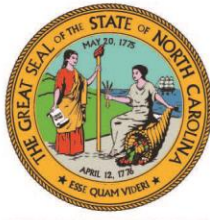


ROY COOPER  
Governor

MARY PENNY KELLEY  
Secretary

MICHAEL ABRACZINSKAS  
Director



NORTH CAROLINA  
Environmental Quality

DRAFT

Mr. Glen Jasek  
VP GM, Eastern Interstates  
Transcontinental Gas Pipe Line Company, LLC  
2800 Post Oak Blvd, Suite 600  
Houston, Texas 77056

SUBJECT: Air Quality Permit No. 09113T17  
Facility ID: 7900131  
Transcontinental Gas Pipe Line Company, LLC – Station 160  
Reidsville  
Rockingham  
Fee Class: Title V  
PSD Class: Major

Dear Mr. Jasek:

In accordance with your completed Air Quality Permit Applications for a 02Q .0501(b)(2) Part II significant modification of your Title V permit, we are forwarding, herewith, Air Quality Permit No. 09113T17 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 identified as such in the permit. Please note the requirements for the annual compliance certification are contained in General Condition P in Section 4. 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 file a petition for contested case hearing in the North Carolina Office of Administrative Hearings. Information regarding the right, procedure, and time limit for permittees and other persons aggrieved to file such a petition is contained in the attached "Notice Regarding the Right to Contest a Division of Air Quality Permit Decision."

The construction of new air pollution emission source(s) and associated air pollution control device(s), or modifications to existing 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



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

Mr. Glen Jasek  
DRAFT  
Page 2

143-215.108A and may subject the Permittee to civil or criminal penalties as described in NCGS 143-215.114A and 143-215.114B.

Rockingham County has triggered increment tracking under PSD for PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, and SO<sub>2</sub>. However, this permit modification does not consume or expand increments for any pollutants.

This Air Quality Permit shall be effective from \_\_\_\_\_, 2024 until September 30, 2027, 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 Edward L. Martin, P.E., at 919-707-8739 or ed.martin@deq.nc.gov.

Sincerely yours,

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

Enclosure

c: Brad Akers, EPA Region 4 (Permit and Review)  
Laserfiche (7900131)

**NOTICE REGARDING THE RIGHT TO CONTEST A DIVISION OF AIR QUALITY PERMIT DECISION**

**Right of the Permit Applicant or Permittee to File a Contested Case:** Pursuant to NCGS 143-215.108(e), a permit applicant or permittee who is dissatisfied with the Division of Air Quality's decision on a permit application may commence a contested case by filing a petition under NCGS 150B-23 in the Office of Administrative Hearings within 30 days after the Division notifies the applicant or permittee of its decision. If the applicant or permittee does not file a petition within the required time, the Division's decision on the application is final and is not subject to review. The filing of a petition will stay the Division's decision until resolution of the contested case.

**Right of Other Persons Aggrieved to File a Contested Case:** Pursuant to NCGS 143-215.108(e1), a person other than an applicant or permittee who is a person aggrieved by the Division's decision on a permit application may commence a contested case by filing a petition under NCGS 150B-23 within 30 days after the Division provides notice of its decision on a permit application, as provided in NCGS 150B-23(f), or by posting the decision on a publicly available Web site. The filing of a petition under this subsection does not stay the Division's decision except as ordered by the administrative law judge under NCGS 150B-33(b).

**General Filing Instructions:** A petition for contested case hearing must be in the form of a written petition, conforming to NCGS 150B-23, and filed with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh NC, 27609, along with a fee in an amount provided in NCGS 150B-23.2. A petition for contested case hearing form may be obtained upon request from the Office of Administrative Hearings or on its website at <https://www.oah.nc.gov/hearings-division/filing/hearing-forms>. Additional specific instructions for filing a petition are set forth at 26 NCAC Chapter 03.

**Service Instructions:** A party filing a contested case is required to serve a copy of the petition, by any means authorized under 26 NCAC 03 .0102, on the process agent for the Department of Environmental Quality:

William F. Lane, General Counsel  
North Carolina Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

If the party filing the petition is a person aggrieved other than the permittee or permit applicant, the party **must also** serve the permittee in accordance with NCGS 150B-23(a).

\* \* \*

Additional information is available at <https://www.oah.nc.gov/hearings-division/hearing-process/filing-contested-case>. Please contact the OAH at 984-236-1850 or [oah.postmaster@oah.nc.gov](mailto:oah.postmaster@oah.nc.gov) with all questions regarding the filing fee and/or the details of the filing process.

## Summary of Changes to Permit

The following changes were made to Air Permit No. 09113T16:\*

Old Page No.	Old Section	New Page No.	New Section	Description of Changes
Cover Letter	N/A	N/A	N/A	Amended permit numbers and dates.
4-5	1, table	4	1, table	<p>Removed the following sources: ES-M/L1 through ES-M/L15, ES-AUX1 through ES-AUX3, ES-A/C1, and ES-BLR2.</p> <p>Removed MACT YYYY designation for ES-M/L16, ES-M/L17 and ES-M/L18. Removed MACT designation from MACT/GACT ZZZZ designation for AUX-04, AUX-05, and EGEN-01.</p> <p>Removed footnotes 1 and 2.</p> <p>Added NSPS OOOOa for ES-M/L17 and ES-M/L18.</p>
6-9	2.1 A	--	--	<p>Removed this section for sources ID Nos. ES-M/L1 through ES-M/L10, ID Nos. ES-AUX1 through ES-AUX3, and ES-A/C1.</p> <p>Relabeled remaining sections.</p>
10-11	2.1 B	--	--	Removed this section for sources ID Nos. ES-M/L11 through ES-M/L15.
12	2.1 C, table	5	2.1 A, table	<p>Removed 02D .1111 Subpart YYYY.</p> <p>Removed 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOOOa).</p>
13	2.1 C.3	--	--	Removed 02D .1111 Subpart YYYY.
--	--	6	2.1 A.2.e	Added performance testing for compliance with the NO <sub>x</sub> emission limit.
--	--	6	2.1 A.2.i and j	Added reporting for NO <sub>x</sub> emissions performance tests.
--	--	varies	2.1 B through D	Added noncompliance statements throughout for testing, monitoring and recordkeeping.
14-17	2.1 D	--	--	Removed this section for source ID No. ES-BLR2.
18	2.1 E, table	7	2.1 B, table	<p>Removed:</p> <ul style="list-style-type: none"> <li>• 15A NCAC 02D .1111 (40 CFR 63, Subpart YYYY)</li> <li>• 15A NCAC 02Q .0317 for avoidance of 15A NCAC 02D .0530 (PSD)</li> <li>• 15A NCAC 02Q .0504</li> </ul> <p>Added 15A NCAC 02D .1100 for Toxic Air Pollutants.</p> <p>Changed NSPS OOOOa from Section 2.2.B.1 to Section 2.1.B.3.</p>

