

SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

15A NCAC 02Q .0101 REQUIRED AIR QUALITY PERMITS

(a) No owner or operator shall do any of the following activities, unless otherwise exempted, without first applying for and obtaining an air quality permit:

- (1) construct, operate, or modify a source subject to an applicable standard, requirement, or rule that emits any regulated pollutant or one or more of the following:
 - (A) sulfur dioxide;
 - (B) total suspended particulates;
 - (C) particulate matter (PM10);
 - (D) carbon monoxide;
 - (E) nitrogen oxides;
 - (F) volatile organic compounds;
 - (G) lead and lead compounds;
 - (H) fluorides;
 - (I) total reduced sulfur;
 - (J) reduced sulfur compounds;
 - (K) hydrogen sulfide;
 - (L) sulfuric acid mist;
 - (M) asbestos;
 - (N) arsenic and arsenic compounds;
 - (O) beryllium and beryllium compounds;
 - (P) cadmium and cadmium compounds;
 - (Q) chromium(VI) and chromium(VI) compounds;
 - (R) mercury and mercury compounds;
 - (S) hydrogen chloride;
 - (T) vinyl chloride;
 - (U) benzene;
 - (V) ethylene oxide;
 - (W) dioxins and furans;
 - (X) ozone; or
 - (Y) any toxic air pollutant listed in 15A NCAC 02D .1104; or
- (2) construct, operate, or modify a facility that has the potential to emit at least 10 tons per year of any hazardous air pollutant or 25 tons per year of all hazardous air pollutants combined, or that are subject to requirements established under the following sections of the federal Clean Air Act:
 - (A) Section 112(d), emissions standards;
 - (B) Section 112(f), standards to protect public health and the environment;
 - (C) Section 112(g), construction and reconstruction;
 - (D) Section 112(h), work practice standards and other requirements;
 - (E) Section 112(i)(5), early reduction;
 - (F) Section 112(j), federal failure to promulgate standards;
 - (G) Section 112(r), accidental releases.

(b) Stationary Source Construction and Operation Permit: With the exception allowed by G.S. 143-215.108A, the owner or operator of a new, modified, or existing facility or source shall not begin construction or operation without first obtaining a construction and operation permit in accordance with the standard procedures under Section .0300 of this Subchapter. Title V facilities shall be subject to the Title V procedures under Section .0500 of this Subchapter including the acid rain procedures under Section .0400 of this Subchapter. A facility may also be subject to the air toxic procedures under 15A NCAC 02Q .0700.

(c) Fees shall be paid in accordance with the requirements of Section .0200 of this Subchapter.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
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. January 1, 2015; December 1, 2005; July 1, 1998.

15A NCAC 02Q .0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) For the purposes of this Rule, the definitions listed in 15A NCAC 02D .0101 and 15A NCAC 02Q .0103 shall apply.

(b) This Rule does not apply to:

- (1) facilities whose potential emissions require a permit pursuant to 15A NCAC 02Q .0500 (Title V Procedures); or
- (2) a source emitting a pollutant that is part of the facility's 15A NCAC 02D .1100 (Control of Toxic Air Pollutants) modeling demonstration if that source is not exempted pursuant to 15A NCAC 02Q .0702.

(c) The owner or operator of an activity exempt from permitting pursuant to this Rule shall not be exempt from demonstrating compliance with any other applicable State or federal requirement.

(d) Any facility whose actual emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, hazardous air pollutants, and toxic air pollutants are each less than five tons per year and whose actual total aggregate emissions are less than 10 tons per year shall not be required to obtain a permit pursuant to 15A NCAC 02Q .0300. This Paragraph shall not apply to synthetic minor facilities that are regulated pursuant to Rule .0315 of this Subchapter.

