15A NCAC 02Q .0101 is proposed for readoption without substantive changes as follows:

subchapter 02q - AIR QUALITY PERMITS PROCEDURES

section .0100 - GENERAL PROVISIONS

15A NCAC 02Q .0101 REQUIRED AIR QUALITY PERMITS

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

(1) construct, operate, or modify a source subject to an applicable standard, requirement, or rule that emits any regulated pollutant or one or more of the following:

(A) sulfur dioxide;

(B) total suspended particulates;

(C) particulate matter (PM10);

(D) carbon monoxide;

(E) nitrogen oxides;

(F) volatile organic compounds;

(G) lead and lead compounds;

(H) fluorides;

(I) total reduced sulfur;

(J) reduced sulfur compounds;

(K) hydrogen sulfide;

(L) sulfuric acid mist;

(M) asbestos;

(N) arsenic and arsenic compounds;

(O) beryllium and beryllium compounds;

(P) cadmium and cadmium compounds;

(Q) chromium(VI) and chromium(VI) compounds;

(R) mercury and mercury compounds;

(S) hydrogen chloride;

(T) vinyl chloride;

(U) benzene;

(V) ethylene oxide;

(W) dioxins and furans;

(X) ozone; or

(Y) any toxic air pollutant listed in 15A NCAC 02D .1104; or

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

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

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

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

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

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

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

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

(b) Stationary Source Construction and Operation Permit: With the exception allowed by G.S. 143-215.108A, the owner or operator of a new, modified, or existing facility or source shall not begin construction or operation without first obtaining a construction and operation permit in accordance with the standard procedures under Section15A NCAC 02Q .0300. .0300 of this Subchapter. Title V facilities shall be subject to the Title V procedures under Section15A NCAC 02Q .0500 of this Subchapter including the acid rain procedures under Section15A NCAC 02Q .0400. .0400 of this Subchapter. A facility may also be subject to the air toxic procedures under 15A NCAC 02Q .0700.

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

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

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

Eff. July 1, 1994;

Amended Eff. January 1, 2015; December 1, 2005; July 1, 1998.1998;

Readopted Eff. .

15A NCAC 02Q .0102 is proposed for readoption without substantive change as follows:

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

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

(b) This Rule does not apply to:

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

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

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

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

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

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

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

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

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

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

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

(1) maintenance, upkeep, and replacement:

(A) maintenance, structural changes, or repair activities which do not increase the capacity of such process and do not cause any change in the quality or nature or an increase in quantity of an emission of any regulated air pollutant;

(B) housekeeping activities or building maintenance procedures, including painting buildings, paving parking lots, resurfacing floors, repairing roofs, washing, using portable vacuum cleaners, sweeping, using and associated storing of janitorial products, or removing insulation;

(C) using office supplies, supplies to maintain copying equipment, or blueprint machines;

(D) using firefighting equipment (excluding engines regulated pursuant to 40 CFR 63, Subpart ZZZZ); or

(E) replacing existing equipment with equipment of the same size (or smaller), type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants, does not affect the facility's compliance with any other applicable State or federal requirements, and that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be lawfully operated pursuant to that permit without modifying the permit;

(2) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;

(3) laboratory or classroom activities:

(A) bench-scale, on-site equipment used for experimentation, chemical or physical analysis for quality control purposes or for diagnosis of illness, training, or instructional purposes;

(B) research and development activities that produce no commercial product or feedstock material; or

(C) educational activities, including wood working, welding, and automotive repair;

(4) storage tanks with no applicable requirements other than Stage I controls pursuant to 15A NCAC 02D .0928, Gasoline Service Stations Stage I;

(5) combustion and heat transfer equipment:

(A) heating units used for human comfort, excluding space heaters burning used oil, that have a heat input of less than 10 million Btu per hour and that do not provide heat for any manufacturing or other industrial process;

(B) residential wood stoves, heaters, or fireplaces; or

(C) water heaters that are used for domestic purposes only and are not used to heat process water;

(6) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no state or federal air requirements;

