

17 (D) the permit requirement with which the facility or source will comply using the emissions  
18 trading provision of the applicable provision of 15A NCAC 02D, and

19 (E) the pollutants emitted subject to the emissions trade.

20 ~~This Subparagraph does not apply to trades made under 15A NCAC 02D .1419, Nitrogen Oxide~~  
21 ~~Budget Trading Program, 15A NCAC .02D .2408 Trading Program and Banking, or 15A NCAC~~  
22 ~~02D .2510, Trading and Banking.~~

23 (4) The written notification required under Subparagraph (2) of this Paragraph shall include:

24 (A) a description of the change,

25 (B) the date on when the change will occur,

26 (C) changes in emissions that will result and how the increases and decrease in emissions will  
27 comply with the terms and conditions of the permit.

28 (d) The permit shield allowed under ~~Rule~~ 15A NCAC 02Q .0512 of this Section does not apply to changes made under  
29 Paragraphs (a), (b), or (c) of this Rule.

30  
31 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;  
32 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*  
33 *becomes effective, whichever is sooner;*  
34 *Eff. July 1, 1994;*  
35 *Amended Eff. June 1, 2008; December 1, 2005-2005;*  
36 *Readopted Eff. March 1, 2018.*  
37

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0524

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 5 – replace “under” with “by”*

*Line 5 – replace the comma with a semicolon*

*Line 7 – replace “under” with “set forth in”*

*Line 8 – replace “When” with “If”*

*Line 8 – add “or she” after “he”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0524 is readopted with changes as published in 32:04 NCR 175 as follows:

2

3 **15A NCAC 02Q .0524 OWNERSHIP CHANGE**

4 (a) Applications for ownership changes shall:

5 (1) contain the information required under ~~Rule .0505(4) of this Subchapter, 15A NCAC 02Q .0505(4),~~  
6 and

7 (2) follow the procedures under ~~Section .0300 of this Subchapter, 15A NCAC 02Q .0300.~~

8 (b) When the Director permits an ownership change, he shall submit a copy of the permit to EPA as an administrative  
9 amendment.

10

11 *History Note:* *Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*  
12 *rule becomes effective, whichever is sooner;*

13 *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*

14 *Eff. July 1, ~~1994~~1994;*

15 *Readopted Eff. March 1, 2018.*

16

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0525

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 7 – replace “the application” with “an application”*

*Lines 12 and 14 – replace the commas with semicolons*

*Line 13 – add a comma after “information”*

*Lines 14 and 30 – delete “deadline”*

*Line 14 – replace “is to” with “must” or “is required to” if that is what is meant*

*Line 28 – replace “when” with “if”*

*Lines 28 and 37 – delete “considered”*

*Line 31 – do you mean “may” or “shall”? If “may,” what standards, factors, or circumstances determine whether the Director “may” withdraw?*

*Line 31 – do you mean “withdraw” or “return”?*

*Lines 31-32 – what happens after an applicant requests an extension?*

*Line 33 – replace “under” with “pursuant to”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0525 is readopted with changes as published in 32:04 NCR 175 as follows:

2  
3 **15A NCAC 02Q .0525 APPLICATION PROCESSING SCHEDULE**

4 ~~(a) Except for permit applications submitted under Rule .0506 of this Subchapter, the~~ The Division shall adhere to  
5 the following schedule in processing permit applications for permits, significant permit modifications, and permit  
6 renewal applications:

- 7 (1) The Division shall send written acknowledgment of receipt of the application to the applicant within  
8 10 days of receipt of the application.
- 9 (2) The Division shall review all permit applications within 60 days of receipt of the application to  
10 determine whether the application is complete or incomplete. The Division shall notify the applicant  
11 by letter:
- 12 ~~(A)~~(a) stating that the application as submitted is complete and specifying the completeness date,  
13 ~~(B)~~(b) stating that the application is incomplete, requesting additional information and specifying  
14 the deadline date by which the requested information is to be received by the Division, or  
15 ~~(C)~~(c) stating that the application is incomplete and requesting that the applicant rewrite and  
16 resubmit the application.

17 ~~If the Division does not notify the applicant by letter dated within 60 days of receipt of the application that the~~  
18 ~~application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent~~  
19 ~~the Director from requesting additional information at a later date when such information is considered necessary to~~  
20 ~~properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided~~  
21 ~~the requested additional information by the deadline specified in the letter requesting additional information, the~~  
22 ~~Director may return the application to the applicant as incomplete. The applicant may request a time extension for~~  
23 ~~submittal of the requested additional information. A completeness determination shall not be necessary for minor~~  
24 ~~modifications under Rule .0514 of this Section.~~

25 If the Division does not notify the applicant by letter dated within 60 days of receipt of the  
26 application that the application is incomplete, the application shall be deemed complete. A  
27 completeness determination shall not prevent the Director from requesting additional information  
28 at a later date when such information is considered necessary to properly evaluate the source, its air  
29 pollution abatement equipment, or the facility. If the applicant has not provided the requested  
30 additional information by the deadline specified in the letter requesting additional information, the  
31 Director may withdraw the application to the applicant as incomplete. The applicant may request a  
32 time extension for submittal of the requested additional information. A completeness determination  
33 shall not be necessary for minor modifications under 15A NCAC 02Q .0515.

- 34 (3) The Division shall determine within 60 days of receipt of a complete application if any additional  
35 information is needed to conduct the technical review of the application. A technical completeness  
36 determination shall not prevent the Director from requesting additional information at a later date  
37 when such information is considered necessary to properly evaluate the source, its air pollution

1 abatement equipment or the facility. The Division shall complete the technical review within 270  
2 days of receipt of a complete application or 10 days after receipt of requested additional information,  
3 whichever is later.

4 (4) The Director shall send the public notice for public comment on the draft permit to affected states,  
5 to EPA, and to persons on the mailing list within 270 days after receipt of a complete application or  
6 10 days after receipt of requested additional information, whichever is later.

7 (5) If a public hearing is requested and approved by the Director for a draft permit, it shall be held  
8 within 45 days of the Director's decision to hold a public hearing.

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

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

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

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

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

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

18 (8) If EPA objects to the proposed permit, the Director shall respond to EPA's objection within 90 days  
19 after receipt of EPA's objections.

20 ~~(b) The Director may return at any time applications containing insufficient information to complete the review.~~

21  
22 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*

23 *Eff. February 1, 1995;*

24 *Amended Eff. July 1, 1998-1998;*

25 *Readopted Eff. March 1, 2018.*

26

27

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0526

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*The phrase “substantially as effective” is found throughout this rule. I see that the phrase is taken from federal regulations. Is the term defined in those regulations or in federal statute, or is it a term of art that is well-understood by the regulated public?*

*Line 4 – replace “The” with “An”*

*Lines 4, 8, 10, 13, 15, 16, 20, 28, and 36 – replace “under” with “pursuant to”*

*Line 15 – add “, as applicable,” after “revision”*

*Line 16 – delete “whichever is applicable”*

*Line 17 – replace “sources. Sources” with “that are”*

*Lines 24 and 31 – replace “meeting” with “that meets”*

*Line 25 – what does “reasonably determine” mean? Is this defined in federal regulation or is it a term of art that is well-understood by the regulated public?*

*Line 33 – delete the final sentence. If it is needed, revise as follows: “The Division shall not be required to make this notification.”*

*Line 34 – replace “when” with “if”*

*Page 2, lines 3 and 18 – replace “When” with “If”*

*Page 2, lines 4 and 19 – replace “under” with “pursuant to”*

*Page 2, line 5 – replace “meeting” with “that meets”*

*Page 2, line 7 – delete “that”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

*Page 2, line 16 – replace “are” with “shall be”*

*Page 2, line 21 – replace “pursue” with “apply for”*

*Page 2, line 28 – add “that” after “determines”*

*Page 2, line 32 – replace “are” with “shall be”*

*Page 4, line 22 – add “shall” before “apply”*

*Page 4, line 23 – delete “therefore”*

*Page 4, lines 24-26 – consider revising as follows:*

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.

*Page 4, line 27 – replace “When” with “If”*

*Page 4, line 28 – delete the comma after “source”*

*Page 5, line 4 – replace “are” with “shall be”*

*Page 5, line 6 – replace “When” with “If”*

*Page 5, line 9 – delete the comma*

*Page 5, lines 13 and 32 – replace “meeting” with “that meets”*

*Page 5, line 24 – delete the comma*

*Page 5, line 24 – consider replacing “potential to emit” with “emissions potential for”*

*Page 5, line 29 – delete the comma*

*Page 5, line 30 – replace “under” with “pursuant to”*

*Page 6, line 1 – delete “and”*

*Page 6, line 2 – replace “where” with “if”*

*Page 6, line 2 – delete the comma after “both”*

*Page 6, lines 4 and 8 – replace “that occur under” with “described in”*

*Page 6, line 7 – replace “are thus” with “shall be deemed”*

*Page 6, line 10 – replace “to” with “of”*

*Page 6, line 13 – add a comma after “Rule”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

*Page 6, line 16 – replace “under this” with “pursuant to”*

*Page 6, lines 17, 19, and 20 – replace “meeting” with “that meets”*

*Page 6, line 23 – replace “When” with “If”*

*Page 6, lines 32 and 34 – replace “must” with “shall”*

*Page 6, line 33 – replace “under” with “pursuant to”*

*Page 6, line 35 – replace “source(s)” with “sources”*

*Page 7, lines 7 and 9 – what does “is positive” and “is negative” mean?*

*Page 7, line 10 replace “is” with “shall be”*

*Page 7, line 11 – replace “meeting” with “that meets”*

*Page 7, lines 18 and 20 – replace “under” with “pursuant to”*

*Page 7, lines 21 and 25 – replace “must” with “shall”*

*Page 8, line 2 – end this line with a semicolon*

*Page 8, lines 3 and 4 – replace “an emission limitation (or limitations)” with “emission limitations”*

