**NORTH CAROLINA DIVISION OF AIR QUALITY**

# Application Review

**Issue Date: TBD**

**Region:** Fayetteville Regional Office
**County:** Anson
**NC Facility ID:** 0400056
**Inspector's Name:** Joshua Loehman
**Date of Last Inspection:** 05/18/2023
**Compliance Code:** 3 / Compliance - inspection

## Facility Data

**Applicant (Facility's Name):** Piedmont Natural Gas – Wadesboro Compressor Station

**Facility Address:**
Piedmont Natural Gas - Wadesboro Compressor Station
259 Pleasant Grove Church Road
Wadesboro, NC 28170

**SIC:** 4922 / Natural Gas Transmission
**NAICS:** 48621 / Pipeline Transportation of Natural Gas

**Facility Classification: Before:** Title V **After:** Title V
**Fee Classification: Before:** Title V **After:** Title V

## Permit Applicability (this application only)

**SIP:** 02D: .0516, .0521, .0524, .1111, .1418, .1423
02Q: .0317
**NSPS:** Subpart JJJJ
**NESHAP:** Subpart ZZZZ
**PSD:** n/a
**PSD Avoidance:** n/a
**NC Toxics:** n/a
**112(r):** No RMP required
**Other:** n/a

## Contact Data

| Facility Contact | Authorized Contact | Technical Contact |
|---|---|---|
| Ken Sizemore<br>EHS Professional<br>(336) 698-5022<br>2300 Lowery Street<br>Winston-Salem, NC<br>27101 | Adam Long<br>VP Gas Pipeline<br>Operations<br>(704) 731-4130<br>4720 Piedmont Row<br>Drive, PNG 08B<br>Charlotte, NC 28210 | Jen McDaniel<br>Environmental Specialist<br>(513) 348-6397<br>139 East 4th Street<br>Cincinnati, OH 45202 |

## Application Data

**Application Number:** 0400056.23A
**Date Received:** 11/20/2023
**Application Type:** Renewal
**Application Schedule:** TV-Renewal

**Existing Permit Data**
**Existing Permit Number:** 10097/T02
**Existing Permit Issue Date:** 06/10/2019
**Existing Permit Expiration Date:** 05/31/2024

**Total Actual emissions in TONS/YEAR:**

| CY | SO2 | NOX | VOC | CO | PM10 | Total HAP | Largest HAP |
|---|---|---|---|---|---|---|---|
| 2022 | 0.0800 | 19.13 | 1.06 | 1.73 | 1.33 | 0.6250 | 0.4780 [Formaldehyde] |
| 2021 | 0.0800 | 20.04 | 1.01 | 0.6200 | 1.22 | 2.86 | 1.03 [Acetaldehyde] |
| 2020 | 0.0800 | 20.45 | 1.02 | 0.6400 | 1.26 | 2.91 | 1.05 [Acetaldehyde] |
| 2019 | 0.0800 | 23.30 | 1.16 | 0.7200 | 1.42 | 3.32 | 1.19 [Acetaldehyde] |
| 2018 | 0.1200 | 20.18 | 7.91 | 1.44 | 1.73 | 4.06 | 1.46 [Acetaldehyde] |

**Review Engineer:** Russell Braswell

**Review Engineer's Signature:** **Date:**

**Comments / Recommendations:**
**Issue** 10097/T03
**Permit Issue Date:** TBD
**Permit Expiration Date:** TBD+5 years

# 1.0 Purpose of Application

Piedmont Natural Gas – Wadesboro Compressor Station (PNG; the facility) operates a natural gas compressor station in Anson County under Air Quality Permit No. 10097T02 (the existing permit). The existing permit has an expiration date of May 31, 2024. As required by General Condition K of the existing permit, PNG submitted this application in order to renew the permit. Because the application for permit renewal was received at least six months before the expiration date of the existing permit, the existing permit shall remain in effect, regardless of expiration date, until DAQ issues or denies the renewed permit.

