

1 **15A NCAC 02Q .0303 DEFINITIONS**

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

3 (1) “Authorized Contact” means:

4 (a) for corporations, a principal executive officer of at least the level of vice-president, or their
5 duly authorized representative, if such representative is responsible for the overall
6 operation of the facility from which the emissions described in the permit application form
7 originates;

8 (b) for partnership or limited partnership, by a general partner;

9 (c) for a sole proprietorship, by the proprietor; or

10 (d) for municipal, state, federal, or other public entity, by a principal executive officer, ranking
11 elected official, or other duly authorized employee.

12 ~~(1) “New facility” means a facility that is receiving a permit from the Division for construction and~~
13 ~~operation of a source of an emissions polluting operation an emissions source that it is not currently~~
14 ~~permitted.~~

15 (2) "Modified facility" means a modification of an existing facility or source and:

16 (a) ~~The~~ the permitted facility or source is being modified in such a manner as to require the
17 Division to reissue the ~~permit,~~ permit; or

18 (b) ~~A~~ a new source is being added that requires the Division to reissue the permit.

19 ~~A modified facility does not include a facility or source that requests to change name or ownership, construction or~~
20 ~~test dates, or reporting procedures.~~

21 ~~A modified facility does not include a facility or source that requests to change name or ownership,~~
22 ~~construction or test dates, or reporting procedures.~~

23 (3) ~~“New facility” means a facility that is receiving a permit from the Division for construction and~~
24 ~~operation of an emissions source that it is not currently permitted.~~

25 ~~(3)~~(4) "Plans and Specifications" means the completed application and any other documents required to
26 define the operating conditions of the air pollution source.

27 ~~(4)~~(5) "Title IV source" means a source that is required to be permitted following the procedures under
28 ~~Section .0400 of this Subchapter.~~ 15A NCAC 02Q .0400.

29 ~~(5)~~(6) "Title V source" means a source that is required to be permitted following the procedures under
30 ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q .0500.

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

34 *Authority G.S. 143-213; 143-215.3(a)(1);*

35 *Eff. July 1, 1994.*

1 **15A NCAC 02Q .0304 APPLICATIONS**

2 (a) Obtaining and filing application. Permit, permit modification, or permit renewal applications may be obtained and
3 shall be filed in writing according to ~~Rule .0104 of this Subchapter.~~ 15A NCAC 02Q .0104.

4 (b) Information to accompany application. Along with filing a complete application form, the applicant shall also file
5 the following:

6 (1) for a new facility or an expansion of existing facility, a zoning consistency determination according
7 to G.S. 143-215.108(f) that:

8 (A) bears the date of receipt entered by the clerk of the local government, or

9 (B) consists of a letter from the local government indicating that all zoning or subdivision
10 ordinances are met by the facility;

11 (2) for a new facility or an expansion of existing facility in an area without zoning, an affidavit and
12 proof of publication of a legal notice as required under ~~Rule .0113 of this Subchapter.~~ 15A NCAC
13 02Q .0113;

14 (3) for permit renewal, an emissions inventory that contains the information specified under 15A NCAC
15 02D .0202, Registration of Air Pollution Sources (the applicant ~~may~~ shall use emission inventory
16 forms or electronic data systems provided by the Division to satisfy this requirement); and

17 (4) documentation showing the applicant complies with Parts (A) or (B) of this Subparagraph if the
18 Director finds this information necessary to evaluate the source, its air pollution abatement
19 equipment, or the facility:

20 (A) ~~The~~ the applicant is financially qualified to carry out the permitted activities, or

21 (B) ~~The~~ the applicant has substantially complied with the air quality and emissions standards
22 applicable to any activity in which the applicant has previously been engaged, and has been
23 in substantial compliance with federal and state environmental laws and rules.

24 (c) When to file application. For sources subject to the requirements of 15A NCAC 02D .0530 (prevention of
25 significant deterioration) or .0531 (new source review for sources in nonattainment areas), applicants shall file air
26 permit applications at least 180 days before the projected construction date. For all other sources, applicants shall file
27 air permit applications at least 90 days before the projected date of construction of a new source or modification of an
28 existing source.

29 (d) Permit renewal, name, or ownership changes with no modifications. If no modification has been made to the
30 originally permitted source, application for permit change may be made by ~~letter application~~ to the Director at the
31 address specified in ~~Rule .0104 of this Subchapter.~~ 15A NCAC 02Q .0104. The permit renewal, name, or ownership
32 change ~~letter application~~ must ~~shall~~ state that there have been no changes in the permitted facility since the permit was
33 last issued. ~~However, the Director may require the applicant for ownership change to submit additional information,~~
34 ~~if the Director finds the following information necessary to evaluate the applicant for ownership change, showing that:~~

35 (1) ~~The applicant is financially qualified to carry out the permitted activities, or~~

1 ~~(2) — The applicant has substantially complied with the air quality and emissions standards applicable to~~
2 ~~any activity in which the applicant has previously been engaged, and has been in substantial~~
3 ~~compliance with federal and state environmental laws and rules.~~

4 To make a name or ownership change, the applicant shall send the Director the number of copies of letters specified
5 in ~~Rule .0305(a)(3) or (4) of this Section~~ 15A NCAC 02Q .0305(a)(3) or (4) signed by a person specified in Paragraph
6 ~~(j) of this Rule.~~ the authorized contact defined in 15A NCAC 02Q .0303.

7 (e) Applications for date and reporting changes. Application for changes in construction or test dates or reporting
8 procedures may be made by letter to the Director at the address specified in ~~Rule .0104 of this Subchapter~~ 15A NCAC
9 02Q .0104. To make changes in construction or test dates or reporting procedures, the applicant shall send the Director
10 the number of copies of letters specified in Subparagraph (a)(5) of Rule .0305(a)(5).0305 of this Section signed by a
11 ~~person specified in Paragraph (j) of this Rule.~~ the authorized contact defined in 15A NCAC 02Q .0303.

12 (f) When to file applications for permit renewal. Applicants shall file applications for renewals such that they are
13 mailed to the Director at the address specified in ~~Rule .0104 of this Subchapter~~ 15A NCAC 02Q .0104 and postmarked
14 at least 90 days before expiration of the permit.

15 (g) Name, or ownership change. The permittee shall file requests for permit name or ownership changes as soon as
16 the permittee is aware of the imminent name or ownership change.

17 (h) Number of copies of additional information. The applicant shall submit the same number of copies of additional
18 information as required for the application package.

19 (i) Requesting additional information. Whenever the information provided on the permit application forms does not
20 adequately describe the source and its air cleaning device, the Director may request that the applicant provide any
21 other information that the Director considers necessary to evaluate the source and its air cleaning device. Before acting
22 on any permit application, the Director may request any information from an applicant and conduct any inquiry or
23 investigation that he or she considers necessary to determine compliance with applicable standards.

24 ~~(j) Signature on application. Permit applications submitted pursuant to this Rule shall be signed as follows:~~

25 ~~(1) — for corporations, by a principal executive officer of at least the level of vice president, or his duly~~
26 ~~authorized representative, if such representative is responsible for the overall operation of the~~
27 ~~facility from which the emissions described in the permit application form originates;~~

28 ~~(2) — for partnership or limited partnership, by a general partner;~~

29 ~~(3) — for a sole proprietorship, by the proprietor;~~

30 ~~(4) — for municipal, state, federal, or other public entity, by a principal executive officer, ranking elected~~
31 ~~official, or other duly authorized employee.~~

32 ~~(k)(j)~~ Application fee. With the exceptions specified in ~~Rule .0203(i) of this Subchapter~~ 15A NCAC 02Q .0203(i), a
33 non-refundable permit application processing fee shall accompany each application. The permit application processing
34 fees are defined in ~~Section .0200 of this Subchapter~~ 15A NCAC 02Q .0200. A permit application ~~is~~ shall be incomplete
35 until the permit application processing fee is received.

36 ~~(k)~~ Correcting submittals of incorrect information. An applicant ~~has~~ shall have a continuing obligation to submit
37 relevant facts pertaining to his permit application and to correct incorrect information on his permit application.