(e) Any facility that is not exempted from permitting pursuant to Paragraph (d) of this Rule and whose actual total aggregate emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, hazardous air pollutants, and toxic air pollutants are greater than or equal to five tons per year and less than 25 tons per year may register their facility pursuant to 15A NCAC 02D .0202 instead of obtaining a permit pursuant to 15A NCAC 02Q .0300. This Paragraph shall not apply to any facility as follows:

- (1) synthetic minor facilities that are regulated pursuant to Rule .0315 of this Subchapter;
- (2) facilities with a source subject to maximum achievable control technology pursuant to 40 CFR Part 63;
- (3) facilities with sources of volatile organic compounds or nitrogen oxides that are located in a nonattainment area; or
- (4) facilities with a source regulated pursuant to New Source Performance Standards (NSPS), unless the source is exempted pursuant to Paragraph (g) or (h) of this Rule.

(f) The Director may require the owner or operator of a facility to register such facility pursuant to 15A NCAC 02D .0200 or obtain a permit pursuant to 15A NCAC 02Q .0300, if necessary to obtain compliance with any other applicable State or federal requirement.

(g) The following activities do not require a permit or permit modification pursuant to 15A NCAC 02Q .0300:

- (1) maintenance, upkeep, and replacement:
 - (A) maintenance, structural changes, or repair activities which do not increase the capacity of such process and do not cause any change in the quality or nature or an increase in quantity of an emission of any regulated air pollutant;
 - (B) housekeeping activities or building maintenance procedures, including painting buildings, paving parking lots, resurfacing floors, repairing roofs, washing, using portable vacuum cleaners, sweeping, using and associated storing of janitorial products, or removing insulation;
 - (C) using office supplies, supplies to maintain copying equipment, or blueprint machines;
 - (D) using firefighting equipment (excluding engines regulated pursuant to 40 CFR 63, Subpart ZZZZ); or
 - (E) replacing existing equipment with equipment of the same size (or smaller), type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants, does not affect the facility's compliance with any other applicable State or federal requirements, and that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be lawfully operated pursuant to that permit without modifying the permit;
- (2) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (3) laboratory or classroom activities:
 - (A) bench-scale, on-site equipment used for experimentation, chemical or physical analysis for quality control purposes or for diagnosis of illness, training, or instructional purposes;
 - (B) research and development activities that produce no commercial product or feedstock material; or

- (4) (C) educational activities, including wood working, welding, and automotive repair;
 - (4) storage tanks with no applicable requirements other than Stage I controls pursuant to 15A NCAC 02D .0928, Gasoline Service Stations Stage I;
 - (5) combustion and heat transfer equipment:
 - (A) heating units used for human comfort, excluding space heaters burning used oil, that have a heat input of less than 10 million Btu per hour and that do not provide heat for any manufacturing or other industrial process;
 - (B) residential wood stoves, heaters, or fireplaces; or
 - (C) water heaters that are used for domestic purposes only and are not used to heat process water;
 - (6) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no state or federal air requirements;
 - (7) dispensing equipment: equipment used solely to dispense gasoline, diesel fuel, kerosene, lubricants or cooling oils;
 - (8) electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (9) electric motor bake-on ovens;
 - (10) burn-off ovens with afterburners for paint-line hangers;
 - (11) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
 - (12) woodworking operations processing only green wood;
 - (13) solid waste landfills: This does not apply to flares and other sources of combustion at solid waste landfills. These flares and other combustion sources are required to be permitted pursuant to 15A NCAC 02Q .0300 unless they qualify for another exemption pursuant to this Paragraph; or
 - (14) miscellaneous:
 - (A) equipment that does not emit any regulated air pollutants;
 - (B) sources for which there are no applicable requirements;
 - (C) motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled vehicles with internal combustion engines;
 - (D) engines regulated pursuant to Title II of the Federal Clean Air Act (Emission Standards for Moving Sources);
 - (E) equipment used for preparing food for direct on-site human consumption;
 - (F) a source whose emissions are regulated only pursuant to Section 112(r) or Title VI of the Federal Clean Air Act;
 - (G) exit gases from in-line process analyzers;
 - (H) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
 - (I) refrigeration equipment that complies with the regulations set forth in Sections 601 through 618 of Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA pursuant to Title VI for stratospheric ozone protection, except those units refrigeration equipment used as or in conjunction with air pollution control equipment. Refrigeration equipment used as or in conjunction with air pollution control equipment is required to be permitted pursuant to 15A NCAC 02Q .0300 unless it qualifies for another exemption pursuant to this Paragraph;
 - (J) equipment not vented to the outdoor atmosphere, with the exception of equipment that emits volatile organic compounds. Equipment that emits volatile organic compounds is required to be permitted pursuant to 15A NCAC 02Q .0300 unless it qualifies for another exemption pursuant to this Paragraph;
 - (K) animal operations not required to have control technology pursuant to 15A NCAC 02D .1800. If an animal operation is required to have control technology, it shall be required to have a permit pursuant to this Subchapter;
 - (L) any incinerator that meets the requirements set forth in 15A NCAC 02D .1201(c)(4); or
 - (M) dry cleaning operations, regardless of NSPS or NESHAP applicability.
- (h) The following activities do not require a permit or permit modification pursuant to 15A NCAC 02Q .0300. These activities are included in determining applicability of any rule or standard that requires facility-wide