Old Page No.	Old Section	New Page No.	New Section	Description of Changes
19	2.1 E.2.f	8	2.1 B.2.f	Revised first sentence to read: The Permittee may comply with the following NO <sub>x</sub> monitoring and recordkeeping requirements as an alternative to the annual performance tests required in Section 2.1 B.2.d (new section) above.
19	2.1 E.2.k	8	2.1 B.2.k	Added note stating: “This notification was made on May 14, 2024, stating that initial startup occurred on May 10, 2024.”
--	--	9-11	2.1 B.3	Relocated NSPS OOOOa from Section 2.2 D.1 to this section.  Updated new title of NSPS OOOOa to “Standards of Performance for Crude Oil and Natural Gas Facilities For Which Construction, Modification, or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022.”
20-23	2.1 E.3	--	--	Removed this condition for 02D .1111 Subpart YYYY.
24	2.1 F, table	12	2.1 C, table	Removed: <ul style="list-style-type: none"> <li>• 15A NCAC 02D .1111 (40 CFR Part 63, Subpart ZZZZ)</li> <li>• 15A NCAC 02Q .0317 for avoidance of 15A NCAC 02D .0530 (PSD)</li> <li>• 15A NCAC 02Q .0504</li> <li>• Removed note for Subpart ZZZZ stating: “Applies after the facility becomes a minor source of HAPs per Section 2.2 B.5”</li> </ul>
26	2.1 F.3.j	14	2.1 C.3.j	Revised to read: <u>If the engine is subject to performance testing as required by 40 CFR 60.4243(a)(2), the Permittee shall submit a copy of each performance test as conducted in 40 CFR 60.4244 within 60 days after the test has been completed. Beginning on February 26, 2025, performance tests shall be reported electronically according to 40 CFR 60.4245(f).</u>
26-31	2.1 F.4	--	--	Removed this section for 02D .1111 Subpart ZZZZ.
32	2.1 G, table	15	2.1 D, table	Removed: <ul style="list-style-type: none"> <li>• 15A NCAC 02D .1111 (40 CFR Part 63, Subpart ZZZZ)</li> <li>• 15A NCAC 02Q .0317 for avoidance of 15A NCAC 02D .0530 (PSD)</li> <li>• 15A NCAC 02Q .0504</li> </ul>
34	2.1 G.3.1	17	2.1 D.3.1	Revised to read: <u>If the engine is subject to performance testing as required by 40 CFR 60.4243(a)(2), the Permittee shall submit a copy of each performance test as conducted in 40 CFR 60.4244 within 60 days after the test has been completed. Beginning on February 26, 2025, performance tests shall be reported electronically according to 40 CFR 60.4245(f).</u>
35	2.1 G.4	--	--	Removed this section for 02D .1111 Subpart ZZZZ.

Old Page No.	Old Section	New Page No.	New Section	Description of Changes
36-37	2.2 A.1	--	--	Removed this section for 02D .1409.
38-39	2.2 B.2	--	--	Removed this section for 02D .1100 toxics during the commissioning period.
39	2.2 B.3.a	19-20	2.2 A.2.a	Removed: <b>“after the commissioning period</b> when all legacy sources have been permanently retired”  Added toxic limits for sources ES-M/L17 and ES-M/L18.
39	2.2 B.4.a	--	--	Removed this section for 02Q .0711 toxics during the commissioning period.
40	2.2 B.4.b	--	--	Removed: <b>“after the commissioning period</b> when all legacy sources have been permanently retired”
41	2.2 B.5	--	--	Removed this section for 02D .1111 MACT avoidance.
42	2.2 C.1	--	--	Removed this section for 02D .0530 PSD avoidance.
42	2.2 C.2	--	--	Removed this section for 02D .0504 to submit the Title V application.
43-45	2.2 D.1	--	--	Removed sources ES-M/L1 through ES-M/L15, ES-M/L16, ES-AUX1 through ES-AUX3, and ES-A/C1 from 15A NCAC 02D .0524 Subpart OOOOa.
48-55	4	24-31	4	Updated General Conditions to version 8.0 07/10/2024. This changed General Condition D in the first sentence from two copies to one copy of all documents.

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



## AIR QUALITY PERMIT

Permit No.	Replaces Permit No.(s)	Effective Date	Expiration Date
09113T17	09113T16		September 30, 2027

NOTE: Per General Condition K, a permit application for the renewal of this Title V permit shall be submitted no later than March 31, 2027.

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:** **Transcontinental Gas Pipe Line Company, LLC -  
Station 160**  
**Facility ID:** 7900131  
**Primary SIC Code:** 4922  
**NAICS Code:** 48621

**Facility Site Location:** 4300 NC 65  
**City, County, State, Zip:** Reidsville, Rockingham, NC 27320  
**Mailing Address:** 2800 Post Oak Blvd, Suite 600  
**City, State, Zip:** Houston, Texas 77056

**Application Number:** 7900131.24A and .24B  
**Complete Application Date:** April 19, 2024

**Division of Air Quality,**  
**Regional Office Address:** **Winston-Salem Regional Office**  
**450 West Hanes Mill Road, Suite 300**  
**Winston-Salem, NC 27105**

Permit issued this the \_\_\_ day of \_\_\_\_\_, 2024.

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

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- SECTION 4: GENERAL PERMIT CONDITIONS



## 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>CEMS</b>	Continuous Emission Monitoring System
<b>CEDRI</b>	Compliance and Emissions Data Reporting Interface
<b>CFR</b>	Code of Federal Regulations
<b>CO</b>	Carbon Monoxide
<b>COMS</b>	Continuous Opacity Monitoring System
<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>NAICS</b>	North American Industry Classification System
<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

## 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:

Emission Source ID No.	Emission Source Description	Control Device ID No.	Control Device Description
ES-M/L16 <b>NSPS GG</b>	One natural gas-fired dry low NO <sub>x</sub> combustion turbine (rated at 15,000 maximum brake horsepower output and 122 million Btu per hour heat input)	NA	NA
ES-M/L17 and ES-M/L18 <b>NSPS KKKK, NSPS OOOOa</b>	Two natural gas-fired Solar Titan 130 combustion turbines with dry low NO <sub>x</sub> rated at 24,035 horsepower and 200 million Btu per hour heat input each	NA	NA
AUX-04 and AUX-05 <b>NSPS JJJJ, GACT ZZZZ</b>	Two four-stroke lean-burn natural gas-fired auxiliary generators rated at 1,468 horsepower each	NA	NA
EGEN-01 <b>NSPS JJJJ, GACT ZZZZ</b>	One natural gas-fired four-stroke lean-burn emergency generator rated at 335 horsepower	NA	NA

## SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS

### 2.1 Emission Source(s) and Control Device(s) Specific Limitations and Conditions

The emission source(s) and associated air pollution control device(s) 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 natural gas-fired dry low NO<sub>x</sub> combustion turbine (ID No. ES-M/L16)

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

Pollutant	Limits/Standards	Applicable Regulation
Visible Emissions	20 percent opacity	15A NCAC 02D .0521
Nitrogen Oxides	203.4 ppm at 15 percent oxygen on a dry basis	15A NCAC 02D .0524 40 CFR 60, Subpart GG
Sulfur Dioxide	150 ppm at 15 percent oxygen on a dry basis or fuel cannot contain sulfur in excess of 0.8 percent by weight	
Odors	<b>State-enforceable only</b> <b>See Section 2.2 A.1</b>	15A NCAC 02D .1806

#### 1. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS

- a. Visible emissions from this source (**ID No. ES-M/L16**) 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.

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

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. 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 .0521.

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

- c. No monitoring/recordkeeping/reporting is required for visible emissions from the firing of natural gas in this source (**ID No. ES-M/L16**).