1 ~~(m)~~(1) Retaining copy of permit application package. The applicant shall retain for the duration of the permit term
2 one complete copy of the application package and any information submitted in support of the application package.

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4 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*
5 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is*
6 *effective, whichever is sooner;*
7 *Eff. July 1, 1994;*
8 *Amended Eff. September 1, 2015; January 1, 2009; December 1, 2005; July 1, 1999.*

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1 **15A NCAC 02Q .0305 APPLICATION SUBMITTAL CONTENT**

2 (a) If an applicant does not submit, at a minimum, the following information with ~~his~~the application package, the
3 application package shall be ~~returned~~considered incomplete for processing:

- 4 (1) for new facilities and modified facilities:
- 5 (A) an application fee as required under ~~Section .0200 of this Subchapter~~15A NCAC 02Q
6 .0200;
 - 7 (B) a zoning consistency determination as required under ~~Rule .0304(b)(1) of this Section~~15A
8 NCAC 02Q .0304(b)(1);
 - 9 (C) the documentation required under ~~Rule .0304(b)(2) of this Section~~15A NCAC 02Q
10 .0304(b)(2) if required;
 - 11 (D) a financial qualification or substantial compliance statement if required; and
 - 12 (E) applications as required under ~~Rule .0304(a) of this Section~~15A NCAC 02Q .0304(a) and
13 Paragraph (b) of this Rule and signed ~~as required by Rule .0304(j) of this Section~~by the
14 authorized contact;
- 15 (2) for renewals: ~~two copies of applications~~one copy of the application as required under ~~Rule .0304(a)~~
16 ~~and (d) of this Section~~15A NCAC 02Q .0304 (a) and (d) and signed ~~as required by Rule .0304(j) of~~
17 ~~this Section~~by the authorized contact and an emissions inventory that contains the information
18 specified under 15A NCAC 02D .0202, Registration of Air Pollution Sources;
- 19 (3) for a name change: ~~two copies of a letter~~one copy signed by the ~~appropriate individual listed in~~
20 ~~Rule .0304(j)~~authorized contact indicating the current facility name, the date on which the name
21 change shall occur, and the new facility name;
- 22 (4) for an ownership change: an application fee as required under ~~Section .0200 of this Subchapter~~15A
23 NCAC 02Q .0200 and:
- 24 (A) ~~two copies~~one copy of a letter sent by each, the seller and the buyer, indicating the change;
 - 25 or
 - 26 (B) ~~two copies~~one copy of a letter sent by either bearing the signature of both the seller and
27 buyer, containing a written agreement with a specific date for the transfer of permit
28 responsibility, coverage, and liability between the current and new permittee; ~~and or~~
 - 29 (C) submit one copy of the appropriate form provided by the Division; and
- 30 (5) for corrections of typographical errors; changes in name, address, or telephone number of any
31 individual identified in the permit; changes in test dates or construction dates; or similar minor
32 changes: ~~two copies~~one copy of a letter signed by the ~~appropriate individual listed in Rule .0304(j)~~
33 ~~of this Section~~authorized contact describing the proposed change and explaining the need for the
34 proposed change.

35 (b) The applicant shall submit copies of the application package as follows:

- 36 (1) ~~six copies for sources subject to the requirements of 15A NCAC 02D .0530, .0531, or .1200; or~~
37 (2) ~~three copies for sources not subject to the requirements of 15A NCAC 02D .0530, .0531, or .1200.~~

- 1 (1) one copy for all applications;
- 2 (2) one additional copy for facilities demonstrating compliance through modeling analysis; and
- 3 (3) five additional copies for sources subject to the requirements of 15A NCAC 02Q .0530 or .0531.

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*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule
becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. December 1, 2005; April 1, 2004.*

1 **15A NCAC 02Q .0306 PERMITS REQUIRING PUBLIC PARTICIPATION**

2 (a) The Director shall provide for public notice for comments with an opportunity for the public to request a public
3 hearing on draft permits for the following:

- 4 (1) any source that may be designated by the Director based on public interest relevant to air quality;
- 5 (2) a source to which 15A NCAC 02D .0530 or .0531 applies;
- 6 (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds
7 the height defined in 15A NCAC 02D .0533(a)(4)(A), (B), or (C);
- 8 (4) a source required to have controls more stringent than the applicable emission standards in 15A
9 NCAC 02D .0500 according to 15A NCAC 02D .0501 when necessary to comply with an ambient
10 air quality standard under 15A NCAC 02D .0400;
- 11 (5) alternative controls different than the applicable emission standards in 15A NCAC 02D .0900
12 according to 15A NCAC 02D .0952;
- 13 (6) a limitation on the quantity of solvent borne ink that may be used by a printing unit or printing
14 system according to 15A NCAC 02D .0961 and .0965;
- 15 (7) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an
16 incinerator constructed before July 1, 1987, in accordance with 15A NCAC 02D .1204(c)(2)(B) and
17 .1208 (b)(2)(B);
- 18 (8) an alternative mix of controls under 15A NCAC 02D .0501(f);
- 19 (9) a source that is subject to the requirements of 15A NCAC 02D .1109 or .1112;
- 20 (10) a source seeking exemption from the 20-percent opacity standard ~~in 15A NCAC 02D .0521~~ under
21 15A NCAC 2D .0521(f);
- 22 (11) a source using an alternative monitoring procedure or methodology under 15A NCAC 02D .0606(g)
23 or .0608(g); or
- 24 (12) when the owner or operator requests that the draft permit go to public notice with an opportunity to
25 request a public hearing.

26 ~~(b) On the Division's website, the Director shall post a copy of the draft permit that changes classification for a facility~~
27 ~~by placing a physical or operational limitation in it to avoid the applicability of rules in 15A NCAC 02Q .0500. Along~~
28 ~~with the draft permit, the Director shall also post a public notice for comments with an opportunity to request a public~~
29 ~~hearing on that draft permit. The public notice shall contain the information specified in Paragraph (c) of Rule .0307~~
30 ~~of this Section and shall allow at least 30 days for public comment.~~

31 ~~(c)~~(b) If EPA requires the State to submit a permit as part of the North Carolina State Implementation Plan for Air
32 Quality (SIP) and if the Commission approves a permit containing any of the conditions described in Paragraph (a) of
33 this Rule as a part of the SIP, the Director shall submit the permit to the EPA on behalf of the Commission for inclusion
34 as part of the federally approved SIP.

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36 *History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C;*

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Amended Eff. September 1, 2010; January 1, 2007; August 1, 2004; July 1, 2000; July 1, 1999; July 1, 1998.

1 **15A NCAC 02Q .0307 PUBLIC PARTICIPATION PROCEDURES**

2 (a) This Rule does not apply to sources subject to the requirements of 15A NCAC 2D .0530 or .0531 or Appendix S
3 or 40 CFR Part 51. For sources subject to the requirements of 15A NCAC 2D .0530 or .0531 or Appendix S of 40
4 CFR Part 51, the procedures in 15A NCAC 2D .0530 or .0531 or Appendix S of 40 CFR Part 51 shall be followed,
5 respectively.

6 (b) The public notice shall be given by publication in a newspaper of general circulation in the area where the facility
7 is located and shall be mailed to persons who are on the Division's mailing list for air quality permit notices and to the
8 EPA.

9 (c) The public notice shall identify:

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

23 (d) The notice shall allow at least 30 days for public and EPA comments.

24 (e) If the Director determines that significant public interest exists or that the public interest will be served, the
25 Director shall require a public hearing to be held on a draft permit. Notice of a public hearing shall be given at least
26 30 days before the public hearing.

27 (f) The Director shall make available for public inspection in at least one location in the region affected, the
28 information submitted by the permit applicant and the Division's analysis of that application.

29 (g) The Director shall send EPA a copy of each draft permit subject to public and EPA comment when ~~he sends~~ sending
30 EPA the notice of request for public comment for that permit and shall send EPA a copy of each such permit when it
31 is issued.

32 (h) Persons who desire to be placed on the Division's mailing list for air quality permit notices shall send their request
33 to the Director, Division of Air Quality, P.O. Box 29580, Raleigh, North Carolina 27626-0580 and shall pay an annual
34 fee of thirty dollars (\$30.00).