aggregation of source emissions, including activities regulated by 15A NCAC 02D .0530, 15A NCAC 02D .0531, 15A NCAC 02Q .0500, and 15A NCAC 02Q .0700:

- (1) combustion and heat transfer equipment (including direct-fired equipment that only emit regulated pollutants from fuel combustion):
 - (A) fuel combustion equipment (excluding internal combustion engines) not regulated pursuant to 40 CFR Part 60, NSPS, firing exclusively unadulterated liquid fossil fuel, wood, or an approved equivalent unadulterated fuel as defined in 15A NCAC 02Q .0103;
 - (B) fuel combustion equipment (excluding internal combustion engines) firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels; or
 - (C) space heaters burning waste oil if:
 - (i) the heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes; and
 - (ii) the heater is designed to have a maximum heat input of not more than 500,000 Btu per hour;
 - (2) gasoline distribution: bulk gasoline plants as defined in 15A NCAC 02D .0926(a)(3), with an average daily throughput of less than 4,000 gallons;
 - (3) paint spray booths or graphic arts operations, coating operations, and solvent cleaning operations as defined in 15A NCAC 02Q .0803 located at a facility whose facility-wide actual uncontrolled emissions of volatile organic compounds are less than five tons per year, except that such emission sources whose actual uncontrolled emissions of volatile organic compounds are less than 100 pounds per year shall qualify for this exemption regardless of the facility-wide emissions. For the purpose of this exemption water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices;
 - (4) electrostatic dry powder coating operations with filters or powder recovery systems;
 - (5) miscellaneous: any source whose potential uncontrolled emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide shall each be no more than five tons per year; or
 - (6) case-by-case exemption: activities that the applicant demonstrates to the Director do not violate any applicable emission control standard.
- (i) The owner or operator of a facility or source claiming that an activity is exempt pursuant to Paragraphs (d), (e), (g) or (h) of this Rule shall submit emissions data, documentation of equipment type, or other supporting documents to the Director upon request that the facility or source is qualified for that exemption.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 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. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. June 13, 2016; May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, 2000.*

15A NCAC 02Q .0103 DEFINITIONS

For the purposes of this Subchapter, the definitions in G.S. 143-212 and G.S. 143-213 and the following definitions apply:

- (1) "Administrator" means, when it appears in any Code of Federal Regulation incorporated by reference in this Subchapter, the Director of the Division of Air Quality unless:
 - (a) a specific rule in this Subchapter specifies otherwise, or
 - (b) the U.S. Environmental Protection Agency in its delegation or approval states that a specific authority of the Administrator of the Environmental Protection Agency is not included in its delegation or approval.
- (2) "Air Pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air. Water vapor shall not be considered an air pollutant.
- (3) "Allowable emissions" mean the maximum emissions allowed by the applicable rules contained in 15A NCAC 02D or by permit conditions if the permit limits emissions to a lesser amount.
- (4) "Alter or change" means to make a modification.
- (5) "Applicable requirements" means:
 - (a) any requirement of Section .0500 of this Subchapter;
 - (b) any standard or other requirement provided for in the implementation plan approved or promulgated by EPA through rulemaking under Title I of the federal Clean Air Act that implements the relevant requirements of the federal Clean Air Act including any revisions to 40 CFR Part 52;
 - (c) any term or condition of a construction permit for a facility covered under 15A NCAC 2D .0530, .0531, or .0532;
 - (d) any standard or other requirement under Section 111 or 112 of the federal Clean Air Act, but not including the contents of any risk management plan required under Section 112 of the federal Clean Air Act;
 - (e) any standard or other requirement under Title IV of the federal Clean Air Act;
 - (f) any standard or other requirement governing solid waste incineration under Section 129 of the federal Clean Air Act;
 - (g) any standard or other requirement under Section 183(e), 183(f), or 328 of the federal Clean Air Act;
 - (h) any standard or requirement under Title VI of the federal Clean Air Act unless a permit for such requirement is not required under this Section;
 - (i) any requirement under Section 504(b) or 114(a)(3) of the federal Clean Air Act; or
 - (j) any national ambient air quality standard or increment or visibility requirement under Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to 504(e) of the federal Clean Air Act.
- (6) "Applicant" means the person who is applying for an air quality permit from the Division.
- (7) "Application package" means all elements or documents needed to make an application complete.
- (8) "CFR" means the Code of Federal Regulations.
- (9) "Construction" means change in the method of operation or any physical change, including on-site fabrication, erection, installation, replacement, demolition, or modification of a source, that results in a change in emissions or affects the compliance status. The following activities are not construction:
 - (a) clearing and grading;
 - (b) building access roads, driveways, and parking lots;
 - (c) building and installing underground pipe work, including water, sewer, electric, and telecommunications utilities; or
 - (d) building ancillary structures, including fences and office buildings that are not a necessary component of an air contaminant source, equipment, or associated air cleaning device for which a permit is required under G.S. 143-215.108.
- (10) "Director" means the Director of the Division of Air Quality.
- (11) "Division" means the Division of Air Quality.
- (12) "EPA" means the United States Environmental Protection Agency or the Administrator of the Environmental Protection Agency.
- (13) "EPA approves" means full approval, interim approval, or partial approval by EPA.