#### 2. 15A NCAC 02D .0524: NEW SOURCE PERFORMANCE STANDARDS

- a. For the natural gas-fired combustion turbine (**ID No. ES-M/L16**), the Permittee shall comply with all applicable provisions, including the notification, testing, reporting, recordkeeping, and monitoring requirements contained in Environmental Management Commission Standard 15A NCAC 02D .0524 “New Source Performance Standards” (NSPS) as promulgated in 40 CFR 60, Subpart GG (Standards of Performance for Stationary Gas Turbines), including Subpart A “General Provisions.”
- b. The owner or operator shall not cause to be discharged into the atmosphere from the stationary gas turbine (**ID No. ES-M/L16**), any gases which contain nitrogen oxides in excess of 203.4 ppm at 15 percent oxygen on a dry basis as determined from the following equation. [40 CFR 60.332]

$$STD = [0.0150 \times 14.4/Y + F] \times 10,000$$

Where: STD = allowable NO<sub>x</sub> emissions (parts per million by volume at 15 percent oxygen and on a dry basis),  
Y = manufacturer’s rated heat rate at manufacturer’s rated load (10.62 kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour, and  
F = NO<sub>x</sub> emission allowance for fuel-bound nitrogen. (F=0). [40 CFR 60.332(a)(2)]

- c. The owner or operator shall not cause to be discharged into the atmosphere from the stationary gas turbine (**ID No. ES-M/L16**), any gases which contain sulfur dioxide in excess of 150 ppm at 15 percent oxygen on a dry basis [40 CFR 60.333(a)]; or burn any fuel which contains sulfur in excess of 0.8 percent by weight [40 CFR 60.333(b)].

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

- d. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limits given in Section 2.1 A.2.b or c above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.
- e. Under the provisions of NCGS 143-215.108, the Permittee shall demonstrate compliance with the emission limit in Section 2.1 A.2.b above on an annual basis by conducting performance testing on combustion turbine (**ID No. ES-M/L16**) in accordance with a testing protocol approved by the DAQ. Test methods and procedures shall be conducted as specified in 40 CFR 60.335 as applicable. The initial test shall be conducted and report submitted within 180 days of the issuance of this Title V permit 09113T17 or another date as approved by DAQ. Each subsequent test shall be conducted within 13 months of the previous stack test with report submitted within 60 days of the test. If the results of this test are less than 90 percent of the emission limit in Section 2.1 A.2.b above, the Permittee shall be required to stack test within 61 months of the previous stack test. If these testing requirements are not met, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

**Monitoring/Recordkeeping** [15A NCAC 02Q .0508(f), 40 CFR 60.334]

- f. The Permittee shall determine and record the sulfur content of the fuel being fired in this source (**ID No. ES-M/L16**) in accordance with the DAQ approved custom fuel monitoring plan; or
- g. As an alternative, the Permittee may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR 60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use the gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less to make the required demonstration.
- h. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if neither Section 2.1 A.2.f nor Section 2.1 A.2.g is met, or if the sulfur content exceeds the limit in Section 2.1 A.2.c above.

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

- i. The Permittee shall provide the DAQ at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. [40 CFR 60.8(d)]
- j. The Permittee shall submit a written report of the results of the initial performance test required in 40 CFR 60.8 within 180 days of the issuance of this Title V permit 09113T17 and within 60 days after each subsequent performance test. [40 CFR 60.8(a)]
- k. The Permittee shall submit a summary report of the monitoring and recordkeeping activities given in Section 2.1 A.2.f and 2.1 A.2.g above 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.

**B. Two natural gas-fired Solar Titan 130 combustion turbines with dry low NOx (ID Nos. ES-M/L17 and ES-M/L18)**

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

Pollutant	Limits/Standards	Applicable Regulation
Visible emissions	20 percent opacity	15A NCAC 02D .0521
Nitrogen Oxides	25 ppm at 15 percent O <sub>2</sub>  150 ppm at 15 percent O <sub>2</sub> When operating at less than 75 percent peak load or operating at less than 0°F	15A NCAC 02D .0524 (40 CFR Part 60, Subpart KKKK)
Sulfur Dioxide	0.060 pounds SO <sub>2</sub> per million Btu heat input	
Odors	<b>State-enforceable only</b> <b>See Section 2.2 A.1</b>	15A NCAC 02D .1806
Volatile Organic Compounds	<b>See Section 2.1 B.3</b>	15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOOOa)
Toxic Air Pollutants	<b>See Section 2.2 A.2.a</b>	15A NCAC 02D .1100

**1. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS**

- a. Visible emissions from these source (**ID Nos. ES-M/L17 and ES-M/L18**) 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.

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

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 B.1.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/reporting is required for visible emissions from the firing of natural gas in these sources (**ID Nos. ES-M/L17 and ES-M/L18**).

**2. 15A NCAC 02D .0524: NEW SOURCE PERFORMANCE STANDARDS**

- a. The Permittee shall comply with all applicable provisions, including the requirements for emission standards, notification, testing, reporting, record keeping, and monitoring, contained in Environmental Management Commission Standard 15A NCAC 02D .0524 "New Source Performance Standards (NSPS)" as promulgated in 40 CFR Part 60 Subpart KKKK, "Standards of Performance for Stationary Combustion Turbines", including Subpart A "General Provisions."

**Emission Limitations** [15A NCAC 02Q .0508(b)]

- b. NOx emissions from each combustion turbine (**ES-M/L17 and ES-M/L18**) shall not exceed 25 ppm at 15 percent O<sub>2</sub>. [40 CFR 60.4320(a) and 40 CFR Part 60 Subpart KKKK, Table 1]
- c. SO<sub>2</sub> emissions (except during startup, shutdowns, and malfunction) from the combustion turbines shall not exceed 0.060 pounds per million Btu heat input (fuel sulfur content limit). [40 CFR 60.4330(a)(2)]

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

- d. The Permittee shall demonstrate compliance with the NOx emission limits in Section 2.1 B.2.b above by conducting an initial performance test, and submitting test report, as required by 40 CFR 60.8 and 40 CFR 60.4400, in accordance with General Condition JJ within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup (initial firing) for each combustion turbine (**ID Nos. ES-M/L17 or ES-M/L18**). Each performance tests shall be conducted at any load condition within plus or minus 25 percent of 100 percent of peak load. Three separate test runs must be conducted for each

performance test with a minimum time of 20 minutes per run and the ambient temperature for each test run shall be above 0°F. Compliance is achieved if the three-run arithmetic average NO<sub>x</sub> emission rate at each tested level meets the applicable emission limit. Annual performance tests shall be conducted in accordance with 40 CFR 60.4400 to demonstrate continuous compliance. If the NO<sub>x</sub> emission result from the performance test is less than or equal to 75 percent of the NO<sub>x</sub> emission limit for the turbine, the frequency of subsequent performance tests may be reduced to once every two years (no more than 26 calendar months following the previous performance test). If the results of any subsequent performance test exceeds 75 percent of the NO<sub>x</sub> emission limit for the turbine, annual performance tests must be resumed. [40 CFR 60.4340(a) and 40 CFR 60.8]

If the initial performance test or any required annual performance tests are not conducted or the results of any performance test are above the limit given in Section 2.1 B.2.b, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

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

- e. The Permittee shall operate and maintain the combustion turbines, air pollution control equipment, and monitoring equipment in a manner consistent with good air pollution control practices for minimizing emissions at all times including during startup, shutdown and malfunction. [40 CFR 60.4333]  
The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if these requirements are not met.
- f. The Permittee may comply with the following NO<sub>x</sub> monitoring and recordkeeping requirements as an alternative to the annual performance tests required in Section 2.1 B.2.d above:
  - i. The Permittee shall install, calibrate, maintain and operate a continuous emissions monitoring system (CEMS) consisting of NO<sub>x</sub> and O<sub>2</sub> monitors, to determine the hourly NO<sub>x</sub> emission rate in parts per million (ppm). [40 CFR 60.4340(b)]
  - ii. The CEMS shall meet the installation, certification and operating requirements of 40 CFR 60.4345.
  - iii. Hourly average NO<sub>x</sub> emission rates shall be calculated pursuant to 40 CFR 60.4350(a) through (f). The hourly average NO<sub>x</sub> emission rates shall be used to assess excess emissions on a 30-unit operating day rolling average basis, as described in 40 CFR 60.4380(b)(1). [40 CFR 60.4350]