35 (i) ~~Any persons requesting copies of material identified in Subparagraph (b)(4) of this Rule shall pay ten cents (\$0.10)~~
36 ~~a page for each page copied.~~ Confidential material shall be handled in accordance with ~~Rule .0107 of this~~
37 ~~Subchapter.~~ 15A NCAC 02Q .0107.

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Eff. July 1, 1994;
Amended Eff. July 1, 1998.

1 **15A NCAC 02Q .0308 FINAL ACTION ON PERMIT APPLICATIONS**

2 (a) The Director may:

- 3 (1) issue a permit, permit modification, or a renewal containing the conditions necessary to carry out
4 the purposes of G.S. 143, Article 21B;
- 5 (2) rescind a permit upon request by the permittee; or
- 6 (3) deny a permit application when necessary to carry out the purposes of G.S. 143, Article 21B.

7 (b) Any person whose application for a permit, permit modification, renewal, ~~letter requesting~~ change in name or
8 ownership, construction or test date, or reporting ~~procedure, procedure~~ is ~~denied~~, or is granted subject to
9 conditions that are ~~unacceptable to him~~ unacceptable, shall have the right to appeal the Director's decision under Article
10 3 of G.S. 150B. The person shall have 30 days following receipt of the notice of the Director's decision on the
11 application or permit in which to appeal the Director's decision. The permit shall become final if the applicant does
12 not contest the permit within this 30-day period.

13 (c) The Director shall issue or renew a permit for a term of eight years.

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

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

18 *Eff. July 1, 1994;*

19 *Amended Eff. January 1, 2015.*

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1 **15A NCAC 02Q .0309 TERMINATION, MODIFICATION AND REVOCATION OF PERMITS**

2 (a) The Director may terminate, modify, or revoke and reissue any permit issued under this Section if:

- 3 (1) The information contained in the application or presented in support thereof is determined to be
4 incorrect;
- 5 (2) The conditions under which the permit or permit renewal was granted have changed;
- 6 (3) Violations of conditions contained in the permit have occurred;
- 7 (4) The permit holder fails to pay the fee required under Section .0200 of this Subchapter within 30
8 days after being billed;
- 9 (5) The permittee refuses to allow the Director or ~~his~~their authorized representative upon presentation
10 of credentials:
- 11 (A) to enter, at reasonable times and using reasonable safety practices, the permittee's premises
12 in which a source of emissions is located or in which any records are required to be kept
13 under terms and conditions of the permit;
- 14 (B) to have access, at reasonable times, to any copy or records required to be kept under terms
15 and conditions of the permit;
- 16 (C) to inspect, at reasonable times and using reasonable safety practices, any source of
17 emissions, control equipment, and any monitoring equipment or method required in the
18 permit; or
- 19 (D) to sample, at reasonable times and using reasonable safety practices, any emission source
20 at the facility;
- 21 (6) The Director finds that termination, modification, or revocation and reissuance of a permit is
22 necessary to carry out the purpose of G.S. 143, Article 21B.

23 (b) The permittee shall furnish the Division, in a timely manner, any reasonable information that the Director may
24 request in writing to determine whether cause exists for terminating, modifying, or revoking and reissuing the permit
25 or to determine compliance with the permit.

26 (c) The operation of a facility or source after its permit has been terminated is a violation of this Section and G.S.
27 143-215.108.

28 (d) The permittee may request modifications to his permit.

29 (e) The filing of a request by a permittee for a permit termination, modification, revocation and reissuance, notification
30 of planned changes, or anticipated noncompliance does not stay any permit term or condition.

31 (f) When a permit is modified, the proceedings shall affect only those parts of the permit that are being modified.

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33 *History Note:* Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule
34 is effective, whichever is sooner;
35 Authority G.S. 143-215.3(a)(1),(1a),(1b); 143-215.108; 143-215.114A; 143-215.114B;
36 143-215.114C;
37 Eff. July 1, 1994;

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Amended Eff. July 1, 1999.

1 **15A NCAC 02Q .0310 PERMITTING OF NUMEROUS SIMILAR FACILITIES**

2 (a) The Director may issue a permit to cover numerous similar facilities or sources.

3 (b) The Director shall not issue a permit under this Rule unless the following conditions are met:

4 (1) There is no unique difference that would require special permit conditions for any individual facility;
5 and

6 (2) No unique analysis is required for any facility covered under the permit.

7 (c) A permit issued under this Rule shall identify criteria by which facilities or sources may qualify for the permit.
8 The Director shall grant the terms and conditions of the permit to facilities or sources that qualify.

9 (d) The facility or source shall be subject to enforcement action for operating without a permit if the facility or source
10 is later determined not to qualify for the terms and conditions of the permit issued under this Rule.

11 (e) The owner or operator of a facility or source that qualifies for a permit issued under this Rule shall apply for
12 coverage under the terms of the permit issued under this Rule or shall apply for a standard permit under this Section.

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14 *History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*
15 *rule becomes effective, whichever is sooner;*
16 *Authority G.S. 143-215.3(a)(1); 143-215.108;*
17 *Eff. July 1, 1994.*

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1 **15A NCAC 02Q .0311 PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES**

2 (a) The Director may issue a single permit authorizing emissions from a facility or source at multiple temporary sites.

3 (b) Permits for facilities at multiple temporary sites shall include:

- 4 (1) the identification of each site;
- 5 (2) the conditions that will assure compliance with all applicable requirements at all approved sites;
- 6 (3) a requirement that the permittee notify the Division at least 10 days in advance of each change of
- 7 site; and
- 8 (4) the conditions that assure compliance with all other provisions of this Section.

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

11 *rule becomes effective, whichever is sooner;*

12 *Authority G.S. 143-215.3(a)(1); 143-215.108;*

13 *Eff. July 1, 1994;*

14 *Amended Eff. July 1, 1996.*

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1 **15A NCAC 02Q .0312 APPLICATION PROCESSING SCHEDULE**

2 (a) The Division shall adhere to the following schedule for processing applications for permits, permit modifications,
3 and permit renewals:

4 (1) for permit applications, except for prevention of significant deterioration under 15A NCAC ~~2D02D~~
5 .0530, case-by-case maximum achievable control technology under 15A NCAC ~~2D02D~~ .1109 or
6 ~~.1112, .1112: or a request for synthetic minor facility status before one year after EPA approves~~
7 ~~Section .0500 of this Subchapter:~~

8 (A) The Division shall send written acknowledgment of receipt of the permit application to the
9 applicant within 10 days of receipt of the application.

10 (B) The Division shall review all permit applications within 45 days of receipt of the
11 application to determine whether the application is complete or incomplete for processing
12 purposes. The Division shall notify the applicant by ~~letter~~ in writing:

13 (i) stating that the application as submitted is complete and specifying the
14 completeness date,

15 (ii) stating that the application is incomplete, requesting additional information and
16 specifying the deadline date by which the requested information is to be received
17 by the Division, or

18 (iii) stating that the application is incomplete and requesting that the applicant rewrite
19 and resubmit the application.

20 If the Division does not notify the applicant ~~by letter~~ in writing dated within 45 days of
21 receipt of the application that the application is incomplete, the application shall be deemed
22 complete. A completeness determination shall not prevent the Director from requesting
23 additional information at a later date when such information is considered necessary to
24 properly evaluate the source, its air pollution abatement equipment, or the facility. If the
25 applicant has not provided the requested additional information by the deadline specified
26 in the ~~letter requesting~~ written request for additional information, the Director may return
27 the application to the applicant as incomplete. The applicant may request a time extension
28 for submittal of the requested additional information.

29 (C) The Division shall determine within 45 days of receipt of a complete application if any
30 additional information is needed to conduct the technical review of the application. A
31 technical completeness determination shall not prevent the Director from requesting
32 additional information at a later date when such information is considered necessary to
33 properly evaluate the source, its air pollution abatement equipment or the facility. The
34 Division shall complete the technical review within 90 days of receipt of a complete
35 application or 10 days after receipt of requested additional information, whichever is later.