- (14) "Equivalent unadulterated fuels" means used oils that have been refined such that the content of toxic additives or contaminants in the oil are no greater than those in unadulterated fossil fuels.
- (15) "Facility" means all of the pollutant emitting activities, except transportation facilities, that are located on one or more adjacent properties under common control.
- (16) "Federally enforceable" or "federal-enforceable" means enforceable by EPA.
- (17) "Fuel combustion equipment" means any fuel burning source covered under 15A NCAC 02D .0503, .0504, .0536, or 40 CFR Part 60 Subpart D, Da, Db, or Dc.
- (18) "Green wood" means wood with a moisture content of 18% or more.
- (19) "Hazardous air pollutant" means any pollutant that has been listed pursuant to Section 112(b) of the federal Clean Air Act. Pollutants listed only in 15A NCAC 02D .1104 (Toxic Air Pollutant Guidelines), but not pursuant to Section 112(b), shall not be included in this definition.
- (20) "Insignificant activities" means activities defined as insignificant activities because of category or as insignificant activities because of size or production rate under Rule .0503 of this Subchapter.
- (21) "Lesser quantity cutoff" means:
 - (a) for a source subject to the requirements of Section 112(d) or (j) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which the following are not required:
 - (i) maximum achievable control technology (MACT) or generally available control technology (GACT), including work practice standards, requirement under Section 112(d) of the federal Clean Air Act;
 - (ii) a MACT standard established under Section 112(j) of the federal Clean Air Act; or
 - (iii) substitute MACT or GACT adopted under Section 112(l) of the federal Clean Air Act.
 - (b) for modification of a source subject to, or that may be subject to, the requirements of Section 112(g) of the federal Clean Air Act, the level of emissions of hazardous air pollutants below which MACT is not required to be applied under Section 112(g) of the federal Clean Air Act; or
 - (c) for all other sources, potential emissions of each hazardous air pollutant below 10 tons per year and the aggregate potential emissions of all hazardous air pollutants below 25 tons per year.
- (22) "Major facility" means a major source as defined under 40 CFR 70.2.
- (23) "Modification" means any physical change or change in method of operation that results in a change in emissions or affects compliance status of the source or facility.
- (24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, source, or air pollution control equipment.
- (25) "Peak shaving generator" means a generator that is located at a facility and is used only to serve that facility's on-site electrical load during peak demand periods for the purpose of reducing the cost of electricity; it does not generate electricity for resale. A peak shaving generator may also be used for emergency backup.
- (26) "Permit" means the binding written document, including any revisions thereto, issued pursuant to G.S. 143-215.108 to the owner or operator of a facility or source that emits one or more air pollutants and that allows that facility or source to operate in compliance with G.S. 143-215.108. This document shall specify the requirements applicable to the facility or source and to the permittee.
- (27) "Permittee" means the person who has received an air quality permit from the Division.
- (28) "Potential emissions" means the rate of emissions of any air pollutant that would occur at the facility's maximum capacity to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a facility to emit an air pollutant shall be treated as a part of its design if the limitation is federally enforceable. Such physical or operational limitations include air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed. Potential emissions include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. Potential emissions do not include a facility's secondary emissions such as those from motor vehicles associated with the facility and do not include emissions from insignificant activities because of category as defined under Rule .0503 of this Section. If a rule in 40 CFR Part 63 uses a different methodology to

calculate potential emissions, that methodology shall be used for sources and pollutants covered under that rule.

- (29) "Portable generator" means a generator permanently mounted on a trailer or a frame with wheels.
- (30) "Regulated air pollutant" means:
 - (a) nitrogen oxides or any volatile organic compound as defined under 40 CFR 51.100;
 - (b) any pollutant for which there is an ambient air quality standard under 40 CFR Part 50;
 - (c) any pollutant regulated under 15A NCAC 02D .0524, .1110, or .1111; or 40 CFR Part 60, 61, or 63;
 - (d) any pollutant subject to a standard promulgated under Section 112 of the federal Clean Air Act or other requirements established under Section 112 of the federal Clean Air Act, including Section 112(g) (but only for the facility subject to Section 112(g)(2) of the federal Clean Air Act), (j), or (r) of the federal Clean Air Act; or
 - (e) any Class I or II substance listed under Section 602 of the federal Clean Air Act.
- (31) "Sawmill" means a place or operation where logs are sawed into lumber consisting of one or more of these activities: debarking, sawing, and sawdust handling. Activities that are not considered part of a sawmill include chipping, sanding, planing, routing, lathing, and drilling.
- (32) "Source" means any stationary article, machine, process equipment, or other contrivance, or combination thereof, from which air pollutants emanate or are emitted, either directly or indirectly.
- (33) "Toxic air pollutant" means any of the carcinogens, chronic toxicants, acute systemic toxicants, or acute irritants that are listed in 15A NCAC 02D .1104.
- (34) "Transportation facility" means a complex source as defined in G.S. 143-213(22).
- (35) "Unadulterated fossil fuel" means fuel oils, coal, natural gas, or liquefied petroleum gas to which no toxic additives have been added that may result in the emissions of a toxic air pollutant listed under 15A NCAC 02D .1104.

History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1);
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. April 1, 1999; July 1, 1998; July 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. January 1, 2015; December 1, 2005; July 1, 2000.

