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Director



NORTH CAROLINA  
Environmental Quality

XXXX XX, 2021

Mr. Robert LaTourette  
General Manager  
BFI Waste Systems of America, LLC  
5105 Morehead Road  
Concord, North Carolina 28027

SUBJECT: Air Quality Permit No. 08612T14  
Facility ID: 1300110  
BFI Waste Systems of North America,  
Charlotte Motor Speedway (CMS) Landfill V  
5105 Morehead Road  
Concord, North Carolina 28027  
Cabarrus County  
Fee Class: Title V  
PSD Status: Minor

Dear Mr. LaTourette:

In accordance with your completed Air Quality Permit Application for a Renewal of your Title V permit received on June 19, 2020, we are forwarding herewith Air Quality Permit No. 08612T14 to BFI Waste Systems of North America, CMS Landfill V, Concord, North Carolina, authorizing the construction and operation, of the emission source(s) and associated air pollution control device(s) specified herein. Additionally, any emissions activities determined from your Air Quality Permit Application as being insignificant per 15A North Carolina Administrative Code 02Q .0503(8) have been listed for informational purposes as an "ATTACHMENT." Please note the requirements for the annual compliance certification are contained in General Condition P in Section 3. The current owner is responsible for submitting a compliance certification for the entire year regardless of who owned the facility during the year.

As the designated responsible official it is your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit. It is also your responsibility to ensure that any person who operates any emission source and associated air pollution control device subject to any term or condition of the attached permit reviews, understands, and abides by the condition(s) of the attached permit that are applicable to that particular emission source.

If any parts, requirements, or limitations contained in this Air Quality Permit are unacceptable to you, you have the right to request a formal adjudicatory hearing within 30 days following receipt of this permit, identifying the specific issues to be contested. This hearing request must be in the form of a written petition, conforming to NCGS (North Carolina General Statutes) 150B-23, and filed with both the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 and the Division of Air Quality, Permitting Section, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641. The form for requesting a formal adjudicatory hearing may be obtained upon request from the Office of Administrative Hearings. Please note that this permit will be stayed in its entirety upon receipt of the request for a hearing.



North Carolina Department of Environmental Quality | Division of Air Quality  
217 West Jones Street | 1641 Mail Service Center | Raleigh, North Carolina 27699-1641  
919.707.8400

Unless a request for a hearing is made pursuant to NCGS 150B-23, this Air Quality Permit shall be final and binding 30 days after issuance.

You may request modification of your Air Quality Permit through informal means pursuant to NCGS 150B-22. This request must be submitted in writing to the Director and must identify the specific provisions or issues for which the modification is sought. Please note that this Air Quality Permit will become final and binding regardless of a request for informal modification unless a request for a hearing is also made under NCGS 150B-23.

The construction of new air pollution emission source(s) and associated air pollution control device(s), or modifications to the emission source(s) and air pollution control device(s) described in this permit must be covered under an Air Quality Permit issued by the Division of Air Quality prior to construction unless the Permittee has fulfilled the requirements of NCGS 143-215.108A(b) and received written approval from the Director of the Division of Air Quality to commence construction. Failure to receive an Air Quality Permit or written approval prior to commencing construction is a violation of NCGS 143-215.108A and may subject the Permittee to civil or criminal penalties as described in NCGS 143-215.114A and 143-215.114B.

The minor source baseline dates for PM10 and SO<sub>2</sub> have been triggered in Cabarrus County. For increment tracking purposes, no emission increase was noted during this renewal.

This Air Quality Permit shall be effective from XXXX XX, 2021 until XXXX XX, XXXX, is nontransferable to future owners and operators, and shall be subject to the conditions and limitations as specified therein.

Should you have any questions concerning this matter, please contact Massoud Eslambolchi at (919) 707-8728; [massoud.eslambolchi@denr.gov](mailto:massoud.eslambolchi@denr.gov).

Sincerely yours,

Mark J. Cuilla, EIT, CPM, Chief, Permitting Section  
Division of Air Quality, NCDEQ

Enclosure

c: Michael Sparks, EPA Region 4 (Permit and review)  
Asheville Regional Office  
Central File  
Connie Horne (cover letter only)

## ATTACHMENT 1 to Permit No. 08612T14

## Insignificant Activities per 15A NCAC 02Q .0503(8)

<b>Source ID No.</b>	<b>Emission Source Description</b>
IES-GT <b>GACT CCCCCC</b>	Gasoline storage tank (dispensing facility for landfill mobile equipment, 1,000 gallon capacity)
IES-2 <b>GACT ZZZZ</b>	Diesel fuel-fired emergency generator (150 kW)
IES-3	Leachate storage pond
IES-4 <b>GACT ZZZZ</b>	Diesel fuel-fired emergency generator (250 kW)
IES-5 <b>GACT ZZZZ</b>	Diesel fuel-fired emergency generator (250 kW)
IES-6 <b>GACT ZZZZ</b>	Diesel fuel-fired emergency generator (250 kW)
IES-7 NSPS III, <b>GACT ZZZZ</b>	Diesel fuel-fired emergency generator (500 kW)
IES-DT2	Diesel storage tank (10,000 gallon capacity)
IES-DT3	Diesel storage tank (10,000 gallon capacity)
IES-DT4	Diesel storage tank (10,000 gallon capacity)

1. Because an activity is exempted from being required to have a permit or permit modification does not mean that the activity is exempted from an applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.
2. When applicable, emissions from stationary source activities identified above shall be included in determining compliance with the permit requirements for toxic air pollutants under 15A NCAC 2D .1100 "Control of Toxic Air Pollutants" or 2Q .0711 "Emission Rates Requiring a Permit."
3. For additional information regarding the applicability of MACT or GACT see the DAQ page titled "Specific Permit Conditions Regulatory Guide." The link to this site is as follows: <http://deq.nc.gov/about/divisions/air-quality/air-quality-permits/specific-permit-conditions-regulatory-guide>.

## ATTACHMENT 2 to Permit No. 08612T14

## Summary of Changes

The following changes were made to the existing Air Permit No. 08612T13

Page(s)	Section	Description of Changes
Cover and throughout	-	Updated all dates and permit revision numbers, and EPA Region 4 contact name
Attachment 1	-	Updated footnote 3 for Specific Conditions Regulatory Guide access link
4	2.1.A.3	Added 15A NCAC 02D .1700 (amended); in lieu of NSPS WWW
4	2.1.A.3	Removed NSPS WWW conditions as updated by 02D .1700
7	2.1.A.4	Added MACT AAAA amended provisions for alternative SSM requirements.
9	2.1.A.4.k	Added updates to Operational Standards for Collection and Control Systems (amended MACT AAAA).
10-14	2.1.A.4.l-w	Updated Compliance Provisions, Test Method Procedures and Monitoring requirements (amended MACT AAAA).
14-20	2.1.A.4.x-nn	Updated Recordkeeping and Reporting requirements (amended MACT AAAA).
20	2.2.B	Moved 15A NCAC 02D .1806 to the end of the section.
21	3	Updated General Conditions section to version 5.5 (8/25/2020)



State of North Carolina  
Department of Environmental Quality  
Division of Air Quality

## AIR QUALITY PERMIT

Permit No.	Replaces Permit No.(s)	Effective Date	Expiration Date
08612T14	08612T13	XXXX, XX, 2021	XXXX, XX, XXXX

Until such time as this permit expires or is modified or revoked, the below named Permittee is permitted to construct and operate the emission source(s) and associated air pollution control device(s) specified herein, in accordance with the terms, conditions, and limitations within this permit. This permit is issued under the provisions of Article 21B of Chapter 143, General Statutes of North Carolina as amended, and Title 15A North Carolina Administrative Codes (15A NCAC), Subchapters 02D and 02Q, and other applicable Laws.

Pursuant to Title 15A NCAC, Subchapter 02Q, the Permittee shall not construct, operate, or modify any emission source(s) or air pollution control device(s) without having first submitted a complete Air Quality Permit Application to the permitting authority and received an Air Quality Permit, except as provided in this permit.

**Permittee:** **BFI Waste Systems of North America,  
Charlotte Motor Speedway (CMS) Landfill V**  
**Facility ID:** **1300110**

**Facility Site Location:** **5105 Morehead Road**  
**City, County, State, Zip:** **Concord, Cabarrus, North Carolina, 28027**

**Mailing Address:** **5105 Morehead Road**  
**City, State, Zip:** **Concord, North Carolina, 28027**

**Application Number:** **1300110.20A**  
**Complete Application Date:** **June 19, 2020**  
**Primary SIC Code:** **4953**

**Division of Air Quality,**  **Mooresville Regional Office**  
**Regional Office Address:** **610 East Center Avenue, Suite 301**  
**Mooresville, North Carolina 28115**

Permit issued this the XX day of XXXX, 2021

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Mark J. Cuilla, EIT, CPM, Chief, Permitting Section  
By Authority of the Environmental Management Commission

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ATTACHMENT

List of Acronyms

**SECTION 1- PERMITTED EMISSION SOURCE(S) AND ASSOCIATED AIR POLLUTION CONTROL DEVICE(S) AND APPURTENANCES**

The following table contains a summary of all permitted emission sources and associated air pollution control devices and appurtenances:

Source ID No.	Emission Source Description	Control Device ID No.	Control Device Description
ES-1 MACT AAAA	Municipal solid waste landfill	CD-GCCS-1	One landfill gas collection and control system
		CD-Treatment	One landfill gas treatment system
		CD-FLARE2	One landfill gas-fired enclosed flare (6000 scfm gas flow rate, 180 million Btu per hour heat input capacity at 500 Btu per cubic foot landfill gas heat content)
		CD-FLARE3	One landfill gas-fired utility flare (3000 scfm gas flow rate, 90 million Btu per hour heat input capacity at 500 Btu per cubic foot landfill gas heat content)

**SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS**

**2.1- Emission Sources and Control Devices Specific Limitations and Conditions**

The emission sources and associated air pollution control devices and appurtenances listed below are subject to the following specific terms, conditions, and limitations, including the testing, monitoring, recordkeeping, and reporting requirements as specified herein:

- A. One Municipal Solid Waste landfill facility (ES-1) with associated landfill gas collection and control system (CD-GCCS-1) equipped with one landfill gas treatment system (CD-Treatment), one permanent enclosed flare (CD-FLARE2) and one permanent utility flare (CD-FLARE3)**

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Non-Methane Organic Compounds (NMOC)	<ul style="list-style-type: none"> <li>• Route landfill gas to a flare designed in accordance with 40 CFR 60.18, or</li> <li>• Route landfill gas to a control system that reduces NMOC by 98 percent, or</li> <li>• Route the collected landfill gas to a treatment system that processes the collected gas for subsequent sale or use, or</li> <li>• Route landfill gas to a closed combustion device that reduces the outlet NMOC concentration to less than 20 parts per million by volume, dry basis as hexane at 3 percent oxygen.</li> </ul>	15A NCAC 02D .1700
Hazardous Air Pollutants	<ul style="list-style-type: none"> <li>• Route landfill gas to a flare designed in accordance with 40 CFR 63.11, or</li> <li>• Route landfill gas to a control system that reduces NMOC by 98 percent, or</li> <li>• Route the collected landfill gas to a treatment system that processes the collected gas for subsequent sale or use, or</li> <li>• Route landfill gas to a closed combustion device that reduces the outlet NMOC concentration to less than 20</li> </ul>	15A NCAC 02D .1111 40 CFR Part 63, Subpart AAAA

	parts per million by volume, dry basis as hexane at 3 percent oxygen.	
Sulfur Dioxide	2.3 pounds per million Btu heat input	15A NCAC 02D .0516
Carbon Monoxide	Less than 250 tons per year	15A NCAC 02Q .0317 (Avoidance of 02D .0530 PSD)
Visible Emissions	20 Percent Opacity	15A NCAC 02D .0521
Odorous Emissions	See Section 2.2 B.1. [State-enforceable only]	15A NCAC 02D .1806

**1. 15A NCAC 02D .0516: Sulfur Dioxide Emissions from Combustion Sources**

- a. Emissions of sulfur dioxide from the flares (ID Nos. CD-FLARE2 and CD-FLARE3) shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard. [15A NCAC 02D .0516]

**Testing** [15A NCAC 02Q .0508(f)]

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ found in Section 3. If the results of this test are above the limit given in Section 2.1 A.1.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0516.