If these NO<sub>x</sub> monitoring and recordkeeping requirements are not met or show an exceedance of the emission limits in Section 2.1 B.2.b above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

- g. The Permittee shall demonstrate compliance with the applicable SO<sub>2</sub> emission limit by using the fuel quality characteristics in a current, valid purchase contract, tariff sheet, or transportation contract for the fuel, specifying that the total sulfur content for natural gas use is 20 grains of sulfur or less per 100 standard cubic feet and has the potential sulfur emissions of less than 0.060 pounds SO<sub>2</sub> per million Btu heat input. [40 CFR 60.4365(a)]  
If these SO<sub>2</sub> monitoring and recordkeeping requirements are not met or show an exceedance of Section 2.1 B.2.b above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.
- h. The Permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [40 CFR 60.7(b)]  
If these monitoring and recordkeeping requirements are not met, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.
- i. The Permittee shall maintain records of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The records shall be retained for at least two years following the date of such measurements, maintenance, reports, and records, except as allowed pursuant to 40 CFR 60.7(f). [40 CFR 60.7(f)]  
If these monitoring and recordkeeping requirements are not met, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

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

- j. The Permittee shall submit a notification of the date construction of an affected facility is commenced postmarked no later than 30 days after such date. [40 CFR 60.7(a)(1)]
- k. The Permittee shall submit a notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date. [40 CFR 60.7(a)(3)] [This notification was made on May 14, 2024, stating that initial startup occurred on May 10, 2024]
- l. The Permittee shall provide the DAQ at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. [40 CFR 60.8(d)]

- m. The Permittee shall submit a written report of the results of the initial performance test not later than 180 days after initial startup . [40 CFR 60.8(a)]
- n. The Permittee shall submit a written report of the results of each annual performance test before the close of business on the 60th day following the completion of the performance test. [40 CFR 60.4375(b)]
- o. The Permittee shall submit a summary report of monitoring and record keeping 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. The report shall include:
  - i. An excess emissions and monitor downtime report if the Permittee elects to use NOx CEMS in accordance with Section 2.1 B.2.f above. Excess emissions must be reported for all periods of unit operation, including start-up, shutdown, and malfunction. The report shall contain the information required pursuant 40 CFR 60.7(c) and (d). The emissions and monitoring system performance results shall be calculated on a quarterly basis. The format for the report will be provided by the DAQ. [40 CFR 60.4375(a), 40 CFR 60.4395, and 40 CFR 60.7(c)]
  - ii. A summary report of the fuel purchase contracts, tariff sheets or transportation contracts indicated in Section 2.1 B.2.g above.

### 3. 15A NCAC 02D .0524: NEW SOURCE PERFORMANCE STANDARDS

- a. The Permittee shall comply with all applicable provisions, including the requirements for emission standards, notification, testing, reporting, record keeping, and monitoring, contained in Environmental Management Commission Standard 15A NCAC 02D .0524 "New Source Performance Standards (NSPS)" as promulgated in 40 CFR Part 60 Subpart OOOOa, "Standards of Performance for Crude Oil and Natural Gas Facilities For Which Construction, Modification, or Reconstruction Commenced After September 18, 2015 and On or Before December 6, 2022," including Subpart A "General Provisions."

#### Emission Standards [15A NCAC 02Q .0508(b)]

- b. For each pneumatic controller affected facility not located at a natural gas processing plant, which is a single continuous bleed natural gas-driven pneumatic controller operating at a natural gas bleed rate greater than 6 standard cubic feet per hour, the Permittee shall comply with the VOC standards, based on natural gas as a surrogate for VOC, in paragraph ii.(A) below. Pneumatic controllers meeting the conditions in paragraph i below are exempt from the requirements in paragraph ii.(A) below.
  - i. The requirements of paragraph ii.(A) below are not required if the Permittee determines that the use of a pneumatic controller affected facility with a bleed rate greater than the applicable standard is required based on functional needs, including but not limited to response time, safety and positive actuation. However, the Permittee must tag such pneumatic controller with the month and year of installation, reconstruction or modification, and identification information that allows traceability to the records for that pneumatic controller, as required in 40 CFR 60.5420a(c)(4)(ii).
  - ii.
    - (A) Each pneumatic controller affected facility at a location other than at a natural gas processing plant must have a bleed rate less than or equal to 6 standard cubic feet per hour.
    - (B) Each pneumatic controller affected facility at a location other than at a natural gas processing plant must be tagged with the month and year of installation, reconstruction or modification, and identification information that allows traceability to the records for that controller as required in 40 CFR 60.5420a(c)(4)(iii).
  - iii. The Permittee must demonstrate initial compliance with standards that apply to pneumatic controller affected facilities as required by 40 CFR 60.5410a(d).
  - iv. The Permittee must demonstrate continuous compliance with standards that apply to pneumatic controller affected facilities as required by 40 CFR 60.5415a(d).
  - v. The Permittee must perform the reporting as required by 40 CFR 60.5420a(b)(1) and (5) and the recordkeeping as required by 40 CFR 60.5420a(c)(4).  
[40 CFR 60.5390a, 40 CFR 60.5365a(d)(1)]
- c. For each affected facility, which is the affected facility which is the collection of fugitive emissions components at a compressor station under 40 CFR 60.5365a(j), the Permittee must reduce VOC emissions by complying with the requirements of 40 CFR 60.5397a(a) through (j). The requirements in 40 CFR 60.5397a(a) through (j) are independent of the closed vent system and cover requirements in 40 CFR 60.5411a. For purposes of 40 CFR 60.5397a, a "modification" to a compressor station occurs when: (1) An additional compressor is installed at a compressor station; or (2) One or more compressors at a compressor station is replaced by one or more compressors

of greater total horsepower than the compressor(s) being replaced. When one or more compressors is replaced by one or more compressors of an equal or smaller total horsepower than the compressor(s) being replaced, installation of the replacement compressor(s) does not trigger a modification of the compressor station for purposes of 40 CFR 60.5397a. [40 CFR 60.5365a(j), 40 CFR 60.5397a]

