

1 15A NCAC 02Q .0521 is proposed for amendment as follows:

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3 **15A NCAC 02Q .0521 PUBLIC PARTICIPATION**

4 (a) The Director shall give public notice with an opportunity for comments and a hearing on all draft permits and
5 permit revisions except permit revisions issued pursuant to 15A NCAC 02Q .0514, .0515, and .0524. The Director
6 shall give public notice with an opportunity for comments and a hearing on draft permit revisions issued pursuant to
7 15A NCAC 02Q .0514, .0515, and .0524 if the Director finds it is in the best interest of the public.

8 (b) Notice of any draft permit for an existing facility for which a public hearing is scheduled or for a new facility shall
9 be given by publication in a newspaper of general circulation in the area where the facility is located, posted on the
10 North Carolina Division of Air Quality web site at ~~http://deq.nc.gov/about/divisions/air-quality,~~
11 http://deq.nc.gov/about/divisions/air-quality for the duration of the public comment period, and emailed to persons
12 who are on the Division's emailing list for air quality permits.

13 (c) Notice for existing facilities for which a public hearing is not scheduled shall be given by posting the draft permit
14 on the North Carolina Division of Air Quality web site at http://deq.nc.gov/about/divisions/air-quality for the duration
15 of the public comment period and shall be emailed to persons who are on the Division's emailing list for air quality
16 permit notices.

17 (d) The notice shall identify:

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

30 (e) The Director shall send a copy of the notice to affected states and EPA.

31 (f) The notice shall allow 30 days for public comments.

32 (g) ~~If the Director finds that a public hearing is in the best interest of the public, the Director shall require a public~~
33 ~~hearing to be held on a draft permit.~~ Notice of a any public hearing shall be given at least 30 days before the hearing.

34 (h) The Division shall keep a record of the public participation process, including the following:

- 35 (1) the names of all commenters;
- 36 (2) the issues raised during the public participation process; and
- 37 (3) all written comments submitted during the public participation process.

1 If EPA requests a record of the comments and of the issues raised during the public participation process, the Director
2 shall provide EPA this record.

3 (i) The Division shall respond in writing to comments raised during the public participation process, including any
4 such written comments submitted during the public comment period and any such comments raised during any public
5 hearing on the permit. The response to comments shall be included in the statement of basis and a Hearing Officer's
6 report, if applicable.

7 (j) Persons who desire to be placed on the Division's email notification list for air quality permit notices shall
8 subscribe to the permits email list serve at <http://deq.nc.gov/about/divisions/air-quality>.

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10 *History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.107(a)(10); 143-215.108; 143-215.111(4);*
11 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
12 *becomes effective, whichever is sooner;*
13 *Eff. July 1, 1994;*
14 *Amended Eff. January 1, 2010; July 1, 1998;*
15 *Readopted Eff. April 1, ~~2018~~, 2018;*
16 *Amended Eff.*

1 15A NCAC 02Q .0522 is proposed for amendment as follows:

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3 **15A NCAC 02Q .0522 REVIEW BY EPA AND AFFECTED STATES**

4 (a) The Director shall provide EPA with a copy of each permit application, including any application for permit
5 revision, the statement of basis required under Paragraph (b) of this Rule, each proposed permit, and each final permit
6 issued pursuant to this Section. If EPA has informed the Director that a permit application summary and relevant
7 portion of the permit application and compliance plan are sufficient, the Director may provide these documents instead
8 of the complete application.

9 (b) The Division shall provide a statement that sets forth the legal and factual basis for the draft permit conditions,
10 including references for the applicable statutory or regulatory provisions. The Division shall provide this statement to
11 EPA and any other person who requests it.

12 (c) If comments are received during the public participation process, the written responses shall be provided to EPA
13 through submittal of a statement of basis, required pursuant to 15A NCAC 02Q .0521, with an explanation of how
14 those public comments and the Division's responses are available to the public.

15 ~~(b)(d)~~ The Division shall retain for five years a copy of all permit applications, permits, and other related material
16 submitted to or issued by the Division pursuant to this Section.

17 ~~(e)(e)~~ The Director shall provide notice to each affected state of each draft permit at or before the time notice is
18 provided to the public pursuant to 15A NCAC 02Q .0521.

