

## SECTION .0300 - CONSTRUCTION AND OPERATION PERMIT

### **.0301 APPLICABILITY**

(a) Except for the permit exemptions allowed under Rules .0102 and .0302 of this Chapter, or as allowed under 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 procedures under Section .0300; however, Title V facilities are subject to the Title V procedures under Section .0500 including the acid rain procedures under Section .0400 for Title IV sources.

(b) The owner or operator of a source required to have a permit under this Section may also be subject to the air toxic permit procedures under Chapter 17.0700.

(c) The owner or operator of a source required to have a permit under this Section shall pay permit fees required under Section .0200 of this Chapter.

*NCDAQ History Note:*                      *Filed as a Temporary Rule Eff. March 8, 1994 for a Period of 180Days or Until the Permanent Rule is Effective, Whichever is Sooner; Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. July 1, 1994. Amended Eff. December 1, 2005; July 1, 1998.*

*WNCRAQA History Note:*                *Adopted Eff. May 8, 2000 Amended Eff. March 13, 2006.*

### **.0302 FACILITIES NOT LIKELY TO CONTRAVENE DEMONSTRATION**

(a) This Rule applies only to this Section. It does not apply to Section .0500 (Title V Procedures) of this Chapter.

(b) If a facility is subject to any of the following rules, the facility is not exempted from permit requirements, and the exemptions in Paragraph (c) of this Rule do not apply:

- (1) new source performance standards under Chapter 4 .0524 or 40 CFR Part 60, except new residential wood heaters;
- (2) national emission standards for hazardous air pollutants under Chapter 4 .1110 or 40 CFR Part 61;
- (3) prevention of significant deterioration under Chapter 4. 0530;
- (4) new source review under Chapter 4. 0531 or .0532;
- (5) Reserved;
- (6) sources required to apply maximum achievable control technology for hazardous air pollutants under Chapter 4 .1109, .1112 or under 40 CFR Part 63 or to apply

generally available control technology (GACT) or work practice standards under 40 CFR Part 63;

- (7) sources at facilities subject to Chapter 4 .1100; or
- (8) facilities subject to Title V permitting procedures under Section .0500 of this Chapter.

(c) The owner or operator of any facility required to have a permit under this Section may request the Director to exempt the facility from the requirement to have a permit. The request shall be in writing. Along with the request, the owner or operator shall submit supporting documentation to show that air quality and emission control standards will not be, nor are likely to be, contravened. This documentation shall include:

- (1) documentation that the facility has no air pollution control devices;
- (2) documentation that no source at the facility will violate any applicable emissions control standard when operating at maximum design or operating rate, whichever is greater; and
- (3) ambient modeling showing that the ambient impact of emissions from the facility will not exceed the levels in Chapter 4 .0532(c)(5) when all sources at the facility are operated at maximum design or operating rate, whichever is greater.

If the documentation shows to the satisfaction of the Director that air quality and emission control standards will not be, nor are likely to be, contravened, a permit shall not be required.

*NCDAQ History Note:*                    *Filed as a Temporary Rule Eff. March 8, 1994 for a period of 180days or until the permanent rule is effective, whichever is sooner; Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. July 1, 1994; Amended Eff. July 1, 1998; July 1, 1996.*

*WNCRAQA History Note:*            *Adopted Eff. May 8, 2000*

### **.0303 DEFINITIONS**

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

- (1) "New facility" means a facility that is receiving a permit from the Agency for construction and operation of a source of an emissions polluting operation that it is not currently permitted.
- (2) "Modified facility" means a modification of an existing facility or source and:
  - (a) The permitted facility or source is being modified in such a manner as to require the Agency to reissue the permit, or
  - (b) A new source is being added that requires the Agency to reissue the permit.

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

- (3) "Plans and Specifications" means the completed application and any other documents required to define the operating conditions of the air pollution source.
- (4) "Title IV source" means a source that is required to be permitted following the procedures under Section .0400 of this Chapter.
- (5) "Title V source" means a source that is required to be permitted following the procedures under Section .0500 of this Chapter.

*NCDAQ 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; Statutory Authority G.S. 143-213; 143-215.3(a)(1); Eff. July 1, 1994.*

*WNCRAQA History Note: Adopted Eff. May 8, 2000*

#### **.0304 APPLICATIONS**

(a) Obtaining and filing application. Permit, permit modification, or permit renewal applications may be obtained and shall be filed in writing according to Rule .0104 of this Chapter.