15A NCAC 02Q .0104 WHERE TO OBTAIN AND FILE PERMIT APPLICATIONS

(a) Application forms for a permit or permit modification may be obtained from and shall be filed with the Director, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641 or any of the regional offices listed under Rule .0105 of this Section.

(b) The number of copies of applications to be filed shall be specified in Rules .0305 (construction and operation permit procedures) and .0507 (Title V permit procedures) of this Subchapter.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
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. January 1, 2015; August 1, 2002; July 1, 1997.*

15A NCAC 02Q .0105 COPIES OF REFERENCED DOCUMENTS

(a) Copies of applicable Code of Federal Regulations (CFR) sections referred to in this Subchapter are available for public inspection at Department of Environment and Natural Resources regional offices. The regional offices are:

- (1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;
- (2) Winston-Salem Regional Office, 585 Waughtown Street, Winston Salem, North Carolina 27107
- (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville, North Carolina 28115;
- (4) Raleigh Regional Office, 3800 Barrett Drive, Post Office Box 27687, Raleigh, North Carolina 28115;
- (5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, North Carolina 28301;
- (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889;
- (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, North Carolina 28403.

(b) Permit applications and permits may be reviewed at the Central Files office in the Parker Lincoln Building, 2758 Capital Boulevard, Raleigh, North Carolina, excluding information entitled to confidential treatment under Rule .0107 of this Section.

(c) Copies of CFR, permit applications, and permits can be made for ten cents (\$0.10) per page.

*History Note: Authority G.S. 143-215.3(a)(1); 150B-19(5);
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.*

15A NCAC 02Q .0106 INCORPORATION BY REFERENCE

- (a) Referenced CFR contained in this Subchapter are incorporated by reference.
- (b) The CFR incorporated by reference in this Subchapter shall automatically include any later amendments thereto unless a specific rule specifies otherwise.
- (c) The CFR may be purchased from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250. The cost of the 40 CFR Parts 61 to 80 is fourteen dollars (\$14.00).

*History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 150B-21.6;
Eff. July 1, 1994.*

15A NCAC 02Q .0107 CONFIDENTIAL INFORMATION

(a) All information required to be submitted to the Commission or the Director under this Subchapter or Subchapter 2D of this Title shall be disclosed to the public unless the person submitting the information can demonstrate that the information is entitled to confidential treatment under G.S. 143-215.3C.

(b) A request that information be treated as confidential shall be made by the person submitting the information at the time that the information is submitted. The request shall state in writing reasons why the information should be held confidential. Any request not meeting these requirements shall be invalid.

(c) The Director shall decide which information is entitled to confidential treatment and shall notify the person requesting confidential treatment of his decision within 180 days of receipt of a request to treat information as confidential.

(d) Information for which a request has been made under Paragraph (b) of this Rule to treat as confidential shall be treated as confidential until the Director decides that it is not confidential.

*History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.3C;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; July 1, 1997.*

15A NCAC 02Q .0108 DELEGATION OF AUTHORITY

The Director may delegate the processing of permit applications and the issuance of permits to the Deputy Director, the regional office air quality supervisor, or any supervisor in the Permitting Section of the Division of Air Quality as he considers appropriate. This delegation shall not include the authority to deny a permit application or to revoke or suspend a permit.

*History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1),(4);
Eff. July 1, 1994;
Amended Eff. July 1, 1998.*

15A NCAC 02Q .0109 COMPLIANCE SCHEDULE FOR PREVIOUSLY EXEMPTED ACTIVITIES

(a) If a source has heretofore been exempted from needing a permit, but because of change in permit exemptions, it is now required to have a permit as follows:

- (1) If the source is located at a facility that currently has an air quality permit, the source shall be added to the air quality permit of the facility the next time that permit is revised or renewed, whichever occurs first.
- (2) If the source is located at a facility that currently does not have an air quality permit, the owner or operator of that source shall apply for a permit within six months after the effective date of the change in the permit exemption.