## 2.0 Application Chronology

| Date | Event |
|---|---|
| November 20, 2023 | Application received. |
| December 8, 2023 | An initial draft of the permit and application review were sent to DAQ Permits staff. |
| December 21, 2023 | A revised draft of the permit and application review were sent to DAQ SSCB staff, DAQ FRO staff, and PNG staff. |
| XXXX | Public notice / EPA Review |
| XXXX | Permit issued. |

# 3.0 Facility and Title V Permit Revisions

## 3.1 Facility Description

This facility is a natural gas pipeline compressor station. The facility accepts natural gas from a Trans-Continental distribution pipeline and injects it into the Piedmont pipeline. The facility has four compressors powered by natural gas drawn directly from the pipeline. The permit allows PNG to construct an additional four compressors. Emissions from each compressor are controlled by catalytic oxidizers.

## 3.2 Title V Permit Revisions Following the Most Recent Title V Permit Renewal

The Title V permit was most recently renewed on June 10, 2019. The permit has not been modified since the renewal.

## 3.3 Summary of Changes to the Existing Title V Permit

The following changes were made to Air Permit No. 10097T02:*

| Page No. | Section | Description of Changes |
|---|---|---|
| Throughout | Throughout | • Updated dates and permit numbers.<br>• Updated formatting to current DAQ standard. |
| 7 | 2.1 A.4 (new) | • Added specific condition for 15A NCAC 02D .1418. This is an applicable rule for this facility that was previously not included in the permit. Compliance with this rule is determined by compliance with 15A NCAC 02D .1423. This change ultimately does not have an affect on the Permittee's compliance requirements. This change is only for completeness, and does not reflect a physical change of the facility. |
| 7 | 2.1 A.5 (new) | • Renumbered this section.<br>• Added a permit condition for emission testing. This is DAQ's standard permit condition, and this change is only for clarity. |
| 15 | 3. (new) | • Created this section.<br>• Moved the list of Insignificant Activities to this section. |
| 16 | 4. (new) | • Created this section.<br>• Moved the General Conditions to this section.<br>• Updated General Conditions to v7.0. |

* This list is not intended to be a detailed record of every change made to the permit but a summary of those changes.

# 4.0 Rules Review

PNG is subject to the following State Implementation Plan (SIP) rules, in addition to the General Conditions:

- 15A NCAC 02D .0516 "Sulfur Dioxide from Combustion Sources"
- 15A NCAC 02D .0521 "Control of Visible Emissions"
- 15A NCAC 02D .0524 "New Source Performance Standards"
- 15A NCAC 02D .1111 "Maximum Achievable Control Technology"
- 15A NCAC 02D .1418 "New Electric Generating Units, Boilers, Combustion Turbines, and I/C Engines"
- 15A NCAC 02D .1423 "Large Internal Combustion Engines"
- 15A NCAC 02Q .0317 "Avoidance Conditions" (HAP Major Source Avoidance)

PNG's applicability and compliance requirements for each of these rules are discussed in detail below.

## 4.1 15A NCAC 02D .0516 "Sulfur Dioxide from Combustion Sources"

*Applicability:* This rule applies to combustion sources that are not subject to an $SO_2$ emission limit under NSPS or MACT. Each compressor and the emergency generator is subject to this rule.

*Emission limit:* In all cases, the emission limit is 2.3 pounds of $SO_2$ per million Btu of heat input.

*Compliance:* The only fuel used at this facility is natural gas. Natural gas contains small amounts of sulfur, and therefore some amount of $SO_2$ emissions are expected from natural gas combustion. SO2 emissions from a four-stroke spark ignition engine can be estimated using the emission factors in US EPA's AP-42 document.

- $SO_2$ from natural gas burned in 4-stroke lean-burn engines (AP-42 Chapter 3.2, Table 3.2-2; $SO_2$): **5.88 E-4 pounds per million Btu.**

Therefore, natural gas (when burned in a stationary engine) is expected to comply with the $SO_2$ limit by a wide margin.

*Monitoring, Recordkeeping, and Reporting:* Based on the wide margin of compliance for each of the subject sources at this facility, DAQ has determined that no monitoring, recordkeeping, or reporting is required to demonstrate compliance with 15A NCAC 02D .0516.

## 4.2 15A NCAC 02D .0521 "Control of Visible Emissions"

*Applicability:* This rule applies to sources of visible emissions (VE) that are not subject to another VE standard under 02D .0500. Generally, this rule is not applied to sources that are not expected to produce any VE (*e.g.*, from a storage tank). Each source at this facility is subject to this rule.