**Monitoring/Recordkeeping/Reporting** [15A NCAC 02Q .0508(f)]

- c. No monitoring/recordkeeping is required for sulfur dioxide emissions from the firing of landfill gas in the flares (ID Nos. CD-FLARE2 and FLARE3).

**2. 15A NCAC 02D .0521: Control of Visible Emissions**

- a. Visible emissions from the flares (ID Nos. CD-FLARE2 and CD-FLARE3) shall not be more than 20 percent opacity when averaged over a six-minute period. However, six-minute averaging periods may exceed 20 percent not more than once in any hour and not more than four times in any 24-hour period. In no event shall the six-minute average exceed 87 percent opacity. [15A NCAC 02D .0521 (d)]

**Testing** [15A NCAC 02D .0501(c)(8)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 02D .0501(c)(8) and General Condition JJ located in Section 3. If the results of this test are above the limit given in Section 2.1 A.2. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0521.

**Monitoring/Recordkeeping/Reporting** [15A NCAC 02Q .0508(f)]

- c. No monitoring, recordkeeping, or reporting is required for visible emissions from the firing of landfill gas in the flare (CD-FLARE2 and FLARE3).

**3. 15A NCAC 02D .1700: Municipal Solid Waste Landfills**

**Applicability** [15A NCAC 02D .1702]

- a. Municipal Solid Waste Landfill (**ID No. ES-01**) is subject to this provision as an existing Municipal Solid Waste (MSW) Landfill that has accepted waste since November 8, 1987 and commenced construction, reconstruction, or modification on or before July 17, 2014.
  - i. Physical or operational changes made to an existing MSW landfill solely to comply with an emission standard under this Section are not considered a modification or reconstruction, and do not subject an existing MSW landfill to the requirements of 40 CFR 60, Subpart XXX or 15A NCAC 02D .0524.

**Emission Standards** [15A NCAC 02D .1703]

- b. The Permittee shall collect gas from the landfill (**ID No. ES-1**) to a control system (**ID No. GCCS-1**) that routes all the collected gas to one of the following:
  - i. The landfill gas-fired flare (**ID No. CD-FLARE2, CD-FLARE3**). The flare must be designed and operated in accordance with 40 CFR 60.18 except as noted in §60.37f(d); or
  - ii. A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 ppmv, dry basis as hexane at 3-percent oxygen. The operating parameters to be monitored are specified in §60.37f.



- iii. Route the collected gas to the treatment system (**ID No. GCCS-1**) that processes the collected gas for subsequent sale or beneficial use. The Permittee shall not vent treated landfill gas to the ambient air. If treated landfill gas cannot be routed for subsequent sale or beneficial use, it shall be controlled according to paragraphs b.i or b.ii above.
- c. The collection and control system may be capped, removed, or decommissioned if the following criteria are met:
  - i. The landfill is a closed landfill as defined in 40 CFR 60.41f. A closure report shall be submitted to the DAQ as provided in paragraph A.4.ii.
  - ii. The collection and control system shall have been in operation a minimum of 15 years or the Permittee demonstrates that the gas collection and control system will be unable to operate for 15 years due to declining gas flow; and
  - iii. Following the procedures specified in 40 CFR 35f(b), the calculated NMOC emission rate at the landfill shall be less than 34 megagrams per year on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

**Operational Standards** [15A NCAC 02D .1705]

- d. As provided in 15A NCAC 02D .1705, compliance with this Section is determined according to the provisions of 40 CFR 63.1958, as specified in Section 2.1 A.4.k.

**Compliance Provisions** [15A NCAC 02D .1706]

- e. As provided in 15A NCAC 02D .1706(f), compliance with this Section is determined according to the provisions of 40 CFR 63.1960, as specified in Section 2.1 A.4.l through p.

**Test Methods and Procedures** [15A NCAC 02D .1704]

- f. When testing is required, the testing shall be performed in accordance with 40 CFR 60.35f and General Condition JJ located in Section 3 of this permit. Additionally, the Permittee shall submit reports following the procedures of §60.38f(j). The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1704 if these requirements are not met.

**Monitoring** [15A NCAC 02D .1707]

- g. As provided in 15A NCAC 02D .1707(i), compliance with this Section is determined according to the provisions of 40 CFR 63.1961, as specified in Section 2.1 A.4.r-w. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1707 if these monitoring requirements are not met.

**Recordkeeping** [15A NCAC 02D .1709]

Unless the facility's collection and control system design includes any alternatives to the recordkeeping provisions approved by the DAQ as provided in §60.38f(d)(2), the facility must meet the recordkeeping requirements as described in paragraphs h and i below. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1709 if these recordkeeping requirements are not met.

- h. Compliance with the recordkeeping requirements as specified in Sections 2.1 A.4.x, A.4.y, A.4.z.i through iii, A.4.aa, A.4.bb, and A.4.cc shall be sufficient for the Permittee to demonstrate compliance with the corresponding recordkeeping requirements of 15A NCAC 02D .1709.
- i. For any leachate or other liquids addition reported under A.3.n of this section, the Permittee shall keep records of any engineering calculations or company records used to estimate the quantities of leachate or liquids added, the surface areas for which the leachate or liquids were applied, and the estimates of annual waste acceptance or total waste in place in the areas where leachate or liquids were applied.

**Reporting** [15A NCAC 02D .1708]

- j. Compliance with the reporting requirements as specified in Sections 2.1 A.4.hh, A.4.ii, and A.4.kk shall be sufficient for the Permittee to demonstrate compliance with the corresponding reporting requirements of 15A NCAC 02D .1708.
- k. The Permittee shall submit to DAQ semi-annual reports as provided in Section 2.1 A.4.gg.
- l. The Permittee shall submit an equipment removal report to the DAQ 30 days prior to removal or cessation of operation of the control equipment.

- i. The equipment removal report shall contain all of the following items:
    - (A) A copy of the closure report submitted in accordance with Section 2.1 A.4.ii;
    - (B) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired, or information that demonstrates that the GCCS will be unable to operate for 15 years due to declining gas flows. In the equipment removal report, the process units tested, the pollutants tested, and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's Central Data Exchange (CDX); and
    - (C) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 34 megagrams or greater of NMOC per year. If the NMOC emission rate reports have been previously submitted to the EPA's CDX, a statement that the NMOC emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's CDX may be submitted in the equipment removal report in lieu of the NMOC emission rate reports.
  - ii. The DAQ may request such additional information as may be necessary to verify that all of the conditions for removal in A.3.c have been met.
- m. The Permittee shall submit reports to the EPA electronically according to 40 CFR 60.38f(j):
- i. Within 60 days after the date of completing each performance test (as defined in §60.8), the Permittee shall submit the results of each performance test according to the following procedures:
    - (A) For data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT Web site ([https://www3.epa.gov/ttn/chief/ert/ert\\_info.html](https://www3.epa.gov/ttn/chief/ert/ert_info.html)) at the time of the test, you must submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI). CEDRI can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). Performance test data must be submitted in a file format generated through the use of the EPA's ERT or an alternative file format consistent with the extensible markup language (XML) schema listed on the EPA's ERT Web site, once the XML schema is available. If some of the performance test information being submitted is claimed as confidential business information (CBI), the Permittee shall follow the procedure in §60.38f(i)(1)(i) for submittal.
    - (B) For data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT Web site at the time of the test, you must submit the results of the performance test to the Administrator at the appropriate address listed in §60.4.
  - ii. The Permittee shall submit reports as required by this subpart to the EPA via CEDRI. (CEDRI can be accessed through the EPA's CDX.) The Permittee shall use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI Web site (<https://www3.epa.gov/ttn/chief/cedri/index.html>). If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the Permittee shall submit the report to the Administrator at the appropriate address listed in §60.4. Once the form has been available in CEDRI for 90 calendar days, the Permittee shall begin submitting all subsequent reports via CEDRI. The reports shall be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted.
- n. For affected landfills with a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters that have employed leachate recirculation or added liquids based on a Research, Development, and Demonstration permit (issued through Resource Conservation and Recovery Act, subtitle D, part 258) within the last 10 years, the Permittee shall submit annually, following the procedure specified in paragraph m.ii of this section, the following information:
- i. Volume of leachate recirculated (gallons per year) and the reported basis of those estimates (records or engineering estimates).
  - ii. Total volume of all other liquids added (gallons per year) and the reported basis of those estimates (records or engineering estimates).
  - iii. Surface area (acres) over which the leachate is recirculated (or otherwise applied).
  - iv. Surface area (acres) over which any other liquids are applied.
  - v. The total waste disposed (megagrams) in the areas with recirculated leachate and/or added liquids based on on-site records to the extent data are available, or engineering estimates and the reported basis of those estimates.
  - vi. The annual waste acceptance rates (megagrams per year) in the areas with recirculated leachate and/or added liquids, based on on-site records to the extent data are available, or engineering estimates.
  - vii. The initial report must contain items in paragraphs n.i through vi of this section per year for the initial annual reporting period as well as for each of the previous 10 years, to the extent historical data are available in on-site records, and the report must be submitted no later than:

- (A) September 27, 2017, for landfills that commenced construction, modification, or reconstruction after July 17, 2014 but before August 29, 2016 containing data for the first 12 months after August 29, 2016; or
- (B) Thirteen (13) months after the date of commenced construction, modification, or reconstruction for landfills that commence construction, modification, or reconstruction after August 29, 2016 containing data for the first 12 months after August 29, 2016.
- viii. Subsequent annual reports must contain items in paragraphs n.i through vi of this section for the 365-day period following the 365-day period included in the previous annual report, and the report must be submitted no later than 365 days after the date the previous report was submitted.
- ix. Landfills may cease annual reporting of items in paragraphs n.i through vii of this section once they have submitted the closure report in Section 2.1 A.4.ii.
- o. The Permittee shall submit a summary report of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**4. 15A NCAC 02D .1111: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY  
(40 CFR 63, Subpart AAAA – Municipal Solid Waste Landfills)**

- a. For all sources located at this facility, the Permittee shall comply with all applicable provisions contained in Environmental Management Commission Standard 15A NCAC 2D .1111, “Maximum Achievable Control Technology” (MACT) as promulgated in 40 CFR Part 63, Subpart AAAA, including Subpart A, "General Provisions.”
- b. Any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping, or reporting provisions, as provided in §63.1981(d)(2). [40 CFR 63.1955(a)]
- c. The Permittee shall meet the requirements of this subpart. The requirements of this subpart apply at all times, including during periods of SSM. The SSM requirements of the General Provisions 40 CFR Part 63 do not apply. [40 CFR 63.1930(b)]
- d. At all times, the Permittee shall operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if the requirements of this subpart have been achieved. Determination of whether a source is operating in compliance with operation and maintenance requirements will be based on information available to the DAQ which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source. [40 CFR 63.1955(c)]
- e. Compliance is determined using performance testing, collection system monitoring, continuous parameter monitoring, and other credible evidence. In addition, continuous parameter monitoring data collected under A.4.s.i are used to demonstrate compliance with the operating standards for control systems. If a deviation occurs, the Permittee will have failed to meet the control device operating standards and will have deviated from the requirements of this subpart. [40 CFR 63.1964]
  - i. The SSM provisions of §63.6(e) do not apply. Compliance with the emissions standards and the operating standards of A.4.k.i through A.4.k.vii is required at all times.
  - ii. A deviation is defined in §63.1990. For the purposes of the landfill monitoring, deviations include the following items [40 CFR 63.1965]:
    - (A) A deviation occurs when the control device operating parameter boundaries described in §63.1983(c)(1) are exceeded.
    - (B) A deviation occurs when 1 hour or more of the hours during the 3-hour block averaging period does not constitute a valid hour of data. A valid hour of data must have measured values for at least three 15-minute monitoring periods within the hour.
      - (1) 3-hour averages are calculated according to §§63.1983(b)(2)(i) and 63.1983(c)(1)(i), and the data collected during the events listed in paragraphs (a) through (d) below are included in any average computed under this subpart. [40 CFR 63.1975]