- 1 (D) If the draft permit is not required to go to public notice or to public hearing, the Director
2 shall issue or deny the permit within 90 days of receipt of a complete application or 10
3 days after receipt of requested additional information, whichever is later.
- 4 (E) If the draft permit is required to go to public notice with a request for opportunity for public
5 hearing under ~~Rule .0306(a) of this Section, 15A NCAC 02Q .0306(a)~~, the Director shall:
6 (i) send the draft permit to public notice within 90 days after receipt of a complete
7 application; and
8 (ii) complete the review of the record and take final action on the permit within 30
9 days after the close of the public comment period.
- 10 (F) If the draft permit is required to go to public hearing as a result of a request for public
11 hearing under ~~Rule .0307(e) of this Section, 15A NCAC 02Q .0307(a)~~, the Director shall:
12 (i) send the draft permit to public hearing within 45 days after approving the request
13 for the public hearing; and
14 (ii) complete the review of the record and take final action on the permit within 30
15 days after the close of the public hearing.
- 16 (2) for permit applications for prevention of significant deterioration under 15A NCAC ~~2D02D~~ .0530,
17 the processing schedules are set out in those Rules.
- 18 (3) for case-by-case maximum achievable control technology under 15A NCAC ~~2D02D~~ .1109 or .1112:
- 19 (A) The Division shall send written acknowledgment of receipt of the permit application to the
20 applicant within 10 days of receipt of the application.
- 21 (B) The Division shall review all permit applications within 45 days of receipt of the
22 application to determine whether the application is complete or incomplete for processing
23 purposes. The Division shall notify the applicant ~~by letter~~ in writing:
24 (i) stating that the application as submitted is complete and specifying the
25 completeness date,
26 (ii) stating that the application is incomplete, requesting additional information and
27 specifying the deadline date by which the requested information is to be received
28 by the Division, or
29 (iii) stating that the application is incomplete and that the applicant rewrite and
30 resubmit the application.
- 31 If the Division does not notify the applicant ~~by letter~~ in writing dated within 45 days of
32 receipt of the application that the application is incomplete, the application shall be deemed
33 complete. A completeness determination shall not prevent the Director from requesting
34 additional information at a later date when such information is considered necessary to
35 properly evaluate the source, its air pollution abatement equipment, or the facility. If the
36 applicant has not provided the requested additional information by the deadline specified
37 in the letter requesting additional information, the Director may return the application to

1 the applicant as incomplete. The applicant may request a time extension for submittal of
2 the requested additional information.

3 (C) The Division shall determine within 60 days of receipt of a complete application if any
4 additional information is needed to conduct the technical review of the application. A
5 technical completeness determination shall not prevent the Director from requesting
6 additional information at a later date when such information is considered necessary to
7 properly evaluate the source, its air pollution abatement equipment or the facility. The
8 Division shall complete the technical review within 120 days of receipt of a complete
9 application or 10 days after receipt of requested additional information, whichever is later.

10 (D) The Director shall:
11 (i) send the draft permit to public notice within 120 days after receipt of a complete
12 application or 10 days after receipt of requested additional information, whichever
13 is later; and
14 (ii) complete the review of the record and take final action on the permit within 30
15 days after the close of the public comment period.

16 (E) If the draft permit is required to go to public hearing as a result of a request for public
17 hearing under ~~Rule .0307(e) of this Section, 15A NCAC 02Q .0307(e)~~, the Director shall:
18 (i) send the draft permit to public hearing within 45 days after approving the request
19 for the public hearing; and
20 (ii) complete the review of the record and take final action on the permit within 30
21 days after the close of the public hearing.

22 ~~(4) requests for synthetic minor facility status before one year after EPA approves Section .0500 of this~~
23 ~~Subchapter shall be acted on within one year after EPA approves Section .0500 of this Subchapter.~~

24 (b) The days that fall between sending out a letterwritten notification requesting additional information and receiving
25 that additional information shall not be counted in the schedules under Paragraph (a) of this Rule.

26 (c) The Director may return at any time applications containing insufficient information to complete the review.

27
28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*
29 *Eff. February 1, 1995;*
30 *Amended Eff. July 1, 1998.*
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32

1 **15A NCAC 02Q .0313 EXPEDITED APPLICATION PROCESSING SCHEDULE**

2 (a) Using the procedures contained in this Rule may result in a permit that EPA does not recognize as a valid permit.

3 (b) An applicant may file an application to follow the expedited review for application certified by a professional
4 engineer as set out in G.S. 143-215.108(h) if:

5 (1) The applicant specifically requests that the permit application be processed under the procedures in
6 G.S. 143-215.108(h); and

7 (2) The applicant submits:

8 (A) applications as required under ~~Rules .0304 and .0305 of this Section;~~15A NCAC 02Q .0304
9 and .0305;

10 (B) a completeness checklist showing that the permit application is complete;

11 (C) a draft permit;

12 (D) any required dispersion modeling;

13 (E) a certification signed by a professional engineer registered in North Carolina certifying the
14 accuracy and completeness of draft permit and the application, including emissions
15 estimates, applicable standards and requirements, and process specifications;

16 (F) a zoning consistency determination as required under ~~Rule .0304(b)(1) of this Section;~~15A
17 NCAC 02Q .0304(b)(1);

18 (G) a written description of current and projected plans to reduce the emissions of air
19 contaminants as required under ~~Rule .0304(b)(2) of this Section;~~15A NCAC 02Q
20 .0304(b)(2);

21 (H) a financial qualification if required;

22 (I) substantial compliance statement if required; and

23 (J) the application fee as required under ~~Section .0200 of this Subchapter.~~15A NCAC
24 02Q.0200

25 (c) The applicant shall use the official application forms provided by the Division or a facsimile thereof.

26 (d) The Division shall provide the applicant a checklist of all items of information required to prepare a complete
27 permit application. This checklist shall be the checklist used by the Division to determine if the application is
28 complete.

29 (e) The Division shall provide the applicant a list of permit conditions and terms to include in the draft permit.

30 (f) Before filing a permit application that includes dispersion modeling analysis submitted in support of the
31 application, the applicant shall submit a modeling protocol and receive approval for the dispersion modeling protocol.

32 (g) The Division shall follow the procedures set out in G.S. 143-215.108(h) when processing applications filed in
33 accordance with this Rule.

34
35 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.108;

36 *Eff. July 1, 1998.*

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1 **15A NCAC 02Q .0314 GENERAL ~~PERMIT~~ REQUIREMENTS FOR ALL PERMITS**

2 (a) All emissions limitations, controls, and other requirements imposed by a permit issued pursuant to this Section
3 shall be at least as stringent as any other applicable requirement as defined under ~~Rule .0103 of this Subchapter.15A~~
4 NCAC 02Q .0103. The permit shall not waive or make less stringent any limitation or requirement contained in any
5 applicable requirement.

6 (b) Emissions limitations, controls and requirements contained in permits issued pursuant to the Section shall be
7 permanent, quantifiable, and otherwise enforceable as a practical matter under G.S. 143-215.114A, 143-215.114B,
8 and 143-215.114C.

9 (c) The owner or operator of a source permitted under this Section shall comply with the permit. Failure of the owner
10 or operator of a permitted source to adhere to the terms and conditions of the permit shall be grounds for:

- 11 (1) enforcement action;
- 12 (2) permit termination, revocation and reissuance, or modification; or
- 13 (3) denial of permit renewal applications.

14 (d) A permit does not convey any property rights of any sort, or any exclusive privileges.

15
16 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*
17 *Eff. July 1, 1999.*

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1 **15A NCAC 02Q .0315 SYNTHETIC MINOR FACILITIES**

2 (a) A synthetic minor facility is a facility whose permit contains terms and conditions to avoid the procedures of 15A
3 NCAC ~~2Q-02Q~~.0500, Title V Procedures.

4 (b) The owner or operator of a facility to which 15A NCAC ~~2Q-02Q~~.0500, Title V Procedures, applies may choose
5 to have terms and conditions placed in his permit to restrict operation to limit the potential to emit of the facility in
6 order to remove the applicability of 15A NCAC ~~2Q-02Q~~.0500 to the facility. An application for the addition of such
7 terms and conditions shall be processed under this Section.