(7) dispensing equipment: equipment used solely to dispense gasoline, diesel fuel, kerosene, lubricants or cooling oils;

(8) electric motor burn-out ovens with secondary combustion chambers or afterburners;

(9) electric motor bake-on ovens;

(10) burn-off ovens with afterburners for paint-line hangers;

(11) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;

(12) woodworking operations processing only green wood;

(13) solid waste landfills: This does not apply to flares and other sources of combustion at solid waste landfills. These flares and other combustion sources are required to be permitted pursuant to 15A NCAC 02Q .0300 unless they qualify for another exemption pursuant to this Paragraph; or

(14) miscellaneous:

(A) equipment that does not emit any regulated air pollutants;

(B) sources for which there are no applicable requirements;

(C) motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled vehicles with internal combustion engines;

(D) engines regulated pursuant to Title II of the Federal Clean Air Act (Emission Standards for Moving Sources);

(E) equipment used for preparing food for direct on-site human consumption;

(F) a source whose emissions are regulated only pursuant to Section 112(r) or Title VI of the Federal Clean Air Act;

(G) exit gases from in-line process analyzers;

(H) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;

(I) refrigeration equipment that complies with the regulations set forth in Sections 601 through 618 of Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA pursuant to Title VI for stratospheric ozone protection, except those units refrigeration equipment used as or in conjunction with air pollution control equipment. Refrigeration equipment used as or in conjunction with air pollution control equipment is required to be permitted pursuant to 15A NCAC 02Q .0300 unless it qualifies for another exemption pursuant to this Paragraph;

(J) equipment not vented to the outdoor atmosphere, with the exception of equipment that emits volatile organic compounds. Equipment that emits volatile organic compounds is required to be permitted pursuant to 15A NCAC 02Q .0300 unless it qualifies for another exemption pursuant to this Paragraph;

(K) animal operations not required to have control technology pursuant to 15A NCAC 02D .1800. If an animal operation is required to have control technology, it shall be required to have a permit pursuant to this Subchapter;

(L) any incinerator that meets the requirements set forth in 15A NCAC 02D .1201(c)(4); or

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

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

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

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

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

(C) space heaters burning waste oil if:

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

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

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

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

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

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

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

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

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

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

Eff. July 1, 1994;

Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;

Temporary Amendment Eff. December 1, 1999;

Amended Eff. June 13, 2016; May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, 2000.2000;

Readopted Eff. .

15A NCAC 02Q .0103 is proposed for readoption without substantive changes as follows:

15a NCAC 02Q .0103 DEFINITIONS

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

(1) "Administrator" means, when it appears in any Code of Federal Regulation incorporated by reference in this Subchapter,15A NCAC 02Q, the Director of the Division of Air Quality unless:

(a) a specific rule in this Subchapter specifies otherwise, or

(b) the U.S. Environmental Protection Agency in its delegation or approval states that a specific authority of the Administrator of the Environmental Protection Agency is not included in its delegation or approval.

(2) "Air Pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air. Water vapor shall not be considered an air pollutant.

(3) "Allowable emissions" mean the maximum emissions allowed by the applicable rules contained in 15A NCAC 02D or by permit conditions if the permit limits emissions to a lesser amount.

(4) "Alter or change" means to make a modification.

(5) "Applicable requirements" means:

(a) any requirement of Section .0500 of this Subchapter;15A NCAC 02Q .0500;

(b) any standard or other requirement provided for in the implementation plan approved or promulgated by EPA through rulemaking under Title I of the federal Clean Air Act that implements the relevant requirements of the federal Clean Air Act including any revisions to 40 CFR Part 52;

(c) any term or condition of a construction permit for a facility covered under 15A NCAC 2D02D .0530, .0531, or .0532;

(d) any standard or other requirement under Section 111 or 112 of the federal Clean Air Act, but not including the contents of any risk management plan required under Section 112 of the federal Clean Air Act;

(e) any standard or other requirement under Title IV of the federal Clean Air Act;

(f) any standard or other requirement governing solid waste incineration under Section 129 of the federal Clean Air Act;

(g) any standard or other requirement under Section 183(e), 183(f), or 328 of the federal Clean Air Act;

(h) any standard or requirement under Title VI of the federal Clean Air Act unless a permit for such requirement is not required under this Section;

(i) any requirement under Section 504(b) or 114(a)(3) of the federal Clean Air Act; or

(j) any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal Clean Air Act.