- (a) Monitoring system breakdowns, repairs, calibration checks, and zero (low-level) and high-level adjustments.
  - (b) Startups.
  - (c) Shutdowns.
  - (d) Malfunctions.
- f. The Permittee is no longer required to comply with the requirements of this subpart when the collection and control system removal criteria in A.4.j are met. [40 CFR 63.1950]

**Requirements for Gas Collection and Control System Installation and Removal**

[40 CFR 63.1957, and 63.1959]

- g. The facility's collection and control system that captures the gas generated within the landfill shall meet the following requirements:
- i. Be designed to handle the maximum expected gas flow rate from the entire area of the landfill that warrants control over the intended use period of the gas control system equipment;
  - ii. Collect gas from each area, cell, or group of cells in the landfill in which the initial solid waste has been placed for a period of
    - (A) 5 years or more if active; or
    - (B) 2 years or more if closed or at final grade.
  - iii. Collect gas at a sufficient extraction rate; and
  - iv. Be designed to minimize off-site migration of subsurface gas.
- h. The Permittee shall collect gas from the landfill (**ID No. ES-01**) to a control system (**ID No. CD-GCCS1**) that routes all the collected gas to a control system that complies with the requirements in one of the following:
- i. The landfill gas-fired flare (**ID No. CD-FLARE2, CD-FLARE3**) designed and operated in accordance with the parameters established in §63.11(b) except as noted in §63.1959(f); or
  - ii. A control system designed and operated to reduce NMOC by 98 weight-percent, or, when an enclosed combustion device is used for control, to either reduce NMOC by 98 weight-percent or reduce the outlet NMOC concentration to less than 20 ppmv, dry basis as hexane at 3-percent oxygen. The operating parameters to be monitored are specified in §63.1959(d).
  - iii. Route the collected gas to the treatment system (**ID No. CD-Treatment**) that processes the collected gas for subsequent sale or beneficial use. The Permittee shall not vent treated landfill gas to the ambient air. If the treated landfill gas cannot be routed for subsequent sale or beneficial use, then the treated landfill gas must be controlled according to paragraphs h.i or h.ii above.
- i. The Permittee shall operate the collection and control device in accordance with the provisions of §§63.1958, 63.1960, and 63.1961.
- j. The collection and control system may be capped, removed, or decommissioned if the following criteria are met:
- i. The landfill is a closed landfill. Closed landfill means a landfill in which solid waste is no longer being placed, and in which no additional solid wastes will be placed without first filing a notification of modification as prescribed under §63.9(b). Once a notification of modification has been filed, and additional solid waste is placed in the landfill, the landfill is no longer closed. A closure report shall be submitted to the DAQ as provided in A.4.ii;
  - ii. The gas collection and control system has been in operation a minimum of 15 years or the Permittee demonstrates that the gas collection and control system will be unable to operate for 15 years due to declining gas flow; and
  - iii. Following the procedures specified in §63.1959(c), the calculated NMOC emission rate at the landfill is less than 50 Mg/yr on three successive test dates. The test dates shall be no less than 90 days apart, and no more than 180 days apart.

**Operational Standards for Collection and Control Systems** [40 CFR 63.1958]

- k. The Permittee shall operate the collection and control system (**ID Nos. CD-GCCS1, CD-Treatment, CD-FLARE2, CD-FLARE3**) in accordance with the following standards:
- i. Operate the collection system such that gas is collected from each area, cell, or group of cells in the MSW landfill in which solid waste has been in place for 5 years or more if active, or 2 years or more if closed or at final grade.

- ii. Operate the collection system with negative pressure at each wellhead except under the following conditions:
  - (A) A fire or increased well temperature. The Permittee shall record instances when positive pressure occurs in efforts to avoid a fire. These records shall be submitted with the semi-annual reports as provided in A.4.gg;
  - (B) Use of a geomembrane or synthetic cover. The Permittee shall develop acceptable pressure limits in the design plan;
  - (C) A decommissioned well. A well may experience a static positive pressure after shut down to accommodate for declining flows. All design changes must be approved by the DAQ.
- iii. Operate each interior wellhead in the collection system with a landfill gas temperature less than 62.8 °C (145 °F). The Permittee may establish a higher operating temperature value at a particular well. A higher operating value demonstration must be submitted to the DAQ Regional Office for approval and must include supporting data demonstrating that the elevated parameter neither causes fires nor significantly inhibits anaerobic decomposition by killing methanogens. The demonstration must satisfy both criteria in order to be approved.
- iv. Operate the collection system so that the methane concentration is less than 500 parts per million (ppm) above background at the surface of the landfill. To determine if this level is exceeded, the Permittee shall conduct surface testing around the perimeter of the collection area and along a pattern that traverses the landfill at no more than 30-meter intervals and where visual observations indicate elevated concentrations of landfill gas, such as distressed vegetation and cracks or seeps in the cover. The Permittee may establish an alternative traversing pattern that ensures equivalent coverage. A surface monitoring design plan shall be developed that includes a topographical map with the monitoring route and the rationale for any site-specific deviations from the 30-meter intervals. Areas with steep slopes or other dangerous areas may be excluded from the surface testing.
  - (A) The Permittee shall:
    - (1) Conduct surface testing using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications of A.4.o.
    - (2) Conduct surface testing at all cover penetrations. The Permittee shall monitor any cover penetrations that are within an area of the landfill where waste has been placed and a gas collection system is required.
    - (3) Determine the latitude and longitude coordinates of each exceedance using an instrument with an accuracy of at least 4 meters. The coordinates shall be in decimal degrees with at least five decimal places.
- v. Operate the system such that all collected gases are vented to a control system designed and operated in compliance with A.4.h. In the event the collection or control system is not operating:
  - (A) The gas mover system shall be shut down and all valves in the collection and control system contributing to venting of the gas to the atmosphere must be closed within 1 hour of the collection or control system not operating; and
  - (B) Efforts to repair the collection or control system shall be initiated and completed in a manner such that downtime is kept to a minimum, and the collection and control system shall be returned to operation.
- vi. Operate the control system at all times when the collected gas is routed to the system.
- vii. If monitoring demonstrates that the operational requirements in paragraphs ii, iii, or iv above are not met, corrective action shall be taken as specified in A.4.l.iii and A.4.l.v, or A.4.n. If corrective actions are taken as specified in A.4.l through p the monitored exceedance is not a deviation of the operational requirements in this section.

**Compliance Provisions** [40 CFR 63.1960]

- 1. Unless the facility's collection and control system design includes any alternatives to the monitoring provisions approved by DAQ as provided in §63.1981(d)(2), the following methods shall be used to determine whether the gas collection system is in compliance with A.4.g of this section:
  - i. For the purposes of calculating the maximum expected gas generation flow rate from the landfill to determine compliance with A.4.g.i, the following equation shall be used. The  $k$  and  $L_0$  kinetic factors should be those published in the most recent Compilation of Air Pollutant Emission Factors (AP-42) or other site-specific values demonstrated to be appropriate and approved by the DAQ. If  $k$  has been determined by Tier 3 testing as specified in §63.1959(a)(4), the value of  $k$  determined from the test must be used. A value of no more than 15 years shall be used for the intended use period of the gas mover equipment. The active life of the landfill is the age of the landfill plus the estimated number of years until closure.
    - (A) For sites with known year-to-year solid waste acceptance rate:

$$Q_m = \sum_{i=1}^n 2kL_oM_i(e^{-kt_i})$$

Where:  $Q_m$  = maximum expected gas generation flow rate, cubic meters per year  
 $k$  = methane generation rate constant, year<sup>-1</sup>  
 $L_o$  = methane generation potential, cubic meters per megagram solid waste  
 $M_i$  = mass of solid waste in the  $i^{\text{th}}$  section, megagrams  
 $t_i$  = age of the  $i^{\text{th}}$  section, years

- (B) The Permittee may use actual flow data to project the maximum expected gas generation flow rate instead of, or in conjunction with, the above equation. If the landfill is still accepting waste, the actual measured flow data will not equal the maximum expected gas generation rate, so calculations using the equation above or other methods shall be used to predict the maximum expected gas generation rate over the intended period of use of the gas control system equipment.
- ii. For the purposes of determining sufficient density of gas collectors for compliance with A.4.g.ii, the Permittee shall design a system of vertical wells, horizontal collectors, or other collection devices, satisfactory to the DAQ, capable of controlling and extracting gas from all portions of the landfill sufficient to meet all operational and performance standards.
- iii. For the purpose of demonstrating whether the gas collection system flow rate is sufficient to determine compliance with A.4.g.iii, the Permittee shall measure gauge pressure in the gas collection header applied to each individual well monthly. Any attempted corrective measure shall not cause exceedances of other operational or performance standards. An alternative timeline for correcting the exceedance may be submitted to the DAQ for approval. If a positive pressure exists, action shall be initiated to correct the exceedance within 5 days, except for the three conditions allowed under A.4.k.ii.
- (A) If negative pressure cannot be achieved without excess air infiltration within 15 days of the first measurement of positive pressure, the Permittee shall conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after positive pressure was first measured.
- (B) If corrective actions cannot be fully implemented within 60 days following the positive pressure measurement for which the root cause analysis was required, the Permittee shall also conduct a corrective action analysis and develop an implementation schedule to complete the corrective actions as soon as practicable, but no more than 120 days following the positive pressure measurement.
- (C) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the Permittee shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the DAQ, according to A.4.kk.
- iv. For the purpose of identifying whether excess air infiltration into the landfill is occurring, the Permittee shall monitor each well monthly for temperature. If a well exceeds the operating parameter for temperature as provided in A.4.k.iii, action shall be initiated to correct the exceedance within 5 days. Any attempted corrective measure shall not cause exceedances of other operational or performance standards.
- (A) If a landfill gas temperature less than or equal to 62.8 °C (145 °F) cannot be achieved within 15 days of the first measurement of landfill gas temperature greater than 62.8 °C (145 °F), the Permittee shall conduct a root cause analysis and correct the exceedance as soon as practicable, but no later than 60 days after a landfill gas temperature greater than 62.8 °C (145 °F) was first measured.
- (B) If corrective actions cannot be fully implemented within 60 days following the temperature measurement for which the root cause analysis was required, the Permittee shall also conduct a corrective action analysis and develop an implementation schedule to complete the corrective actions as soon as practicable, but no more than 120 days following the measurement of landfill gas temperature greater than 62.8 °C (145 °F).
- (C) If corrective action is expected to take longer than 120 days to complete after the initial exceedance, the Permittee shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the DAQ, according to A.4.gg.vii and A.4.kk.
- (D) If a landfill gas temperature measured at either the wellhead or at any point in the well is greater than or equal to 76.7 °C (170 °F) and the carbon monoxide concentration measured, according to the procedures in A.4.r.iv.(F) is greater than or equal to 1,000 ppmv the corrective actions for the wellhead temperature standard (62.8 °C or 145 °F) shall be completed within 15 days.
- v. When seeking to demonstrate compliance with A.4.g.iv through the use of a collection system not conforming to the specifications provided in §63.1962, the Permittee shall provide information satisfactory to the DAQ as specified in §63.1981(c)(3) demonstrating that off-site migration is being controlled.

- m. For purposes of compliance with A.4.k.i, the Permittee shall place each well or design component as specified in the approved design plan. Each well must be installed no later than 60 days after the date on which the initial solid waste has been in place for a period of:
  - i. 5 years or more if active; or
  - ii. 2 years or more if closed or at final grade.
  