19 ~~(d)(f)~~ The Director, in writing, shall notify EPA and any affected state of any refusal by the Division to accept all
20 recommendations for the proposed permit that the affected state submitted during the public or affected state review
21 period and shall state the reasons for not accepting any such recommendations.

22 (g) To the extent practicable, the information specified in Paragraphs (a) through (c) of this Rule shall be provided to
23 EPA in a computer-readable format compatible with EPA's national database management system.

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25 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.111(5);*
26 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
27 *becomes effective, whichever is sooner;*
28 *Eff. July 1, 1994;*
29 *Readopted Eff. April 1, 2018-2018;*
30 *Amended Eff.*

1 15A NCAC 02Q .0525 is proposed for amendment as follows:

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3 **15A NCAC 02Q .0525 APPLICATION PROCESSING SCHEDULE**

4 The Division shall adhere to the following schedule in processing permit applications:

5 (1) The Division shall send written acknowledgment of receipt of an application to the applicant within
6 10 days of receipt of the application.

7 (2) The Division shall review all permit applications within 60 days of receipt of the application to
8 determine whether the application is complete or incomplete. The Division shall notify the applicant
9 by letter:

10 (a) stating that the application as submitted is complete and specifying the completeness date;

11 (b) stating that the application is incomplete, requesting additional ~~information~~, information
12 necessary to conduct the technical review of the application, and specifying the date by
13 which the requested information is required to be received by the Division; or

14 (c) stating that the application is incomplete and requesting that the applicant rewrite and
15 resubmit the application.

16 If the Division does not notify the applicant by letter dated within 60 days of receipt of the
17 application that the application is incomplete, the application shall be deemed complete. A
18 completeness determination shall not prevent the Director from requesting additional information
19 at a later date if such information is necessary to properly evaluate the source, its air pollution
20 abatement equipment, or the facility. If the applicant has not provided the requested additional
21 information by the date specified in the letter requesting additional information, the Director shall
22 cease processing the application until additional information is provided. The applicant may request
23 a time extension for submittal of the requested additional information. A completeness
24 determination shall not be necessary for minor modifications pursuant to 15A NCAC 02Q .0515.

25 (3) ~~The Division shall determine within 60 days of receipt of a complete application if any additional~~
26 ~~information is needed to conduct the technical review of the application. A technical completeness~~
27 ~~determination shall not prevent the Director from requesting additional information at a later date~~
28 ~~when such information is necessary to properly evaluate the source, its air pollution abatement~~
29 ~~equipment or the facility. The Division shall complete the technical review of significant~~
30 ~~modifications received pursuant to 15A NCAC 02Q .0516 in accordance with 40 CFR 70.7(e)(4)(ii).~~
31 ~~within 270 days of receipt of a complete application or 10 days after receipt of requested additional~~
32 ~~information, whichever is later.~~

33 (4) The Division shall provide for public participation in accordance with 15A NCAC 02Q .0521. The
34 Director shall send the public notice for public comment on the draft permit to affected states, to
35 EPA, and to persons on the mailing list within 270 days after receipt of a complete application or
36 10 days after receipt of requested additional information, whichever is later. If a public hearing is

1 required and approved by the Director for a draft permit, it shall be held within 45 days of the
2 Director's decision to hold a public hearing.

3 ~~(5) — If a public hearing is requested and approved by the Director for a draft permit, it shall be held~~
4 ~~within 45 days of the Director's decision to hold a public hearing.~~

5 ~~(6)(5)~~ The Director shall complete the review of the record and send the proposed permit to ~~EPA~~; EPA
6 and affected states in accordance with 15A NCAC 02Q .0522.

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

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

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

13 ~~(a) — expiration of EPA 45 day review period; or~~

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

15 ~~(8) — If EPA objects to the proposed permit, the Director shall respond to EPA's objection within 90 days~~
16 ~~after receipt of EPA's objections~~

17 ~~(6)~~ Final permit action shall be taken in accordance with 15A NCAC 02Q .0518.