(6) "Applicant" means the person who is applying for an air quality permit from the Division.

(7) "Application package" means all elements or documents ~~needed~~required to make an application complete.

(8) "CFR" means the Code of Federal Regulations.

(9) "Construction" means change in the method of operation or any physical change, including on-site fabrication, erection, installation, replacement, demolition, or modification of a source, that results in a change in emissions or affects the compliance status. The following activities are not construction:

(a) clearing and grading;

(b) building access roads, driveways, and parking lots;

(c) building and installing underground pipe work, including water, sewer, electric, and telecommunications utilities; or

(d) building ancillary structures, including fences and office buildings that are not a necessary component of an air contaminant source, equipment, or associated air cleaning device for which a permit is required under G.S. 143-215.108.

(10) "Director" means the Director of the Division of Air Quality.

(11) "Division" means the Division of Air Quality.

(12) "EPA" means the United States Environmental Protection Agency or the Administrator of the Environmental Protection Agency.

(13) "EPA approves" means full approval, interim approval, or partial approval by EPA.

(14) "Equivalent unadulterated fuels" means used oils that have been refined such that the content of toxic additives or contaminants in the oil are no greater than those in unadulterated fossil fuels.

(15) "Facility" means all of the pollutant emitting activities, except transportation facilities, that are located on one or more adjacent properties under common control.

(16) "Federally enforceable" or "federal‑enforceable" means enforceable by EPA.

(17) "Fuel combustion equipment" means any fuel burning source covered under 15A NCAC 02D .0503, .0504, .0536, or 40 CFR Part 60 Subpart D, Da, Db, or Dc.

(18) "Green wood" means wood with a moisture content of 18% or more.

(19) "Hazardous air pollutant" means any pollutant that has been listed pursuant to Section 112(b) of the federal Clean Air Act. Pollutants listed only in 15A NCAC 02D .1104 (Toxic Air Pollutant Guidelines), but not pursuant to Section 112(b), shall not be included in this definition.

(20) "Insignificant activities" means activities defined as insignificant activities because of category or as insignificant activities because of size or production rate under Rule .0503 of this Subchapter.15A NCAC 02Q .0503.

(21) "Lesser quantity cutoff" means:

(a) for a source subject to the requirements of Section 112(d) or (j) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which the following are not required:

(i) maximum achievable control technology (MACT) or generally available control technology (GACT), including work practice standards, requirement under Section 112(d) of the federal Clean Air Act;

(ii) a MACT standard established under Section 112(j) of the federal Clean Air Act; or

(iii) substitute MACT or GACT adopted under Section 112(l) of the federal Clean Air ~~Act.~~Act;

(b) for modification of a source subject to, or that may be subject to, the requirements of Section 112(g) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which MACT is not required to be applied under Section 112(g) of the federal Clean Air Act; or

(c) for all other sources, potential emissions of each hazardous air pollutant below 10 tons per year and the aggregate potential emissions of all hazardous air pollutants below 25 tons per year.

(22) "Major facility" means a major source as defined under 40 CFR 70.2.

(23) "Modification" means any physical change or change in method of operation that results in a change in emissions or affects compliance status of the source or facility.

(24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, source, or air pollution control equipment.

(25) "Peak shaving generator" means a generator that is located at a facility and is used only to serve that facility's on-site electrical load during peak demand periods for the purpose of reducing the cost of electricity; it does not generate electricity for resale. A peak shaving generator may also be used for emergency backup.

(26) "Permit" means the binding written document, including any revisions thereto, issued pursuant to G.S. 143‑215.108 to the owner or operator of a facility or source that emits one or more air pollutants and that allows that facility or source to operate in compliance with G.S. 143‑215.108. This document shall specify the requirements applicable to the facility or source and to the permittee.