- n. The following procedures shall be used for compliance with the surface methane operational standard as provided in A.4.k.iv:
  - i. The Permittee shall monitor surface concentrations of methane along the entire perimeter of the collection area and along a pattern that traverses the landfill at 30 meter intervals (or a site-specific established spacing) for each collection area on a quarterly basis using an organic vapor analyzer, flame ionization detector, or other portable monitor meeting the specifications provided in paragraph A.4.o of this section.
  - ii. The background concentration shall be determined by moving the probe inlet upwind and downwind outside the boundary of the landfill at a distance of at least 30 meters from the perimeter wells.
  - iii. Surface emission monitoring shall be performed in accordance with section 8.3.1 of EPA Method 21 of appendix A-7 of part 60, except that the probe inlet must be placed within 5 to 10 centimeters of the ground. Monitoring shall be performed during typical meteorological conditions.
  - iv. Any reading of 500 ppm or more above background at any location shall be recorded as a monitored exceedance and the actions specified in paragraphs (A) through (E) below shall be taken. As long as the specified actions are taken, the exceedance is not a violation of the operational requirements of A.4.k.iv.
    - (A) The location of each monitored exceedance shall be marked and the location and concentration recorded. The location shall be recorded using an instrument with an accuracy of at least 4 meters. The coordinates shall be in decimal degrees with at least five decimal places.
    - (B) Cover maintenance or adjustments to the vacuum of the adjacent wells to increase the gas collection in the vicinity of each exceedance shall be made and the location shall be re-monitored within 10 days of detecting the exceedance.
    - (C) If the re-monitoring of the location shows a second exceedance, additional corrective action shall be taken and the location shall be monitored again within 10 days of the second exceedance. If the re-monitoring shows a third exceedance for the same location, the action specified in paragraph (E) below shall be taken, and no further monitoring of that location is required until the action specified in paragraph (E) below has been taken.
    - (D) Any location that initially showed an exceedance but has a methane concentration less than 500 ppm methane above background at the 10-day re-monitoring specified in paragraph (B) or (C) above shall be re-monitored 1 month from the initial exceedance. If the 1-month re-monitoring shows a concentration less than 500 ppm above background, no further monitoring of that location is required until the next quarterly monitoring period. If the 1-month re-monitoring shows an exceedance, the actions specified in paragraph (C) or (E) of this section shall be taken.
    - (E) For any location where monitored methane concentration equals or exceeds 500 ppm above background three times within a quarterly period, a new well or other collection device shall be installed within 120 days of the initial exceedance. An alternative remedy to the exceedance, such as upgrading the blower, header pipes or control device, and a corresponding timeline for installation may be submitted to the DAQ for approval.
  - v. The Permittee shall implement a program to monitor for cover integrity and implement cover repairs as necessary on a monthly basis.
  
- o. The Permittee shall comply with the following instrumentation specifications and procedures for surface emission monitoring devices:
  - i. The portable analyzer shall meet the instrument specifications provided in section 6 of EPA Method 21 of appendix A of part 60, except that “methane” replaces all references to “VOC”.
  - ii. The calibration gas shall be methane, diluted to a nominal concentration of 500 ppm in air.
  - iii. To meet the performance evaluation requirements in section 8.1 of EPA Method 21 of appendix A of part 60, the instrument evaluation procedures of section 8.1 of EPA Method 21 of appendix A of part 60 shall be used.
  - iv. The calibration procedures provided in sections 8 and 10 of EPA Method 21 of appendix A of part 60 shall be followed immediately before commencing a surface monitoring survey.
  
- p. The provisions of this subpart apply at all times, including periods of SSM. During periods of SSM, the Permittee shall comply with the work practice requirement specified in A.4.k.v in lieu of the compliance provisions in paragraphs A.5.1 through o above.

**Test Methods and Procedures** [15A NCAC 02D .1111, 40 CFR 63.1959]

- q. When testing is required, the testing shall be performed in accordance with §63.1959 and General Condition JJ located in Section 3 of this permit. Additionally, the Permittee shall submit results of performance tests to the EPA following the procedures specified in A.4.mm.i.

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if these requirements are not met.

**Monitoring** [15A NCAC 2Q .0508(f), 40 CFR 63.1961]

Unless the facility's collection and control system design includes any alternatives to the monitoring provisions approved by the DAQ as provided in §63.1981(d)(2), the facility must meet the monitoring requirements as described in paragraphs r through w below. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if these monitoring requirements are not met.

- r. The Permittee monitor the following parameters at each wellhead and:
- i. Measure the gauge pressure in the gas collection header on a monthly basis as provided in A.4.l.iii; and
  - ii. Monitor nitrogen or oxygen concentration in the landfill gas on a monthly basis as follows:
    - (A) The nitrogen level shall be determined using EPA Method 3C, unless an alternative test method is established as allowed by §63.1981(d)(2).
    - (B) Unless an alternative test method is established as allowed by §63.1981(d)(2), the oxygen level shall be determined by an oxygen meter using EPA Method 3A or 3C or ASTM D6522-11 (if sample location is prior to combustion) except that:
      - (1) The span shall be set between 10 and 12 percent oxygen;
      - (2) A data recorder is not required;
      - (3) Only two calibration gases are required, a zero and span;
      - (4) A calibration error check is not required; and
      - (5) The allowable sample bias, zero drift, and calibration drift are  $\pm 10$  percent.
    - (C) A portable gas composition analyzer may be used to monitor the oxygen levels provided:
      - (1) The analyzer is calibrated; and
      - (2) The analyzer meets all quality assurance and quality control requirements for EPA Method 3A or ASTM D6522-11.
  - iii. The Permittee shall monitor temperature of the landfill gas on a monthly basis as provided in A.4.l.iv. The temperature measuring device must be calibrated annually using the procedure in Section 10.3 of EPA Method 2. Keep records specified in A.4.bb.
  - iv. Unless a higher operating temperature value has been approved by the DAQ, the Permittee shall initiate enhanced monitoring at each well with a measurement of landfill gas temperature greater than 62.8 °C (145 °F) as follows:
    - (A) Visual observations for subsurface oxidation events (smoke, smoldering ash, damage to well) within the radius of influence of the well.
    - (B) Monitor oxygen concentration as provided in paragraph A.4.r.ii.
    - (C) Monitor temperature of the landfill gas at the wellhead as provided in paragraph A.4.r.iii.
    - (D) Monitor temperature of the landfill gas every 10 vertical feet of the well as provided in paragraph A.4.r.v.
    - (E) Monitor the methane concentration with a methane meter using EPA Method 3C, EPA Method 18, or a portable gas composition analyzer to monitor the methane levels provided that the analyzer is calibrated and the analyzer meets all quality assurance and quality control requirements for EPA Method 3C or EPA Method 18.
    - (F) Monitor carbon monoxide concentrations, as follows:
      - (1) Collect the sample from the wellhead sampling port in a passivated canister or multi-layer foil gas sampling bag (such as the Cali-5-Bond Bag) and analyze that sample using EPA Method 10, or an equivalent method with a detection limit of at least 100 ppmv of carbon monoxide in high concentrations of methane; and
      - (2) Collect and analyze the sample from the wellhead using EPA Method 10 to measure carbon monoxide concentrations.
    - (G) The enhanced monitoring shall begin 7 days after the first measurement of landfill gas temperature greater than 62.8 °C (145 °F); and
    - (H) The enhanced monitoring shall be conducted on a weekly basis. If four consecutive weekly carbon monoxide readings are under 100 ppmv, then enhanced monitoring may be decreased to monthly. However, if carbon monoxide readings exceed 100 ppmv again, the Permittee shall return to weekly monitoring.



- (I) The enhanced monitoring can be stopped once a higher operating value is approved, at which time the monitoring provisions issued with the higher operating value shall be followed, or once the measurement of landfill gas temperature at the wellhead is less than or equal to 62.8 °C (145 °F).
- v. For each wellhead with a measurement of landfill gas temperature greater than or equal to 73.9 °C (165 °F), annually monitor temperature of the landfill gas every 10 vertical feet of the well. This temperature can be monitored either with a removable thermometer, or using temporary or permanent thermocouples installed in the well.
- s. The Permittee shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment when using an open flare (**ID No. CD-FLARE2, CD-FLARE3**):
  - i. A heat sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light or the flame itself to indicate the continuous presence of a flame; and
  - ii. A device that records flow to the flare and bypass of the flare (if applicable). The Permittee shall:
    - (A) Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the control device at least every 15 minutes; and
    - (B) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.
- t. The Permittee shall maintain and operate all monitoring systems associated with the treatment system (**ID No. CD-Treatment**) according to the site-specific treatment system monitoring plan required in A.4.y.iii.(B), and shall install, calibrate, maintain, and operate according to the manufacturer's specifications the following equipment when using a landfill gas treatment system:
  - i. A device that records flow to and bypass of the treatment system (if applicable). The Permittee shall:
    - (A) Install, calibrate, and maintain a gas flow rate measuring device that records the flow to the treatment system at least every 15 minutes; and
    - (B) Secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism must be performed at least once every month to ensure that the valve is maintained in the closed position and that the gas flow is not diverted through the bypass line.
- u. When seeking to install a collection system that does not meet the active collection system specifications in §63.1962 or seeking to monitor alternative parameters to those required by §§63.1958 through 63.1961 the Permittee shall provide information satisfactory to the DAQ as provided in §63.1981(d)(2) and (3) describing the design and operation of the collection system, the operating parameters that would indicate proper performance, and appropriate monitoring procedures. The DAQ may specify additional appropriate monitoring procedures.
- v. The Permittee shall monitor surface concentrations of methane according to the procedures in A.4.n and the instrument specifications in A.4.o.
  - i. The Permittee shall determine the latitude and longitude coordinates for the location of each exceedance using an instrument with an accuracy of at least 4 meters and the coordinates must be in decimal degrees with at least five decimal places. In the semi-annual report in A.4.gg.v, the Permittee shall report the location of each exceedance of the 500-ppm methane concentration as provided in A.4.k.iv and the concentration recorded at each location for which an exceedance was recorded in the previous month. Any closed landfill that has no monitored exceedances of the operational standard in three consecutive quarterly monitoring periods may skip to annual monitoring. Any methane reading of 500 ppm or more above background detected during the annual monitoring returns the frequency for that landfill to quarterly monitoring.
- w. The monitoring requirements of paragraphs A.4.r, A.4.s, and A.4.t apply at all times the affected source is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities.
  - i. A monitoring system malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions.
  - ii. The Permittee shall complete monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

- iii. The temperature and nitrogen or oxygen operational standards in paragraphs A.4.k.iii, A.4.k.iv, and A.4.k.v, apply at all times.

**Recordkeeping** [15A NCAC 2Q .0508(f), 40 CFR 63.1983]

Unless the facility's collection and control system design includes any alternatives to the recordkeeping provisions approved by the DAQ as provided in §63.1981(d)(2), the facility must meet the recordkeeping requirements in Table 1 of 40 CFR 63, Subpart AAAA as well as those described in paragraphs x through ee below. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111 if these recordkeeping requirements are not met.