8 (c) A modification to a permit to remove terms and conditions in the permit that removed the applicability of 15A
9 NCAC ~~2Q-02Q~~.0500 shall be processed under either this Section or 15A NCAC ~~2Q-02Q~~.0500. The applicant shall
10 choose which procedures to follow. However, if the terms and conditions are removed following the procedures of
11 this Section, the permittee shall submit a permit application under the procedures of 15A NCAC ~~2Q-02Q~~.0500 within
12 one year after the limiting terms and conditions are removed.

13 (d) After a facility is issued a permit that contains terms and conditions to remove the applicability of 15A NCAC ~~2Q~~
14 ~~02Q~~.0500, the facility shall comply with the permitting requirements of this Section.

15 (e) The Director may require monitoring, recordkeeping, and reporting necessary to assure compliance with the terms
16 and conditions placed in the permit to remove the applicability of 15A NCAC ~~2Q-02Q~~.0500.

17

18 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108;*
19 *Eff. July 1, 1999.*

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1 **15A NCAC 02Q .0316 ADMINISTRATIVE PERMIT AMENDMENTS**

2 (a) An "administrative permit amendment" means a permit revision that:

- 3 (1) corrects typographical errors;
- 4 (2) identifies a change in the name, address or telephone number of any individual identified in the
5 permit, or provides a similar minor administrative change at the facility;
- 6 (3) requires more frequent monitoring or reporting by the permittee;
- 7 (4) changes test dates or construction dates provided that no applicable requirements are violated by the
8 change in test dates or construction dates; or
- 9 (5) changes the permit number without changing any portion of the permit that would not otherwise
10 qualify as an administrative amendment.

11 (b) In making administrative permit amendments, the Director:

- 12 (1) shall take final action on a request for an administrative permit amendment within 60 days after
13 receiving such a request; and
- 14 (2) may make administrative amendments without providing notice to the public.

15 (c) The permittee may implement the changes addressed in the request for an administrative amendment immediately
16 upon submittal of the request.

17

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

19 *Eff. April 1, 2001.*

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21

1 **15A NCAC 02Q .0317 AVOIDANCE CONDITIONS**

2 (a) The owner or operator of a facility may request that terms and conditions be placed in that facility's permit to
3 avoid the applicability of:

- 4 (1) 15A NCAC 02D .0530, Prevention of Significant Deterioration;
- 5 (2) 15A NCAC 02D .0531, Sources in Nonattainment Areas;
- 6 (3) 15A NCAC 02D .0900, Volatile Organic Compounds;
- 7 (4) 15A NCAC 02D .1109, 112(j) Case-by-Case Maximum Achievable Control Technology;
- 8 (5) 15A NCAC 02D .1111, Maximum Achievable Control Technology;
- 9 (6) 15A NCAC 02D .1112(g) Case-by-Case Maximum Achievable Control Technology;
- 10 (7) 15A NCAC 02D .1400, Nitrogen Oxides; or
- 11 (8) other rules of 15A NCAC 02D, Air Pollution Control Requirements or Title 40 of the Code of
12 Federal Regulations that contain applicability thresholds.

13 (b) The Director may require the monitoring, recordkeeping, and reporting necessary to assure compliance with the
14 terms and conditions placed in the permit to remove the applicability of a rule.

15

16 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.108;
17 Eff. April 1, 2001.

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1 **15A NCAC 02Q .0318 CHANGES NOT REQUIRING PERMIT REVISIONS**

2 (a) This rule applies to sources that are not exempt pursuant to ~~Rule .0102 of this Subchapter.~~ 15A NCAC 02Q .0102.

3 This rule applies to facilities that have been issued an air quality permit pursuant to this Section.

4 (b) An owner or operator of a facility may make changes to that facility without first modifying any applicable air
5 permit if:

6 (1) the change does not violate any existing requirements or add new applicable requirements;

7 (2) the change does not cause emissions allowed under the current permit to be exceeded;

8 (3) the change does not require a modification of a permit term or condition pursuant to Rule .0315 or
9 avoidance condition pursuant to Rule .0317 of this Section;

10 (4) the change does not require a permit pursuant to 15A NCAC 02Q .0700, Toxic Air Pollutant
11 Procedures;

12 (5) the change does not require a P.E. Seal pursuant to Rule 15A NCAC 02Q .0112; and

13 (6) the owner or operator shall notify the Director ~~with written notification~~ in writing, using forms
14 provided by the Division, seven calendar days before the change is made. Within ~~seven calendar~~
15 ~~days~~ 10 business days of receipt of the notice, the Division ~~of Air Quality~~ shall notify the owner or
16 operator of its determination that the change meets the requirements of Subparagraphs (b)(1)
17 through (b)(5) of this Rule.

18 (c) The written notification from the owner or operator required pursuant to Subparagraph (b)(6) of this Rule shall
19 include:

20 (1) a description of the change;

21 (2) the date on which the change will occur;

22 (3) any change in emissions; and

23 (4) all permit terms or conditions of the current permit that may be affected by this change.

24 (d) A copy of the notification from the owner or operator required pursuant to Subparagraph (b)(6) of this Rule shall
25 be attached to the current permit until the permit is revised at the next modification, name change, ownership change,
26 or renewal.

27
28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;*
29 *Eff. June 13, 2016.*

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1 **15A NCAC 02Q .0802 GASOLINE SERVICE STATIONS AND DISPENSING FACILITIES**

2 (a) For the purpose of this Rule the following definitions apply:

3 (1) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline
4 tanks from stationary storage tanks.

5 (2) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the
6 motoring public from stationary storage tanks.

7 (b) This Rule only applies to gasoline service stations and gasoline dispensing facilities that are in compliance with
8 15A NCAC ~~2D-02D~~.0928.

9 (c) Potential emissions for gasoline service stations and gasoline dispensing facilities shall be determined using actual
10 gasoline throughput.

11 (d) Any gasoline service station or gasoline dispensing facility that has an annual throughput, on a calendar month
12 rolling average basis, of less than 15,000,000 gallons shall be exempted from the requirements of ~~Section .0500 of~~
13 ~~this Subchapter. 15A NCAC 02Q .0500.~~

14 (e) The owner or operator of any gasoline service station or gasoline dispensing facility exempted by this Rule from
15 ~~Section .0500 of this Subchapter 15A NCAC 02Q .0500~~ shall submit a report containing the information described in
16 Paragraph (f) of this Rule if:

17 (1) annual throughput exceeds 10,000,000 gallons, by the end of the month following the month that
18 throughput exceeds 10,000,000 gallons and every 12 months thereafter;

19 (2) annual throughput exceeds 13,000,000 gallons, by the end of the month following the month that
20 throughput exceeds 13,000,000 gallons and every six months thereafter; or

21 (3) annual throughput exceeds 15,000,000 gallons, by the end of the month following the month that
22 throughput exceeds 15,000,000 gallons and shall submit a permit application pursuant to the
23 procedures in ~~Section .0500 of this Subchapter. 15A NCAC 02Q .0500.~~

24 (f) The report required under Paragraph (e) of this Rule shall include:

25 (1) the name and location of the gasoline service station or gasoline dispensing facility;

26 (2) the annual throughput of gasoline for each of the 12-month periods ending on each month since the
27 previous report was submitted, including monthly gasoline throughput for each month required to
28 calculate the annual gasoline throughput for each 12-month period; and

29 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ authorized
30 contact defined in 15A NCAC 02Q .0303(1) certifying as to the truth and accuracy of the report.

31 (g) The owner or operator of any gasoline service station or gasoline dispensing facility exempted by this Rule from
32 ~~Section .0500 of this Subchapter 15A NCAC 02Q .0500~~ shall provide documentation of annual throughput to the
33 Director upon request. The owner or operator of any gasoline service station or gasoline dispensing facility exempted
34 by this Rule from ~~Section .0500 of this Subchapter 15A NCAC 02Q .0500~~ shall retain records to document annual
35 throughput for all 12-month periods during the previous three years.

36 (h) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a
37 requirement of this Rule within one week of its occurrence.