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

- (1) for a new facility or an expansion of existing facility, a consistency determination according to G.S. 143-215.108(f) that:
  - (A) bears the date of receipt entered by the clerk of the local government, or
  - (B) consists of a letter from the local government indicating that all zoning or subdivision ordinances are met by the facility;
- (2) for a new facility or an expansion of existing facility in an area without zoning, an affidavit and proof of publication of a legal notice as required under Rule .0113 of this Chapter;
- (3) for a new facility or modification of an existing facility, a written description of current and projected plans to reduce the emissions of air contaminants by source reduction and recycling according to G.S. 143-215.108(g); the description shall include:
  - (A) for an existing facility, a summary of activities related to source reduction and recycling and a quantification of air emissions reduced and material recycled during the previous year and a summary of plans for further source reduction and recycling; or

- (B) for a new facility, a summary of activities related to and plans for source reduction and recycling; and
- (4) for permit renewal, an emissions inventory that contains the information specified under Chapter 4.0202, Registration of Air Pollution Sources (the applicant may use emission inventory forms provided by the Agency to satisfy this requirement); and
- (5) documentation showing the applicant complies with Parts (A) or (B) of this Subparagraph if the Director finds this information necessary to evaluate the source, its air pollution abatement equipment, or the facility:
  - (A) The applicant is financially qualified to carry out the permitted activities, or
  - (B) The applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged, and has been in substantial compliance with federal and state environmental laws and rules.

(c) When to file application. For sources subject to the requirements of Chapter 4 .0530 (prevention of significant deterioration) or .0531 (new source review for sources in nonattainment areas), applicants shall file air permit applications at least 180 days before the projected construction date. For all other sources, applicants shall file air permit applications at least 90 days before the projected date of construction of a new source or modification of an existing source.

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

- (1) The applicant is financially qualified to carry out the permitted activities, or
- (2) The applicant has substantially complied with the air quality and emissions standards applicable to any activity in which the applicant has previously been engaged, and has been in substantial compliance with federal and state environmental laws and rules.

To make a name or ownership change, the applicant shall send the Director the number of copies of letters specified in Rule .0305(a)(3) or (4) of this Section signed by a person specified in Paragraph (j) of this Rule.

(e) Applications for date and reporting changes. Application for changes in construction or test dates or reporting procedures may be made by letter to the Director at the address specified in Rule .0104 of this Chapter. To make changes in construction or test dates or reporting

procedures, the applicant shall send the Director the number of copies of letters specified in Rule .0305(a)(5) of this Section signed by a person specified in Paragraph (j) of this Rule.

(f) When to file applications for permit renewal. Applicants shall file applications for renewals such that they are mailed to the Director at the address specified in Rule .0104 of this Chapter and postmarked at least 90 days before expiration of the permit.

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

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

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

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

- (1) for corporations, by a principal executive officer of at least the level of vice-president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the emissions described in the permit application form originates;
- (2) for partnership or limited partnership, by a general partner;
- (3) for a sole proprietorship, by the proprietor;
- (4) for municipal, state, federal, or other public entity, by a principal executive officer, ranking elected official, or other duly authorized employee.

(k) Application fee. With the exceptions specified in Rule .0203(i) of this Chapter, a non-refundable permit application processing fee shall accompany each application. The permit application processing fees are defined in Section .0200 of this Chapter. A permit application is incomplete until the permit application processing fee is received.

(l) Correcting submittals of incorrect information. An applicant has a continuing obligation to submit relevant facts pertaining to his permit application and to correct incorrect information on his permit application.

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

*NCDQA History Note:* Filed as a Temporary Adoption 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; Eff. July 1, 1994; Amended Eff. January 1, 2009; December 1, 2005; April 1, 2004; July 1, 1999.

*WNCRAQA History Note:* Adopted Eff. May 8, 2000; Amended Eff. March 9, 2009; March 13, 2006; May 10, 2004.