(27) "Permittee" means the person who has received an air quality permit from the Division.

(28) "Potential emissions" means the rate of emissions of any air pollutant that would occur at the facility's maximum capacity to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a facility to emit an air pollutant shall be treated as a part of its design if the limitation is federally enforceable. Such physical or operational limitations include air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed. Potential emissions include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. Potential emissions do not include a facility's secondary emissions such as those from motor vehicles associated with the facility and do not include emissions from insignificant activities because of category as defined ~~under Rule .0503 of this Section.~~in 15A NCAC 02Q .0503. If a rule in 40 CFR Part 63 uses a different methodology to calculate potential emissions, that methodology shall be used for sources and pollutants covered under that rule.

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

(30) "Regulated air pollutant" means:

(a) nitrogen oxides or any volatile organic compound as defined under 40 CFR 51.100;

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

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

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

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

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

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

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

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

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

History Note: Authority G.S. 143‑212; 143‑213; 143‑215.3(a)(1);

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

Eff. July 1, 1994;

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

Temporary Amendment Eff. December 1, 1999;

Amended Eff. January 1, 2015; December 1, 2005; July 1, 2000.2000;

Readopted Eff. .

15A NCAC 02Q .0104 is proposed for readoption without substantive changes as follows:

15a ncac 02Q .0104 WHERE TO OBTAIN AND FILE PERMIT APPLICATIONS

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

(b) The number of copies of applications to be filed shall be specified in Rules15A NCAC 02Q .0305 (construction and operation permit procedures) and .0507 (Title V permit procedures) of this Subchapter.procedures).

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

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

Eff. July 1, 1994;

Amended Eff. January 1, 2015; August 1, 2002; July 1, 1997.1997;

Readopted Eff. .

15A NCAC 02Q .0105 is proposed for readoption without substantive changes as follows:

15A NCAC 02Q .0105 COPIES OF REFERENCED DOCUMENTS

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

(1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;

(2) Winston‑Salem Regional Office, 585 Waughtown Street, Winston Salem, North Carolina 27107450 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105;

(3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville, North Carolina 28115;

(4) Raleigh Regional Office, 3800 Barrett Drive, Post Office Box 27687, Raleigh, North Carolina 28115;27609;

(5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301;

(6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889; and

(7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, North Carolina 28403.

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

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

History Note: Authority G.S. 143‑215.3(a)(1); 150B‑19(5);

Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

Eff. July 1, 1994;

Amended Eff. December 1, 2005.2005;

Readopted Eff. .

15A NCAC 02Q .0106 is proposed for readoption with substantive changes as follows:

15A NCAC 02Q .0106 INCORPORATION BY REFERENCE

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

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

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

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

Authority G.S. 143‑215.3(a)(1); 150B‑21.6;

Eff. July 1, 1994.1994;

Readopted Eff. .

15A NCAC 02Q .0107 is proposed for readoption without substantive changes as follows:

15A NCAC 02Q .0107 CONFIDENTIAL INFORMATION

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

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

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

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

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

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

Eff. July 1, 1994;

Amended Eff. April 1, 1999; July 1, 1997.1997;

Readopted Eff. .

15A NCAC 02Q .0108 is proposed for readoption without substantive changes as follows:

15A NCAC 02Q .0108 DELEGATION OF AUTHORITY

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

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

Authority G.S. 143‑215.3(a)(1),(4);

Eff. July 1, 1994;

Amended Eff. July 1, 1998.1998;

Readopted Eff. .

15A NCAC 02Q .0109 is proposed for readoption without substantive changes as follows:

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

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

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

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

(b) If a source becomes subject to requirements promulgated under 40 CFR Part 63, the owner or operator of the source shall apply for a permit unless exempted by Rule .0102 of this Section15A NCAC 02Q .0102 at least 270 days before the final compliance date of the requirement.