**Initial Compliance** [15A NCAC 02Q .0508(b)]

- d. The Permittee must determine initial compliance with the standards for each affected facility using the following requirements. Except as otherwise provided in 40 CFR 60.5410a, the initial compliance period begins on August 2, 2016, or upon initial startup, whichever is later, and ends no later than 1 year after the initial startup date for the affected facility or no later than 1 year after August 2, 2016. The initial compliance period may be less than 1 full year. [40 CFR 60.5410(a)]
- i. To achieve initial compliance with VOC emission standards for the pneumatic controller affected facility the Permittee must comply with the requirements specified in paragraphs (A) through (F) below, as applicable.
- (A) The Permittee must demonstrate initial compliance by maintaining records as specified in 40 CFR 60.5420a(c)(4)(ii) of the determination that the use of a pneumatic controller affected facility with a bleed rate greater than the applicable standard is required as specified in 40 CFR 60.5390a(b)(1) or (c)(1).
- (B) If the Permittee owns or operates a pneumatic controller affected facility located at a natural gas processing plant, the pneumatic controller must be driven by a gas other than natural gas, resulting in zero natural gas emissions.
- (C) If the Permittee owns or operate a pneumatic controller affected facility located other than at a natural gas processing plant, the controller manufacturer's design specifications for the controller must indicate that the controller emits less than or equal to 6 standard cubic feet of gas per hour.
- (D) The Permittee must tag each new pneumatic controller affected facility according to the requirements of 40 CFR 60.5390a(b)(2) or (c)(2).
- (E) The Permittee must include the information in paragraph (A) above and a listing of the pneumatic controller affected facilities specified in paragraphs (B) and (C) above in the initial annual report submitted for the pneumatic controller affected facilities constructed, modified or reconstructed during the period covered by the annual report according to the requirements of 40 CFR 60.5420a(b)(1) and (5).
- (F) The Permittee must maintain the records as specified in 40 CFR 60.5420a(c)(4) for each pneumatic controller affected facility.  
[40 CFR 60.5410a(d)]
- ii. To achieve initial compliance with the fugitive emission standards for each collection of fugitive emissions components at a compressor station the Permittee must comply with paragraphs (A) through (E) below.
- (A) The Permittee must develop a fugitive emissions monitoring plan as required in 40 CFR 60.5397a(b), (c), and (d).
- (B) The Permittee must conduct an initial monitoring survey as required in 40 CFR 60.5397a(f).
- (C) The Permittee must maintain the records specified in 40 CFR 60.5420a(c)(15).
- (D) The Permittee must repair each identified source of fugitive emissions for each affected facility as required in 40 CFR 60.5397a(h).
- (E) The Permittee must submit the initial annual report for each collection of fugitive emissions components at a well site and each collection of fugitive emissions components at a compressor station as required in 40 CFR 60.5420a(b)(1) and (7). [40 CFR 60.5410a, 40 CFR 60.5410a(j)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the initial compliance requirements above are not met.

**Continuous Compliance** [15A NCAC 02Q .0508(b)]

- e. For each pneumatic controller affected facility, the Permittee must demonstrate continuous compliance according to the following:
- i. The Permittee must continuously operate the pneumatic controllers as required in 40 CFR 60.5390a(a), (b), or (c).
- ii. The Permittee must submit the annual reports as required in 40 CFR 60.5420a(b)(1) and (5).
- iii. The Permittee must maintain records as required in 40 CFR 60.5420a(c)(4).  
[40 CFR 60.5415a(d)]
- f. For each collection of fugitive emissions components at a compressor station, the Permittee must demonstrate continuous compliance with the fugitive emission standards specified in 40 CFR 60.5397a(a)(1) according to the following:
- i. The Permittee must conduct periodic monitoring surveys as required in 40 CFR 60.5397a(g).
- ii. The Permittee must repair each identified source of fugitive emissions as required in 40 CFR 60.5397a(h).



- iii. The Permittee must maintain records as specified in 40 CFR 60.5420a(c)(15).
- iv. The Permittee must submit annual reports for collection of fugitive emissions components at a well site and each collection of fugitive emissions components at a compressor station as required in 40 CFR 60.5420a(b)(1) and (7).

[40 CFR 60.5415a(h)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the continuous compliance requirements above are not met.

**Notifications, Reporting and Recordkeeping** [15A NCAC 02Q .0508(f)]

- g. *Notifications.* The Permittee must submit the notifications according to paragraphs i and ii below if the Permittee owns or operates one or more of the affected facilities specified in 40 CFR 60.5365a that was constructed, modified, or reconstructed during the reporting period.
  - i. If the Permittee owns or operates a well, centrifugal compressor, reciprocating compressor, pneumatic controller, pneumatic pump, storage vessel, collection of fugitive emissions components at a well site, or collection of fugitive emissions components at a compressor station, the Permittee is not required to submit the notifications required in 40 CFR 60.7(a)(1), (3), and (4); and 40 CFR 60.15(d).
  - ii. An owner or operator electing to comply with the provisions of 40 CFR 60.5399a shall notify the Administrator of the alternative fugitive emissions standard selected within the annual report, as specified in 40 CFR 60.5420a(b)(7). [CFR 40 CFR 60.5420a(a)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the notification requirements above are not met.

- h. *Reporting requirements.* The Permittee must submit annual reports containing the information specified in 40 CFR 60.5420a(b)(1) through (8) and (12) and performance test reports as specified in paragraph 40 CFR 60.5420a(b)(9) or (10), if applicable. The Permittee must submit annual reports following the procedure specified in 40 CFR 60.5420a(b)(11). The initial annual report is due no later than 90 days after the end of the initial compliance period as determined according to 40 CFR 60.5410a. Subsequent annual reports are due no later than same date each year as the initial annual report. If the Permittee owns or operates more than one affected facility, the Permittee may submit one report for multiple affected facilities provided the report contains all of the information required as specified in 40 CFR 60.5420a(b)(1) through (8) and (12). Annual reports may coincide with title V reports as long as all the required elements of the annual report are included. The Permittee may arrange with the Administrator a common schedule on which reports required by this part may be submitted as long as the schedule does not extend the reporting period. [40 CFR 60.5420a(b)]
- i. *Recordkeeping requirements.* The Permittee must maintain the records identified as specified in 40 CFR 60.7(f) and in 40 CFR 60.5420a(c)(1) through (18). All records required by 40 CFR Part 60, Subpart OOOOa must be maintained either onsite or at the nearest local field office for at least 5 years. Any records required to be maintained by 40 CFR Part 60, Subpart OOOOa that are submitted electronically via the EPA's CDX may be maintained in electronic format. [40 CFR 60.5420a(c)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if recordkeeping requirements above are not met.

**C. Two four-stroke lean-burn natural gas-fired auxiliary generators (ID Nos. AUX-04 and AUX-05)**

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

Pollutant	Limits/Standards	Applicable Regulation
Sulfur Dioxide	2.3 pounds per million Btu heat input	15A NCAC 02D .0516
Visible Emissions	20 percent opacity	15A NCAC 02D .0521
Nitrogen Oxides	1.0 g/HP-hr (82 ppm)	15A NCAC 02D .0524 (40 CFR Part 60, Subpart JJJJ)
Carbon Monoxide	2.0 g/HP-hr (270 ppm)	
Volatile Organic Compounds	0.7 g/HP-hr (60 ppm)	
Hazardous Air Pollutants	Comply with the requirements of 15A NCAC 02D .0524 (40 CFR Part 60, Subpart JJJJ)	15A NCAC 02D .1111 (40 CFR Part 63, Subpart ZZZZ)
Odors	<b>State-enforceable only</b> <b>See Section 2.2 A.1</b>	15A NCAC 02D .1806

**1. 15A NCAC 02D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES**

- a. Emissions of sulfur dioxide from these sources (**ID Nos. AUX-04 and AUX-05**) 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.

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

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 C.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/reporting is required for sulfur dioxide emissions from the firing of natural gas in these sources (**ID Nos. AUX-04 and AUX-05**).

**2. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS**

- a. Visible emissions from these sources (**ID Nos. AUX-04 and AUX-05**) shall not be more than 20 percent opacity (except during startup, shutdowns, and malfunctions) when averaged over a six-minute period except that six-minute periods averaging not more than 87 percent opacity may occur not more than once in any hour nor more than four times in any 24-hour period.

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

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 C.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/reporting is required for visible emissions from the firing of natural gas in these sources (**ID Nos. AUX-04 and AUX-05**).

**3. 15A NCAC 2D .0524: NEW SOURCE PERFORMANCE STANDARDS**

**Applicability** [15A NCAC 02Q .0508(b) and 40 CFR 60.4230(a)(4)(i)]

- a. The Permittee shall comply with all applicable provisions, including the requirements for emission standards, notification, testing, reporting, recordkeeping, and monitoring, contained in Environmental Management Commission Standard 15A NCAC 02D .0524 "New Source Performance Standards (NSPS)" as promulgated in 40 CFR Part 60 Subpart JJJJ "Standards of Performance for Stationary Spark Ignition Internal Combustion Engines," including Subpart A "General Provisions."