*Page 8, line 3 – replace “standard” with “standards”*

*Page 8, line 5 – delete “by the Director”*

*Page 8, line 6 – add a space before “on”*

*Page 8, lines 7 and 9 – delete “any”*

*Page 8, line 7 – add a comma after “limits”*

*Page 8, line 11 – replace “a compliance date(s)” with “compliance dates”*

*Page 8, line 11 – replace “shall” with “is required to”*

*Page 8, line 12 – add a comma after “permit”*

*Page 8, line 13 – replace “permit (The” with “permit. The”*

*Page 8, line 14 – delete the parenthesis*

*Page 8, lines 19 and 21 – replace “under” with “by”*

*Page 8, line 25 – replace “under” with “in”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

*Page 8, line 27 – replace “is” with “shall be deemed”*

*Page 8, line 31 – replace “Division. Such time period shall” with “Division, which shall”*

*Page 8, line 32 – do you really mean the Director “shall issue” a permit upon receipt of an application or receipt of an application that meets all applicable requirements?*

*Page 8, line 32 – replace “meeting” with “that meets”*

*Page 8, line 33 – add a comma after “application”*

*Page 8, line 34 – add “shall” before “apply”*

*Page 8, line 37 – replace “under” with “pursuant to”*

*Page 9, lines 1 and 7 – replace “under” with “pursuant to”*

*Page 9, lines 6-7 – delete the parentheses*

*Page 9, line 6 – replace “does” with “shall”*

*Page 9, line 8 – replace “shall comply” with “complies”*

*Page 9, line 9 – define “reasonable time”*

*Page 9, line 11 – replace “However, in no event shall the” with “The”*

*Page 9, line 12 – add “shall not” before “be*

*Page 9, line 16 – replace “need not” with “shall not be required to”*

*Page 9, line 19 – delete the comma*

*Page 9, line 21 – replace “is not” with “shall not be”*

*Page 9, lines 21 and 22 – replace “any” with “a”*

*Page 9, line 22 – do you mean “may” or “shall”? If “may,” what standards, factors, or circumstances determine whether a more stringent provision is an applicable legal requirement?*

*Page 9, line 23 – replace “provisions” with “provision”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0526 is readopted with changes as published in 32:04 NCR 175 as follows:

2  
3 **15A NCAC 02Q .0526 112(J) CASE-BY-CASE MACT PROCEDURES**

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

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

8 (1) "Equivalent emission limitation" means an emission limitation, established under Section 112(j) of  
9 the federal Clean Air Act, that is equivalent to the MACT standard that EPA would have  
10 promulgated under Section 112(d) or (h) of the federal Clean Air Act.

11 (2) "Source category schedule for standards" means the schedule for promulgating MACT standards  
12 issued pursuant to Section 112(e) of the federal Clean Air Act.

13 (3) "Title V permit" means a permit issued under this Section.

14 (c) Except as provided for in Paragraph (d) or (e) of this Rule, the owner or operator of a source required to apply  
15 MACT under 15A NCAC ~~2D02D~~ .1109 shall submit an application for a permit or for a significant permit revision  
16 under this Section, whichever is applicable.

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

23 (1) The owner or operator shall submit an application for a permit or for a revision to an existing Title  
24 V permit issued or a pending Title V permit meeting the requirements of Subparagraph (m)(1) of  
25 this Rule by the Section 112(j) deadline if the owner or operator can reasonably determine that one  
26 or more sources at the facility belong in a category or subcategory subject to Section 112(j) of the  
27 federal Clean Air Act.

28 (2) The owner or operator of a source that does not submit an application under Subparagraph (d)(1)(A)  
29 of this Rule and that is notified in writing by the Division that one or more sources at the facility  
30 belong to a category or subcategory subject to Section 112(j) of the federal Clean Air Act shall  
31 submit an application for a Title V permit or for a revision to an existing Title V permit meeting the  
32 requirements of Paragraph (m)(1) of this Rule within 30 days after being notified in writing by the  
33 Division. The Division is not required to make such notification.

34 (3) The requirements in Parts (A) and (B) of this Subparagraph shall apply when the owner or operator  
35 has obtained a Title V permit that incorporates a Section 112(g) case-by-case MACT determination  
36 by the Division under 15A NCAC 02D .1112, but has not submitted an application for a Title V



1 permit revision that addresses the emission limitation requirements of Section 112(j) of the federal  
2 Clean Air Act.

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

18 (B) When the owner or operator that has submitted a Title V permit application that  
19 incorporates a Section 112(g) case-by-case MACT determination by the Division under  
20 15A NCAC 02D .1112, but has not received the permit incorporating the Section 112(g)  
21 requirements, the owner or operator shall continue to pursue a Title V permit that addresses  
22 the requirements of Section 112(g) of the federal Clean Air Act. The owner or operator  
23 shall submit a permit application meeting the requirements of Paragraph (m)(1) of this Rule  
24 within 30 days of issuance of that Title V permit. The Division shall use the procedures in  
25 40 CFR 63.52(e) to determine whether the emissions limitations adopted pursuant to the  
26 prior 112(g) case-by-case MACT determination are substantially as effective as the  
27 emission limitations that the Division would otherwise adopt pursuant to Section 112(j) of  
28 the federal Clean Air Act for the source in question. If the Division determines the  
29 previously adopted 112(g) emission limitations are substantially as effective, then the  
30 Director shall retain the existing emission limitations to effectuate Section 112(j) of the  
31 federal Clean Air Act and revise the permit accordingly. If the Division does not retain the  
32 previously adopted 112(g) emission limitations, the MACT requirements of this Rule are  
33 satisfied upon issuance of a revised Title V permit incorporating any additional Section  
34 112(j) requirements.

35 ~~(1) Sources subject to Section 112(j) as of the Section 112(j) deadline. The requirements of~~  
36 ~~Subparagraphs (d)(1)(A) and (B) of this Paragraph shall apply to major sources that include, as of~~  
37 ~~the Section 112(j) deadline, one or more sources in a category or subcategory for which the EPA~~

1 ~~has failed to promulgate an emission standard under 40 CFR Part 63 on or before an applicable~~  
2 ~~Section 112(j) deadline. Existing source MACT requirements (including relevant compliance~~  
3 ~~deadlines), as specified in a Title V permit issued to the facility pursuant to the requirements of 40~~  
4 ~~CFR Part 63, Subpart B, shall apply to such sources.~~

5 (A) ~~— The owner or operator shall submit an application for a permit or for a revision to an~~  
6 ~~existing Title V permit issued or a pending Title V permit meeting the requirements of~~  
7 ~~Subparagraph (m)(1) of this Rule by the Section 112(j) deadline if the owner or operator~~  
8 ~~can reasonably determine that one or more sources at the facility belong in a category or~~  
9 ~~subcategory subject to Section 112(j) of the federal Clean Air Act.~~

10 (B) ~~— The owner or operator of a source that does not submit an application under Subparagraph~~  
11 ~~(d)(1)(A) of this Rule and that is notified in writing by the Division that one or more sources~~  
12 ~~at the facility belong to a category or subcategory subject to Section 112(j) of the federal~~  
13 ~~Clean Air Act shall submit an application for a Title V permit or for a revision to an existing~~  
14 ~~Title V permit meeting the requirements of Paragraph (m)(1) of this Rule within 30 days~~  
15 ~~after being notified in writing by the Division. The Division is not required to make such~~  
16 ~~notification.~~

17 (C) ~~— The requirements in Parts (i) and (ii) of this Subparagraph shall apply when the owner or~~  
18 ~~operator has obtained a Title V permit that incorporates a Section 112(g) case-by-case~~  
19 ~~MACT determination by the Division under 15A NCAC 02D .1112, but has not submitted~~  
20 ~~an application for a Title V permit revision that addresses the emission limitation~~  
21 ~~requirements of Section 112(j) of the federal Clean Air Act.~~

22 (i) ~~— When the owner or operator has a Title V permit that incorporates a Section~~  
23 ~~112(g) case-by-case MACT determination under 15A NCAC 02D .1112, the~~  
24 ~~owner or operator shall submit an application meeting the requirements of~~  
25 ~~Paragraph (m)(1) of this Rule for a Title V permit revision within 30 days of the~~  
26 ~~Section 112(j) deadline or within 30 days of being notified that in writing by the~~  
27 ~~Division that one or more sources at the major facility belong in such category or~~  
28 ~~subcategory. The Division shall use the procedures in 40 CFR 63.52(e) to~~  
29 ~~determine whether the emission limitations adopted pursuant to the prior 112(g)~~  
30 ~~case-by-case MACT determination are substantially as effective as the emission~~  
31 ~~limitations that Division would otherwise adopt pursuant to Section 112(j) of the~~  
32 ~~federal Clean Air Act for the source in question. If the Division determines the~~  
33 ~~previously adopted 112(g) emission limitations are substantially as effective, then~~  
34 ~~the Division shall retain the existing limitations in the permit to effectuate Section~~  
35 ~~112(j) of the federal Clean Air Act. If the Division does not retain the previously~~  
36 ~~adopted 112(g) emission limitations, the MACT requirements of this Rule are~~

1 ~~satisfied upon issuance of a revised Title V permit incorporating any additional~~  
2 ~~Section 112(j) requirements.~~

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

21 (e) Sources that become subject to Section 112(j) of the federal Clean Air Act after the Section 112(j) deadline and  
22 that do not have a Title V permit addressing Section 112(j) requirements. The requirements of this Paragraph apply  
23 to sources that do not meet the criteria in Paragraph (d) of this Rule on the Section 112(j) deadline and are therefore  
24 not subject to Section 112(j) of the federal Clean Air Act on that date, but where events occur subsequent to the Section  
25 112 (j) deadline that would bring the source under the requirements of this Rule, and the source does not have a Title  
26 V permit that addresses the requirements of Section 112(j) of the federal Clean Air Act.