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

Authority G.S. 143‑215.3(a)(1); 143‑215.108; 143‑215.109;

Eff. July 1, 1994;

Amended Eff. April 1, 2001; July 1, 1996.1996;

Readopted Eff. .

15A NCAC 02Q .0110 is proposed for readoption without changes as follows:

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

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

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

Authority G.S. 143‑215.3(a)(1); 143‑215.108; 143‑215.109;

Eff. July 1, 1994.1994;

Readopted Eff. .

15A NCAC 02Q .0111 is proposed for readoption without changes as follows:

15A NCAC 02Q .0111 APPLICABILITY DETERMINATIONS

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

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

Authority G.S. 143‑215.3(a)(1); 143‑215.108; 143‑215.109;

Eff. July 1, 1994.1994;

Readopted Eff. .

15A NCAC 02Q .0111 is proposed for readoption without changes as follows:

15A NCAC 02Q .0111 APPLICABILITY DETERMINATIONS

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

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

Authority G.S. 143‑215.3(a)(1); 143‑215.108; 143‑215.109;

Eff. July 1, 1994.1994;

Readopted Eff. .

15A NCAC 02Q .0112 is proposed for readoption without substantive changes as follows:

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

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

(b) A professional engineer registered in North Carolina shall be required to seal technical portions of air permit applications for new sources and modifications of existing sources as defined in Rule .0103 of this Section15A NCAC 02Q .0103 that involve:

(1) design;

(2) determination of applicability and appropriateness; or

(3) determination and interpretation of performance; of air pollution capture and control systems.

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

(1) any source with non-optional air pollution control equipment that constitutes an integral part of the process equipment as originally designed and manufactured by the equipment supplier;

(2) sources that are permitted under Rule .0310 or .0509 of this Subchapter;15A NCAC 02Q .0310 or .0509;

(3) paint spray booths without air pollution capture and control systems for volatile organic compound emissions;

(4) particulate emission sources with air flow rates of less than or equal to 10,000 actual cubic feet per minute;

(5) nonmetallic mineral processing plants with wet suppression control systems for particulate emissions; or

(6) permit renewal if no modifications are included in the permit renewal application.

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

RRC Objection Eff. November 17, 1994 due to lack of statutory authority;

Eff. February 1, 1995.1995;

Readopted Eff. .

15A NCAC 02Q .0113 is proposed for readoption without changes as follows:

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

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

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

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

(d) A person covered under this Rule shall 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;

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

(f) A person covered under this Rule shall 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 following information:

(A) the name of the affected facility;

(B) the name and address of the permit applicant; and

(C) the activity or activities involved in the permit action;

(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; and

(6) The side with the lettering shall face the road, and sign shall be parallel to the road.

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.

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

Eff. April 1, 2004.2004;

Readopted Eff. .

15A NCAC 02Q .0201 is proposed for readoption without substantive changes as follows:

SECTION .0200 ‑ PERMIT FEES

15A NCAC 02Q .0201 APPLICABILITY

(a) This Section isshall be applicable:

(1) as of the permit anniversary date on or after July 1, 1994, to facilities that have or will have actual emissions of:

(A) 100 tons per year or more of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide;

(B) 10 tons per year or more of at least one hazardous air pollutant; or

(C) 25 tons per year or more of all hazardous air pollutants combined; and

(2) as of the permit anniversary date on or after October 1, 1994, to all facilities other than the facilities described in Subparagraph (a)(1) of this Rule.

(b) A general facility obtaining a permit under Rule .0509 of this Subchapter15A NCAC 02Q .0509 shall comply with provisions of this Section that are applicable to a Title V facility except that the fees are different as stated.

(c) Rule .0207 of this Section15A NCAC 02Q .0207 isshall be applicable to all facilities as of its effective date.

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

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

Eff. July 1, 1994;

Amended Eff. July 1, 1998; July 1, 1996.1996;

Readopted Eff. .