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19 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*
20 *Eff. February 1, 1995;*
21 *Amended Eff. July 1, 1998;*
22 *Readopted Eff. April 1, ~~2018~~; 2018;*
23 *Amended Eff.*

1 15A NCAC 02Q .0526 is proposed for amendment as follows:

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3 **15A NCAC 02Q .0526 112(J) CASE-BY-CASE MACT PROCEDURES**

4 (a) An owner or operator of a source required to apply maximum achievable control technology (MACT) pursuant to
5 15A NCAC 02D .1109 shall follow the permit procedures set out in this Rule.

6 (b) For the purposes of this Rule, the definitions in 15A NCAC 02D .1109, 40 CFR 63.51, 40 CFR 63.2, and the
7 following definitions apply:

8 (1) "Equivalent emission limitation" means an emission limitation, established pursuant to Section
9 112(j) of the federal Clean Air Act, that is equivalent to the MACT standard that EPA would have
10 promulgated pursuant to Section 112(d) or (h) of the federal Clean Air Act.

11 (2) "Source category schedule for standards" means the schedule for promulgating MACT standards
12 issued pursuant to Section 112(e) of the federal Clean Air Act.

13 (3) "Title V permit" means a permit issued pursuant to this Section.

14 (c) Except as provided for in Paragraph (d) or (e) of this Rule, the owner or operator of a source required to apply
15 MACT pursuant to 15A NCAC 02D .1109 shall submit an application for a permit or for a significant permit revision,
16 as applicable pursuant to this Section.

17 (d) Approval process for new and existing affected sources that are subject to Section 112(j) as of the Section 112(j)
18 deadline. The requirements of Subparagraphs (d)(1) and (2) of this Paragraph shall apply to major sources that include,
19 as of the Section 112(j) deadline, one or more sources in a category or subcategory for which the EPA has failed to
20 promulgate an emission standard pursuant to 40 CFR Part 63 on or before an applicable Section 112(j) deadline.
21 Existing source MACT requirements (including relevant compliance deadlines), as specified in a Title V permit issued
22 to the facility pursuant to the requirements of 40 CFR Part 63, Subpart B, shall apply to such sources.

23 (1) The owner or operator shall submit an application for a permit or for a revision to an existing Title
24 V permit issued or a pending Title V permit that meets the requirements of Subparagraph (m)(1) of
25 this Rule by the Section 112(j) deadline if the owner or operator can reasonably determine that one
26 or more sources at the facility belong in a category or subcategory subject to Section 112(j) of the
27 federal Clean Air Act.

28 (2) The owner or operator of a source that does not submit an application pursuant to Subparagraph
29 ~~(d)(1)(A)~~(d)(1) of this Rule and is notified in writing by the Division that one or more sources at the
30 facility belong to a category or subcategory subject to Section 112(j) of the federal Clean Air Act
31 shall submit an application for a Title V permit or for a revision to an existing Title V permit that
32 meets the requirements of Paragraph (m)(1) of this Rule within 30 days after being notified in
33 writing by the Division. The Division shall not be required to make this notification.

34 (3) The requirements in Parts (A) and (B) of this Subparagraph shall apply if the owner or operator has
35 obtained a Title V permit that incorporates a Section 112(g) case-by-case MACT determination by
36 the Division pursuant to 15A NCAC 02D .1112, but has not submitted an application for a Title V

1 permit revision that addresses the emission limitation requirements of Section 112(j) of the federal
2 Clean Air Act.

3 (A) If the owner or operator has a Title V permit that incorporates a Section 112(g) case-by-
4 case MACT determination pursuant to 15A NCAC 02D .1112, the owner or operator shall
5 submit an application that meets the requirements of Paragraph (m)(1) of this Rule for a
6 Title V permit revision within 30 days of the Section 112(j) deadline or within 30 days of
7 being notified in writing by the Division that one or more sources at the major facility
8 belong in such category or subcategory. The Division shall use the procedures in 40 CFR
9 63.52(e) to determine whether the emission limitations adopted pursuant to the prior 112(g)
10 case-by-case MACT determination are substantially as effective as the emission limitations
11 that Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air
12 Act for the source in question. If the Division determines the previously adopted 112(g)
13 emission limitations are substantially as effective, then the Division shall retain the existing
14 limitations in the permit to effectuate Section 112(j) of the federal Clean Air Act. If the
15 Division does not retain the previously adopted 112(g) emission limitations, the MACT
16 requirements of this Rule shall be satisfied upon issuance of a revised Title V permit
17 incorporating any additional Section 112(j) requirements.