(b) If a source becomes subject to requirements promulgated under 40 CFR Part 63, the owner or operator of the source shall apply for a permit unless exempted by Rule .0102 of this Section at least 270 days before the final compliance date of the requirement.

*History Note: Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Eff. July 1, 1994;
Amended Eff. April 1, 2001; July 1, 1996.*

15A NCAC 02Q .0110 RETENTION OF PERMIT AT PERMITTED FACILITY

The permittee shall retain a copy of all active permits issued under this Subchapter at the facility identified in the permit.

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Eff. July 1, 1994.

15A NCAC 02Q .0111 APPLICABILITY DETERMINATIONS

Any person may submit a request in writing to the Director requesting a determination as to whether a particular source or facility that the person owns or operates or proposes to own or operate is subject to any of the permitting requirements under this Subchapter. The request shall contain such information believed to be sufficient for the Director to make the requested determination. The Director may request any additional information that is needed to make the determination.

*History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 143-215.3(a)(1); 143-215.108; 143-215.109;
Eff. July 1, 1994.*

15A NCAC 02Q .0112 APPLICATIONS REQUIRING PROFESSIONAL ENGINEER SEAL

- (a) This Rule shall not apply to permit applications submitted before December 1, 1994.
- (b) A professional engineer registered in North Carolina shall be required to seal technical portions of air permit applications for new sources and modifications of existing sources as defined in Rule .0103 of this Section that involve:
- (1) design;
 - (2) determination of applicability and appropriateness; or
 - (3) determination and interpretation of performance; of air pollution capture and control systems.
- (c) The requirements of Paragraph (b) of this Rule do not apply to the following:
- (1) any source with non-optional air pollution control equipment that constitutes an integral part of the process equipment as originally designed and manufactured by the equipment supplier;
 - (2) sources that are permitted under Rule .0310 or .0509 of this Subchapter;
 - (3) paint spray booths without air pollution capture and control systems for volatile organic compound emissions;
 - (4) particulate emission sources with air flow rates of less than or equal to 10,000 actual cubic feet per minute;
 - (5) nonmetallic mineral processing plants with wet suppression control systems for particulate emissions; or
 - (6) permit renewal if no modifications are included in the permit renewal application.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
RRC Objection Eff. November 17, 1994 due to lack of statutory authority;
Eff. February 1, 1995.

15A NCAC 02Q .0113 NOTIFICATION IN AREAS WITHOUT ZONING

(a) State and local governments are exempt from this Rule.

(b) Before a person submits a permit application for a new or expanded facility in an area without zoning, he shall provide public notification as setout in this Rule.

(c) A person covered under this Rule shall publish a legal notice as specified in Paragraph (d) of this Rule and shall post a sign as specified in Paragraph (f) of this Rule.

(d) A person covered under this Rule shall publish a legal notice in a newspaper of general circulation in the area where the source is or will be located at least two weeks before submitting the permit application for the source. The notice shall identify:

- (1) the name of the affected facility;
- (2) the name and address of the permit applicant; and
- (3) the activity or activities involved in the permit action;

(e) The permit applicant shall submit with the permit application an affidavit and proof of publication that the legal notice required under Paragraph (d) of this Rule was published.

(f) A person covered under this Rule shall post a sign on the property where the new or expanded source is or will be located. The sign shall meet the following specifications:

- (1) It shall be at least six square feet in area;
- (2) It shall be set off the road right-of-way, but no more than 10 feet from the road right-of-way.
- (3) The bottom of the sign shall be at least six feet above the ground;
- (4) It shall contain the following information:
 - (A) the name of the affected facility;
 - (B) the name and address of the permit applicant; and
 - (C) the activity or activities involved in the permit action;
- (5) Lettering shall be a size that the sign can be read by a person with 20/20 vision standing in the center of the road; and
- (6) The side with the lettering shall face the road, and sign shall be parallel to the road.

The sign shall be posted at least 10 days before the permit application is submitted and shall remain posted for at least 30 days after the application is submitted.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;
Eff. April 1, 2004.*