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

1 substantially as effective, then the Division shall retain the existing emission limitations to effectuate  
2 Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does  
3 not retain the previously adopted 112(g) emission limitations, the MACT requirements of this Rule  
4 are satisfied upon issuance of a revised Title V permit incorporating any additional Section 112(j)  
5 requirements.

6 (2) When one or more sources in a category or subcategory subject to 112(j) requirements are installed  
7 at a major source or result in the source becoming a major source due to the installation, and the  
8 installation requires 112(g) emission limitations to be established and permitted under 15A NCAC  
9 02Q .0528, and the owner or operator has not submitted an application for a Title V permit revision  
10 that addresses the emission limitation requirements of Section 112(j) of the federal Clean Air Act,  
11 the owner or operator shall apply for and obtain a Title V permit that addresses the emission  
12 limitation requirements of Section 112(g) of the federal Clean Air Act. Within 30 days of issuance  
13 of that Title V permit, the owner or operator shall submit an application meeting the requirements  
14 of Paragraph (m)(1) of this Rule for a revision to the existing Title V permit. The Division shall  
15 determine whether the emissions limitations adopted pursuant to the prior 112(g) case-by-case  
16 MACT determination are substantially as effective as the emission limitations that the Division  
17 would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in  
18 question. If the Division determines the previously adopted 112(g) emission limitations are  
19 substantially as effective, then the Division shall retain the existing emission limitations to effectuate  
20 Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does  
21 not retain the previously adopted 112(g) emission limitations, the permit shall be revised to  
22 incorporate any additional Section 112(j) requirements.

23 (3) The owner or operator of an area source that, due to a relaxation in any federally enforceable  
24 emission limitation (such as a restriction on hours of operation), increases its potential to emit  
25 hazardous air pollutants such that the source becomes a major source that is subject to this Rule,  
26 shall submit an application meeting the requirements of Paragraph (m)(1) of this Rule within 30  
27 days after the date that such source becomes a major source. The Director shall use the procedures  
28 in Paragraph (n) of this Rule in reviewing the application. The existing source MACT requirements  
29 (including relevant compliance deadlines), shall apply to such sources.

30 (4) If EPA establishes a lesser quantity emission rate under Section 112(a)(1) of the Federal Clean Air  
31 Act that results in an area source becoming a major source that is subject to this Rule, then the owner  
32 or operator of such a major source shall submit an application meeting the requirements of Paragraph  
33 (m)(1) of this Rule on or before the date six months after the date that such source becomes a major  
34 source. Existing source MACT requirements (including relevant compliance deadlines), as specified  
35 in a Title V permit issued pursuant to the requirements of this Rule, shall apply to such sources.

36 (f) Sources that have a Title V permit addressing Section 112(j) requirements. The requirements of this Paragraph  
37 apply to major sources that include one or more sources in a category or subcategory for which EPA fails to promulgate

1 an emission standard on or before the Section 112(j) deadline, and the owner or operator has a permit meeting the  
2 Section 112(j) requirements, and where changes occur at the major source to equipment, activities, or both, subsequent  
3 to the Section 112(j) deadline.

4 (1) If the Title V permit already provides the requirements that address the events that occur under this  
5 Paragraph subsequent to the Section 112(j) deadline, then the source shall comply with the  
6 applicable new source MACT or existing source MACT requirements as specified in the permit,  
7 and the Section 112(j) requirements are thus satisfied.

8 (2) If the Title V permit does not contain the requirements that address the events that occur under this  
9 Paragraph subsequent to the Section 112(j) deadline, then the owner operator shall submit an  
10 application for a revision to the existing Title V permit that meets the requirements of Paragraph  
11 (m)(1) of this Rule within 30 days of beginning construction. Existing source MACT requirements  
12 (including relevant compliance deadlines), as specified in a Title V permit issued pursuant to the  
13 requirements of this Rule shall apply to such sources.

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

19 (h) An owner or operator who submits a Part 1 MACT application meeting the requirements of Paragraph (m)(1) of  
20 this Rule shall submit a Part 2 MACT application meeting the requirements of Paragraph (m)(2) of this Rule no later  
21 than the applicable date specified in 40 CFR 63 Subpart B Table 1. The submission date specified in 40 CFR 63  
22 Subpart B Table 1 for Miscellaneous Organic Chemical Manufacturing shall apply to sources in each of the source  
23 categories listed in 40 CFR 63 Subpart B Table 2. When an owner or operator is required by 15A NCAC 02D .1109  
24 and this Rule to submit an application meeting the requirements of Paragraph (m)(1) of this Rule by a date that is after  
25 the date for a Part 2 MACT application for sources in the category or subcategory in question established by 40 CFR  
26 63 Subpart B Table 1, the owner or operator shall submit a Part 2 MACT application meeting the requirements of  
27 Paragraph (m)(2) of this Rule within 60 additional days after the applicable deadline for submission of the Part 1  
28 MACT application. The Part 2 applications shall be reviewed by the Division according to the procedures established  
29 in 40 CFR 63.55.

30 (1) Any owner or operator who submitted a request for an applicability determination on or before May  
31 15, 2002, that remained pending as of May 30, 2003, and who still wishes to obtain such a  
32 determination must resubmit that request by the date that is 60 days after the Administrator publishes  
33 in the Federal Register a proposed standard under Section 112(d) or 112(h) of the Clean Air Act for  
34 the category or subcategory in question. Such a resubmitted request must be supplemented to  
35 discuss the relation between the source(s) in question and the applicability provision in the proposed  
36 standard for the category or subcategory in question, and to explain why there may still be  
37 uncertainties that require a determination of applicability. The Director shall take action on each

1 supplemented and resubmitted request within an additional 60 days after the applicable deadline for  
2 the resubmitted request. If more than three years remain on the current Title V permit, the owner  
3 or operator shall submit an application for a Title V permit revision to make any conforming changes  
4 in the permit required to adopt the existing emission limitations as the Section 112(j) MACT  
5 emission limitations. If less than three years remain on the current Title V permit, any required  
6 conforming changes shall be made when the permit is renewed. If the applicability determination  
7 is positive, the owner or operator shall submit a Part 2 MACT application meeting the requirements  
8 of Paragraph (m)(2) of this Rule by the date specified for the category or subcategory in question in  
9 40 CFR 63 Subpart B Table 1. If the applicability determination is negative, no further action by  
10 the owner or operator is necessary.

11 (2) An owner or operator who has submitted an application meeting the requirements of Paragraph  
12 (m)(1) of this Rule may request a determination of whether emission limitations adopted pursuant  
13 to a prior case-by-case MACT determination under Section 112(g) that apply to one or more sources  
14 in a relevant category or subcategory are substantially as effective as the emission limitations that  
15 the Division would otherwise adopt pursuant to this Rule for the source in question. Such a request  
16 must be submitted by the date for the category or subcategory in question specified in 40 CFR 63  
17 Subpart B Table 1. Each request for a determination under this Paragraph shall be construed as a  
18 complete application for an equivalent emission limitation under this Rule. If the Director  
19 determines that the emission limitations in the prior case-by-case MACT determination are  
20 substantially as effective as the emission limitations the Director would otherwise adopt under this  
21 Rule, then the Director must adopt the existing emission limitations in the permit as the emission  
22 limitations to effectuate Section 112(j) for the source in question. If the Director determines that  
23 the emission limitations in the prior case-by-case MACT determination under Section 112(g) are  
24 not substantially as effective as the emission limitations that the Director would otherwise adopt for  
25 the source in question under this Rule, the Director must make a new MACT determination and  
26 adopt a Title V permit incorporating an appropriate equivalent emission limitation under this Rule.  
27 The Division shall use the procedures in 40 CFR 63.52(e) to determine whether the emission  
28 limitations adopted pursuant to the prior 112(g) case-by-case MACT determination are substantially  
29 as effective as the emission limitations which Division would otherwise adopt pursuant to Section  
30 112(j) of the federal Clean Air Act for the source in question.

31 (i) If the Director disapproves a permit application submitted under this Rule or determines that the application is  
32 incomplete, the owner or operator shall revise and resubmit the application to meet the Director's objections not later  
33 than six months after first receiving notification that the application has been disapproved or is incomplete.

34 (j) If the owner or operator of a source subject to this Rule has submitted a timely and complete application for a  
35 permit, significant permit revision, or administrative amendment required by this Rule, any failure to have this permit  
36 shall not be a violation of the requirements of this Rule unless the delay in final action is due to the failure of the  
37 applicant to submit, in a timely manner, information required or requested to process the application.

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

- 2 (1) specification of the affected source and the new affected source
- 3 (2) an emission limitation (or limitations) or emission standard equivalent to existing source MACT  
4 and an emission limitation (or limitations) equivalent to new source MACT for control of emissions  
5 of hazardous air pollutants for that category or subcategory determined by the Director according to  
6 40 CFR 63.55(a) on a case-by-case basis;
- 7 (3) any emission limits, production limits, operational limits or other terms and conditions necessary to  
8 ensure practicable enforceability of the MACT emission limitation;
- 9 (4) any notification, operation and maintenance, performance testing, monitoring, reporting, and  
10 recordkeeping requirements; and
- 11 (5) a compliance date(s) by which the owner or operator of an existing source shall be in compliance  
12 with the MACT emission limitation and all other applicable terms and conditions of the permit not  
13 to exceed three years from the date of issuance of the permit (The owner or operator of a new  
14 affected source shall comply with a new source MACT level of control immediately upon startup.)