18 (B) If the owner or operator that has submitted a Title V permit application that incorporates a
19 Section 112(g) case-by-case MACT determination by the Division pursuant to 15A NCAC
20 02D .1112, but has not received the permit incorporating the Section 112(g) requirements,
21 the owner or operator shall continue to apply for a Title V permit that addresses the
22 requirements of Section 112(g) of the federal Clean Air Act. The owner or operator shall
23 submit a permit application meeting the requirements of Paragraph (m)(1) of this Rule
24 within 30 days of issuance of that Title V permit. The Division shall use the procedures in
25 40 CFR 63.52(e) to determine whether the emissions limitations adopted pursuant to the
26 prior 112(g) case-by-case MACT determination are substantially as effective as the
27 emission limitations that the Division would otherwise adopt pursuant to Section 112(j) of
28 the federal Clean Air Act for the source in question. If the Division determines that the
29 previously adopted 112(g) emission limitations are substantially as effective, then the
30 Director shall retain the existing emission limitations to effectuate Section 112(j) of the
31 federal Clean Air Act and revise the permit accordingly. If the Division does not retain the
32 previously adopted 112(g) emission limitations, the MACT requirements of this Rule shall
33 be satisfied upon issuance of a revised Title V permit incorporating any additional Section
34 112(j) requirements.

35 (e) Sources that become subject to Section 112(j) of the federal Clean Air Act after the Section 112(j) deadline and
36 that do not have a Title V permit addressing Section 112(j) requirements. The requirements of this Paragraph shall
37 apply to sources that do not meet the criteria in Paragraph (d) of this Rule on the Section 112(j) deadline and are not

1 subject to Section 112(j) of the federal Clean Air Act on that date, but subsequent to the Section 112 (j) deadline the
2 source becomes subject to the requirements of this Rule and the source does not have a Title V permit that addresses
3 the requirements of Section 112(j) of the federal Clean Air Act.

4 (1) If one or more sources in a category or subcategory subject to the requirements of this Rule are
5 installed at a major source or result in the source becoming a major source due to the installation,
6 and the installation does not invoke Section 112(g) requirements in 15A NCAC 02D .1112, the
7 owner or operator shall submit an application meeting the requirements of Paragraph (m)(1) of this
8 Rule within 30 days of startup of the source. Existing source MACT requirements (including
9 relevant compliance deadlines), as specified in a Title V permit issued pursuant to the requirements
10 of this Rule, shall apply to such sources. The Division shall use the procedures in 40 CFR 63.52(e)
11 to determine whether the emissions limitations adopted pursuant to the prior 112(g) case-by-case
12 MACT determination are substantially as effective as the emission limitations that the Division
13 would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in
14 question. If the Division determines the previously adopted 112(g) emission limitations are
15 substantially as effective, then the Division shall retain the existing emission limitations to effectuate
16 Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does
17 not retain the previously adopted 112(g) emission limitations, the MACT requirements of this Rule
18 shall be satisfied upon issuance of a revised Title V permit incorporating any additional Section
19 112(j) requirements.

20 (2) If one or more sources in a category or subcategory subject to 112(j) requirements are installed at a
21 major source or result in the source becoming a major source due to the installation, and the
22 installation requires 112(g) emission limitations to be established and permitted pursuant to 15A
23 NCAC 02Q .0528 and the owner or operator has not submitted an application for a Title V permit
24 revision that addresses the emission limitation requirements of Section 112(j) of the federal Clean
25 Air Act, the owner or operator shall apply for and obtain a Title V permit that addresses the emission
26 limitation requirements of Section 112(g) of the federal Clean Air Act. Within 30 days of issuance
27 of that Title V permit, the owner or operator shall submit an application that meets the requirements
28 of Paragraph (m)(1) of this Rule for a revision to the existing Title V permit. The Division shall
29 determine whether the emissions limitations adopted pursuant to the prior 112(g) case-by-case
30 MACT determination are substantially as effective as the emission limitations that the Division
31 would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the source in
32 question. If the Division determines the previously adopted 112(g) emission limitations are
33 substantially as effective, then the Division shall retain the existing emission limitations to effectuate
34 Section 112(j) of the federal Clean Air Act and revise the permit accordingly. If the Division does
35 not retain the previously adopted 112(g) emission limitations, the permit shall be revised to
36 incorporate any additional Section 112(j) requirements.