**General Provisions** [15A NCAC 02Q .0508(b) and 40 CFR 60.4246]

- b. The Permittee shall comply with the General Provisions of 40 CFR 60 Subpart A as presented in Table 3 of 40 CFR 60 Subpart JJJJ.

**Emission Standards** [15A NCAC 02Q .0508(b), 40 CFR 60.4233(e), Table 1 of 40 CFR 60 Subpart JJJJ]

- c. The Permittee shall comply with the following emission standards:

Engine type	Maximum engine power	Manufacture date (after)	Emission standards		
			g/HP-hr (ppm at 15% O <sub>2</sub> )		
			NO <sub>x</sub>	CO	VOC
Non-Emergency SI Lean Burn Natural Gas	HP≥500	7/1/2010	1.0 (82)	2.0 (270)	0.7 (60)

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

- d. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 C.3.a above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

**Compliance Requirements** [15A NCAC 02Q .0508(b)]

- e. The Permittee shall comply with the emission standards in Section 2.1 C.3.c above by:
  - i. purchasing an engine certified according to the procedures in 40 CFR 60 Subpart JJJJ for its respective model year [40 CFR 60.4243(b)(1)]; and
  - ii. operate and maintain the certified stationary spark ignition SI internal combustion engine (ICE) and control device according to the manufacturer's emission-related written instructions. The Permittee shall also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to the Permittee. [40 CFR 60.4243(a)(1)]
- f. The Permittee shall operate and maintain the stationary SI ICE that achieve the emission standards as required in Section 2.1 C.3.c over the entire life of the engine. [40 CFR 60.4234]
- g. If applicable, air-to-fuel ratio (AFR) controllers shall be used with the operation of three-way catalysts/non-selective catalytic reduction. The AFR controller shall be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times. [40 CFR 60.4243(g)]
- h. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the requirements in Section 2.1 C.3.e through g are not met.

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

- i. The Permittee shall keep the following records:
  - i. All notifications submitted to comply with 40 CFR 60 and all documentation supporting any notification. [40 CFR 60.4245(a)(1)]
  - ii. Maintenance conducted on the engine. [40 CFR 60.4245(a)(2)]
  - iii. If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable. [40 CFR 60.4245(a)(3)]
  - iv. If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to 40 CFR 60.4243(a)(2), documentation that the engine meets the emission standards. [40 CFR 60.4245(a)(4)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if these recordkeeping requirements are not met.

**Reporting and Notifications** [15A NCAC 02Q .0508(f)]

- j. If the engine is subject to performance testing as required by 40 CFR 60.4243(a)(2), the Permittee shall submit a copy of each performance test as conducted in 40 CFR 60.4244 within 60 days after the test has been completed. Beginning on February 26, 2025, performance tests shall be reported electronically according to 40 CFR 60.4245(f). [40 CFR 60.4245(d)]
- k. 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 shall be clearly identified.

**4. 15A NCAC 02D .1111 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY**

**Applicability** [40 CFR 63.6585, 63.6590(a)(2)(iii)]

- a. For these generators (**ID Nos. AUX-04 and AUX-05**) (*new stationary RICE located at an area source of HAP emissions*), the Permittee shall demonstrate compliance upon startup with all applicable provisions, including emission limitations, monitoring, recordkeeping, and reporting contained in Environmental Management Commission Standard 15A NCAC 02D .1111 "Maximum Achievable Control Technology" (MACT) as promulgated in 40 CFR 63 Subpart ZZZZ "National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion Engines" and Subpart A "General Provisions."

**Stationary RICE subject to Regulations under 40 CFR Part 60** [15A NCAC 02Q. 0508(b)]

- b. Pursuant to 40 CFR 63.6590(c)(1), these sources shall meet the requirements of 40 CFR 63 Subpart ZZZZ and Subpart A by meeting the requirements of 40 CFR 60 Subpart JJJJ. No further requirements apply for these engines under 40 CFR 63 Subpart ZZZZ and Subpart A. If these requirements are not met, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111.

**D. One four-stroke lean-burn natural gas-fired emergency generator (ID No. EGEN-01)**

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

Pollutant	Limits/Standards	Applicable Regulation
Sulfur Dioxide	2.3 pounds per million Btu heat input	15A NCAC 02D .0516
Visible Emissions	20 percent opacity	15A NCAC 02D .0521
Nitrogen Oxides	2.0 g/HP-hr (160 ppm)	15A NCAC 02D .0524 (40 CFR Part 60, Subpart JJJJ)
Carbon Monoxide	4.0 g/HP-hr (540 ppm)	
Volatile Organic Compounds	1.0 g/HP-hr (86 ppm)	
Hazardous Air Pollutants	Comply with the requirements of 15A NCAC 02D .0524 (40 CFR Part 60, Subpart JJJJ)	15A NCAC 02D .1111 (40 CFR Part 63, Subpart ZZZZ)
Odors	<b>State-enforceable Only</b> <b>See Section 2.2 A.1</b>	15A NCAC 02D .1806

**1. 15A NCAC 02D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES**

- a. Emissions of sulfur dioxide from this source (**ID No. EGEN-01**) 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.

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

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 D.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/reporting is required for sulfur dioxide emissions from the firing of natural gas in this source (**ID No. EGEN-01**).

**2. 15A NCAC 02D .0521: CONTROL OF VISIBLE EMISSIONS**

- a. Visible emissions from this source (**ID No. EGEN-01**) shall not be more than 20 percent opacity (except during startup, shutdowns, and malfunctions) when averaged over a six-minute period except that six-minute periods averaging not more than 87 percent opacity may occur not more than once in any hour nor more than four times in any 24-hour period.

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

- b. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 D.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/reporting is required for visible emissions from the firing of natural gas in this source (**ID No. EGEN-01**).

**3. 15A NCAC 02D .0524: NEW SOURCE PERFORMANCE STANDARDS**

**Applicability** [15A NCAC 02Q .0508(b) and 40 CFR 60.4230(a)(4)(iv)]

- a. The Permittee shall comply with all applicable provisions, including the requirements for emission standards, notification, testing, reporting, recordkeeping, and monitoring, contained in Environmental Management Commission Standard 15A NCAC 02D .0524 "New Source Performance Standards (NSPS)" as promulgated in 40

CFR Part 60 Subpart JJJJ “Standards of Performance for Stationary Spark Ignition Internal Combustion Engines,” including Subpart A "General Provisions."

**General Provisions**

- b. The Permittee shall comply with the General Provisions of 40 CFR 60 Subpart A as presented in Table 3 of 40 CFR 60 Subpart JJJJ. [40 CFR 60.4246]

**Emission Standards** [15A NCAC 02Q .0508(b)]

- c. The Permittee shall comply with the following emission standards: [40 CFR 60.4233(e), Table 1 of 40 CFR 60 Subpart JJJJ]

Engine type	Maximum engine power	Manufacture date (after)	Emission standards		
			g/HP-hr (ppm at 15% O <sub>2</sub> )		
			NO <sub>x</sub>	CO	VOC
Emergency	HP≥130	1/1/2009	2.0 (160)	4.0 (540)	1.0 (86)

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

- d. If emissions testing is required, the testing shall be performed in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.1 D.3.c above, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524.