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2 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

3 *Eff. August 1, 1995.*

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1 **15A NCAC 02Q .0803 COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS**

2 (a) For the purposes of this Rule, the following definitions apply:

- 3 (1) "Coating operation" means a process in which paints, enamels, lacquers, varnishes, inks, dyes, glues,
4 and other similar materials are applied to wood, paper, metal, plastic, textiles, or other types of
5 substrates.
- 6 (2) "Solvent cleaning operation" means the use of solvents containing volatile organic compounds to
7 clean soils from metal, plastic, or other types of surfaces.
- 8 (3) "Graphic arts operation" means the application of inks to form words, designs, or pictures to a
9 substrate, usually by a series of application rolls each with only partial coverage and usually using
10 letterpress, offset lithography, rotogravure, or flexographic process.

11 (b) Potential emissions for a coating operation, solvent cleaning operation, or graphic arts operation shall be
12 determined using actual emissions without accounting for any air pollution control devices to reduce emissions of
13 volatile organic compounds or hazardous air pollutants including perchloroethylene, methyl chloroform, and methyl
14 chloride from the coating operation, solvent cleaning operation or graphic arts operation. All volatile organic
15 compounds and hazardous air pollutants that are also volatile organic compounds and perchloroethylene, methyl
16 chloroform, and methyl chloride are assumed to evaporate and be emitted into the atmosphere at the source.

17 (c) Paragraphs (d) through (l) of this Rule do not apply to any facility whose potential emissions are greater than or
18 equal to:

- 19 (1) 100 tons per year of each regulated air pollutant;
20 (2) 10 tons per year of each hazardous air pollutant; or
21 (3) 25 tons per year of all hazardous air pollutants combined;

22 as determined by criteria set out in each individual source category rule. [A particular maximum achievable control
23 technology (MACT) standard promulgated under 40 CFR Part 63 may have a lower applicability threshold than those
24 contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine the
25 applicability of that MACT standard.]

26 (d) With the exception of Paragraph (c) of this Rule, the owner or operator of a coating, solvent cleaning, or graphics
27 arts operation shall be exempted from the requirements of ~~Section .0500 of this Subchapter,~~ 15A NCAC 02Q .0500,
28 provided the owner or operator of the facility complies with Paragraphs (f) through (j) of this Rule, as appropriate.

29 (e) Only Paragraph (b) of this Rule applies to coating operations, solvent cleaning operations, or graphic arts
30 operations that are exempted from needing a permit under ~~Rule .0102 of this Subchapter,~~ 15A NCAC 02Q .0102.

31 (f) The owner or operator of a facility whose potential emissions:

- 32 (1) of volatile organic compounds are less than 100 tons per year but more than or equal to 75 tons per
33 year;
34 (2) of each hazardous air pollutant is less than 10 tons per year but more than or equal to 7.5 tons per
35 year; or
36 (3) of all hazardous air pollutants combined are less than 25 tons per year but more than or equal to 18
37 tons per year;

1 shall maintain records and submit reports as described in Paragraphs (g) and (j) of this Rule.

2 (g) For facilities covered under Paragraph (f) of this Rule, the owner or operator shall:

3 (1) maintain monthly consumption records of each material used containing volatile organic
4 compounds as follows:

5 (A) quantity of volatile organic compound in pounds per gallon of each material used,

6 (B) pounds of volatile organic compounds of each material used per month and total pounds
7 of volatile organic compounds of each material used during the 12-month period ending
8 on that month,

9 (C) quantity of each hazardous air pollutant in pounds per gallon of each material used,

10 (D) pounds of each hazardous air pollutant of each material used per month and total pounds
11 of each hazardous air pollutant of each material used during the 12-month period ending
12 on that month,

13 (E) quantity of all hazardous air pollutants in pounds per gallon of each material used, and

14 (F) pounds of all hazardous air pollutants of each material used per month and total pounds of
15 all hazardous air pollutants of each material used during the 12-month period ending on
16 that month; and

17 (2) submit to the Director each quarter, or more frequently if required by a permit condition, a report
18 summarizing emissions of volatile organic compounds and hazardous air pollutants containing the
19 following:

20 (A) pounds volatile organic compounds used:

21 (i) for each month during the quarter, and

22 (ii) for each 12-month period ending on each month during the quarter using the 12-
23 month rolling average method;

24 (B) greatest quantity in pounds of an individual hazardous air pollutant used:

25 (i) for each month during the quarter, and

26 (ii) for each 12-month period ending on each month during the quarter using the 12-
27 month rolling average method; and

28 (C) pounds of all hazardous air pollutants used:

29 (i) for each month during the quarter, and

30 (ii) for each 12-month period ending on each month during the quarter using the 12-
31 month rolling average method.

32 (h) The owner or operator of a facility whose potential emissions:

33 (1) of volatile organic compounds are less than 75 tons per year,

34 (2) of each hazardous air pollutants is less than 7.5 tons per year, and

35 (3) of all hazardous air pollutants combined are less than 18 tons per year,

36 shall maintain records and submit reports as described in Paragraphs (i) and (j) of this Rule.

1 (i) For facilities covered under Paragraph (h) of this Rule, the owner or operator shall submit to the regional
2 supervisors of the appropriate Division regional office by March 1 of each year, or more frequently if required by a
3 permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants
4 containing the following:

- 5 (1) pounds volatile organic compounds used during the previous calendar year,
- 6 (2) pounds of the highest individual hazardous air pollutant used during the previous year, and
- 7 (3) pounds of all hazardous air pollutants used during the previous year.

8 (j) In addition to the specific reporting requirements for sources covered under Paragraphs (f) and (h) of this Rule,
9 the owner or operator of the source shall:

- 10 (1) maintain purchase orders and invoices of materials containing volatile organic compounds, which
11 shall be made available to the Director upon request to confirm the general accuracy of the reports
12 filed under Paragraphs (g) or (i) of this Rule regarding materials usage;
- 13 (2) retain purchase orders and invoices for a period of at least three years;
- 14 (3) report to the Director any exceedance of a requirement of this Rule within one week of occurrence;
15 and
- 16 (4) certify all submittals as to the truth, completeness, and accuracy of all information recorded and
17 reported over the signature of the ~~appropriate official as identified in Rule .0304(j) of this~~
18 Subchapter authorized contact as defined in 15A NCAC 02Q .0303.

19 (k) Copies of all records required to be maintained under Paragraphs (g), (i) or (j) of this Rule shall be maintained at
20 the facility and shall be available for inspection by personnel of the Division on demand.

21 (l) The Director shall maintain a list of facilities covered under this Rule.

22
23 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
24 *Eff. August 1, 1995;*
25 *Amended Eff. April 1, 2001; April 1, 1999.*

1 **15A NCAC 02Q .0804 DRY CLEANING FACILITIES**

2 (a) For the purpose of this Rule, the following definitions apply:

3 (1) "Dry cleaning facility" means an establishment with one or more dry cleaning systems as defined
4 under 40 CFR 63.321.

5 (2) "Perchloroethylene consumption" means the total volume of perchloroethylene purchased based
6 upon purchase receipts or other reliable measures.

7 (b) Potential emissions for dry cleaning facilities shall be determined using perchloroethylene consumption.

8 (c) Any dry cleaning facility that has a yearly perchloroethylene consumption as determined under 40 CFR 63.323(d)
9 of less than 10 tons shall be exempted from the requirements of ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q
10 .0500.

11 (d) The owner or operator of a dry cleaning facility shall report perchloroethylene consumption in accordance with
12 40 CFR 63.324.

13 (e) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a
14 requirement of this Rule within one week of its occurrence.

15

16 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
17 *Eff. August 1, 1995.*

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1 **15A NCAC 02Q .0805 GRAIN ELEVATORS**

2 (a) This Rule applies to grain elevators that only:

- 3 (1) receive grain directly from the farm; and
- 4 (2) clean, dry, grind, or store grain before it is transported elsewhere.

5 (b) This Rule shall not apply to:

- 6 (1) facilities that process grain beyond cleaning, drying, or grinding; or
- 7 (2) facilities that use:
 - 8 (A) tunnel belts, or
 - 9 (B) head houses and elevator legs vented to cyclonic control devices.

10 (c) Potential emissions for grain elevators shall be determined using actual tons of grain received or shipped,
11 whichever is greater.