*Emission limits:* The VE limit for this rule depends on the construction date of the individual source in question. For each source at this facility, the VE limit is 20%.

*Monitoring, recordkeeping, and reporting:* In general, well-maintained engines are not expected to produce noticeable VE. Each engine at this facility is subject to separately NSPS Subpart JJJJ, which requires good

work practices. DAQ has previously determined that no monitoring, recordkeeping, or reporting is required for VE emissions from the engines at this facility.

### 4.3 15A NCAC 02D .0524 "New Source Performance Standards" (NSPS)

This rule incorporates the NSPS rules (40 CFR Part 60) into North Carolina's SIP. See Section 5.1 for a discussion of NSPS rules that apply to this facility.

### 4.4 15A NCAC 02D .1111 "Maximum Achievable Control Technology" (MACT)

This rule incorporates the MACT rules (40 CFR Part 63) into North Carolina's SIP. See Section 5.2 for a discussion of MACT rules that apply to this facility.

### 4.5 15A NCAC 02D .1418 "New Electric Generating Units, Boilers, Combustion Turbines, and I/C Engines"

*Applicability:* This rule applies to large combustion units. Per 02D .1418(c)(2), stationary lean-burn combustion engines constructed after October 31, 2000 and with a capacity greater than 2,400 horsepower are subject to this rule. Therefore, each of the compressors at this facility are subject to this rule.

*Requirements:* The only requirement for internal combustion engines (i.e., every subject source at this facility) is to comply with the monitoring requirements under 15A NCAC 02D .1423.

*Compliance:* PNG is already complying with 15A NCAC 02D .1423. Therefore, it is expected that PNG will continue to comply with this rule.

*Changes to the existing permit:* The existing permit does not include any reference to 02D .1418. This is a mistake; although there are effectively no requirements under this rule, it is still a rule applicable to this facility. A specific condition for this rule will be added to the new permit. The only requirement will be that PNG continues to comply with 02D .1423. This change is only to ensure that all applicable regulations are included in the permit and will ultimately have little impact on PNG's compliance requirements.

### 4.6 15A NCAC 02D .1423 "Large Internal Combustion Engines"

*Applicability:* This rule applies to large engines constructed after October 30, 2000. Each of the compressor engines are subject to this rule. The emergency generator is not subject to this rule emergency generators are specifically exempted from all rules under 02D .1400 (see 02D .1402(h)(3)).

*Emission limit:* For lean-burn engines, the rule limits NOx emissions to less than 125 ppm (corrected to 15% $O_2$) averaged over a rolling 30-day period. The rule also allows for adjustment to this limit based on the efficiency of the engine. The rule specifies methods for calculating efficiency and adjusting the NOx limit.

*Monitoring:* The rule requires the use of a continuous emission monitoring system (CEMS) to determine compliance for NOx. Alternatively, if approved by DAQ, a facility may develop acceptable operating parameters by performing site-specific emission testing. PNG has been approved for this alternative method for NOx monitoring.

*Recordkeeping:* PNG must keep records of NOx emissions, engine operations, maintenance, and testing.

*Reporting:* PNG must submit a summary report once per year.

*Compliance:* Based on the most recent inspection report, PNG appears to be in compliance with this rule. Continued compliance will be determined with subsequent inspections and reports.

*Changes to the existing permit:* The existing permit references emission testing for NOx from the compressors, but does not include a specific condition for emission testing. The new permit will include DAQ's generic emission testing condition. This condition will cover all testing required to demonstrate compliance with this rule.

**4.7 15A NCAC 02Q .0317 "Avoidance Conditions"**
**(Avoidance of 15A NCAC 02D .1111 "Maximum Achievable Control Technology" and Major Source status under 40 CFR 63.2)**

*Applicability:* A facility may accept an enforceable emission limit or operating limit in order to avoid the applicability of specific rules (see 02Q .0317(a)). PNG has previously accepted an emission limit to avoid being designated as a major source of HAP as defined in 40 CFR 63.2

*Emission limits:* The definition of a major source of HAP is a facility with potential emissions of more than 25 tpy of total HAP or more than 10 tpy of any individual HAP.