15A NCAC 02Q .0202 is proposed for readoption without substantive changes as follows:

15a ncac 02q .0202 DEFINITIONS

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

(1) "Actual emissions" means the actual rate of emissions in tons per year of any air pollutant emitted from the facility over the preceding calendar year. Actual emissions shall be calculated using the sources' actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes under Rule .0201 or .0203 of this Section pursuant to 15A NCAC 02Q .0201 or .0203 and emissions reporting purposes under Rule .0207 of this Section,pursuant to 15A NCAC 02Q .0207, actual emissions do not include emissions beyond the normal emissions during violations, malfunctions, start-ups, and shut-downs, do not include a facility's secondary emissions such as those from motor vehicles associated with the facility, and do not include emissions from insignificant activities because of category as defined under Rule .0503 of this Subchapter.pursuant to 15A NCAC 02Q .0503.

(2) "Title V facility" means a facility that that is required to have a permit under Section .0500 of this Subchapter except perchloroethylene dry cleaners whose potential emissions are less than:

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

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

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

(2) "General facility" means a facility obtaining a permit pursuant to 15A NCAC 02Q .0310 or .0509.

(3) "Minor modification" means a modification made pursuant to 15A NCAC 02Q .0515, Minor Permit Modifications.

(4) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations must be enforceable by EPA and may include air pollution control equipment and restrictions on hours of operation, the type or amount of material combusted, stored, or processed.

(5)(4) "Significant modification" means a modification made pursuant to 15A NCAC 02Q .0516, Significant Permit Modification.

(6) "General facility" means a facility obtaining a permit under Rule .0310 or .0509 of this Subchapter.

(7)(5) "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general facility, nor solely a transportation facility.

(6) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations must be enforceable by EPA and may include air pollution control equipment and restrictions on hours of operation, the type or amount of material combusted, stored, or processed.

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

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

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

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

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

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

Eff. July 1, 1994;

Amended Eff. July 1, 1996;

Temporary Amendment Eff. December 1, 1999;

Amended Eff. April 1, 2004; August 1, 2002; July 1, 2000.2000;

Readopted Eff. .

15A NCAC 02Q .0203 is proposed for readoption without substantive changes as follows:

15A NCAC 02Q .0203 PERMIT AND APPLICATION FEES

(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 |

A facility, other than a Title V facility, that has been in compliance is eligible for a 25 percent discount from the annual permit fees as described in Paragraph (a) of Rule .0205 of this Section.15A NCAC 02Q .0205(a). Annual permit fees for Title V facilities shall be adjusted for inflation as described in Rule .0204 of this Section.15A NCAC 02Q .0204. Annual permit fees for Title V facilities consist of the sum of the applicable fee elements. The current annual permit fees shall be found on the Division’s website at http://www.ncair.org/permits/Fee\_Table\_and\_Guide.pdf. https://deq.nc.gov/about/divisions/air-quality/air-quality-permitting/Fee\_Table\_and\_Guide.pdf.

(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 |

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

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

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

(1) carbon monoxide;

(2) any pollutant that is regulated solely because it is a Class I or II substance listed under Section 602 of the federal Clean Air Act (ozone depletors);

(3) any pollutant that is regulated solely because it is subject to a regulation or standard under Section 112(r) of the federal Clean Air Act (accidental releases); and

(4) the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.

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

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

(1) are in aan area designated in 40 CFR 81.334 as nonattainment, or

(2) are covered by a nonattainment or maintenance State Implementation Plan submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

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

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

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

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

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

(k) An applicant who files permit applications pursuant to Rule .0504 of this Subchapter15A NCAC 02Q .0504 shall pay an application fee as would be determined by the application fee for the permit required under Section .0500 of this Subchapter;15A NCAC 02Q .0500; this fee shall cover both applications, provided that the second application covers only what is covered under the first application. If permit terms or conditions in an existing or future permit issued under Section .0500 of this Subchapter15A NCAC 02Q .0500 shall be established or modified by an application for a modification and if these terms or conditions are enforceable by the Division only, then the applicant shall pay the fee under the column entitled "Minor Modification" in the table in Paragraph (b) of this Rule.