12 (d) Any grain elevator that receives or ships less than 588,000 tons of grain per year shall be exempted from the
13 requirements of ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q .0500.

14 (e) The owner or operator of a grain elevator that receives or ships:

- 15 (1) less than 392,000 tons of grain per year shall retain records of actual annual tons of grain received
16 or shipped at the site. These records shall be made available to Division personnel upon request of
17 the Division; or
- 18 (2) at least 392,000 but less than 588,000 tons of grain per year shall retain records of actual annual
19 tons of grain received or shipped at the site and shall submit to the regional supervisor of the
20 appropriate Division regional office, by March 1 of each year, a report containing the following
21 information:
 - 22 (A) the name and location of the grain elevator;
 - 23 (B) the tons of grain received and shipped during the previous calendar year; and
 - 24 (C) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~
25 authorized contact as defined in 15A NCAC 02Q .0303(1) certifying as to the truth and
26 accuracy of the report.

27 (f) The owner or operator of the grain elevator exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A
28 NCAC 02Q .0500 shall provide documentation of actual annual tons of grain received or shipped to the Director upon
29 request. The owner or operator of a grain elevator exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A
30 NCAC 02Q .0500 shall retain records to document actual annual tons of grain received or shipped for each of the
31 previous three years.

32 (g) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a
33 requirement of this Rule within one week of its occurrence.

34

35 *History Note:* Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;

36 Eff. August 1, 1995;

37 Amended Eff. April 1, 2001; July 1, 1998.

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1 **15A NCAC 02Q .0806 COTTON GINS**

2 (a) Potential emissions for cotton gins shall be determined using actual number of bales of cotton, not exceeding 500
3 pounds each, produced.

4 (b) Any cotton gin that gins less than 167,000 bales of cotton per year shall be exempted from the requirements of
5 ~~Section .0500 of this Subchapter.~~ 15A NCAC 02Q .0500.

6 (c) The owner or operator of any cotton gin exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC
7 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office by March 1 of each year,
8 a report containing the following information:

- 9 (1) the name and location of the cotton gin;
10 (2) the number of bales of cotton produced during the previous year; and
11 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ authorized
12 contact as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

13 (d) The owner or operator of any cotton gin exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC
14 02Q .0500 shall provide documentation of number of bales produced to the Director upon request. The owner or
15 operator of a cotton gin exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500 shall
16 retain records to document number of bales of cotton produced for each of the previous three years.

17 (e) If the number of bales specified in Paragraph (b) of this Rule are exceeded, the owner or operator shall report to
18 the Director this event within one week of its occurrence.

19

20 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
21 *Eff. August 1, 1995;*
22 *Amended Eff. June 1, 2004; April 1, 2001; July 1, 1998.*

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1 **15A NCAC 02Q .0807 EMERGENCY GENERATORS**

2 (a) This Rule applies to facilities whose only sources requiring a permit is one or more emergency generators or
3 emergency use internal combustion engines and associated fuel storage tanks.

4 (b) For the purposes of this Rule:

5 (1) "Emergency generator" means a stationary internal combustion engine used to generate electricity
6 only during the loss of primary power at the facility that is beyond the control of the owner or
7 operator of the facility or during maintenance when necessary to protect the environment. An
8 emergency generator may be operated periodically to ensure that it will operate.

9 (2) "Emergency use internal combustion engines" means stationary internal combustion engines used
10 to drive pumps, aerators, and other equipment only during the loss of primary power at the facility
11 that is beyond the control of the owner or operator of the facility or during maintenance when
12 necessary to protect the environment. An emergency use internal combustion engine may be
13 operated periodically to ensure that it will operate.

14 (c) For the purposes of this Rule, potential emissions for emergency generators and emergency use internal
15 combustion engines shall be determined using actual fuel consumption.

16 (d) Any facility whose emergency generators and emergency use internal combustion engines consume less than:

- 17 (1) 322,000 gallons per year of diesel fuel for diesel-powered generators;
18 (2) 62,500,000 cubic feet per year of natural gas for natural gas-powered generators;
19 (3) 1,440,000 gallons per year of ~~liquefied~~liquefied petroleum gas for ~~liquefied~~liquefied petroleum gas-
20 powered generators; and
21 (4) 50,800 gallons per year of gasoline for gasoline-powered generators,

22 shall be exempted from the requirements of ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500.

23 (e) The owner or operator of any emergency generator or emergency use internal combustion engine exempted by
24 this Rule from ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500 shall submit to the regional supervisors of the
25 appropriate Division regional office by March 1 of each year a report containing the following information:

- 26 (1) the name and location of the facility;
27 (2) the types and quantity of fuel consumed by emergency generators and emergency use internal
28 combustion engines; and
29 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~authorized
30 ~~contact as defined in 15A NCAC 02Q .0303~~certifying as to the truth and accuracy of the report.

31 (f) The owner or operator of any facility exempted by this Rule from ~~Section .0500 of this Subchapter~~15A NCAC
32 ~~02Q .0500~~ shall provide documentation of types and quantities of fuel consumed to the Director upon request. The
33 owner or operator of a facility exempted by this Rule from ~~Section .0500 of this Subchapter~~15A NCAC 02Q .0500
34 shall retain records to document types and quantities of fuels consumed for each of the previous three years.

35 (g) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a
36 requirement of this Rule within one week of its occurrence.

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1 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
2 *Eff. August 1, 1995;*
3 *Amended Eff. April 1, 2001; July 1, 1998.*
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1 **15A NCAC 02Q .0808 PEAK SHAVING GENERATORS**

2 (a) This Rule applies to facilities whose only sources requiring a permit is one or more peak shaving generators and
3 their associated fuel storage tanks.

4 (b) For the purpose of this Rule, potential emissions shall be determined using actual total fuel consumption.

5 (c) Any facility whose total fuel consumption by one or more peak shaving generators shall be exempted from the
6 requirements of ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500 if the facility uses:

7 (1) natural gas burning turbine driven generators that combust less than or equal to 5,625,000 therms
8 per year;

9 (2) distillate oil burning turbine driven generators that combust less than or equal to 1,496,000 gallons
10 per year;

11 (3) combined fuel (natural gas and six percent or more distillate oil) burning engine generators that
12 combust less than or equal to 633,320 therms natural gas and 24,330 gallons distillate oil per year;
13 or

14 (4) distillate oil burning engine driven generators that combust less than or equal to 410,580 gallons per
15 year.

16 (d) The owner or operator of any peak shaving generator exempted by this Rule from ~~Section .0500 of this~~
17 ~~Subchapter~~ 15A NCAC 02Q .0500 shall submit to the regional supervisors of the appropriate Division regional office
18 by March 1 of each year a report containing the following information:

19 (1) the name and location of the facility;

20 (2) the number and size of all peak shaving generators located at the facility;

21 (3) the total number of hours of operation of all peak shaving generators located at the facility;

22 (4) the actual total amount of energy production per year from all peak shaving generators located at
23 the facility; and

24 (5) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ authorized
25 contact as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

26 (e) The owner or operator of any facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC
27 02Q .0500 shall provide documentation of number, size, number of hours of operation, and amount and type of fuel
28 burned per calendar year from all peak shaving generators located at the facility to the Director upon request. The
29 owner or operator of a facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500
30 shall retain records to document the amount of total energy production per year for the previous three years.

31 (f) For facilities covered by this Rule, the owner or operator shall report to the Director if the total fuel combusted by
32 all peak shaving generators located at the facility exceeds the applicable fuel limit in Paragraph (c) of this Rule within
33 one week of its occurrence that the facility has exceeded the fuel consumption in Paragraph (c) of this Rule.