*Potential emissions:* DAQ has previously calculated potential after-control emissions of HAP from this facility based on operating eight compressors and the emergency generator:[1]

| Pollutant | Potential Emissions (tpy) |
|---|---|
| High HAP (formaldehyde) | 8.78 |
| Total HAP | 12.51 |

The above emission calculations are based on the use of catalytic oxidizers to reduce organic HAP emissions. These calculations show that the use of oxidizers reduces potential HAP emissions to less than the major source threshold. The use of catalytic oxidizers is required by NSPS Subpart JJJJ (see Section 5.1.1 and Paragraph 2.1 A.3.g of the permit).

*Monitoring, recordkeeping, and reporting:* Based on the above calculations, DAQ has determined that PNG can show that the facility is an area source of HAP by demonstrating compliance with NSPS Subpart JJJJ. No additional specific monitoring, recordkeeping, or reporting is required to demonstrate compliance with this limit.

[1] See DAQ's application review for Title V Permit 10097T01 (issued on September 15, 2014).

# 5.0 NSPS (40 CFR Part 60), MACT (40 CFR Part 63), CAM (40 CFR Part 64), PSD (15A NCAC 02D .0530), and §112(r)

## 5.1 New Source Performance Standards (NSPS; 40 CFR Part 60)

### 5.1.1 NSPS Subpart JJJJ "Standards of Performance Stationary Spark Ignition Internal Combustion Engines"

*Applicability:* This rule applies to stationary spark ignition engines constructed or modified after the applicability dates in §60.4230(a)(4). The emergency generator and each compressor at this facility is subject to this rule.

*Emergency-use engines:* For emergency-use engines, the rule only requires that the facility:

- Install a non-resettable hour meter,
- Operate only for emergencies, maintenance, or testing,
- Operate according to the manufacturer's recommendations.

*Non-emergency-use engines:* For non-emergency engines (i.e., every compressor at this facility), the rule requires that those engines meet the emission standards in Table 1 to the rule. A facility can comply with these limits by operating certified engines or performing regular emission testing. PNG has opted for non-certified engines and regular emission testing.

In order to meet the emission limits, PNG operates a catalytic oxidizer on each of the compressors.

In addition, the rule requires that PNG keep records of operation and maintenance of the engines.

*Reporting:* The rule requires a semiannual summary report.

*Compliance:* Based on the most recent inspection report, PNG appears to be in compliance with this rule. Continued compliance will be determined with subsequent inspections and reports.

### 5.1.2 NSPS Subpart OOOO "Natural gas transmission, construction commenced after August 23, 2011" and NSPS Subpart OOOOa "Natural gas facilities, construction commenced after September 18, 2015" [not applicable]

*Applicability:* These rules apply to on-shore facilities involved in the production and transport of natural gas.[2] Individual compressors located at pipeline compressor stations are subject to these rules. Other activities (e.g., emergency-use generators) located at the compressor station are not subject to the rule.

The facility currently consists of four compressors, with the option to build four additional compressors. Construction commenced on the existing compressors on May 24, 2011.[3] Since being constructed, PNG

[2] Note that these rules define "natural gas" as hydrocarbons extracted from field gas (see §60.5430a). Natural gas derived from other sources, such as landfills, may not be subject to this rule.

[3] See the August 5, 2011 letter from Steven Vozzo (Fayetteville Regional Supervisor, DAQ) to Rodney Myers (Managing Director of the facility at the time)

has not modified or reconstructed the compressors. Therefore, the four existing compressors are not subject to either of these rules.

If PNG elects to construct the remaining four compressors, they will possibly be subject to NSPS Subpart OOOOa. Compliance with NSPS Subpart OOOOa will be determined before COMP05 through COMP08 are installed.

### 5.2 Maximum Achievable Control Technology (MACT; 40 CFR Part 63)

PNG is not a major source of hazardous air pollutants (HAP) because the facility has accepted a facility-wide emission limit to limit emissions of HAP to less than the thresholds listed in the definition of "major source" in 40 CFR 63.2. Because this facility is not a major source of HAP, rules that apply exclusively to major sources of HAP (e.g., Subpart HHH) categorically do not apply to this facility.