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

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

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

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

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

- 36 (1) If EPA promulgates an emission standard that is applicable to one or more sources within a major  
37 facility before the date a proposed permit under this Rule is approved, the permit shall contain the

1 promulgated standard rather than the emission limitation determined under 15A NCAC 02D .1109,  
2 and the owner or operator of the source shall comply with the promulgated standard by the  
3 compliance date in the promulgated standard.

4 (2) If EPA promulgates an emission standard that is applicable to a source after the date that a permit  
5 is issued under this Rule, the Director shall revise the permit on its next renewal to reflect the  
6 promulgated standard. (Subparagraph (a)(1) of ~~Rule 15A NCAC 02Q .0517 of this Section~~ does not  
7 apply to requirements established under this Rule.) The Director shall establish a compliance date  
8 in the revised permit that assures that the owner or operator shall comply with the promulgated  
9 standard within a reasonable time, but no longer than eight years after such standard is promulgated  
10 or eight years after the date by which the owner or operator was first required to comply with the  
11 emission limitation established by permit, whichever is earlier. However, in no event shall the  
12 period for compliance for existing sources be shorter than that provided for existing sources in the  
13 promulgated standard.

14 (3) Notwithstanding the requirements of Subparagraphs (1) or (2) of this Paragraph, if EPA promulgates  
15 an emission standard that is applicable to a source after the date a proposed permit is approved, the  
16 Director need not change the emission limitation in the permit to reflect the promulgated standard  
17 if the level of control required by the emission limitation in the permit is as effective as that required  
18 by the promulgated standard. If EPA promulgates an emission standard that is applicable to an  
19 affected source after the date a permit application is approved, and the level of control required by  
20 the promulgated standard is less stringent than the level of control required by any emission  
21 limitation in the prior MACT determination, the Division is not required to incorporate any less  
22 stringent emission limitation of the promulgated standard and may consider any more stringent  
23 provisions of the MACT determination to be applicable legal requirements when issuing or revising  
24 such a Title V permit.

25  
26 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*  
27 *Eff. July 1, 1996;*  
28 *Amended Eff. February 1, ~~2004~~2004;*  
29 *Readopted Eff. March 1, 2018.*  
30  
31



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0527

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – convert Paragraph (a) into a note as follows: “Note: using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.”*

*Lines 7 and 9 – do not capitalize the first word in these lines.*

*Lines 7, 18, and 21 – replace “under” with “pursuant to”*

*Line 10 – replace “under” with “by”*

*Line 27 requires the use of a form. Pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law. Are the substantive contents of the form set forth in rule or law?*

*Line 29 – delete “the checklist” that appears before “used”*

*Lines 36-37 – revise as follows:*

(h) In implementing this Rule, the Director shall either to deny the permit or submit a proposed permit to EPA.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0527 is readopted with changes as published in 32:04 NCR 175 as follows:

2  
3 **15A NCAC 02Q .0527 EXPEDITED APPLICATION PROCESSING SCHEDULE**

4 (a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.

5 (b) An applicant may file an application to follow the expedited review for application certified by a professional  
6 engineer as set out in G.S. 143-215.108(h) if:

7 (1) The applicant specifically requests that the permit application be processed under the procedures in  
8 G.S. 143-215.108(h); and

9 (2) The applicant submits:

10 (A) applications as required under ~~Rules .0505 and .0507 of this Section;~~ 15A NCAC 02Q  
11 .0507;

12 (B) a completeness check list showing that the permit application is complete;

13 (C) a draft permit;

14 (D) any required dispersion modeling;

15 (E) a certification signed by a professional engineer registered in North Carolina certifying the  
16 accuracy and completeness of draft permit and the application, including emissions  
17 estimates, applicable standards and requirements, and process specifications;

18 (F) a consistency determination as required under ~~Rule .0507(d)(1) of this Section;~~ 15A NCAC  
19 02Q .0507(d)(1);

20 (G) a written description of current and projected plans to reduce the emissions of air  
21 contaminants as required under ~~Rule .0507(d)(2) of this Section;~~ 15A NCAC 02Q  
22 .0507(d)(2);

23 (H) a financial qualification if required;

24 (I) substantial compliance statement if required; and

25 (J) the application fee as required under ~~Section .0200 of this Subchapter;~~ pursuant to 15A  
26 NCAC 02Q .0200.

27 (c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.

28 (d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete  
29 permit application. This checklist shall be the checklist used by the Division to determine if the application is  
30 complete.

31 (e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.

32 (f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the  
33 application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.

34 (g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in  
35 accordance with this Rule.

36 (h) The decision that the Director shall make on applications processed under this Rule is either to deny the permit or  
37 to submit a proposed permit to EPA.

- 1 (i) If EPA does not object to the proposed permit, the Director shall issue the permit within five days after:  
2 (1) expiration of EPA 45-day review period; or  
3 (2) receipt of notice from EPA that it will not object to issuance, whichever comes first.  
4 (j) If EPA objects to the proposed permit, the Director shall respond to EPA's objection within 90 days after receipt  
5 of EPA's objections.

6  
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*  
8 *Eff. July 1, ~~1998~~, 1998;*  
9 *Readopted Eff. March 1, 2018.*

10  
11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .€ Ġ

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “The” with “An”*

*Lines 5, 11, 16, 28, and 30 – replace “under” with “pursuant to”*

*Line 6 – replace “After July 1, 1998 a” with “A”*

*Line 6 – delete “actual” unless the use of this word is significant and well-understood by the regulated public*

*Lines 8 and 16 – do not capitalize “the”*

*Lines 8 and 29 – replace “under” with “by”*

*Line 9 – replace the comma with a semicolon*

*Line 11 – delete the comma*

*Line 20 – replace “When” with “If”*

*Line 21 – do you mean “and” or “or”?*

*Line 25 – replace “satisfies” with “shall satisfy”*

*Line 31 – replace “incorporating” with “that incorporates”*

*Line 31 – replace “such” with “the”*

*Line 32 – delete the comma*

*Line 32 – what does “compatible” mean – compatible with what?*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0528 is readopted with changes as published in 32:04 NCR 175 as follows:

2  
3 **15A NCAC 02Q .0528 112(G) CASE-BY-CASE MACT PROCEDURES**

4 (a) Applicability. The owner or operator of a source required to apply maximum achievable control technology  
5 (MACT) under 15A NCAC ~~2D02D~~ .1112 shall follow the permit procedures set out in this Rule.

6 (b) Construction prohibition. After July 1, 1998 a person shall not begin actual construction or reconstruction of a  
7 major source of hazardous air pollutants unless:

8 (1) The major source has been specifically regulated or exempted from regulation under:

9 (A) 15A NCAC ~~2D02D~~ .1109 or .1111, or

10 (B) a standard issued pursuant to Section 112(d), 112(h), or 112(j) of the federal Clean Air Act  
11 under 40 CFR Part 63, and the owner and operator has fully complied with all procedures  
12 and requirements for preconstruction review established by that standard, including any  
13 applicable requirements set forth in 40 CFR Part 63, Subpart A; or  
14 ~~and the owner and operator has fully complied with all procedures and requirements for preconstruction review~~  
15 ~~established by that standard, including any applicable requirements set forth in 40 CFR Part 63, Subpart A; or~~

16 (2) The Division has made a final and effective case-by-case determination under 15A NCAC 02D  
17 .1112 such that emissions from the constructed or reconstructed major source will be controlled to  
18 a level no less stringent than the maximum achievable control technology emission limitation for  
19 new sources.

20 (c) Requirements for constructed and reconstructed major sources. When a case-by-case determination of MACT is  
21 required by 15A NCAC ~~2D02D~~ .1112, the owner and operator shall submit a permit application to the Division and  
22 the Division shall process the application following the procedures of ~~Rule .0501(e) of this Section.~~ 15A NCAC 02Q  
23 .0501(c).

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

27 (e) Application requirements for a case-by-case MACT determination. The owner or operator of a source required to  
28 apply MACT under Rule 15A NCAC ~~2D02D~~ .1112 shall submit a permit application that contains all the information  
29 required under 40 CFR 63.43(e).

30 (f) Reporting to the EPA. Within 60 days of the issuance of a permit under this Section or ~~Section .0300 of this~~  
31 ~~Subchapter~~ 15A NCAC 02Q .0300 incorporating a MACT determination, the Director shall provide a copy of such  
32 permit to EPA, and shall provide a summary in a compatible electronic format for inclusion in the MACT data base.