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35 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

36 *Eff. July 1, 1999;*

37 *Amended Eff. December 1, 2005; April 1, 2001.*

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1 **15A NCAC 02Q .0809 CONCRETE BATCH PLANTS**

2 ~~(a) This Rule applies to concrete batch plants that use fabric filters or equivalently effective control devices to control~~
3 ~~particulate emissions from the storage silos and the weigh hopper that receives materials from the cement and cement~~
4 ~~supplemental (mineral admixture) silos.~~

5 ~~(b) For the purpose of this Rule, potential emissions shall be determined using actual cubic yards of wet concrete~~
6 ~~produced.~~

7 ~~(c) Any concrete batch plant that produces less than 1,210,000 cubic yards of wet concrete per year shall be exempted~~
8 ~~from the requirements of Section .0500 of this Subchapter.~~

9 ~~(d) The owner or operator of any concrete batch plant exempted by this Rule from Section .0500 of this Subchapter~~
10 ~~shall submit to the regional supervisors of the appropriate Division regional office by March 1 of each year a report~~
11 ~~containing the following information:~~

- 12 (1) ~~name and location of the concrete batch plant;~~
- 13 (2) ~~current air permit number;~~
- 14 (3) ~~number of cubic yards of wet concrete produced during the previous calendar year; and~~
- 15 (4) ~~signature of the appropriate official as identified in Rule .0304(j) of this Subchapter certifying as to~~
16 ~~the truth and accuracy of the report.~~

17 ~~(e) The owner or operator of any concrete batch plant exempted by this Rule from Section .0500 of this Subchapter~~
18 ~~shall provide documentation of the cubic yards of wet concrete produced to the Director upon request. The owner or~~
19 ~~operator of a concrete batch plant exempted by this Rule from Section .0500 of this Subchapter shall retain records to~~
20 ~~document the cubic yards of wet concrete produced per year for the previous three years.~~

21 ~~(f) For concrete batch plants covered by this Rule, the owner or operator shall report to the Director any exceedance~~
22 ~~of a requirement of this Rule within one week of its occurrence.~~

23
24 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
25 *Eff. June 1, 2004.*
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1 **15A NCAC 02Q .0810 AIR CURTAIN BURNERS**

2 (a) This Rule applies to facilities whose only sources requiring a permit is one or more air curtain burners.

3 (b) Any facility whose air curtain burners combust less than 8,100 tons of land clearing debris per year shall be
4 exempted from the requirements of ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500.

5 (c) The owner or operator of any air curtain burner exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A
6 NCAC 02Q .0500 shall submit to the regional supervisors of the appropriate Division regional office by March 1 of
7 each year a report containing the following information:

8 (1) the name and location of the facility;

9 (2) the quantity of material combusted during the previous calendar year; and

10 (3) the signature of the ~~appropriate official as identified in Rule .0304(j) of this Subchapter~~ authorized
11 contact as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

12 (d) The owner or operator of any facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC
13 02Q .0500 shall provide documentation of the quantity of material combusted to the Director upon request. The owner
14 or operator of a facility exempted by this Rule from ~~Section .0500 of this Subchapter~~ 15A NCAC 02Q .0500 shall
15 retain records to document the amount of material combusted per year for the previous three years.

16 (e) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a
17 requirement of this Rule within one week of its occurrence.

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19 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
20 *Eff. December 1, 2005.*

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1 **15A NCAC 02Q .0902 TEMPORARY CRUSHERS**

2 (a) For the purposes of this Rule, "temporary crusher" means a crusher that ~~will~~shall not be operated at any one facility
3 or site for more than 12 months.

4 (b) This Rule applies to any temporary crusher that:

5 (1) crushes no more than 300,000 tons at any one facility or site;

6 ~~(2) burns no more than 17,000 gallons of diesel fuel at any one facility or site if it uses:~~

7 ~~(A) a diesel fired generator, or~~

8 ~~(B) a diesel engine to drive the crusher;~~

9 ~~(3)(2)~~ does not operate at a quarry that has an air permit issued under this Subchapter;

10 ~~(4)(3)~~ continuously uses water spray to control emissions from the crusher; and

11 ~~(5)(4)~~ does not operate at a facility that is required to have a mining permit issued by the Division of
12 Energy, Mineral, and Land Resources.

13 (c) The owner or operator of a temporary crusher and any associated ~~generator~~equipment shall comply with all
14 applicable rules of Subchapter 02D including .0510 (Particulates From Sand, Gravel, Or Crushed Stone Operations),
15 ~~.0516 (Sulfur Dioxide Emissions From Combustion Sources),~~ .0521 (Control Of Visible Emissions), .0524 (New
16 Source Performance Standards, 40 CFR Part 60, Subparts ~~OOO and III),~~OOO, .0535 (Excess Emissions Reporting
17 And Malfunctions), .0540 (Particulates From Fugitive Non-Process Dust), and .1806 ~~(control and prohibition of~~
18 ~~odorous emissions)~~(Control and Prohibition of Odorous Emissions).

19 (d) The owner or operator of a temporary crusher shall not cause or allow any material to be produced, handled,
20 transported, or stockpiled so that the ambient air quality standards for particulate matter (PM2.5, PM10, and total
21 suspended particulate) are not exceeded beyond the property line.

22 (e) The owner or operator of a temporary crusher shall maintain records of the amount of material crushed ~~and the~~
23 ~~quantity of fuel burned in the diesel fired generator or engine~~ so that the Division can determine upon review of these
24 records that the crusher qualifies to be covered under this Rule.

25 (f) The owner or operator of a temporary crusher shall label each crusher, hopper, feeder, screen, conveyor, elevator,
26 and generator with a permanent and unique identification number.

27 (g) If a source is covered under 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO), the owner or operator of a
28 temporary crusher shall submit to the Director notifications and test reports required under 15A NCAC 02D .0524 (40
29 CFR Part 60, Subpart OOO).

30 (h) If the Director or ~~his~~their authorized representative requests copies of notifications or testing records required
31 under 15A NCAC 02D .0524 (40 CFR Part 60, Subpart OOO), the owner or operator of a temporary crusher shall
32 submit the requested notifications or testing records within two business days of such a request.

33 ~~(i) If a source is covered under 15A NCAC 02D .0524 (40 CFR Part 60, Subpart III), the owner or operator of a~~
34 ~~compression ignition internal combustion engine (CI ICE) for a temporary crusher shall submit to the Director~~
35 ~~notifications required under 15A NCAC 02D .0524 (40 CFR Part 60, Subpart III).~~

36 ~~(j) If the Director or his authorized representative requests copies of notifications or testing records required under~~
37 ~~15A NCAC 02D .0524 (40 CFR Part 60, Subpart III), the owner or operator of a compression ignition internal~~

1 ~~combustion engine (CI/CE) for temporary crusher shall submit the requested notifications or testing records within~~
2 ~~two business days of such a request.~~

3 (i) If the owner or operator of a crusher plans or has the design potential to operate a crusher at a facility or site for
4 more than twelve months, ~~he~~the owner or operator shall apply for and shall have received an air quality permit issued
5 under this Subchapter before beginning operations.

6

7 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

8 *Eff. January 1, 2005;*

9 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); January 1, 2009.*

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1 **15A NCAC 02Q .0903 EMERGENCY GENERATORS AND STATIONARY RECIPROCATING**
2 **INTERNAL COMBUSTION ENGINES**

3 (a) For the purposes of this Rule, the following definitions apply:

4 (1) "Emergency generator" means an emergency stationary reciprocating internal combustion engine as
5 defined in 40 CFR 63.6675.

6 (2) "Stationary reciprocating internal combustion engine" shall be defined as set forth in 40 CFR
7 63.6675.

8 (b) This Rule applies to emergency generators and stationary reciprocating internal combustion engines at a facility
9 whose only sources that would require a permit are emergency generators and stationary reciprocating internal
10 combustion engines whose facility-wide actual emissions are less than 100 tons per calendar year of any regulated
11 pollutant, 10 tons per calendar year of any hazardous air pollutant, or 25 tons per calendar year of any combination of
12 hazardous air pollutants.

13 (c) The owner or operator of emergency generators and stationary reciprocating internal combustion engines regulated
14 pursuant to this Rule shall comply with 15A NCAC 02D .0516, .0521, .0524, and .1111.

15 (d) The owner or operator of emergency generators and stationary reciprocating internal combustion engines regulated
16 pursuant to this Rule shall provide the Director with documentation, upon request, that the emergency generators and
17 stationary reciprocating internal combustion engines meet the applicability requirements set forth in Paragraph (b) of
18 this Rule.

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20 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
21 *Eff. June 1, 2008;*
22 *Amended Eff. June 13, 2016.*

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