#### 5.2.1 MACT Subpart ZZZZ "National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"

*Applicability:* This rule applies to all stationary reciprocating internal combustion engines (RICE) located at both area and major sources of HAP. Each engine at this facility is subject to this rule. The rule has different requirements for engines based on the status of the facility (major or minor source of HAP), use of the engine (emergency, nonemergency, etc.), age of the engine, category of engine (new versus existing), and size of the engine.

*New RICE:* Per §63.6590(a)(2)(iii), a RICE at an area source of HAP is new if it was constructed after June 12, 2006. Each RICE at this facility is therefore a new source for this rule.

*RICE subject to NSPS:* Per §63.6590(c)(1), new RICE that are subject to 40 CFR Part 60 (i.e., NSPS) demonstrate compliance with this rule by meeting the requirements of NSPS, and no further requirements apply under Part 63. Each engine at this facility is subject to NSPS Subpart JJJJ, and therefore these engines have no further requirements under this rule.

### 5.3 Prevention of Significant Deterioration (PSD)

*Background:* In general, a facility is a major stationary source for PSD if the facility has actual or potential emissions of a pollutant greater than the threshold listed in 40 CFR 51.166(b)(1). For facilities that fall under the specific categories listed in 40 CFR 51.166(b)(1)(i)(*a*), the threshold is 100 tpy. PNG is a natural gas compressor station that operates with natural gas-fired stationary engines, which is not one of the listed categories; therefore the threshold is 250 tpy (see 40 CFR 51.166(b)(1)(i)(*b*)).

*Potential emissions:* DAQ has previously calculated the facility-wide potential emissions for this facility based on eight compressors and the manufacturer's specifications for emission factors: [4]

| Pollutant | Emission factor (g/hp-hr) | Combined Potential Emissions (ton/yr) |
|---|---|---|
| NOx | 5.00E-01 | 183.68 |
| VOC | 6.30E-01 | 35.05 |

[4] See note 1.

| Pollutant | Emission factor (g/hp-hr) | Combined Potential Emissions (ton/yr) |
|---|---|---|
| CO | 2.74E+00 | 21.98 |

For each pollutant, the potential emissions are less than their major source thresholds. Because this facility does not have potential emissions greater than the major source thresholds, DAQ concluded that no reference to PSD (avoidance or otherwise) would be included in the Title V permit.

At this time, PNG only operates four of the eight compressors. Furthermore, site-specific emission testing has shown the compressors emit far less than the manufacturer's specifications. Therefore, the permit does not require any specific condition for PSD or PSD avoidance.

### 5.4 Section 112(r) of the Clean Air Act (and 15A NCAC 02D .2100 "Risk Management Program")

*Background:* This rule requires facilities that store materials above the threshold quantities in 40 CFR 68.130 above their respective thresholds to prepare and submit a risk management plan (RMP).

*Applicability:* In the renewal application on Form A3, PNG indicates that an RMP is not required for this facility because "no regulated materials [are] stored above thresholds." Therefore, PNG does not have any increased requirements under §112(r). Note that other parts of that rule, such as the General Duty clause, may still apply to this facility; those portions of §112(r) are beyond the scope of the Title V permit.

### 5.5 Compliance Assurance Monitoring (CAM; 40 CFR Part 64)

*Background:* The compliance assurance monitoring (CAM) rule requires owners and operators to conduct monitoring to provide a reasonable assurance of compliance with applicable requirements under the act. Per 02D .0614(a), this rule potentially applies to any facility required to obtain a permit under 02Q .0500 (i.e., a Title V permit). This facility is required to obtain a permit under 02Q .0500. Therefore, CAM applicability must be examined.

Monitoring focuses on emissions units that rely on pollution control device equipment to achieve compliance with applicable standards. An emission unit is subject to CAM, under 40 CFR Part 64, if all of the following four conditions are met:

I. The unit is subject to any non-exempt emission limitation or standard for the applicable regulated pollutant (e.g., pre-November 15, 1990, Section 111 or 112 standard).
II. The unit uses any control device to achieve compliance with any such emission limitation or standard.
III. The unit's pre-control potential emission rate exceeds 100 percent of the amount required for a source to be classified as a major source, i.e., either 100 tpy (for criteria pollutants) or 10 tpy of any individual/25 tpy of any combination of HAP.