- x. The Permittee shall keep for at least 5 years up-to-date, readily accessible, on-site records of the design capacity report that triggered the standard of 2.5 million megagrams and 2.5 million cubic meters, the current amount of solid waste in-place, and the year-by-year waste acceptance rate. Off-site records may be maintained if they are retrievable within 4 hours. Either paper copy or electronic formats are acceptable.
- y. The Permittee shall keep up-to-date, readily accessible records for the life of the control system equipment of the data listed below as measured during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be maintained for a minimum of 5 years. Records of the control device vendor specifications shall be maintained until removal.
  - i. In order to demonstrate compliance with A.4.g:
    - (A) The maximum expected gas generation flow rate as calculated in A.4.i.i.
    - (B) The density of wells, horizontal collectors, surface collectors, or other gas extraction devices determined using the procedures specified in §63.1962(a)(1) and (2).
  - ii. In order to demonstrate compliance with A.4.h.i through use of an open flare, the flare type (i.e., steam-assisted, air-assisted, or nonassisted), all visible emission readings, heat content determination, flow rate or bypass flow rate measurements, and exit velocity determinations made during the performance test as specified in §63.11; continuous records of the flare pilot flame or flare flame monitoring and records of all periods of operations during which the pilot flame or the flare flame is absent.
  - iii. In order to demonstrate compliance with A.4.h.iii through use of a landfill gas treatment system:
    - (A) Records of the flow of landfill gas to, and bypass of, the treatment system.
    - (B) The Permittee shall prepare a site-specific treatment monitoring plan to include:
      - (1) Monitoring records of parameters that are identified in the treatment system monitoring plan and that ensure the treatment system is operating properly for each intended end use of the treated landfill gas. At a minimum, records should include records of filtration, de-watering, and compression parameters that ensure the treatment system is operating properly for each intended end use of the treated landfill gas.
      - (2) Monitoring methods, frequencies, and operating ranges for each monitored operating parameter based on manufacturer's recommendations or engineering analysis for each intended end use of the treated landfill gas.
      - (3) Documentation of the monitoring methods and ranges, along with justification for their use.
      - (4) List of responsible staff (by job title) for data collection.
      - (5) Processes and methods used to collect the necessary data; and
      - (6) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems.
- z. The Permittee shall keep for 5 years up-to-date, readily accessible continuous records of the equipment operating parameters specified to be monitored in A.4.r through A.4.w as well as up-to-date, readily accessible records for periods of operation during which the parameter boundaries established during the most recent performance test are exceeded.
  - i. The Permittee shall keep up-to-date, readily accessible continuous records of the indication of flow to the control system and the indication of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines, specified under A.4.s.ii.(B) and A.4.t.i.(B).
  - ii. When using an open flare, the Permittee shall keep up-to-date, readily accessible continuous records of the flame or flare pilot flame monitoring specified under A.4.s, and up-to-date, readily accessible records of all periods of operation in which the flame or flare pilot flame is absent.
  - iii. The Permittee shall keep records of periods when the collection system or control device is not operating.
  - iv. In order to demonstrate compliance with the operational standard in A.4.k.v, the Permittee shall keep records of the date, time, and duration of each startup and/or shutdown period, recording the periods when the affected source was subject to the standard applicable to startup and shutdown.

- v. In order to demonstrate compliance with the operational standard in A.4.k.v, in the event that an affected unit fails to meet an applicable standard, the Permittee shall keep records of the following information:
  - (A) For each failure; record the date, time and duration of each failure and the cause of such events (including unknown cause, if applicable).
  - (B) For each failure to meet an applicable standard; record and retain a list of the affected sources or equipment.
  - (C) Record actions taken to minimize emissions in accordance with the general duty of A.4.d and any corrective actions taken to return the affected unit to its normal or usual manner of operation.
- viii. In lieu of the requirements specified in §63.8(d)(3) of Subpart A, the Permittee shall keep the written procedures required by §63.8(d)(2) on record for the life of the affected source or until the affected source is no longer subject to the provisions of this part, to be made available for inspection, upon request, by the DAQ. If the performance evaluation plan is revised, the Permittee shall keep previous (*i.e.*, superseded) versions of the performance evaluation plan on record to be made available for inspection, upon request, by the DAQ, for a period of 5 years after each revision to the plan. The program of corrective action shall be included in the plan required under §63.8(d)(2).
- aa. The Permittee shall keep for the life of the collection system an up-to-date, readily accessible plot map showing each existing and planned collector in the system and providing a unique identification location label for each collector.
  - i. The Permittee shall keep up-to-date, readily accessible records of the installation date and location of all newly installed collectors as specified under A.4.m.
  - ii. The Permittee shall keep readily accessible documentation of the nature, date of deposition, amount, and location of asbestos-containing or nondegradable waste excluded from collection as provided in §63.1962(a)(3)(i) as well as any nonproductive areas excluded from collection as provided in §63.1962(a)(3)(ii).
- bb. The Permittee shall keep for at least 5 years up-to-date, readily accessible records of the following:
  - i. All collection and control system exceedances of the operational standards in A.4.k.i through A.4.k.vii, the reading in the subsequent month whether or not the second reading is an exceedance, and the location of each exceedance.
  - ii. The Permittee shall keep records of each wellhead temperature monitoring value of 62.8 °C (145 °F).
    - (A) The Permittee, when required to conduct the enhanced monitoring provisions in A.4.r.iv, shall keep records of all enhanced monitoring activities.
    - (B) The Permittee, when required to submit the 24-hour high temperature report in A.4.ll, shall keep a record of the email transmission.
  - iii. For any root cause analysis for which corrective actions are required in A.4.l.iii.(A)(1) or A.4.l.iv.(A)(1), keep a record of the root cause analysis conducted, including a description of the recommended corrective actions taken, and the dates the corrective actions were completed.
  - iv. For any root cause analysis for which corrective actions are required in A.4.l.iii.(A)(2) or A.4.l.iv.(A)(2), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective actions already completed following the positive pressure reading or high temperature reading, and, for actions not already completed, a schedule for implementation, including proposed commencement and completion dates.
  - v. For any root cause analysis for which corrective actions are required in A.4.l.iii.(A)(3) or A.4.l.iv.(A)(3), keep a record of the root cause analysis conducted, the corrective action analysis, the date for corrective actions already completed following the positive pressure reading or high temperature reading, for actions not already completed, a schedule for implementation, including proposed commencement and completion dates, and a copy of any comments or final approval on the corrective action analysis or schedule from the DAQ.
- cc. The Permittee shall keep for at least 5 years up-to-date, readily accessible records of all collection and control system monitoring data for parameters measured in A.4.r.i through A.4.r.iv.
- dd. To demonstrate compliance with the operational standard for temperature in A.4.k.iii, the Permittee shall keep the following records.
  - i. Records of the landfill gas temperature on a monthly basis as monitored in A.4.l.iv.
  - ii. Records of enhanced monitoring data at each well with a measurement of landfill gas temperature greater than 62.8 °C (145 °F) as gathered in A.4.r.iv and A.4.r.v.

- ee. Any records required to be maintained by this subpart that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to the DAQ or the EPA as part of an on-site compliance evaluation.

**Reporting** [15A NCAC 2Q .0508(f), 40 CFR 63.1981]

- ff. The Permittee shall submit the reports specified in this section and the reports specified in Table 1 to this subpart. Previously submitted initial design capacity reports, amended design capacity reports, initial NMOC emission rate reports, initial or revised collection and control system design plans, closure reports, equipment removal reports, or initial performance test reports submitted under 40 CFR 60, Subpart WW; 40 CFR 60, Subpart XXX; or a federal plan or EPA-approved and effective state plan or tribal plan that implements either 40 CFR 60, Subpart Cc or 40 CFR 60, Subpart Cf, constitute compliance with the corresponding reporting requirements of this section. The Permittee does not need to re-submit the reports, however:
- i. Permittee shall include a statement certifying prior submission of the respective reports and the date of submittal in the first semi-annual report required in this section.
- gg. The Permittee shall submit to DAQ semi-annual reports of the recorded information listed below. The Permittee shall submit the report, following the procedure specified in paragraph A.4.mm:
- i. Number of times that applicable parameters monitored under A.4.k.ii, A.4.k.iii, and A.4.k.iv were exceeded and when the gas collection and control system was not operating under A.4.k.v, including periods of SSM. For each instance, report the date, time, and duration of each exceedance.
    - (A) To demonstrate compliance with the operational standard for temperature in A.4.k.iii, the Permittee shall provide a statement of the wellhead operational standard for temperature and oxygen being complied with for the period covered by the report. Indicate the number of times each of those parameters monitored under A.4.r.iii were exceeded. For each instance, report the date, time, and duration of each exceedance.
    - (B) The number of times the parameters for the site-specific treatment system in A.4.t were exceeded.
  - ii. Description and duration of all periods when the gas stream was diverted from the control device or treatment system through a bypass line or the indication of bypass flow as specified under A.4.r through A.4.w.
  - iii. Description and duration of all periods when the control device or treatment system was not operating and length of time the control device or treatment system was not operating.
  - iv. All periods when the collection system was not operating.
  - v. The location of each exceedance of the 500-ppm methane concentration as provided in A.4.k.iv and the concentration recorded at each location for which an exceedance was recorded in the previous month. For location, record the latitude and longitude coordinates of each exceedance using an instrument with an accuracy of at least 4 meters. The coordinates shall be in decimal degrees with at least five decimal places.
  - vi. The date of installation and the location of each well or collection system expansion added pursuant to A.4.l.iii and iv, A.4.m, and A.4.n.iv.
  - vii. For any corrective action analysis for which corrective actions are required in A.4.l.iii.(A) or A.4.i.v and that take more than 60 days to correct the exceedance, the root cause analysis conducted, including a description of the recommended corrective actions, the date for corrective actions already completed following the positive pressure or high temperature reading, and, for actions not already completed, a schedule for implementation, including proposed commencement and completion dates.
  - viii. When required to conduct enhanced monitoring in A.4.r.iv or A.4.r.v the Permittee shall include the results of all monitoring activities conducted during the period.
    - (A) For each monitoring point, report the date, time, and well identifier along with the value and units of measure for oxygen, temperature (wellhead and downwell), methane, and carbon monoxide.
    - (B) Include a summary trend analysis for each well subject to the enhanced monitoring requirements to chart the weekly readings over time for oxygen, wellhead temperature, methane, and weekly or monthly readings over time, as applicable for carbon monoxide.
    - (C) Include the date, time, staff person name, and description of findings for each visual observation for subsurface oxidation event.
  - ix. Summary of all DAQ approved well closures that have been decommissioned in accordance with A.4.k.ii(C) of this section.
  - x. Summary of all DAQ approved nonproductive areas of the landfill in accordance with §63.1962(a)(3)(ii).

- hh. The Permittee shall submit a revised design plan to the DAQ for approval as follows:
  - i. At least 90 days before expanding operations to an area not covered by the previously approved design plan.
  - ii. Prior to installing or expanding the gas collection system in a way that is not consistent with the design plan that was submitted to the DAQ according to §63.1981(d).
  
- ii. The Permittee shall submit a closure report to the DAQ within 30 days of waste acceptance cessation. The DAQ may request additional information as may be necessary to verify that permanent closure has taken place in accordance with the requirements of §258.60. If a closure report has been submitted to the DAQ, no additional wastes may be placed into the landfill without filing a notification of modification as described under §63.9(b).
  
- jj. The Permittee shall submit an equipment removal report to the DAQ 30 days prior to removal or cessation of operation of the control equipment.
  - i. The equipment removal report must contain all of the following items:
    - (A) A copy of the closure report submitted in accordance with paragraph A.4.ii;
    - (B) A copy of the initial performance test report demonstrating that the 15-year minimum control period has expired, or information that demonstrates that the gas collection and control system will be unable to operate for 15 years due to declining gas flows. In the equipment removal report, the process units tested, the pollutants tested, and the date that such performance test was conducted may be submitted in lieu of the performance test report if the report has been previously submitted to the EPA's Central Data Exchange (CDX); and
    - (C) Dated copies of three successive NMOC emission rate reports demonstrating that the landfill is no longer producing 50 Mg or greater of NMOC per year. If the NMOC emission rate reports have been previously submitted to the EPA's CDX, a statement that the NMOC emission rate reports have been submitted electronically and the dates that the reports were submitted to the EPA's CDX may be submitted in the equipment removal report in lieu of the NMOC emission rate reports.
  - ii. The DAQ may request such additional information as may be necessary to verify that all of the conditions for removal in A.4.j have been met.
  
