



North Carolina Department of Environment and Natural Resources

Division of Air Quality

Sheila C. Holman
Director

John E. Skvarla, III
Secretary

Pat McCrory
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To: Central Office Permit Engineers
From: John C. Evans
Supervisor, NSR Branch
Re: Fugitive Emissions
Date: January 10, 2013

This memo supersedes prior NCDAQ guidance with respect to what constitutes “fugitive emissions” under the Title V and New Source Review (NSR) permit programs. Both the Title V and NSR regulations define “when” fugitive emissions are to be included in determining rule applicability. However, the determination of what emissions are “fugitive” requires a case-by-case analysis.

The North Carolina regulations define fugitive emissions as “those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.” 15A NCAC 2D .0101(18).¹ The determination of whether emissions are fugitive is not simply whether emissions actually pass through a stack, chimney, vent or other functionally-equivalent opening. Such an elementary analysis fails to give any effect to the modifying language “could not reasonably pass.” The determination of what is reasonable is fact-specific and requires consideration of multiple factors. The factors include:

- 1) Whether the emissions can be reasonably collected or captured. This is both a technical as well as economic analysis that requires estimates of collection/capture costs, including retrofit costs if applicable.
- 2) Whether a similar facility does or does not collect, capture, or control similar emissions is one factor in determining whether the emissions are fugitive. However, a comparison of other facilities is not dispositive because the determination of whether emissions are fugitive is case specific.
- 3) Whether the cost of capture and/or control is reasonable is based on absolute costs and well as cost relative to environmental impact. This requires consideration of the pollutants being emitted, the location of the facility, and the local airshed.

If there are any questions regarding this clarification please contact me at 919.707.8474 or at <john.c.evans@ncdenr.gov>.

cc: Donald van der Vaart
William D. Willets

¹ The NSR regulations and Title V regulations provide the same definition.