- 1 (3) The owner or operator of an area source that, due to a relaxation in any federally enforceable
2 emission limitation (such as a restriction on hours of operation) increases its potential to emit
3 hazardous air pollutants such that the source becomes a major source that is subject to this Rule,
4 shall submit an application meeting the requirements of Paragraph (m)(1) of this Rule within 30
5 days after the date that such source becomes a major source. The Director shall use the procedures
6 in Paragraph (n) of this Rule in reviewing the application. The existing source MACT requirements
7 (including relevant compliance deadlines) shall apply to such sources.
- 8 (4) If EPA establishes a lesser quantity emission rate pursuant to Section 112(a)(1) of the Federal Clean
9 Air Act that results in an area source becoming a major source that is subject to this Rule, then the
10 owner or operator of such a major source shall submit an application that meets the requirements of
11 Paragraph (m)(1) of this Rule on or before the date six months after the date that such source
12 becomes a major source. Existing source MACT requirements (including relevant compliance
13 deadlines), as specified in a Title V permit issued pursuant to the requirements of this Rule, shall
14 apply to such sources.
- 15 (f) Sources that have a Title V permit addressing Section 112(j) requirements. The requirements of this Paragraph
16 apply to major sources that include one or more sources in a category or subcategory for which EPA fails to promulgate
17 an emission standard on or before the Section 112(j) deadline, the owner or operator has a permit meeting the Section
18 112(j) requirements, and if changes occur at the major source to equipment, activities, or both subsequent to the
19 Section 112(j) deadline.
- 20 (1) If the Title V permit already provides the requirements that address the events described in this
21 Paragraph subsequent to the Section 112(j) deadline, then the source shall comply with the
22 applicable new source MACT or existing source MACT requirements as specified in the permit,
23 and the Section 112(j) requirements shall be deemed satisfied.
- 24 (2) If the Title V permit does not contain the requirements that address the events described in this
25 Paragraph subsequent to the Section 112(j) deadline, then the owner operator shall submit an
26 application for a revision of the existing Title V permit that meets the requirements of Paragraph
27 (m)(1) of this Rule within 30 days of beginning construction. Existing source MACT requirements
28 (including relevant compliance deadlines), as specified in a Title V permit issued pursuant to the
29 requirements of this Rule, shall apply to such sources.
- 30 (g) Requests for applicability determination. An owner or operator who is unsure of whether one or more sources at
31 a major source belong in a category or subcategory for which EPA has failed to promulgate an emission standard
32 pursuant to 40 CFR Part 63 may, on or before an applicable Section 112(j) deadline, request an applicability
33 determination from the Division by submitting an application that meets the requirements of Paragraph (m)(1) of this
34 Rule by the applicable deadlines specified in Paragraphs (d), (e), or (f) of this Rule.
- 35 (h) An owner or operator who submits a Part 1 MACT application that meets the requirements of Paragraph (m)(1)
36 of this Rule shall submit a Part 2 MACT application that meets the requirements of Paragraph (m)(2) of this Rule no
37 later than the applicable date specified in 40 CFR 63 Subpart B Table 1. The submission date specified in 40 CFR 63

1 Subpart B Table 1 for Miscellaneous Organic Chemical Manufacturing shall apply to sources in each of the source
2 categories listed in 40 CFR 63 Subpart B Table 2. If an owner or operator is required by 15A NCAC 02D .1109 and
3 this Rule to submit an application meeting the requirements of Paragraph (m)(1) of this Rule by a date that is after the
4 date for a Part 2 MACT application for sources in the category or subcategory in question established by 40 CFR 63
5 Subpart B Table 1, the owner or operator shall submit a Part 2 MACT application meeting the requirements of
6 Paragraph (m)(2) of this Rule within 60 additional days after the applicable deadline for submission of the Part 1
7 MACT application. The Part 2 applications shall be reviewed by the Division according to the procedures established
8 in 40 CFR 63.55.