- kk. The Permittee shall submit the following information regarding corrective actions:
  - i. For corrective action that is required according to A.4.l.iii or A.4.l.iv and is not completed within 60 days after the initial exceedance, the Permittee shall submit a notification to the DAQ as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature exceedance.
  - ii. For corrective action that is required according to A.4.l.iii or A.4.l.iv and is expected to take longer than 120 days after the initial exceedance to complete, The Permittee shall submit the root cause analysis, corrective action analysis, and corresponding implementation timeline to the DAQ as soon as practicable but no later than 75 days after the first measurement of positive pressure or temperature monitoring value of 62.8 °C (145 °F) or above. The DAQ must approve the plan for corrective action and the corresponding timeline.
  
- ll. If a landfill gas temperature measured at either the wellhead or at any point in the well is greater than or equal to 76.7 °C (170 °F) and the carbon monoxide concentration measured is greater than or equal to 1,000 ppmv, the Permittee shall report the date, time, well identifier, temperature and carbon monoxide reading via email to the DAQ Regional Office within 24 hours of the measurement unless a higher operating temperature value has been approved by the DAQ for the well.
  
- mm. The Permittee shall submit reports electronically according to paragraphs i and ii below:
  - i. Within 60 days after the date of completing each performance test required by this subpart, the Permittee shall submit the results of the performance test following the procedures specified in paragraphs (A) through (C) below.
    - (A) Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test. Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's CDX (<https://cdx.epa.gov/>). The data shall be submitted in a file format generated through the use of the EPA's ERT. Alternatively, the Permittee may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

- (B) Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test. The results of the performance test shall be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI.
- (C) If the Permittee claims some of the information submitted under §63.1981(a) is Confidential Business Information (CBI), the Permittee shall submit a complete file, including information claimed to be CBI, to the EPA. The file shall be generated through the use of the EPA's ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the file on a compact disc, flash drive, or other commonly used electronic storage medium and clearly mark the medium as CBI. Mail the electronic medium to U.S. EPA/OAQPS/CORE CBI Office, Attention: Group Leader, Measurement Policy Group, MD C404-02, 4930 Old Page Rd., Durham, NC 27703. The same file with the CBI omitted must be submitted to the EPA via the EPA's CDX as described in paragraph (A) above.
- ii. The Permittee shall submit reports to the EPA via CEDRI. CEDRI can be accessed through the EPA's CDX. The Permittee shall use the appropriate electronic report in CEDRI for this subpart or an alternate electronic file format consistent with the XML schema listed on the CEDRI website (<https://www.epa.gov/electronic-reporting-air-emissions/compliance-and-emissions-data-reporting-interface-cedri>). Once the spreadsheet template upload/forms for the reports have been available in CEDRI for 90 days, the Permittee shall begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted. The NMOC emission rate reports, semi-annual reports, and bioreactor 40-percent moisture reports should be electronically reported as a spreadsheet template upload/form to CEDRI. If the reporting forms specific to this subpart are not available in CEDRI at the time that the reports are due, the Permittee shall submit the reports to the Administrator at the appropriate address listed in §63.13.
- iii. The Permittee may assert a claim of EPA system outage for failure to comply timely with the reporting requirement. To assert a claim of EPA system outage, the Permittee shall meet the following requirements:
- (A) The Permittee shall have been or will be precluded from accessing CEDRI and submitting a required report within the time prescribed due to an outage of either the EPA's CEDRI or CDX systems.
- (B) The outage shall have occurred within the period of time beginning 5 business days prior to the date that the submission is due.
- (C) The outage may be planned or unplanned.
- (D) The Permittee shall submit notification to the DAQ in writing as soon as possible following the date the Permittee first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.
- (E) The Permittee shall provide to the DAQ a written description identifying:
- (1) The dates and times when CDX or CEDRI was accessed and the system was unavailable;
  - (2) A rationale for attributing the delay in reporting beyond the regulatory deadline to EPA system outage;
  - (3) Measures taken or to be taken to minimize the delay in reporting; and
  - (4) The date by which the Permittee proposes to report, or the date reported if the reporting requirement has already been met at the time of the notification.
- (F) The decision to accept the claim of EPA system outage and allow an extension to the reporting deadline is solely within the discretion of the DAQ.
- (G) In any circumstance, the report shall be submitted electronically as soon as possible after the outage is resolved.
- iv. The Permittee may assert a claim of force majeure for failure to comply timely with the reporting requirement. To assert a claim of force majeure, the Permittee shall meet the following requirements:
- (A) The Permittee may submit a claim if a force majeure event is about to occur, occurs, or has occurred or there are lingering effects from such an event within the period of time beginning 5 business days prior to the date the submission is due. For the purposes of this section, a force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents you from complying with the requirement to submit a report electronically within the time period prescribed. Examples of such events are acts of nature (*e.g.*, hurricanes, earthquakes, or floods), acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility (*e.g.*, large scale power outage).
- (B) The Permittee shall submit notification to the DAQ in writing as soon as possible following the date the Permittee first knew, or through due diligence should have known, that the event may cause or has caused a delay in reporting.
- (C) The Permittee shall provide to the DAQ:
- (1) A written description of the force majeure event;

- (2) A rationale for attributing the delay in reporting beyond the regulatory deadline to the force majeure event;
  - (3) Measures taken or to be taken to minimize the delay in reporting; and
  - (4) The date by which the Permittee proposes to report, or the date reported if the reporting requirement has already been met at the time of the notification.
- (D) The decision to accept the claim of force majeure and allow an extension to the reporting deadline is solely within the discretion of the DAQ.
- (E) In any circumstance, the reporting must occur as soon as possible after the force majeure event occurs.

nn. The Permittee shall submit a summary report of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

## 2.2 - Multiple Emission Sources Specific Limitations and Conditions

### A. 15A NCAC 2Q. 0317: Avoidance Conditions 15A NCAC 2D. 0530: Prevention of Significant Deterioration for Carbon Monoxide

1. In order to avoid applicability of this regulation, the above emission sources shall discharge into the atmosphere less than 250 tons of Carbon monoxide per consecutive 12-month period. [15A NCAC 2D .0530]

#### Monitoring/Recordkeeping [15A NCAC 2Q .0508 (f)]

2. The LFG flow rate shall be monitored and recorded on a monthly basis. Calculations of carbon monoxide (CO) emissions per month shall be made at the end of each month. CO emissions from these sources shall be determined as follows:

$$X = \left( \frac{Y \text{ ft}^3 \text{ lfg}}{\text{month}} \times \frac{0.20 \text{ lbs CO}}{10^6 \text{ Btu}} \times \frac{500 \text{ Btu}}{\text{ft}^3 \text{ lfg}} \times \frac{1 \text{ ton CO}}{2000 \text{ lbs}} \right) + \left( \frac{Z \text{ ft}^3 \text{ lfg}}{\text{month}} \times \frac{0.37 \text{ lbs CO}}{10^6} \times \frac{500 \text{ Btu}}{\text{ft}^3 \text{ lfg}} \times \frac{1 \text{ tons CO}}{2000 \text{ lbs}} \right) + A$$

Where: X = total monthly emissions of carbon monoxide (both flares)

Y = total monthly average landfill gas (lfg) flow rate into enclosed flare CD-FLARE2 (ft<sup>3</sup>/month)

Z = total monthly average landfill gas (lfg) flow rate into utility flare: CD-FLARE3 (ft<sup>3</sup>/month)

A = constant value of 0.27 tons CO/month for the five insignificant emergency engines

Heating value of landfill gas (lfg) = 500 Btu/ft<sup>3</sup>

Vendor emission factor = 0.20 lbs CO/million Btu (enclosed flare, CD-FLARE2)

AP-42 emission factor = 0.37 lbs CO/million Btu (utility flare, CD-FLARE3)

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0530 if the CO emissions are not monitored and recorded.

3. Calculations and the total amount of CO emissions shall be recorded monthly in a logbook (written or electronic format). The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0530 if the CO emissions exceed this limit.

#### Reporting [15A NCAC 2Q .0508(f)]

4. The Permittee shall submit a semi-annual summary report, acceptable to the Regional Air Quality Supervisor, of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. The report shall contain the following:
  - a. The monthly CO emissions for the previous 17 months. The emissions must be calculated for each of the 12-month periods over the previous 17 months.

**B. Facility-wide applicable emission sources**

The following table provides a summary of limits and standards for the emission source(s) described above:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Odors	<b>State-enforceable only</b> Odorous emissions must be controlled	15A NCAC 02D .1806

**State-enforceable only**

**1. 15A NCAC 02D .1806: CONTROL AND PROHIBITION OF ODOROUS EMISSIONS**

- a. The Permittee shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility’s boundary.

**SECTION 3 - GENERAL CONDITIONS (version 5.5, 08/25/2020)**

This section describes terms and conditions applicable to this Title V facility.

**A. General Provisions [NCGS 143-215 and 15A NCAC 02Q .0508(i)(16)]**

- 1. Terms not otherwise defined in this permit shall have the meaning assigned to such terms as defined in 15A NCAC 02D and 02Q.
- 2. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to NCGS 143-215.114A and 143-215.114B, including assessment of civil and/or criminal penalties. Any unauthorized deviation from the conditions of this permit may constitute grounds for revocation and/or enforcement action by the DAQ.
- 3. This permit is not a waiver of or approval of any other Department permits that may be required for other aspects of the facility which are not addressed in this permit.
- 4. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted facility, or from penalties therefore, nor does it allow the Permittee to cause pollution in contravention of state laws or rules, unless specifically authorized by an order from the North Carolina Environmental Management Commission.
- 5. Except as identified as state-only requirements in this permit, all terms and conditions contained herein shall be enforceable by the DAQ, the EPA, and citizens of the United States as defined in the Federal Clean Air Act.
- 6. Any stationary source of air pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the DAQ, unless the source is exempted by rule. The DAQ may issue a permit only after it receives reasonable assurance that the installation will not cause air pollution in violation of any of the applicable requirements. A permitted installation may only be operated, maintained, constructed, expanded, or modified in a manner that is consistent with the terms of this permit.

**B. Permit Availability [15A NCAC 02Q .0507(k) and .0508(i)(9)(B)]**

The Permittee shall have available at the facility a copy of this permit and shall retain for the duration of the permit term one complete copy of the application and any information submitted in support of the application package. The permit and application shall be made available to an authorized representative of Department of Environmental Quality upon request.

**C. Severability Clause [15A NCAC 02Q .0508(i)(2)]**

In the event of an administrative challenge to a final and binding permit in which a condition is held to be invalid, the provisions in this permit are severable so that all requirements contained in the permit, except those held to be invalid, shall remain valid and must be complied with.



**D. Submissions** [15A NCAC 02Q .0507(e) and 02Q .0508(i)(16)]

Except as otherwise specified herein, two copies of all documents, reports, test data, monitoring data, notifications, request for renewal, and any other information required by this permit shall be submitted to the appropriate Regional Office. Refer to the Regional Office address on the cover page of this permit. For continuous emissions monitoring systems (CEMS) reports, continuous opacity monitoring systems (COMS) reports, quality assurance (QA)/quality control (QC) reports, acid rain CEM certification reports, and NO<sub>x</sub> budget CEM certification reports, one copy shall be sent to the appropriate Regional Office and one copy shall be sent to:

Supervisor, Stationary Source Compliance  
North Carolina Division of Air Quality  
1641 Mail Service Center  
Raleigh, NC 27699-1641

All submittals shall include the facility name and Facility ID number (refer to the cover page of this permit).

**E. Duty to Comply** [15A NCAC 02Q .0508(i)(3)]

The Permittee shall comply with all terms, conditions, requirements, limitations and restrictions set forth in this permit. Noncompliance with any permit condition except conditions identified as state-only requirements constitutes a violation of the Federal Clean Air Act. Noncompliance with any permit condition is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

**F. Circumvention** - STATE ENFORCEABLE ONLY

The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution. Unless otherwise specified by this permit, no emission source may be operated without the concurrent operation of its associated air pollution control device(s) and appurtenances.