*Applicability:* PNG uses catalytic oxidizers on each of the compressors. The table below analyzes CAM applicability for each emission standard that applies to each of the sources at this facility:

| Rule | Pollutant | Triggers CAM? | Notes |
|---|---|---|---|
| 02D .0516 | $SO_2$ | No | The facility does not use a control device to comply with this limit. |
| 02D .0521 | VE | No | This pollutant does not have a major source threshold. |
| 02D .1423 | NOx | No | The compressors and generator at this facility are not equipped with a NOx control device. |
| 02D .0524 NSPS Subpart JJJJ | NOx, CO, VOC | No | Per 02D .0614(b)(1)(A), these Federal rules were proposed after 1990 and therefore do not trigger CAM applicability. |
| 02D .1111 MACT Subpart ZZZZ | HAP | No | |
| 02Q .0317, Major Source avoidance | HAP | No | Per 02D .0614(b)(1)(E), emission caps incorporated under an 02Q rule do not trigger CAM applicability. |

Based on the above analysis, CAM is not triggered for any pollutant.

# 6.0 North Carolina Toxic Air Pollutants

*Applicability:* The rules for toxic air pollutants under 15A NCAC 02D .1100 and 02Q .0700 apply to facilities that emit toxic air pollutants. In general, if a facility would emit a TAP at rates greater than the TAP permitting emission rates (TPER) listed in 02Q .0711, the facility must first conduct an air dispersion modeling demonstration to demonstrate compliance with the acceptable ambient limits (AAL) in 15A NCAC 02D .1104 and .1106. Several types of sources are exempt from TAP requirements; exempt sources are listed in 02Q .0702.

*Previous modeling:* This facility performed air dispersion modeling for the R00 permit application.[5] The facility modeled emissions of acrolein, butadiene, benzene, and formaldehyde. The results of the modeling demonstrated that no monitoring, recordkeeping, or reporting was required to demonstrate compliance with TAP emissions.

*Existing permit:* In accordance with NC Session Law 2012-91, TAP limits were removed from the permit with the T01 permit revision because all modeled sources at this facility are subject to a rule under 40 CFR Part 63.[6] DAQ concluded at that time that removing the TAP limits would not pose an unacceptable risk to human health. Therefore, the existing permit does not include any specific conditions for TAP emission limits. This renewal does not trigger a new TAP emission review.



[5] Permit R00 was issued on March 28, 2011.
[6] See note 1.

# 7.0 Compliance Status and Other Regulatory Concerns

*Compliance status*:

- This facility was most recently inspected on Joshua Loehman on May 18, 2023. PNG appeared to be in compliance with the existing permit at that time.
- In the application for permit renewal, PNG included Form E5 "Title V Compliance Certification" which was signed by the facility's responsible official at the time of submittal. On Form E5, PNG indicated it was "in compliance with all applicable requirements."
- Since the previous Title V permit renewal, PNG has not been issued any Notices of Violation.

*Application fee*: An application for Title V permit renewal does not require an application fee.

*PE Seal*: Pursuant to 15A NCAC 02Q .0112 "Application requiring a Professional Engineering Seal," a professional engineer's seal (PE seal) is required to seal technical portions of air permit applications for new sources and modifications of existing sources as defined in 15A NCAC 02Q .0103 that involve the criteria in 02Q .0112(a)(1)-(3). Applications for renewal do not require a PE seal.

*Zoning*: A Zoning Consistency Determination per 15A NCAC 02Q .0304(b) was not required for this renewal because there is no expansion of the existing facility.

*Removal of References to Affirmative Defense*: EPA has promulgated a rule (88 FR 47029, July 21, 2023), with an effective date of August 21, 2023, removing the emergency affirmative defense provisions in operating permits programs, codified in both 40 CFR 70.6(g) and 71.6(g). EPA has concluded that these provisions are inconsistent with the EPA's current interpretation of the enforcement structure of the CAA, in light of prior court decisions.[7] Moreover, per EPA, the removal of these provisions is also consistent with other recent EPA actions involving affirmative defenses[8] and will harmonize the EPA's treatment of affirmative defenses across different CAA programs.