33  
34 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10);*

35 *Eff. July 1, 1998, 1998;*

36 *Readopted Eff. March 1, 2018.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0801

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*This Rule is confusing because it mixes voluntary standards with otherwise-applicable requirements and also adds non-regulatory explanations. Consider revising the Rule as follows:*

- (a) This Section establishes categories of facilities that may be exempt from the requirements of 15A NCAC 02Q .0500, 15A NCAC 02D .1111, or 40 CFR Part 63 by defining their potential emissions to be less than:
  - (1) 100 tons per year of each regulated air pollutant;
  - (2) 10 tons per year of each hazardous air pollutant; and
  - (3) 25 tons per year of all hazardous air pollutants combined,as determined by criteria set out in each individual source category rule.
- (b) A maximum achievable control technology (MACT) standard promulgated pursuant to 40 CFR Part 63 shall be used to determine the applicability of that MACT standard, notwithstanding any exemption established in this Section.
- (c) Potential emissions of hazardous air pollutants limited through the procedures of this Section may be used to determine the applicability of specific requirements of 40 CFR Part 63 to a facility.
- (d) The owner or operator of a facility or source qualified to be governed pursuant to a rule in this Section who chooses not to be governed by that rule shall notify the Director in writing that he or she does not want the facility or source to be governed by this Section, and the Section shall no longer apply to that facility or source.
- (e) Violations of rate-based emission limits or other applicable requirements shall not be excused by reliance on emission limits or caps set forth in this Section.
- (f) An exemption pursuant to this Section from the requirements set forth in 15A NCAC 02Q .0500, 15A NCAC 2D .1111, or 40 CFR Part 63 shall not affect the requirements of 15A NCAC 02Q .0300, Construction and Operation Permit.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0801 is readopted as published in 32:04 NCR 175-176 as follows:

2  
3 **SECTION .0800 - EXCLUSIONARY RULES**  
4

5 **15A NCAC 02Q .0801 PURPOSE AND SCOPE**

6 (a) The purpose of this Section is to define categories of facilities that are exempted from needing a permit ~~under~~  
7 ~~pursuant to Section .0500, 15A NCAC 02Q .0500, Title V Procedures, of this Subchapter~~ or the applicability of 15A  
8 NCAC ~~2D-02D~~.1111 or 40 CFR Part 63 by defining their potential emissions to be less than:

- 9 (1) 100 tons per year of each regulated air pollutant;  
10 (2) 10 tons per year of each hazardous air pollutant; and  
11 (3) 25 tons per year of all hazardous air pollutants combined;

12 as determined by criteria set out in each individual source category rule. [A particular maximum achievable control  
13 technology (MACT) standard promulgated ~~under~~ pursuant to 40 CFR Part 63 may have a lower applicability threshold  
14 than those contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine  
15 the applicability of that MACT standard]. Potential emissions of hazardous air pollutants limited through the  
16 procedures of this Section may be used to determine the applicability of specific requirements of 40 CFR Part 63 to a  
17 facility.

18 (b) Coverage under the rules of this Section is voluntary. The owner or operator of a facility or source qualified to  
19 be covered ~~under~~ pursuant to a rule in this Section that does not want to be covered ~~under~~ pursuant to that rule shall  
20 notify the Director in writing that he or she does not want ~~his~~ the facility covered ~~under~~ pursuant to this Section, and  
21 the Section shall no longer apply to that facility or source.

22 (c) A source cannot rely on emission limits or caps ~~contained~~ set forth in this Section to justify violation of any rate-  
23 based emission limits or other applicable requirements.

24 (d) Although a facility is exempted, by complying with this Section, from the permitting procedures ~~contained~~ set  
25 forth in ~~Section .0500, 15A NCAC 02Q .0500, Title V Procedures, of this Subchapter~~, or the applicability of 15A  
26 NCAC 2D .1111 or 40 CFR Part 63, it ~~may still~~ shall need a permit ~~under Section .0300, pursuant to 15A NCAC 02Q~~  
27 ~~.0300, Construction and Operation Permit, of this Subchapter~~ unless it is exempted from needing a permit by ~~Rule~~  
28 ~~.0102 of this Subchapter~~ other applicable rules in this Subchapter.

29 (e) ~~Except for gasoline service stations and dispensing facilities and dry cleaning facilities, any facility or source not~~  
30 ~~required to have a permit under this Subchapter shall not be required to maintain records and report emissions as~~  
31 ~~required under this Section.~~

32  
33 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*  
34 *Eff. August 1, 1995;*  
35 *Amended Eff. April 1, ~~1999~~.1999;*  
36 *Readopted Eff. March 1, 2018.*  
37



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0802

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – add “shall” before “apply”*

*Line 9 – replace “only applies” with “shall apply only”*

*Line 11 – replace “for” with “from”*

*Line 11 – delete “actual”*

*Lines 13, 16, 33, and 35 – replace “any” with “a”*

*Line 14 – replace “exempted” with “exempt”*

*Lines 24-25 – delete “the procedures in”*

*Line 26 – replace “under” with “by”*

*Line 32 – replace “official defined” with “official, as defined”*

*Line 32 – add a comma after “.0303”*

*Lines 34 and 36 – add “the requirements of” before “15A”*

*Page 2, line 1 – replace “covered” with “governed”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0802 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0802 GASOLINE SERVICE STATIONS AND DISPENSING FACILITIES**

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

5 (1) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline  
6 tanks from stationary storage tanks.

7 (2) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the  
8 motoring public from stationary storage tanks.

9 (b) This Rule only applies to gasoline service stations and gasoline dispensing facilities that are in compliance with  
10 ~~15A NCAC 2D-02D~~.0928.

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

13 (d) Any gasoline service station or gasoline dispensing facility that has an annual throughput, on a calendar month  
14 rolling average basis, of less than 15,000,000 gallons shall be exempted from the requirements of ~~Section .0500 of~~  
15 ~~this Subchapter~~.15A NCAC 02Q .0500.

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

19 (1) annual throughput exceeds 10,000,000 gallons, by the end of the month following the month that  
20 throughput exceeds 10,000,000 gallons and every 12 months thereafter;

21 (2) annual throughput exceeds 13,000,000 gallons, by the end of the month following the month that  
22 throughput exceeds 13,000,0000 gallons and every six months thereafter; or

23 (3) annual throughput exceeds 15,000,000 gallons, by the end of the month following the month that  
24 throughput exceeds 15,000,000 gallons and shall submit a permit application pursuant to the  
25 procedures in ~~Section .0500 of this Subchapter~~.15A NCAC 02Q .0500.

26 (f) The report required under Paragraph (e) of this Rule shall include:

27 (1) the name and location of the gasoline service station or gasoline dispensing facility;

28 (2) the annual throughput of gasoline for each of the 12-month periods ending on each month since the  
29 previous report was submitted, including monthly gasoline throughput for each month required to  
30 calculate the annual gasoline throughput for each 12-month period; and

31 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ responsible  
32 official defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

33 (g) The owner or operator of any gasoline service station or gasoline dispensing facility exempted by this Rule from  
34 ~~Section .0500 of this Subchapter~~.15A NCAC 02Q .0500 shall provide documentation of annual throughput to the  
35 Director upon request. The owner or operator of any gasoline service station or gasoline dispensing facility exempted  
36 by this Rule from ~~Section .0500 of this Subchapter~~.15A NCAC 02Q .0500 shall retain records to document annual  
37 throughput for all 12-month periods during the previous three years.

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

3

4 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

5 *Eff. August 1, ~~1995~~1995;*

6 *Readopted Eff. March 1, 2018.*

7

8

9

10

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0803

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – add “shall” before “apply”*

*Line 9 – replace “soils from metal, plastics, or other types of surfaces” with “substrates”*

*Line 13 – replace “for” with “from”*

*Line 14 – delete “actual”*

*Line 15 – add a comma after “pollutants”*

*Line 16 – add a comma after “chloride” and after “cleaning operation”*

*Line 17 – add a semicolon after “compounds and delete the following “and”*

*Line 17 – add a semicolon before “and perchloroethylene”*

*Line 18 – replace “are” with “shall be”*

*Line 19 – check all of the paragraph references in this Rule if a new paragraph is added, as suggested below.*

*Line 19 – replace “do” with “shall”*

*Line 23 – replace the semicolon with a comma*

*Lines 24-27 – replace the bracketed lines with a new paragraph, as follows:*

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

*Line 29 0- replace “exempted” with “exempt”*

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

*Line 30 – add “that” after “provided”*

*Line 31 – replace “applies” with “shall apply”*

*Line 32 – replace “exempted from needing a permit under” with “exempt from the requirements of”*

*Page 2, line 4 – replace the semicolon with a comma*

*Page 2, line 6 – replace “covered under” with “governed by”*

*Page 2, line 7 – replace “containing” with “that contains”*

*Page 2, lines 9, 10, 13, 14, 17, 24, 28, and 32 – begin each line with “the”*

*Page 2, lines 9, 12, 13, 16, 17, 25, 29, 33, and 37 – replace the commas with semicolons*

*Page 2, line 10 – add “the” before “total”*

*Page 3, line 4, 11, and 24 – replace “covered under” with “governed by”*

*Page 3, lines 8, 9, and 10 – add “the number of” to the beginning of these lines*

*Page 3, line 8 – add “of” before “volatile”*

*Page 3, lines 14-15 – delete “to confirm the general accuracy of the reports filed under pursuant to Paragraphs (g) or (i) of this Rule regarding materials usage”*

*Page 3, line 20 – replace “the” with “a”*

*Page 3, line 23 – delete “on demand”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02Q .0803 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0803 COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS**

4 (a) For the purposes of this Rule, the following definitions apply:

5 (1) "Coating operation" means a process in which paints, enamels, lacquers, varnishes, inks, dyes, glues,  
6 and other similar materials are applied to wood, paper, metal, plastic, textiles, or other types of  
7 substrates.

8 (2) "Solvent cleaning operation" means the use of solvents containing volatile organic compounds to  
9 clean soils from metal, plastic, or other types of surfaces.

10 (3) "Graphic arts operation" means the application of inks to form words, designs, or pictures to a  
11 substrate, usually by a series of application rolls each with only partial coverage and usually using  
12 letterpress, offset lithography, rotogravure, or flexographic process.

13 (b) Potential emissions for a coating operation, solvent cleaning operation, or graphic arts operation shall be  
14 determined using actual emissions without accounting for any air pollution control devices to reduce emissions of  
15 volatile organic compounds or hazardous air pollutants including perchloroethylene, methyl chloroform, and methyl  
16 chloride from the coating operation, solvent cleaning operation or graphic arts operation. All volatile organic  
17 compounds and hazardous air pollutants that are also volatile organic compounds and perchloroethylene, methyl  
18 chloroform, and methyl chloride are assumed to evaporate and be emitted into the atmosphere at the source.