9 (1) Any owner or operator who submitted a request for an applicability determination on or before May
10 15, 2002, that remained pending as of May 30, 2003, and who still wishes to obtain such a
11 determination shall resubmit that request by the date that is 60 days after the Administrator publishes
12 in the Federal Register a proposed standard pursuant to Section 112(d) or 112(h) of the Clean Air
13 Act for the category or subcategory in question. Such a resubmitted request shall be supplemented
14 to discuss the relation between the sources in question and the applicability provision in the proposed
15 standard for the category or subcategory in question, and to explain why there may still be
16 uncertainties that require a determination of applicability. The Director shall take action on each
17 supplemented and resubmitted request within an additional 60 days after the applicable deadline for
18 the resubmitted request. If more than three years remain on the current Title V permit, the owner or
19 operator shall submit an application for a Title V permit revision to make any conforming changes
20 in the permit required to adopt the existing emission limitations as the Section 112(j) MACT
21 emission limitations. If less than three years remain on the current Title V permit, any required
22 conforming changes shall be made when the permit is renewed. If the applicability determination is
23 positive, the owner or operator shall submit a Part 2 MACT application meeting the requirements
24 of Paragraph (m)(2) of this Rule by the date specified for the category or subcategory in question in
25 40 CFR 63 Subpart B Table 1. If the applicability determination is negative, no further action by the
26 owner or operator shall be necessary.

27 (2) An owner or operator who has submitted an application that meets the requirements of Paragraph
28 (m)(1) of this Rule may request a determination of whether emission limitations adopted pursuant
29 to a prior case-by-case MACT determination pursuant to Section 112(g) that apply to one or more
30 sources in a relevant category or subcategory are substantially as effective as the emission
31 limitations that the Division would otherwise adopt pursuant to this Rule for the source in question.
32 Such a request must be submitted by the date for the category or subcategory in question specified
33 in 40 CFR 63 Subpart B Table 1. Each request for a determination pursuant to this Paragraph shall
34 be construed as a complete application for an equivalent emission limitation pursuant to this Rule.
35 If the Director determines that the emission limitations in the prior case-by-case MACT
36 determination are substantially as effective as the emission limitations the Director would otherwise
37 adopt pursuant to this Rule, then the Director shall adopt the existing emission limitations in the

1 permit as the emission limitations to effectuate Section 112(j) for the source in question. If the
2 Director determines that the emission limitations in the prior case-by-case MACT determination
3 pursuant to Section 112(g) are not substantially as effective as the emission limitations that the
4 Director would otherwise adopt for the source in question pursuant to this Rule, the Director shall
5 make a new MACT determination and adopt a Title V permit incorporating an appropriate
6 equivalent emission limitation pursuant to this Rule. The Division shall use the procedures in 40
7 CFR 63.52(e) to determine whether the emission limitations adopted pursuant to the prior 112(g)
8 case-by-case MACT determination are substantially as effective as the emission limitations which
9 Division would otherwise adopt pursuant to Section 112(j) of the federal Clean Air Act for the
10 source in question.

11 (i) If the Director disapproves a permit application submitted pursuant to this Rule or determines that the application
12 is incomplete, the owner or operator shall revise and resubmit the application to meet the Director's objections not
13 later than six months after first receiving notification that the application has been disapproved or is incomplete.

14 (j) If the owner or operator of a source subject to this Rule has submitted a timely and complete application for a
15 permit, significant permit revision, or administrative amendment required by this Rule, any failure to have this permit
16 shall not be a violation of the requirements of this Rule unless the delay in final action is due to the failure of the
17 applicant to submit, in a timely manner, information required or requested to process the application.

18 (k) The permit shall contain the items specified in 40 CFR 63.52 including:

- 19 (1) specification of the affected source and the new affected source;
- 20 (2) emission limitations or emission standards equivalent to existing source MACT and emission
21 limitations equivalent to new source MACT for control of emissions of hazardous air pollutants for
22 that category or subcategory determined according to 40 CFR 63.55(a) on a case-by-case basis;
- 23 (3) emission limits, production limits, operational limits, or other terms and conditions necessary to
24 ensure practicable enforceability of the MACT emission limitation;
- 25 (4) notification, operation and maintenance, performance testing, monitoring, reporting, and
26 recordkeeping requirements; and
- 27 (5) compliance dates by which the owner or operator of an existing source is required to be in
28 compliance with the MACT emission limitation and all other applicable terms and conditions of the
29 permit, not to exceed three years from the date of issuance of the permit. The owner or operator of
30 a new affected source shall comply with a new source MACT level of control immediately upon
31 startup.