As a consequence of this EPA action to remove these provisions from 40 CFR 70.6(g), it will be necessary for states and local agencies that have adopted similar affirmative defense provisions in their Part 70 operating permit programs to revise their Part 70 programs (regulations) to remove these provisions. In addition, individual operating permits that contain Title V affirmative defenses based on 40 CFR 70.6(g) or similar state regulations will need to be revised.

DAQ has not adopted these discretionary affirmative defense provisions in its Title V regulations (15A NCAC 02Q .0500). Instead, DAQ has chosen to include them directly in individual Title V permits as General Condition J. Per EPA, DAQ is required to promptly remove such impermissible provisions from individual Title V permits after August 21, 2023 through normal course of permit issuance.



[7] NRDC v. EPA, 749 F.3d 1055 (D.C. Cir. 2014).

[8] In newly issued and revised New Source Performance Standards (NSPS), emission guidelines for existing sources, and NESHAP regulations, the EPA has either omitted new affirmative defense provisions or removed existing affirmative defense provisions. See, e.g., National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; Final Rule, 80 FR 44771 July 27, 2015); National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule, 80 FR 72789 (November 20, 2015); Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Final Rule, 81 FR 40956 (June 23, 2016).

## 8.0 Facility Emissions Review

*Title V:* PNG is a major source for Title V (as defined in 40 CFR 70.2) because it has potential emissions of regulated pollutants greater than 100 tpy. This permit renewal will not affect PNG's status as a major source for Title V.

*HAP:* PNG is an area source of HAP (as defined in 40 CFR 63.2) because the facility complies with a facility-wide HAP emission limit to avoid being designated as a major source of HAP. This permit renewal will not affect PNG's status as an area source of HAP.

*PSD:* PNG is not a major stationary source for PSD because it does not have potential emissions of regulated NSR pollutants greater than the thresholds in 40 CFR 51.166(b)(1)(i)(*b*). Note that this facility is not a specifically listed source category in 40 CFR 51.166(b)(1)(i)(*a*). This permit renewal will not affect PNG's status with regards to PSD.

# 9.0 Draft Permit Review, Public Notice, and EPA Review

*Initial draft:* An initial draft of the Title V permit and this application review were sent to DAQ Permits staff on December 8, 2023. On December 21, 2023, DAQ Permits requested the following revisions:

| | |
|---|---|
| DAQ Permits Comment 1: | Typos in the draft permit and application review. |
| DAQ Permits Comment 2: | Need more discussion on facility-wide HAP avoidance limit and how PNG can comply with that limit through NSPS Subpart JJJJ. |

*Subsequent draft:* The above issues were addressed and a revised draft of the permit and application review were sent to DAQ SSCB staff, DAQ FRO staff, and PNG staff on December 21, 2023. No comments were received on this draft.

*Public Notice and EPA Review:* A notice of the draft Title V Permit shall be made pursuant to 15A NCAC 02Q .0521. The notice will provide for a 30-day comment period, with an opportunity for a public hearing. Consistent with 15A NCAC 02Q .0518(b), the EPA will have a 45-day review period. Based on an agreement between DAQ and EPA, this period will generally coincide with the 30-day public notice period. Copies of the public notice shall be sent to persons on the Title V mailing list and EPA. Pursuant to 15A NCAC 02Q .0522, a copy of each permit application, each proposed permit and each final permit shall be provided to EPA. Also, pursuant to 02Q .0522, a notice of the draft Title V Permit shall be provided to each affected State at or before the time notice is provided to the public under 02Q .0521 above. DAQ voluntarily provides notice to each bordering State (Virginia, Tennessee, Georgia, and South Carolina).

- The Public Notice and EPA Review periods began on XXXX
- The Public Notice period ended on XXXX
- The EPA Review period ended on XXXX

## 10.0 Recommendations

This permit application has been reviewed by DAQ to determine compliance with all procedures and requirements. DAQ has determined that this facility appears to be complying with all applicable requirements.

DAQ recommends issuance of Permit No. 10097T03. FRO, SSCB, and PNG have received a copy of this permit and submitted comments that were incorporated as described in Section 9.0.