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

- e. The engine shall be equipped with a non-resettable hour meter if manufactured after July 1, 2011. [40 CFR 60.4237(b)]

**Compliance Requirements** [15A NCAC 02Q .0508(b)]

- f. The Permittee shall comply with the emission standards in Section 2.1 D.3.c by:
  - i. purchasing an engine certified according to the procedures in 40 CFR 60 Subpart JJJJ for its respective model year [40 CFR 60.4243(b)(1)]; and
  - ii. operate and maintain the certified stationary spark ignition (SI) internal combustion engine (ICE) and control device according to the manufacturer's emission-related written instructions, The Permittee shall also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to the Permittee. [40 CFR 60.4243(a)(1)]
- g. The Permittee shall operate and maintain the stationary SI ICE that achieve the emission standards as required in Section 2.1 D.3.c over the entire life of the engine. [40 CFR 60.4234]
- h. If applicable, air-to-fuel ratio (AFR) controllers shall be used with the operation of three-way catalysts/non-selective catalytic reduction. The AFR controller shall be maintained and operated appropriately in order to ensure proper operation of the engine and control device to minimize emissions at all times. [40 CFR 60.4243(g)]
- i. In order for the engine to be considered an emergency stationary ICE under 40 CFR 60 Subpart JJJJ, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described below, is prohibited.
  - i. There is no time limit on the use of emergency stationary ICE in emergency situations.
  - ii. The Permittee may operate the emergency stationary ICE for any combination of the purposes specified in paragraph ii.(A) below for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph iii below counts as part of the 100 hours per calendar year allowed by this paragraph ii.
    - (A) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
  - iii. Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing provided in paragraph ii above. Except as provided in paragraph iii(A) below, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

- (A) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
- (1) The engine is dispatched by the local balancing authority or local transmission and distribution system operator;
  - (2) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
  - (3) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
  - (4) The power is provided only to the facility itself or to support the local transmission and distribution system.
  - (5) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- [40 CFR 60.4243(d)]

- j. The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if the requirements in Section 2.1 D.3.f through i are not met.

**Recordkeeping** [15A NCAC 02Q .0508(b)]

- k. The Permittee shall keep the following records:
- i. All notifications submitted to comply with 40 CFR 60 and all documentation supporting any notification. [40 CFR 60.4245(a)(1)]
  - ii. Maintenance conducted on the engine. [40 CFR 60.4245(a)(2)]
  - iii. If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable. [40 CFR 60.4245(a)(3)]
  - iv. If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to 40 CFR 60.4243(a)(2), documentation that the engine meets the emission standards. [40 CFR 60.4245(a)(4)]
  - v. If the emergency engine is manufactured after July 1, 2011, the hours of operation of the engine that is recorded through the non-resettable hour meter. The Permittee must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. [40 CFR 60.4245(b)]

The Permittee shall be deemed in noncompliance with 15A NCAC 02D .0524 if these recordkeeping requirements are not met.

**Reporting** [15A NCAC 02Q .0508(b)]

- l. If the engine is subject to performance testing as required by 40 CFR 60.4243(a)(2), the Permittee shall submit a copy of each performance test as conducted in 40 CFR 60.4244 within 60 days after the test has been completed. Beginning on February 26, 2025, performance tests shall be reported electronically according to 40 CFR 60.4245(f). [40 CFR 60.4245(d)]
- m. 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 shall be clearly identified.

**4. 15A NCAC 02D .1111 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY**

**Applicability** [40 CFR 63.6585, 63.6590(a)(2)(iii)]

- a. For this generator (**ID No. EGEN-01**) (*new stationary RICE located at an area source of HAP emissions*) the Permittee shall comply with all applicable provisions, including the monitoring, recordkeeping, and reporting contained in Environmental Management Commission Standard 15A NCAC 02D .1111 "Maximum Achievable Control Technology" (MACT) as promulgated in 40 CFR 63 Subpart ZZZZ "National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion Engines" and Subpart A "General Provisions."

**Stationary RICE subject to Regulations under 40 CFR Part 60** [15A NCAC 02Q .0508(f)]

- b. Pursuant to 40 CFR 63.6590(c)(1), these sources shall meet the requirements of 40 CFR 63 Subpart ZZZZ and Subpart A by meeting the requirements of 40 CFR 60 Subpart JJJJ. No further requirements apply for these engines under 40 CFR 63 Subpart ZZZZ and Subpart A. If these requirements are not met, the Permittee shall be deemed in noncompliance with 15A NCAC 02D .1111.



## 2.2 Multiple Emission Source(s) Specific Limitations and Conditions

### A. Facility-wide affected sources

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

Pollutant	Limits/Standards	Applicable Regulation
Odor	State-enforceable only odor control	15A NCAC 02D .1806
Toxic Air Pollutants	State-enforceable only	15A NCAC 02D .1100
Toxic Air Pollutants	State-enforceable only	15A NCAC 02Q .0711

#### State-enforceable only

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

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.

#### State-enforceable only

##### 2. 15A NCAC 02D .1100: CONTROL OF TOXIC AIR POLLUTANTS

- a. Pursuant to 15A NCAC 02D .1100 and in accordance with the approved application for an air toxic compliance demonstration, the following permit limits shall not be exceeded:

Emission Source	Toxic Air Pollutant	Emission Limit		
		lb/yr	lb/day	lb/hr
ES-M/L17 Combustion Turbine	Acrolein			1.400E-02
	Benzene	2.453E+01		
	1,3-Butadiene	8.760E-01		
	Formaldehyde			4.300E-01
ES-M/L18 Combustion Turbine	Acrolein			1.400E-02
	Benzene	2.453E+01		
	1,3-Butadiene	8.760E-01		
	Formaldehyde			4.300E-01
I-SHB Suction Header Blowdown	Benzene	2.987E-01		
I-DHB Discharge Header Blowdown	Benzene	2.576E-01		
I-M/L16CB M/L16 Compressor Blowdown	Benzene	6.719E-02		
I-M/L17CB M/L17 Compressor Blowdown	Benzene	6.719E-02		
I-M/L18CB M/L18 Compressor Blowdown	Benzene	6.719E-02		
I-TTLO Tanker Truck Loadout	Benzene	2.531E-06		
I-FUGS Piping connectors and equipment leaks	Benzene	4.818E-01		
I-T-0014 Natural Gas Condensate Tank	Benzene	8.190E-03		

- b. The Permittee has submitted a toxic air pollutant dispersion modeling analysis dated July 14, 2022, for the facility’s toxic air pollutant emissions as listed in the above table. The modeling analysis was reviewed and approved by the AQAB on August 24, 2022. Placement of the emission sources, configuration of the emission points, and operation of the sources shall be in accordance with the submitted dispersion modeling analysis and should reflect any changes from the original analysis submittal as outlined in the AQAB review memo.

**Monitoring/Recordkeeping/Reporting** [15A NCAC 02D .0611]

- c. No monitoring, recordkeeping or reporting is required.