19 (c) Paragraphs (d) through (l) of this Rule do not apply to any facility whose potential emissions are greater than or  
20 equal to:

21 (1) 100 tons per year of each regulated air pollutant;

22 (2) 10 tons per year of each hazardous air pollutant; or

23 (3) 25 tons per year of all hazardous air pollutants combined;

24 as determined by criteria set out in each individual source category rule. [A particular maximum achievable control  
25 technology (MACT) standard promulgated under 40 CFR Part 63 may have a lower applicability threshold than those  
26 contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine the  
27 applicability of that MACT standard.]

28 (d) With the exception of Paragraph (c) of this Rule, the owner or operator of a coating, solvent cleaning, or graphics  
29 arts operation shall be exempted from the requirements of ~~Section .0500 of this Subchapter,~~ 15A NCAC 02Q .0500,  
30 provided the owner or operator of the facility complies with Paragraphs (f) through (j) of this Rule, as appropriate.

31 (e) Only Paragraph (b) of this Rule applies to coating operations, solvent cleaning operations, or graphic arts  
32 operations that are exempted from needing a permit ~~under Rule .0102 of this Subchapter,~~ pursuant to 15A NCAC 02Q  
33 .0102.

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

35 (1) of volatile organic compounds are less than 100 tons per year but more than or equal to 75 tons per  
36 year;

1 (2) of each hazardous air pollutant is less than 10 tons per year but more than or equal to 7.5 tons per  
2 year; or

3 (3) of all hazardous air pollutants combined are less than 25 tons per year but more than or equal to 18  
4 tons per year;

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

6 (g) For facilities covered under Paragraph (f) of this Rule, the owner or operator shall:

7 (1) maintain monthly consumption records of each material used containing volatile organic  
8 compounds as follows:

9 (A) quantity of volatile organic compound in pounds per gallon of each material used,

10 (B) pounds of volatile organic compounds of each material used per month and total pounds  
11 of volatile organic compounds of each material used during the 12-month period ending  
12 on that month,

13 (C) quantity of each hazardous air pollutant in pounds per gallon of each material used,

14 (D) pounds of each hazardous air pollutant of each material used per month and total pounds  
15 of each hazardous air pollutant of each material used during the 12-month period ending  
16 on that month,

17 (E) quantity of all hazardous air pollutants in pounds per gallon of each material used, and

18 (F) pounds of all hazardous air pollutants of each material used per month and total pounds of  
19 all hazardous air pollutants of each material used during the 12-month period ending on  
20 that month; and

21 (2) submit to the Director each quarter, or more frequently if required by a permit condition, a report  
22 summarizing emissions of volatile organic compounds and hazardous air pollutants containing the  
23 following:

24 (A) pounds volatile organic compounds used:

25 (i) for each month during the quarter, and

26 (ii) for each 12-month period ending on each month during the quarter using the 12-  
27 month rolling average method;

28 (B) greatest quantity in pounds of an individual hazardous air pollutant used:

29 (i) for each month during the quarter, and

30 (ii) for each 12-month period ending on each month during the quarter using the 12-  
31 month rolling average method; and

32 (C) pounds of all hazardous air pollutants used:

33 (i) for each month during the quarter, and

34 (ii) for each 12-month period ending on each month during the quarter using the 12-  
35 month rolling average method.

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

37 (1) of volatile organic compounds are less than 75 tons per year,

1 (2) of each hazardous air ~~pollutants~~pollutant is less than 7.5 tons per year, and

2 (3) of all hazardous air pollutants combined are less than 18 tons per year,

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

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

8 (1) pounds volatile organic compounds used during the previous calendar ~~year~~year;

9 (2) pounds of the highest individual hazardous air pollutant used during the previous ~~year~~year; and

10 (3) pounds of all hazardous air pollutants used during the previous year.

11 (j) In addition to the specific reporting requirements for sources covered ~~under~~pursuant to Paragraphs (f) and (h) of  
12 this Rule, the owner or operator of the source shall:

13 (1) maintain purchase orders and invoices of materials containing volatile organic compounds, which  
14 shall be made available to the Director upon request to confirm the general accuracy of the reports  
15 filed ~~under~~pursuant to Paragraphs (g) or (i) of this Rule regarding materials usage;

16 (2) retain purchase orders and invoices for a period of at least three years;

17 (3) report to the Director any exceedance of a requirement of this Rule within one week of occurrence;  
18 and

19 (4) certify all submittals as to the truth, completeness, and accuracy of all information recorded and  
20 reported over the signature of the ~~appropriate official as identified in Rule .0304(j) of this~~  
21 ~~Subchapter~~responsible official as defined in 15A NCAC 02Q .0303.

22 (k) Copies of all records required to be maintained ~~under~~pursuant to Paragraphs (g), (i) or (j) of this Rule shall be  
23 maintained at the facility and shall be available for inspection by personnel of the Division on demand.

24 (l) The Director shall maintain a list of facilities covered ~~under~~pursuant to this Rule.

25  
26 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

27 *Eff. August 1, 1995;*

28 *Amended Eff. April 1, 2001; April 1, ~~1999~~1999;*

29 *Readopted Eff. March 1, 2018.*



REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0804

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – add “shall” before “apply”*

*Line 6 – replace “pursuant to” with “in”*

*Line 9 – replace “for” with “from”*

*Line 10 – replace “Any” with “A”*

*Line 11 – replace “exempted” with “exempt”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0804 is readopted with changes as published in 32:04 NCR 176 as follows:

2

3 **15A NCAC 02Q .0804 DRY CLEANING FACILITIES**

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

5 (1) "Dry cleaning facility" means an establishment with one or more dry cleaning systems as defined  
6 ~~under pursuant to~~ 40 CFR 63.321.

7 (2) "Perchloroethylene consumption" means the total volume of perchloroethylene purchased based  
8 upon purchase receipts or other reliable measures.

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

10 (c) Any dry cleaning facility that has a yearly perchloroethylene consumption as determined ~~under pursuant to~~ 40  
11 CFR 63.323(d) of less than 10 tons shall be exempted from the requirements of ~~Section .0500 of this Subchapter.15A~~  
12 NCAC 02Q .0500.

13 (d) The owner or operator of a dry cleaning facility shall report perchloroethylene consumption in accordance with  
14 40 CFR 63.324.

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

17

18 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

19 *Eff. August 1, ~~1995~~, 1995;*

20 *Readopted Eff. March 1, 2018.*

21

22

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1 15A NCAC 02Q .0805 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0805 GRAIN ELEVATORS**

4 (a) This Rule applies to grain elevators that only:

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

7 (b) This Rule shall not apply to:

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

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

14 (d) Any grain elevator that receives or ships less than 588,000 tons of grain per year shall be exempted from the  
15 requirements of ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q .0500.

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

- 17 (1) less than 392,000 tons of grain per year shall retain records of actual annual tons of grain received  
18 or shipped at the site. These records shall be made available to Division personnel upon request of  
19 the Division; or
- 20 (2) at least 392,000 but less than 588,000 tons of grain per year shall retain records of actual annual  
21 tons of grain received or shipped at the site and shall submit to the regional supervisor of the  
22 appropriate Division regional office, by March 1 of each year, a report containing the following  
23 information:
  - 24 (A) the name and location of the grain elevator;
  - 25 (B) the tons of grain received and shipped during the previous calendar year; and
  - 26 (C) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~  
27 responsible official as defined in 15A NCAC 02Q .0303 certifying as to the truth and  
28 accuracy of the report.

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

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

36  
37 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

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*Eff. August 1, 1995;*  
*Amended Eff. April 1, 2001; July 1, ~~1998-1998~~;*  
*Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0806

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “for” with “from”*

*Line 4 – delete “actual”*

*Lines 6, 8, and 15 – replace “Any” with “A”*

*Line 6 – replace “exempted” with “exempt”*

*Line 9 – add a comma after “office”*

*Line 13 – replace “the” with “a”*

*Lines 15 and 17 – add “the requirements of” after “from”*

*Line 16 – add “the” before “number”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0806 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0806 COTTON GINS**

4 (a) Potential emissions for cotton gins shall be determined using actual number of bales of cotton, not exceeding 500  
5 pounds each, produced.

6 (b) Any cotton gin that gins less than 167,000 bales of cotton per year shall be exempted from the requirements of  
7 ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q .0500.

8 (c) The owner or operator of any cotton gin exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC  
9 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office by March 1 of each year,  
10 a report containing the following information:

11 (1) the name and location of the cotton gin;

12 (2) the number of bales of cotton produced during the previous year; and

13 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ responsible  
14 official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

15 (d) The owner or operator of any cotton gin exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC  
16 02Q .0500 shall provide documentation of number of bales produced to the Director upon request. The owner or  
17 operator of a cotton gin exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500 shall  
18 retain records to document number of bales of cotton produced for each of the previous three years.

19 (e) If the number of bales specified in Paragraph (b) of this Rule are exceeded, the owner or operator shall report to  
20 the Director this event within one week of its occurrence.

21  
22 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

23 *Eff. August 1, 1995;*

24 *Amended Eff. June 1, 2004; April 1, 2001; July 1, ~~1998~~, 1998;*

25 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0807

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “applies” with “shall apply”*

*Line 4 – replace “is” with “are”*

*Line 8 – revise as follows: “at the facility only during a loss of primary power that is beyond the control of the owner or”*

*Line 9 – replace “when” with “if”*

*Lines 12-13 – revise as follows: “to drive pumps, aerators, and other equipment at the facility only during the loss of primary power that is beyond the control of the owner or operator of the facility or during maintenance if”*

*Line 16 – replace “for” with “from”*

*Line 17 – delete “actual”*

*Lines 18, 25, and 33 – replace “Any” with “A”*

*Line 18 – add “that” before “consume”*

*Line 24 – replace “exempted” with “exempt”*

*Lines 26, 33, and 35 – add “the requirements of” after “from”*

*Line 26 – replace “supervisors” with “supervisor”*

*Line 32 – add a comma after official” and after “.0303”*

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0807 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0807 EMERGENCY GENERATORS**

4 (a) This Rule applies to facilities whose only sources requiring a permit is one or more emergency generators or  
5 emergency use internal combustion engines and associated fuel storage tanks.