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

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

Eff. July 1, 1994;

Amended Eff. January 1, 2015; March 1, 2008; April 1, 2004; April 1, 2001; July 1, 1996.1996;

Readopted Eff. .

15A NCAC 02Q .0204 is proposed for readoption without substantive changes as follows:

15A NCAC 02Q .0204 INFLATION ADJUSTMENT

Beginning in 2012, the fees of Rule .0203 of this Section15A NCAC 02Q .0203 for Title V facilities shall be adjusted as of January 1st of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv). The tonnage factor shall be rounded to a whole cent and the other fees shall be rounded to a whole dollar, except that the ownership change application fee shall be rounded to the nearest ten-dollar ($10.00) increment.

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

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

Eff. July 1, 1994;

Amended Eff. March 1, 2008; July 1, 1996.1996;

Readopted Eff. .

15A NCAC 02Q .0205 is proposed for readoption without substantive change as follows:

15A NCAC 02Q .0205 OTHER ADJUSTMENTS

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

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

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

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent

rule becomes effective, whichever is sooner;

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

Eff. July 1, 1994.1994;

Readopted Eff. .

15A NCAC 02Q .0206 is proposed for readoption without substantive changes as follows:

15A NCAC 02Q .0206 PAYMENT OF FEES

(a) Payment of fees required under this Section15A NCAC 02Q .0200 may be by check or money order made payable to the N.C. Department of Environment and Natural Resources.Environmental Quality. Annual permit fee payments shall refer to the permit number.

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

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

(d) The payment of the permit application fee required by this Section15A NCAC 02Q .0200 shall accompany the application and is non‑refundable.

(e) The Division shall annually prepare and make publicly available an accounting showing aggregate fee payments collected under this Section15A NCAC 02Q .0200 from facilities which have obtained or will obtain permits under Section .0500 of this Subchapter15A NCAC 02Q .0500 except synthetic minor facilities and showing a summary of reasonable direct and indirect expenditures required to develop and administer the Title V permit program.

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

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

Eff. July 1, 1994;

Amended Eff. September 1, 2015.2015;

Readopted Eff. .

15A NCAC 02Q .0207 is proposed for readoption with substantive changes as follows:

15A NCAC 02Q .0207 ANNUAL EMISSIONS REPORTING

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

(1) volatile organic compounds,

(2) nitrogen oxides,

(3) total suspended particulates,

(4) sulfur dioxide,

(5) fluorine,

(6) hydrogen chloride,

(7) hydrogen fluoride,

(8) hydrogen sulfide,

(9) methyl chloroform,

(10) methylene chloride,

(11) ozone,

(12) chlorine,

(13) hydrazine,

(14) phosphine,

(15) particulate matter (PM10),

(16) carbon monoxide,

(17) lead, and

(18) perchloroethylene.

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

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

(1) Cabarrus County,

(2) Davidson County,

(3) Durham County,

(4) Forsyth County,

(5) Gaston County,

(6) Guilford County,

(7) Lincoln County,

(8) Mecklenburg County,

(9) Rowan County,

(10) Union County,

(11) Wake County,

(12) Davidson Township and Coddle Creek Township in Iredell County,

(13) Dutchville Township in Granville County, or

(14) that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to the Yadkin River.

(1) townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;

(2) townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County

(3) townships of Davidson and Coddle Creek in Iredell County;

(4) townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;

(5) all townships in Mecklenburg County;

(6) townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury, Steele, and Unity in Rowan County; or

(7) townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.

(d) The annual reporting requirement under Paragraph (c) of this Rule shall begin with calendar year 20072017 emissions for facilities in Cabarrus, Lincoln, Rowan, and Union counties and Davidson Township and Coddle Creek Township in Iredell County.the areas identified in Paragraph (c).

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

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

Authority G.S. 143‑215.3(a)(1),(1a),(1b),(1d); 143‑215.65; 143‑215.107; 143B‑282; 150B‑21.6;

Eff. July 1, 1994;

Amended Eff. July 1, 2007; July 1, 1998; July 1, 1996.1996;

Readopted Eff. .