**G. Permit Modifications**

1. Administrative Permit Amendments [15A NCAC 02Q .0514]

The Permittee shall submit an application for an administrative permit amendment in accordance with 15A NCAC 02Q .0514.

2. Transfer in Ownership or Operation and Application Submittal Content [15A NCAC 02Q .0524 and 02Q .0505]

The Permittee shall submit an application for an ownership change in accordance with 15A NCAC 02Q.0524 and 02Q .0505.

3. Minor Permit Modifications [15A NCAC 02Q .0515]

The Permittee shall submit an application for a minor permit modification in accordance with 15A NCAC 02Q .0515.

4. Significant Permit Modifications [15A NCAC 02Q .0516]

The Permittee shall submit an application for a significant permit modification in accordance with 15A NCAC 02Q .0516.

5. Reopening for Cause [15A NCAC 02Q .0517]

The Permittee shall submit an application for reopening for cause in accordance with 15A NCAC 02Q .0517.

**H. Changes Not Requiring Permit Modifications**

1. Reporting Requirements

Any of the following that would result in new or increased emissions from the emission source(s) listed in Section 1 must be reported to the Regional Supervisor, DAQ:

- a. changes in the information submitted in the application;
- b. changes that modify equipment or processes; or

- c. changes in the quantity or quality of materials processed.

If appropriate, modifications to the permit may then be made by the DAQ to reflect any necessary changes in the permit conditions. In no case are any new or increased emissions allowed that will cause a violation of the emission limitations specified herein.

2. Section 502(b)(10) Changes [15A NCAC 02Q .0523(a)]
  - a. "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
  - b. The Permittee may make Section 502(b)(10) changes without having the permit revised if:
    - i. the changes are not a modification under Title I of the Federal Clean Air Act;
    - ii. the changes do not cause the allowable emissions under the permit to be exceeded;
    - iii. the Permittee notifies the Director and EPA with written notification at least seven days before the change is made; and
    - iv. the Permittee shall attach the notice to the relevant permit.
  - c. The written notification shall include:
    - i. a description of the change;
    - ii. the date on which the change will occur;
    - iii. any change in emissions; and
    - iv. any permit term or condition that is no longer applicable as a result of the change.
  - d. Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.
3. Off Permit Changes [15A NCAC 02Q .0523(b)]

The Permittee may make changes in the operation or emissions without revising the permit if:

  - a. the change affects only insignificant activities and the activities remain insignificant after the change; or
  - b. the change is not covered under any applicable requirement.
4. Emissions Trading [15A NCAC 02Q .0523(c)]

To the extent that emissions trading is allowed under 15A NCAC 02D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revision pursuant to 15A NCAC 02Q .0523(c).

**I.A. Reporting Requirements for Excess Emissions and Permit Deviations** [15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]

**"Excess Emissions"** - means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections .0500, .0900, .1200, or .1400 of Subchapter 02D; or by a permit condition; or that exceeds an emission limit established in a permit issued under 15A NCAC 02Q .0700. (*Note: Definitions of excess emissions under 02D .1110 and 02D .1111 shall apply where defined by rule.*)

**"Deviations"** - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.

**Excess Emissions**

1. If a source is required to report excess emissions under NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or the operating permit provides for periodic (e.g., quarterly) reporting of excess emissions, reporting shall be performed as prescribed therein.
2. If the source is not subject to NSPS (15A NCAC 02D .0524), NESHAPS (15A NCAC 02D .1110 or .1111), or these rules do NOT define "excess emissions," the Permittee shall report excess emissions in accordance with 15A NCAC 02D .0535 as follows:

- a. Pursuant to 15A NCAC 02D .0535, if excess emissions last for more than four hours resulting from a malfunction, a breakdown of process or control equipment, or any other abnormal condition, the owner or operator shall:
  - i. notify the Regional Supervisor or Director of any such occurrence by 9:00 a.m. Eastern Time of the Division's next business day of becoming aware of the occurrence and provide:
    - name and location of the facility;
    - nature and cause of the malfunction or breakdown;
    - time when the malfunction or breakdown is first observed;
    - expected duration; and
    - estimated rate of emissions;
  - ii. notify the Regional Supervisor or Director immediately when corrective measures have been accomplished; and
  - iii. submit to the Regional Supervisor or Director within 15 days a written report as described in 15A NCAC 02D .0535(f)(3).

#### Permit Deviations

3. Pursuant to 15A NCAC 02Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) as follows:
  - a. Notify the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 02D .0535 quarterly. A written report to the Regional Supervisor shall include the probable cause of such deviation and any corrective actions or preventative actions taken. The responsible official shall certify all deviations from permit requirements.

#### **I.B Other Requirements under 15A NCAC 02D .0535**

The Permittee shall comply with all other applicable requirements contained in 15A NCAC 02D .0535, including 15A NCAC 02D .0535(c) as follows:

1. Any excess emissions that do not occur during start-up and shut-down shall be considered a violation of the appropriate rule unless the owner or operator of the sources demonstrates to the Director, that the excess emissions are a result of a malfunction. The Director shall consider, along with any other pertinent information, the criteria contained in 15A NCAC 02D .0535(c)(1) through (7).
2. 15A NCAC 02D .0535(g). Excess emissions during start-up and shut-down shall be considered a violation of the appropriate rule if the owner or operator cannot demonstrate that excess emissions are unavoidable.

#### **J. Emergency Provisions** [40 CFR 70.6(g)]

The Permittee shall be subject to the following provisions with respect to emergencies:

1. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the facility to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions specified in 3. below are met.
3. The affirmative defense of emergency shall be demonstrated through properly signed contemporaneous operating logs or other relevant evidence that include information as follows:
  - a. an emergency occurred and the Permittee can identify the cause(s) of the emergency;
  - b. the permitted facility was at the time being properly operated;
  - c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the standards or other requirements in the permit; and
  - d. the Permittee submitted notice of the emergency to the DAQ within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.

4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement specified elsewhere herein.

K. **Permit Renewal** [15A NCAC 02Q .0508(e) and 02Q .0513(b)]

This 15A NCAC 02Q .0500 permit is issued for a fixed term not to exceed five years and shall expire at the end of its term. Permit expiration terminates the facility's right to operate unless a complete 15A NCAC 02Q .0500 renewal application is submitted at least six months before the date of permit expiration. If the Permittee or applicant has complied with 15A NCAC 02Q .0512(b)(1), this 15A NCAC 02Q .0500 permit shall not expire until the renewal permit has been issued or denied. Permit expiration under 15A NCAC 02Q .0400 terminates the facility's right to operate unless a complete 15A NCAC 02Q .0400 renewal application is submitted at least six months before the date of permit expiration for facilities subject to 15A NCAC 02Q .0400 requirements. In either of these events, all terms and conditions of these permits shall remain in effect until the renewal permits have been issued or denied.

L. **Need to Halt or Reduce Activity Not a Defense** [15A NCAC 02Q .0508(i)(4)]

It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

M. **Duty to Provide Information (submittal of information)** [15A NCAC 02Q .0508(i)(9)]

1. The Permittee shall furnish to the DAQ, in a timely manner, any reasonable information that the Director may request in **writing** to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.
2. The Permittee shall furnish the DAQ copies of records required to be kept by the permit when such copies are requested by the Director. For information claimed to be confidential, the Permittee may furnish such records directly to the EPA upon request along with a claim of confidentiality.

N. **Duty to Supplement** [15A NCAC 02Q .0507(f)]

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the DAQ. The Permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the facility after the date a complete permit application was submitted but prior to the release of the draft permit.

O. **Retention of Records** [15A NCAC 02Q .0508(f) and 02Q .0508 (l)]

The Permittee shall retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit. These records shall be maintained in a form suitable and readily available for expeditious inspection and review. Any records required by the conditions of this permit shall be kept on site and made available to DAQ personnel for inspection upon request.

P. **Compliance Certification** [15A NCAC 02Q .0508(n)]

The Permittee shall submit to the DAQ and the EPA (Air and EPCRA Enforcement Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all federally-enforceable terms and conditions in the permit, including emissions limitations, standards, or work practices. It shall be the responsibility of the current owner to submit a compliance certification for the entire year regardless of who owned the facility during the

year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:

1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);
3. whether compliance was continuous or intermittent; and
4. the method(s) used for determining the compliance status of the source during the certification period.

**Q. Certification by Responsible Official [15A NCAC 02Q .0520]**

A responsible official shall certify the truth, accuracy, and completeness of any application form, report, or compliance certification required by this permit. All certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**R. Permit Shield for Applicable Requirements [15A NCAC 02Q .0512]**

1. Compliance with the terms and conditions of this permit shall be deemed compliance with applicable requirements, where such applicable requirements are included and specifically identified in the permit as of the date of permit issuance.
2. A permit shield shall not alter or affect:
  - a. the power of the Commission, Secretary of the Department, or Governor under NCGS 143-215.3(a)(12), or EPA under Section 303 of the Federal Clean Air Act;
  - b. the liability of an owner or operator of a facility for any violation of applicable requirements prior to the effective date of the permit or at the time of permit issuance;
  - c. the applicable requirements under Title IV; or
  - d. the ability of the Director or the EPA under Section 114 of the Federal Clean Air Act to obtain information to determine compliance of the facility with its permit.
3. A permit shield does not apply to any change made at a facility that does not require a permit or permit revision made under 15A NCAC 02Q .0523.
4. A permit shield does not extend to minor permit modifications made under 15A NCAC 02Q .0515.

**S. Termination, Modification, and Revocation of the Permit [15A NCAC 02Q .0519]**

The Director may terminate, modify, or revoke and reissue this permit if:

1. the information contained in the application or presented in support thereof is determined to be incorrect;
2. the conditions under which the permit or permit renewal was granted have changed;
3. violations of conditions contained in the permit have occurred;
4. the EPA requests that the permit be revoked under 40 CFR 70.7(g) or 70.8(d); or
5. the Director finds that termination, modification, or revocation and reissuance of the permit is necessary to carry out the purpose of NCGS Chapter 143, Article 21B.

**T. Insignificant Activities [15A NCAC 02Q .0503]**

Because an emission source or activity is insignificant does not mean that the emission source or activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement. The Permittee shall have available at the facility at all times and made available to an authorized representative upon request, documentation, including calculations, if necessary, to demonstrate that an emission source or activity is insignificant.

**U. Property Rights [15A NCAC 02Q .0508(i)(8)]**

This permit does not convey any property rights in either real or personal property or any exclusive privileges.

V. **Inspection and Entry** [15A NCAC 02Q .0508(l) and NCGS 143-215.3(a)(2)]

1. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the DAQ, or an authorized representative, to perform the following:
  - a. enter the Permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
  - b. have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
  - c. inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
  - d. sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.Nothing in this condition shall limit the ability of the EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the Federal Clean Air Act.
2. No person shall refuse entry or access to any authorized representative of the DAQ who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

W. **Annual Fee Payment** [15A NCAC 02Q .0508(i)(10)]

1. The Permittee shall pay all fees in accordance with 15A NCAC 02Q .0200.
2. Payment of fees may be by check or money order made payable to the N.C. Department of Environmental Quality. Annual permit fee payments shall refer to the permit number.
3. If, within 30 days after being billed, the Permittee fails to pay an annual fee, the Director may initiate action to terminate the permit under 15A NCAC 02Q .0519.

X. **Annual Emission Inventory Requirements** [15A NCAC 02Q .0207]

The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 02Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Y. **Confidential Information** [15A NCAC 02Q .0107 and 02Q .0508(i)(9)]

Whenever the Permittee submits information under a claim of confidentiality pursuant to 15A NCAC 02Q .0107, the Permittee may also submit a copy of all such information and claim directly to the EPA upon request. All requests for confidentiality must be in accordance with 15A NCAC 02Q .0107.

Z. **Construction and Operation Permits** [15A NCAC 02Q .0100 and .0300]

A construction and operating permit shall be obtained by the Permittee for any proposed new or modified facility or emission source which is not exempted from having a permit prior to the beginning of construction or modification, in accordance with all applicable provisions of 15A NCAC 02Q .0100 and .0300.