6 (b) For the purposes of this Rule:

7 (1) "Emergency generator" means a stationary internal combustion engine used to generate electricity  
8 only during the loss of primary power at the facility that is beyond the control of the owner or  
9 operator of the facility or during maintenance when necessary to protect the environment. An  
10 emergency generator may be operated periodically to ensure that it will operate.

11 (2) "Emergency use internal combustion engines" means stationary internal combustion engines used  
12 to drive pumps, aerators, and other equipment only during the loss of primary power at the facility  
13 that is beyond the control of the owner or operator of the facility or during maintenance when  
14 necessary to protect the environment. An emergency use internal combustion engine may be  
15 operated periodically to ensure that it will operate.

16 (c) For the purposes of this Rule, potential emissions for emergency generators and emergency use internal  
17 combustion engines shall be determined using actual fuel consumption.

18 (d) Any facility whose emergency generators and emergency use internal combustion engines consume less than:

- 19 (1) 322,000 gallons per year of diesel fuel for diesel-powered generators;  
20 (2) 62,500,000 cubic feet per year of natural gas for natural gas-powered generators;  
21 (3) 1,440,000 gallons per year of ~~liquefied~~liquefied petroleum gas for ~~liquefied~~liquefied petroleum gas-  
22 powered generators; and  
23 (4) 50,800 gallons per year of gasoline for gasoline-powered generators,

24 shall be exempted from the requirements of ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500.

25 (e) The owner or operator of any emergency generator or emergency use internal combustion engine exempted by  
26 this Rule from ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500 shall submit to the regional supervisors of the  
27 appropriate Division regional office by March 1 of each year a report containing the following information:

- 28 (1) the name and location of the facility;  
29 (2) the types and quantity of fuel consumed by emergency generators and emergency use internal  
30 combustion engines; and  
31 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~responsible  
32 official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

33 (f) The owner or operator of any facility exempted by this Rule from ~~Section .0500 of this Subchapter~~15A NCAC  
34 02Q .0500 shall provide documentation of types and quantities of fuel consumed to the Director upon request. The  
35 owner or operator of a facility exempted by this Rule from ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500  
36 shall retain records to document types and quantities of fuels consumed for each of the previous three years.

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

3

4 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

5 *Eff. August 1, 1995;*

6 *Amended Eff. April 1, 2001; July 1, ~~1998-1998~~;*

7 *Readopted Eff. March 1, 2018.*

8

9

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0808

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “applies” with “shall apply”*

*Line 4 – replace “is” with “are”*

*Lines 6 and 24 – delete “actual”*

*Lines 7, 18, and 28 – replace “Any” with “A”*

*Line 7 – replace “exempted” with “exempt”*

*Lines 9 and 11 – replace “turbine driven” with “turbine-driven”*

*Lines 13 and 16 – replace “engine” and “engine driven” with “engine-driven”*

*Lines 18, 28, and 31 – add “the requirements of” after “from”*

*Line 19 – replace “supervisors” with “supervisor”*

*Line 19 – add a comma after “office”*

*Line 20 – add a comma after “year”*

*Line 26 – replace “the” with “a”*

*Line 27 – add a comma after “official” and after “.0303”*

*Lines 33-35 – revise as follows if this is what is meant:*

(f) For facilities covered by this Rule, the owner or operator shall report to the Director if the total fuel combusted by all peak shaving generators located at the facility exceeds the applicable fuel consumption limit in Paragraph (c) of this Rule within one week of its occurrence.

Jason Thomas  
Commission Counsel

Date submitted to agency: Thursday, February 1, 2018

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0808 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0808 PEAK SHAVING GENERATORS**

4 (a) This Rule applies to facilities whose only sources requiring a permit is one or more peak shaving generators and  
5 their associated fuel storage tanks.

6 (b) For the purpose of this Rule, potential emissions shall be determined using actual total fuel consumption.

7 (c) Any facility whose total fuel consumption by one or more peak shaving generators shall be exempted from the  
8 requirements of ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500 if the facility uses:

- 9 (1) natural gas burning turbine driven generators that combust less than or equal to 5,625,000 therms  
10 per year;
- 11 (2) distillate oil burning turbine driven generators that combust less than or equal to 1,496,000 gallons  
12 per year;
- 13 (3) combined fuel (natural gas and six percent or more distillate oil) burning engine generators that  
14 combust less than or equal to 633,320 therms natural gas and 24,330 gallons distillate oil per year;  
15 or
- 16 (4) distillate oil burning engine driven generators that combust less than or equal to 410,580 gallons per  
17 year.

18 (d) The owner or operator of any peak shaving generator exempted by this Rule from ~~Section .0500 of this~~  
19 ~~Subchapter~~ 15A NCAC 02Q .0500 shall submit to the regional supervisors of the appropriate Division regional office  
20 by March 1 of each year a report containing the following information:

- 21 (1) the name and location of the facility;
- 22 (2) the number and size of all peak shaving generators located at the facility;
- 23 (3) the total number of hours of operation of all peak shaving generators located at the facility;
- 24 (4) the actual total amount of energy production per year from all peak shaving generators located at  
25 the facility; and
- 26 (5) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ responsible  
27 official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

28 (e) The owner or operator of any facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC  
29 02Q .0500 shall provide documentation of number, size, number of hours of operation, and amount and type of fuel  
30 burned per calendar year from all peak shaving generators located at the facility to the Director upon request. The  
31 owner or operator of a facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500  
32 shall retain records to document the amount of total energy production per year for the previous three years.

33 (f) For facilities covered by this Rule, the owner or operator shall report to the Director if the total fuel combusted by  
34 all peak shaving generators located at the facility exceeds the applicable fuel limit in Paragraph (c) of this Rule within  
35 one week of its occurrence that the facility has exceeded the fuel consumption in Paragraph (c) of this Rule.

36  
37 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

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*Eff. July 1, 1999;*  
*Amended Eff. December 1, 2005; April 1, ~~2001-2001~~;*  
*Readopted Eff. March 1, 2018.*

1 15A NCAC 02Q .0809 is repealed through readoption as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0809 CONCRETE BATCH PLANTS**

4 ~~(a) This Rule applies to concrete batch plants that use fabric filters or equivalently effective control devices to control~~  
5 ~~particulate emissions from the storage silos and the weigh hopper that receives materials from the cement and cement~~  
6 ~~supplemental (mineral admixture) silos.~~

7 ~~(b) For the purpose of this Rule, potential emissions shall be determined using actual cubic yards of wet concrete~~  
8 ~~produced.~~

9 ~~(c) Any concrete batch plant that produces less than 1,210,000 cubic yards of wet concrete per year shall be exempted~~  
10 ~~from the requirements of Section .0500 of this Subchapter.~~

11 ~~(d) The owner or operator of any concrete batch plant exempted by this Rule from Section .0500 of this Subchapter~~  
12 ~~shall submit to the regional supervisors of the appropriate Division regional office by March 1 of each year a report~~  
13 ~~containing the following information:~~

14 (1) ~~name and location of the concrete batch plant;~~

15 (2) ~~current air permit number;~~

16 (3) ~~number of cubic yards of wet concrete produced during the previous calendar year; and~~

17 (4) ~~signature of the appropriate official as identified in Rule .0304(j) of this Subchapter certifying as to~~  
18 ~~the truth and accuracy of the report.~~

19 ~~(e) The owner or operator of any concrete batch plant exempted by this Rule from Section .0500 of this Subchapter~~  
20 ~~shall provide documentation of the cubic yards of wet concrete produced to the Director upon request. The owner or~~  
21 ~~operator of a concrete batch plant exempted by this Rule from Section .0500 of this Subchapter shall retain records to~~  
22 ~~document the cubic yards of wet concrete produced per year for the previous three years.~~

23 ~~(f) For concrete batch plants covered by this Rule, the owner or operator shall report to the Director any exceedance~~  
24 ~~of a requirement of this Rule within one week of its occurrence.~~

25  
26 *History Note:* Authority *G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*  
27 *Eff. June 1, 2004.2004;*  
28 *Repealed Eff. March 1, 2018.*  
29  
30

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .€ F€

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “applies” with “shall apply”*

*Line 4 – replace “is” with “are”*

*Lines 5, 7, and 14 – replace “Any” with “A”*

*Line 6 – replace “exempted” with “exempt”*

*Lines 7, 14, and 16 – add “the requirements of” after “from”*

*Line 8 – replace “supervisors” with “supervisor”*

*Line 8 – add a comma after “office”*

*Line 9 – add a comma after “year”*

*Line 12 – replace “the” with “a”*

*Line 13 – add a comma after “official” and after “.0303”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018



1 15A NCAC 02Q .0810 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **15A NCAC 02Q .0810 AIR CURTAIN BURNERS**

4 (a) This Rule applies to facilities whose only sources requiring a permit is one or more air curtain burners.

5 (b) Any facility whose air curtain burners combust less than 8,100 tons of land clearing debris per year shall be  
6 exempted from the requirements of ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q .0500.

7 (c) The owner or operator of any air curtain burner exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A  
8 NCAC 02Q .0500 shall submit to the regional supervisors of the appropriate Division regional office by March 1 of  
9 each year a report containing the following information:

10 (1) the name and location of the facility;

11 (2) the quantity of material combusted during the previous calendar year; and

12 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ responsible  
13 official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

14 (d) The owner or operator of any facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC  
15 02Q .0500 shall provide documentation of the quantity of material combusted to the Director upon request. The owner  
16 or operator of a facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500 shall  
17 retain records to document the amount of material combusted per year for the previous three years.