**State-enforceable only**

**3. 15A NCAC 02Q .0711: EMISSION RATES REQUIRING A PERMIT**

- a. As of August 24, 2022 emissions of toxic air pollutants have been demonstrated on a facility-wide basis (excluding those sources exempt under 15A NCAC 02Q .0702 "Exemptions") that each of the toxic air pollutants (TAPs) emitted from all sources at the facility are either below its respective toxic permit emission rates (TPER) listed in 15A NCAC 02Q .0711 - "Emission Rates Requiring a Permit" or the TAPs are in compliance with 15A NCAC 02D .1100 "Control of Toxic Air Pollutants" as described elsewhere in this permit.
- b. The facility shall be operated and maintained in such a manner that any new, existing or increased actual emissions of any TAP listed in 15A NCAC 02Q .0711 or in this permit from all sources at the facility (excluding those sources exempt under 15A NCAC 02Q .0702 "Exemptions"), including fugitive emissions and emission sources not otherwise required to have a permit, will not exceed its respective TPER listed in 15A NCAC 02Q .0711 without first obtaining an air permit to construct or operate.
- c. PRIOR to exceeding any of the TPERs listed in 15A NCAC 02Q .0711, the Permittee shall be responsible for obtaining an air permit to emit TAPs and for demonstrating compliance with the requirements of 15A NCAC 02D .1100 "Control of Toxic Air Pollutants".
- d. The Permittee shall maintain at the facility records of operational information sufficient for demonstrating to the Division of Air Quality staff that actual TAPs are less than the rate listed in 15A NCAC 02Q .0711.
- e. The TPER table listed below is provided to assist the Permittee in determining when an air permit is required pursuant to 15A NCAC 02Q .0711 and may not represent all TAPs being emitted from the facility. This table will be updated at such time as the permit is either modified or renewed.

Pollutant	TPER Limitations			
	Carcinogens (lb/yr)	Chronic Toxicants (lb/day)	Acute Systemic Toxicants (lb/hr)	Acute Irritants (lb/hr)
1,1,2,2-Tetrachloroethane	430			
Acetaldehyde				6.8
Benzo(a)pyrene	2.2			
Carbon Tetrachloride	460			
Chlorobenzene		46		
Chloroform	290			
Ethylene Dibromide	27			
Methylene Chloride	1600		0.39	
n-Hexane		23		
Phenol			0.24	
Styrene			2.7	
Tetrachloroethane	430			
Toluene		98		14.4

Pollutant	TPER Limitations			
	Carcinogens (lb/yr)	Chronic Toxicants (lb/day)	Acute Systemic Toxicants (lb/hr)	Acute Irritants (lb/hr)
Vinyl Chloride	26			
Xylene		57		16.4

**SECTION 3 - INSIGNIFICANT ACTIVITIES PER 15A NCAC 02Q .0503(8)**

<b>Emission Source ID No.</b>	<b>Emission Source Description<sup>1,2</sup></b>
I-0002	One engine oil day tank ("B" Building; 215 gallon capacity)
I-0005	#11 hydraulic oil tank (47 gallon capacity)
I-0006	#12 hydraulic oil tank (47 gallon capacity)
I-0007	#13 hydraulic oil tank (47 gallon capacity)
I-0008	#14 hydraulic oil tank (47 gallon capacity)
I-0009	#15 hydraulic oil tank (47 gallon capacity)
I-0021	Air compressor coolant tank (12 gallon capacity)
I-0027	#11 M.U.J.W. Surge Tank (291 gallon capacity)
I-0028	#12 M.U.J.W. Surge Tank (291 gallon capacity)
I-0029	#13 M.U.J.W. Surge Tank (291 gallon capacity)
I-0030	#14 M.U.J.W. Surge Tank (291 gallon capacity)
I-0031	#15 M.U.J.W. Surge Tank (581 gallon capacity)
I-0053	Engine crankcase and turbocharger vents
I-ES-GS16	Electric starter
I-T-0001	Oil Sump "B" Building (Fill/Drain; 1,720 gallon capacity)
I-T-0010	L.O.C.W./J.W. Transfer Tank #1 (6,900 gallon capacity)
I-T-0014	Natural gas condensate tank (4,200 gallon capacity)
I-T-0026	#1-10 M.U.J.W. Surge Tank (13,513 gallon capacity)
I-T-0048	Lubricating oil tank (11,744 gallon capacity)
I-T-0053	Make up/ethylene glycol/water tank (3,000 gallon capacity)
I-T-0054	Antifreeze/ethylene glycol/water tank (3,000 gallon capacity)
I-T-0057	Used oil tank (3,171 gallon capacity)
I-T-0058	#1-10 M.U.L.O.C.W. Surge Tank (2,716 gallon capacity)
I-T-0059	#11 L.O.C.W. Surge Tank (407 gallon capacity)
I-T-0060	#12 L.O.C.W. Surge Tank (407 gallon capacity)
I-T-0061	#13 L.O.C.W. Surge Tank (407 gallon capacity)
I-T-0062	#14 L.O.C.W. Surge Tank (514 gallon capacity)

Emission Source ID No.	Emission Source Description <sup>1,2</sup>
I-T-0063	#15 L.O.C.W. Surge Tank (581 gallon capacity)
I-T-0064	#11-15 M/U L.O.C.W and JW Transfer Tank #2 (6,900 gallon capacity)
I-T-0065	Turbine Oil Tank (2,078 gallon capacity)
I-T-0066	Turbine Oil Day Tank (294 gallon capacity)
I-T-0067	Air Compressor Drain and Fill Tank (98 gallon capacity)
I-T-0068	Diesel Tank (500 gallon capacity)
I-T-0069	Used Oil Tank (from oil change rack; 344 gallon capacity)
I-ES-FUGS	Piping components fugitive emissions (existing)
I-0070	Oil sump ("A" Building; 1050 gallon capacity)
I-T-0071	Wastewater storage tank (8,800 gallon capacity)
I-M/L16CB	Compressor Blowdowns
I-M/L17CB	Compressor Blowdowns
I-M/L18CB	Compressor Blowdowns
I-TANK-01	Natural gas condensate liquid storage tank
I-TANK-02	Oily Wastewater Storage Tank
I-TTLO	Tank truck loadout (condensate and oily wastewater)
I-FUGS	Piping Component Fugitives (new)
I-SHB	Suction Header Blowdowns
I-DHB	Discharge Header Blowdowns

<sup>1</sup> Because an activity is insignificant does not mean that the activity is exempted from an applicable requirement (Federal or State) or that the Permittee is exempted from demonstrating compliance with any applicable requirement.

<sup>2</sup> 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 02D .1100 "Control of Toxic Air Pollutants" or 02Q .0711 "Emission Rates Requiring a Permit."

## SECTION 4 - GENERAL CONDITIONS (version 8.0, 07/10/2024)

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(s) 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, one copy 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 NOx 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. **Title V 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 [15A NCAC 02Q .0508(f)]  
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 [15A NCAC 02D .0535(f) and 02Q .0508(f)(2)]**

1. "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.*)
2. 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.
3. 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).

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

1. "Permit 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.
2. Pursuant to 15A NCAC 02Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) quarterly by notifying the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 02D .0535. 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.C. 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. RESERVED**

**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 Enforcement Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303 or through the EPA CEDRI) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all terms and conditions in the permit (including emissions limitations, standards, or work practices), except for conditions identified as being State-enforceable Only. 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;
4. the method(s) used for determining the compliance status of the source during the certification period;
5. each deviation and take it into account in the compliance certification; and
6. as possible exceptions to compliance, any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 (CAM) occurred.

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. **National Emission Standards Asbestos – 40 CFR Part 61, Subpart M** [15A NCAC 02D .1110]  
The Permittee shall comply with all applicable standards for demolition and renovation activities pursuant to the requirements of 40 CFR Part 61, Subpart M. The permittee shall not be required to obtain a modification of this permit in order to perform the referenced activities.
- 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 15A NCAC 02D .2600 if the methods can be demonstrated to determine compliance of permitted emission sources or pollutants.
  - b. The Director may authorize the DAQ to conduct independent tests of any source subject to a rule in 15A NCAC 02D 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 15A NCAC 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 (Air Permitting Branch, EPA, Region 4, 61 Forsyth Street SW, Atlanta, GA 30303 or through the EPA CEDRI) in writing at least seven days before the change is made.
  - a. The written notification shall include:
    - i. a description of the change at the facility;
    - 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.
  - b. 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 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.