32 (l) Early reductions made pursuant to Section 112(i)(5)(A) of the federal Clean Air Act shall be achieved not later
33 than the date on which the relevant standard should have been promulgated according to the source category schedule
34 for standards.

35 (m) A permit application for a MACT determination shall consist of two parts.

- 36 (1) The Part 1 application shall contain the information required by 40 CFR 63.53(a) and shall be
37 submitted by the applicable deadline specified in Paragraph (d), (e), or (f) of this Rule.

1 (2) The Part 2 application shall contain the information required by 40 CFR 63.53(b) and shall be
2 submitted no later than the deadline in 40 CFR 63 Subpart B Table 1.

3 (n) Permit application review. The Director shall follow 40 CFR 63.55(a) in reviewing permit applications for MACT.
4 The resulting MACT determination shall be incorporated into the facility's Title V permit according to the procedures
5 established in this Section. Following submittal of a Part 1 or Part 2 MACT application, the Director may request,
6 pursuant to 15A NCAC 02Q .0507(c) and .0525(a), additional information from the owner or operator; and the owner
7 or operator shall submit the requested information within 30 days. A Part 2 MACT application shall be deemed
8 complete if it is sufficient to begin processing the application for a Title V permit addressing Section 112(j)
9 requirements. If the Division disapproves a permit application or determines that the application is incomplete, the
10 owner or operator shall revise and resubmit the application to meet the objections of the Division within the time
11 period specified by the Division, which shall not exceed six months from the date that the owner or operator is first
12 notified that the application has been disapproved or is incomplete. After receipt of a complete Part 2 MACT
13 application that is subsequently approved by the Division, the Director shall issue a Title V permit that meets Section
14 112(j) requirements, following the schedule in 15A NCAC 02Q .0525.

15 (o) The following requirements shall apply to case-by-case determinations of equivalent emission limitations when a
16 MACT standard is subsequently promulgated:

17 (1) If EPA promulgates an emission standard that is applicable to one or more sources within a major
18 facility before the date a proposed permit pursuant to this Rule is approved, the permit shall contain
19 the promulgated standard rather than the emission limitation determined pursuant to 15A NCAC
20 02D .1109, and the owner or operator of the source shall comply with the promulgated standard by
21 the compliance date in the promulgated standard.

22 (2) If EPA promulgates an emission standard that is applicable to a source after the date that a permit
23 is issued pursuant to this Rule, the Director shall revise the permit on its next renewal to reflect the
24 promulgated standard. Subparagraph (a)(1) of 15A NCAC 02Q .0517 shall not apply to
25 requirements established pursuant to this Rule. The Director shall establish a compliance date in the
26 revised permit that assures that the owner or operator complies with the promulgated standard within
27 a reasonable time, but no longer than eight years after such standard is promulgated or eight years
28 after the date by which the owner or operator was first required to comply with the emission
29 limitation established by permit, whichever is earlier. The period for compliance for existing sources
30 shall not be shorter than that provided for existing sources in the promulgated standard.

31 (3) Notwithstanding the requirements of Subparagraphs (1) or (2) of this Paragraph, if EPA promulgates
32 an emission standard that is applicable to a source after the date a proposed permit is approved, the
33 Director shall not be required to change the emission limitation in the permit to reflect the
34 promulgated standard if the level of control required by the emission limitation in the permit is as
35 effective as that required by the promulgated standard. If EPA promulgates an emission standard
36 that is applicable to an affected source after the date a permit application is approved and the level
37 of control required by the promulgated standard is less stringent than the level of control required

1 by an emission limitation in the prior MACT determination, the Division shall not be required to
2 incorporate a less stringent emission limitation of the promulgated standards after considering the
3 effects on air quality. The Division may consider any more stringent provision of the MACT
4 determination to be applicable legal requirements, as necessary to protect air quality, when issuing
5 or revising such a Title V permit.
6

7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108;*
8 *Eff. July 1, 1996;*
9 *Amended Eff. February 1, 2004;*
10 *Readopted Eff. April 1, ~~2018, 2018~~;*
11 *Amended Eff.*

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