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

20  
21 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

22 *Eff. December 1, 2005, 2005;*

23 *Readopted Eff. March 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0901

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Lines 6-7 – replace “exempted from needing a permit pursuant to” with “exempt from the requirements of”*

*Line 10 – replace “does” with “shall”*

*Lines 12-15 – replace the first sentence fragment and sentence with “The owner or operator of a facility or source qualified to be governed pursuant to a rule in this Section who chooses not to be governed by that rule shall notify the Director in writing that he or she does not want the facility or source to be governed by this Section.”*

*Line 16 – replace “according to the procedures in” with “that meets the requirements of”*

*Line 16 – add a comma after “.0300”*

*Line 17 – replace “following the procedures in” with “pursuant to”*

*Line 20 – delete “the Director finds that”*

*Line 22 – “obtain or maintain compliance” with what?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0901 is readopted with changes as published in 32:04 NCR 176 as follows:

2  
3 **SECTION .0900 – PERMIT EXEMPTIONS**  
4

5 **15A NCAC 02Q .0901 PURPOSE AND SCOPE**

6 (a) The purpose of this Section is to define categories of facilities or sources that are exempted from needing a permit  
7 ~~under Section .0300 of this Subchapter~~ pursuant to 15A NCAC 02Q .0300.

8 (b) Sources at a facility required to have a permit ~~under Section .0500 of this Subchapter~~ pursuant to 15A NCAC 02Q  
9 .0500 shall not be eligible for exemption ~~under~~ pursuant to this Section.

10 (c) This Section does not apply to activities exempted from permitting ~~under Rule .0102 of this Section~~ pursuant to  
11 15A NCAC 02Q .0102.

12 (d) Coverage under this Section is voluntary. If the owner or operator of a facility or source qualified to be covered  
13 ~~under~~ pursuant to a rule in this Section does not want to be covered ~~under~~ pursuant to that rule, ~~he~~ the owner or operator  
14 shall notify the Director in writing that ~~he~~ the owner or operator does not want ~~his~~ the facility or source covered ~~under~~  
15 pursuant to this Section. Along with the notification, ~~he~~ the owner or operator shall submit a permit application  
16 according to the procedures in ~~Section .0300 of this Section~~, 15A NCAC 02Q .0300 and the Director shall act on that  
17 application following the procedures in ~~Section .0300 of this Subchapter~~ 15A NCAC 02Q .0300.

18 (e) To ~~qualify~~ qualify for exemption ~~under~~ pursuant to this Section, the facility or source shall comply with all the  
19 requirements in the applicable rule in this Section.

20 (f) If the Director finds that a facility or source covered under this Section is in violation of the requirements of this  
21 Section, ~~he~~ the Director shall require that facility or source to be permitted ~~under Section .0300 of this Subchapter~~  
22 pursuant to 15A NCAC 02Q .0300 if necessary to obtain or maintain compliance.

23  
24 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*  
25 *Eff. January 1, 2005-2005;*  
26 *Readopted Eff. March 1, 2018.*  
27  
28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0902

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 4 – replace “shall” with “will”*

*Line 11 – replace “under” with “pursuant to”*

*Line 15 – replace “any” with “all”*

*Line 16 – add a comma after “02D”*

*Line 16 – add “Rule” before “.0510”*

*Line 22 – do you mean “and” or “or”?*

*Line 23 – do you mean “particulate” or “particulates”?*

*Line 24 – add “by each temporary crusher” after “crushed”*

*Lines 25-26 – delete “so that the Division can determine upon review of these records that the crusher qualifies to be covered under this Rule”*

*Line 29 – replace “subject to” with “governed by”*

*Line 30 – replace “the temporary” with “a temporary”*

*Page 2, line 5 – what does “has the design potential” mean, specifically?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0902 is readopted as published in 32:04 NCR 176-177 as follows:

2  
3 **15A NCAC 02Q .0902 TEMPORARY CRUSHERS**

4 (a) For the purposes of this Rule, "temporary crusher" means a crusher that ~~will~~shall not be operated at any one facility  
5 or site for more than 12 months.

6 (b) This Rule applies to any temporary crusher that:

7 (1) crushes no more than 300,000 tons at any one facility or site;

8 ~~(2) burns no more than 17,000 gallons of diesel fuel at any one facility or site if it uses:~~

9 ~~(A) a diesel fired generator, or~~

10 ~~(B) a diesel engine to drive the crusher;~~

11 ~~(3)~~(2) does not operate at a quarry that has an air permit issued under this Subchapter;

12 ~~(4)~~(3) continuously uses water spray to control emissions from the crusher; and

13 ~~(5)~~(4) does not operate at a facility that is required to have a mining permit issued by the Division of  
14 Energy, Mineral, and Land Resources.

15 (c) The owner or operator of a temporary crusher and any associated ~~generator~~equipment shall comply with all  
16 applicable rules of Subchapter 02D including .0510 (Particulates From Sand, Gravel, Or Crushed Stone Operations),  
17 ~~.0516 (Sulfur Dioxide Emissions From Combustion Sources), .0521 (Control Of Visible Emissions), .0524 (New~~  
18 ~~Source Performance Standards, 40 CFR Part 60, Subparts ~~OOO and III~~,~~OOO~~), .0535 (Excess Emissions Reporting~~  
19 ~~And Malfunctions), .0540 (Particulates From Fugitive Non-Process Dust), and .1806 (control and prohibition of~~  
20 ~~odorous emissions)~~(Control and Prohibition of Odorous Emissions).

21 (d) The owner or operator of a temporary crusher shall not cause or allow any material to be produced, handled,  
22 transported, or stockpiled so that the ambient air quality standards for particulate matter (PM2.5, PM10, and total  
23 suspended particulate) are not exceeded beyond the property line.

24 (e) The owner or operator of a temporary crusher shall maintain records of the amount of material crushed ~~and the~~  
25 ~~quantity of fuel burned in the diesel fired generator or engine~~ so that the Division can determine upon review of these  
26 records that the crusher qualifies to be covered under this Rule.

27 (f) The owner or operator of a temporary crusher shall label each crusher, hopper, feeder, screen, conveyor, elevator,  
28 and generator with a permanent and unique identification number.

29 (g) If a source is ~~covered under~~ subject to 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO), the owner or  
30 operator of a temporary crusher shall submit to the Director notifications and test reports required ~~under~~ pursuant to  
31 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO).

32 (h) If the Director or ~~his~~their authorized representative requests copies of notifications or testing records required  
33 ~~under pursuant to~~ 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO), the owner or operator of a temporary  
34 crusher shall submit the requested notifications or testing records within two business days of such a request.

35 ~~(i) If a source is covered under 15A NCAC 02D .0524 (40 CFR Part 60, Subpart III), the owner or operator of a~~  
36 ~~compression ignition internal combustion engine (CI ICE) for a temporary crusher shall submit to the Director~~  
37 ~~notifications required under 15A NCAC 02D .0524 (40 CFR Part 60, Subpart III).~~

1 ~~(j) If the Director or his authorized representative requests copies of notifications or testing records required under~~  
2 ~~15A NCAC 02D .0524 (40 CFR Part 60, Subpart III), the owner or operator of a compression ignition internal~~  
3 ~~combustion engine (CI ICE) for temporary crusher shall submit the requested notifications or testing records within~~  
4 ~~two business days of such a request.~~

5 ~~(k)(i) If the owner or operator of a crusher plans or has the design potential to operate a crusher at a facility or site for~~  
6 ~~more than twelve months, hethe owner or operator shall apply for and shall have received an air quality permit issued~~  
7 ~~under pursuant to this Subchapter before beginning operations.~~

8  
9 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*  
10 *Eff. January 1, 2005;*  
11 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); January 1, ~~2009~~2009;*  
12 *Readopted Eff. March 1, 2018.*  
13  
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0903

**DEADLINE FOR RECEIPT: Friday, February 9, 2018**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Line 5 – add “shall” before “apply”*

*Line 6 – add a comma after “engine”*

*Line 10 – replace “applies” with “shall apply”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas  
Commission Counsel  
Date submitted to agency: Thursday, February 1, 2018

1 15A NCAC 02Q .0903 is readopted as published in 32:04 NCR 177 as follows:

2  
3 **15A NCAC 02Q .0903 EMERGENCY GENERATORS AND STATIONARY RECIPROCATING**  
4 **INTERNAL COMBUSTION ENGINES**

5 (a) For the purposes of this Rule, the following definitions apply:

6 (1) "Emergency generator" means an emergency stationary reciprocating internal combustion engine as  
7 defined in 40 CFR 63.6675.

8 (2) "Stationary reciprocating internal combustion engine" shall be defined as set forth in 40 CFR  
9 63.6675.

10 (b) This Rule applies to emergency generators and stationary reciprocating internal combustion engines at a facility  
11 whose only sources that would require a permit are emergency generators and stationary reciprocating internal  
12 combustion engines whose facility-wide actual emissions are less than 100 tons per calendar year of any regulated  
13 pollutant, 10 tons per calendar year of any hazardous air pollutant, or 25 tons per calendar year of any combination of  
14 hazardous air pollutants.

15 (c) The owner or operator of emergency generators and stationary reciprocating internal combustion engines regulated  
16 pursuant to this Rule shall comply with 15A NCAC 02D .0516, .0521, .0524, and .1111.

17 (d) The owner or operator of emergency generators and stationary reciprocating internal combustion engines regulated  
18 pursuant to this Rule shall provide the Director with documentation, upon request, that the emergency generators and  
19 stationary reciprocating internal combustion engines meet the applicability requirements set forth in Paragraph (b) of  
20 this Rule.

21  
22 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

23 *Eff. June 1, 2008;*

24 *Amended Eff. June 13, 2016;*

25 *Readopted Eff. March 1, 2018.*