AA. **Standard Application Form and Required Information** [15A NCAC 02Q .0505 and .0507]

The Permittee shall submit applications and required information in accordance with the provisions of 15A NCAC 02Q .0505 and .0507.

BB. **Financial Responsibility and Compliance History** [15A NCAC 02Q .0507(d)(3)]

The DAQ may require an applicant to submit a statement of financial qualifications and/or a statement of substantial compliance history.

**CC. Refrigerant Requirements (Stratospheric Ozone and Climate Protection) [15A NCAC 02Q .0501(d)]**

1. If the Permittee has appliances or refrigeration equipment, including air conditioning equipment, which use Class I or II ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 CFR Part 82 Subpart A Appendices A and B, the Permittee shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82 Subpart F.
2. The Permittee shall not knowingly vent or otherwise release any Class I or II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 CFR Part 82 Subpart F.
3. The Permittee shall comply with all reporting and recordkeeping requirements of 40 CFR 82.166. Reports shall be submitted to the EPA or its designee as required.

**DD. Prevention of Accidental Releases - Section 112(r) [15A NCAC 02Q .0508(h)]**

If the Permittee is required to develop and register a Risk Management Plan with EPA pursuant to Section 112(r) of the Clean Air Act, then the Permittee is required to register this plan in accordance with 40 CFR Part 68.

**EE. Prevention of Accidental Releases General Duty Clause - Section 112(r)(1) – FEDERALLY-ENFORCEABLE ONLY**

Although a risk management plan may not be required, if the Permittee produces, processes, handles, or stores any amount of a listed hazardous substance, the Permittee has a general duty to take such steps as are necessary to prevent the accidental release of such substance and to minimize the consequences of any release.

**FF. Title IV Allowances [15A NCAC 02Q .0508(i)(1)]**

This permit does not limit the number of Title IV allowances held by the Permittee, but the Permittee may not use allowances as a defense to noncompliance with any other applicable requirement. The Permittee's emissions may not exceed any allowances that the facility lawfully holds under Title IV of the Federal Clean Air Act.

**GG. Air Pollution Emergency Episode [15A NCAC 02D .0300]**

Should the Director of the DAQ declare an Air Pollution Emergency Episode, the Permittee will be required to operate in accordance with the Permittee's previously approved Emission Reduction Plan or, in the absence of an approved plan, with the appropriate requirements specified in 15A NCAC 02D .0300.

**HH. Registration of Air Pollution Sources [15A NCAC 02D .0202]**

The Director of the DAQ may require the Permittee to register a source of air pollution. If the Permittee is required to register a source of air pollution, this registration and required information will be in accordance with 15A NCAC 02D .0202(b).

**II. Ambient Air Quality Standards [15A NCAC 02D .0501(c)]**

In addition to any control or manner of operation necessary to meet emission standards specified in this permit, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards in 15A NCAC 02D .0400 to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this permit are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

**JJ. General Emissions Testing and Reporting Requirements** [15A NCAC 02Q .0508(i)(16)]

Emission compliance testing shall be by the procedures of Section .2600, except as may be otherwise required in Rules .0524, .1110, or .1111 of Subchapter 02D. If emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ to demonstrate compliance for emission sources subject to Rules .0524, .1110, or .1111, the Permittee shall provide and submit all notifications, conduct all testing, and submit all test reports in accordance with the requirements of 15A NCAC 02D .0524, .1110, or .1111, as applicable. Otherwise, if emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ to demonstrate compliance, the Permittee shall perform such testing in accordance with 15A NCAC 02D .2600 and follow the procedures outlined below:

1. The owner or operator of the source shall arrange for air emission testing protocols to be provided to the Director prior to air pollution testing. Testing protocols are not required to be pre-approved by the Director prior to air pollution testing. The Director shall review air emission testing protocols for pre-approval prior to testing if requested by the owner or operator at least **45 days** before conducting the test.
2. Any person proposing to conduct an emissions test to demonstrate compliance with an applicable standard shall notify the Director at least **15 days** before beginning the test so that the Director may at his option observe the test.
3. The owner or operator of the source shall arrange for controlling and measuring the production rates during the period of air testing. The owner or operator of the source shall ensure that the equipment or process being tested is operated at the production rate that best fulfills the purpose of the test. The individual conducting the emission test shall describe the procedures used to obtain accurate process data and include in the test report the average production rates determined during each testing period.
4. Two copies of the final air emission test report shall be submitted to the Director not later than **30 days** after sample collection unless otherwise specified in the specific conditions. The owner or operator may request an extension to submit the final test report. The Director shall approve an extension request if he finds that the extension request is a result of actions beyond the control of the owner or operator.
  - a. The Director shall make the final determination regarding any testing procedure deviation and the validity of the compliance test. The Director may:
    - i. Allow deviations from a method specified under a rule in this Section if the owner or operator of the source being tested demonstrates to the satisfaction of the Director that the specified method is inappropriate for the source being tested.
    - ii. Prescribe alternate test procedures on an individual basis when he finds that the alternative method is necessary to secure more reliable test data.
    - iii. Prescribe or approve methods on an individual basis for sources or pollutants for which no test method is specified in this Section if the methods can be demonstrated to determine compliance of permitted emission sources or pollutants.
  - b. The Director may authorize the Division of Air Quality to conduct independent tests of any source subject to a rule in this Subchapter to determine the compliance status of that source or to verify any test data submitted relating to that source. Any test conducted by the Division of Air Quality using the appropriate testing procedures described in Section 02D .2600 has precedence over all other tests.

**KK. Reopening for Cause** [15A NCAC 02Q .0517]

1. A permit shall be reopened and revised under the following circumstances:
  - a. additional applicable requirements become applicable to a facility with remaining permit term of three or more years;
  - b. additional requirements (including excess emission requirements) become applicable to a source covered by Title IV;
  - c. the Director or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - d. the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.



2. Any permit reopening shall be completed or a revised permit issued within 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to 15A NCAC 02Q .0513(c).
3. Except for the state-enforceable only portion of the permit, the procedures set out in 15A NCAC 02Q .0507, .0521, or .0522 shall be followed to reissue the permit. If the State-enforceable only portion of the permit is reopened, the procedures in 15A NCAC 02Q .0300 shall be followed. The proceedings shall affect only those parts of the permit for which cause to reopen exists.
4. The Director shall notify the Permittee at least 60 days in advance of the date that the permit is to be reopened, except in cases of imminent threat to public health or safety the notification period may be less than 60 days.
5. Within 90 days, or 180 days if the EPA extends the response period, after receiving notification from the EPA that a permit needs to be terminated, modified, or revoked and reissued, the Director shall send to the EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

**LL. Reporting Requirements for Non-Operating Equipment** [15A NCAC 02Q .0508(i)(16)]

The Permittee shall maintain a record of operation for permitted equipment noting whenever the equipment is taken from and placed into operation. When permitted equipment is not in operation, the requirements for testing, monitoring, and recordkeeping are suspended until operation resumes.

**MM. Fugitive Dust Control Requirement** [15A NCAC 02D .0540]

As required by 15A NCAC 02D .0540 "Particulates from Fugitive Dust Emission Sources," the Permittee shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints or excess visible emissions beyond the property boundary. If substantive complaints or excessive fugitive dust emissions from the facility are observed beyond the property boundaries for six minutes in any one hour (using Reference Method 22 in 40 CFR, Appendix A), the owner or operator may be required to submit a fugitive dust plan as described in 02D .0540(f).

"Fugitive dust emissions" means particulate matter from process operations that does not pass through a process stack or vent and that is generated within plant property boundaries from activities such as: unloading and loading areas, process areas, stockpiles, stock pile working, plant parking lots, and plant roads (including access roads and haul roads).

**NN. Specific Permit Modifications** [15A NCAC 02Q .0501 and .0523]

1. For modifications made pursuant to 15A NCAC 02Q .0501(b)(2), the Permittee shall file a Title V Air Quality Permit Application for the air emission source(s) and associated air pollution control device(s) on or before 12 months after commencing operation.
2. For modifications made pursuant to 15A NCAC 02Q .0501(c)(2), the Permittee shall not begin operation of the air emission source(s) and associated air pollution control device(s) until a Title V Air Quality Permit Application is filed and a construction and operation permit following the procedures of Section .0500 (except for Rule .0504 of this Section) is obtained.
3. For modifications made pursuant to 502(b)(10), in accordance with 15A NCAC 02Q .0523(a)(1)(C), the Permittee shall notify the Director and EPA (EPA - Air Planning Branch, 61 Forsyth Street SW, Atlanta, GA 30303) in writing at least seven days before the change is made. The written notification shall include:
  - a. a description of the change at the facility;
  - b. the date on which the change will occur;
  - c. any change in emissions; and
  - d. any permit term or condition that is no longer applicable as a result of the change.

In addition to this notification requirement, with the next significant modification or Air Quality Permit renewal, the Permittee shall submit a page "E5" of the application forms signed by the responsible official verifying that the application for the 502(b)(10) change/modification, is true, accurate, and complete. Further note that modifications made pursuant to 502(b)(10) do not relieve the Permittee from satisfying preconstruction requirements.

**OO. Third Party Participation and EPA Review [15A NCAC 02Q .0521, .0522 and .0525(7)]**

For permits modifications subject to 45-day review by the federal Environmental Protection Agency (EPA), EPA's decision to not object to the proposed permit is considered final and binding on the EPA and absent a third party petition, the failure to object is the end of EPA's decision-making process with respect to the revisions to the permit. The time period available to submit a public petition pursuant to 15A NCAC 02Q .0518 begins at the end of the 45-day EPA review period.

ATTACHMENT

**List of Acronyms**

<b>AOS</b>	Alternative Operating Scenario
<b>BACT</b>	Best Available Control Technology
<b>BAE</b>	Baseline Actual Emissions
<b>Btu</b>	British thermal unit
<b>CAA</b>	Clean Air Act
<b>CAM</b>	Compliance Assurance Monitoring
<b>CEM</b>	Continuous Emission Monitor
<b>CFR</b>	Code of Federal Regulations
<b>CSAPR</b>	Cross-State Air Pollution Rule
<b>DAQ</b>	Division of Air Quality
<b>DEQ</b>	Department of Environmental Quality
<b>EMC</b>	Environmental Management Commission
<b>EPA</b>	Environmental Protection Agency
<b>FR</b>	Federal Register
<b>GACT</b>	Generally Available Control Technology
<b>GHGs</b>	Greenhouse Gases
<b>HAP</b>	Hazardous Air Pollutant
<b>LAER</b>	Lowest Achievable Emission Rate
<b>MACT</b>	Maximum Achievable Control Technology
<b>NAA</b>	Non-Attainment Area
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NCAC</b>	North Carolina Administrative Code
<b>NCGS</b>	North Carolina General Statutes
<b>NESHAP</b>	National Emission Standards for Hazardous Air Pollutants
<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>NSPS</b>	New Source Performance Standard
<b>NSR</b>	New Source Review
<b>OAH</b>	Office of Administrative Hearings
<b>PAE</b>	Projected Actual Emissions
<b>PAL</b>	Plantwide Applicability Limitation
<b>PM</b>	Particulate Matter
<b>PM<sub>2.5</sub></b>	Particulate Matter with Nominal Aerodynamic Diameter of 2.5 Micrometers or Less
<b>PM<sub>10</sub></b>	Particulate Matter with Nominal Aerodynamic Diameter of 10 Micrometers or Less
<b>POS</b>	Primary Operating Scenario
<b>PSD</b>	Prevention of Significant Deterioration
<b>PTE</b>	Potential to Emit
<b>RACT</b>	Reasonably Available Control Technology
<b>SIC</b>	Standard Industrial Classification
<b>SIP</b>	State Implementation Plan
<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>TAP</b>	Toxic Air Pollutant
<b>tpy</b>	Tons Per Year
<b>VOC</b>	Volatile Organic Compound