### **.0305 APPLICATION SUBMITTAL CONTENT**

- (a) If an applicant does not submit, at a minimum, the following information with his application package, the application package shall be returned:
- (1) for new facilities and modified facilities:
    - (A) an application fee as required under Section .0200 of this Chapter,
    - (B) a consistency determination as required under Rule .0304(b)(1) of this Section,
    - (C) the documentation required under Rule .0304(b)(2) of this Section if required,
    - (D) a financial qualification or substantial compliance statement if required, and
    - (E) applications as required under Rule .0304(a) of this Section and Paragraph (b) of this Rule and signed as required by Rule .0304(j) of this Section;
  - (2) for renewals: two copies of applications as required under Rule .0304(a) and (d) of this Section and signed as required by Rule .0304(j) of this Section and an emissions inventory that contains the information specified under Chapter 4.0202, Registration of Air Pollution Sources;
  - (3) for a name change: two copies of a letter signed by the appropriate individual listed in Rule .0304(j) indicating the current facility name, the date on which the name change shall occur, and the new facility name;
  - (4) for an ownership change: an application fee as required under Section .0200 of this Chapter and:
    - (A) two copies of a letter sent by each, the seller and the buyer, indicating the change, or
    - (B) two copies of a letter sent by either bearing the signature of both the seller and buyer, containing a written agreement with a specific date for the transfer of permit responsibility, coverage, and liability between the current and new permittee; and

- (5) for corrections of typographical errors; changes in name, address, or telephone number of any individual identified in the permit; changes in test dates or construction dates; or similar minor changes: two copies of a letter signed by the appropriate individual listed in Rule .0304(j) of this Section describing the proposed change and explaining the need for the proposed change.
- (b) The applicant shall submit copies of the application package as follows:
  - (1) six copies for sources subject to the requirements of Chapter 4 .0530, .0531, or .1200; or
  - (2) three copies for sources not subject to the requirements of Chapter 4 .0530, .0531, or .1200.

*NCDQA 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; Statutory Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. July 1, 1994; Amended Eff. December 1, 2005; April 1, 2004.*

*WNCRAQA History Note: Adopted Eff. May 8, 2000; Amended Eff. March 13, 2006; May 10, 2004.*

### **.0306 PERMITS REQUIRING PUBLIC PARTICIPATION**

- (a) The Director shall provide for public notice for comments with an opportunity to request a public hearing on draft permits for the following:
  - (1) any source that may be designated by the Director based on significant public interest relevant to air quality;
  - (2) a source to which Chapter 4 .0530 or .0531 applies;
  - (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds the height defined in Chapter 4 .0533(a)(4)(A), (B), or (C);
  - (4) a source required to have controls more stringent than the applicable emission standards in Section Chapter 4 .0500 according to Chapter 4 .0501 when necessary to comply with an ambient air quality standard under Chapter 4 .0400;
  - (5) alternative controls different from the applicable emission standards in Chapter 4 .0900 according to Chapter 4 .0952;
  - (6) a limitation on the quantity of solvent-borne ink that may be used by a printing unit or printing system according to Chapter 4 .0961 and .0965;

- (7) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an incinerator constructed before July 1, 1987, according to Chapter 4 .1204(c)(2)(B) or .1207(b)(2)(C);
- (8) an alternative mix of controls under Chapter 4 .0501(f);
- (9) a source that is subject to the requirements of Chapter 4 .1109 or .1112;
- (10) a source seeking exemption from the 20-percent opacity standard in Chapter 4.0521 under Chapter 4 .0521(f);
- (11) a source using an alternative monitoring procedure or methodology under Chapter 4 .0606(g) or .0608(g); or
- (12) when the owner or operator requests that the draft permit go to public notice with an opportunity to request a public hearing.

(b) On the Agency's website, the Director shall post a copy of the draft permit that changes classification for a facility by placing a physical or operational limitation in it to avoid the applicability of rules in Chapter 17 .0500. Along with the draft permit, the Director shall also post a public notice for comments with an opportunity to request a public hearing on that draft permit. The public notice shall contain the information specified in Paragraph (c) of Rule .0307 of this Section and shall allow at least 30 days for public comment.

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

*NC DAQ 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),(3); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C; Eff. July 1, 1994; Amended Eff. September 1, 2010; January 1, 2007; August 1, 2004; July 1, 2000; July 1, 1999; July 1, 1998.*

*WNCRAQA History Note: Adopted Eff. May 8, 2000; Amended Eff. March 14, 2011; March 19, 2007; September 13, 2004; July 10, 2000.*



**.0307 PUBLIC PARTICIPATION PROCEDURES**

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

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

(c) The public notice shall identify:

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

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

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

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

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

(h) Persons who desire to be placed on the Agency's mailing list for air quality permit notices shall send their request to the Director, Western North Carolina Regional Air Quality Agency, 49 Mt. Carmel Road, Asheville, NC 28806.

- (i) Confidential material shall be handled in accordance with Rule .0107 of this Chapter.

*NCDQA 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), (3); 143-215.4(b); 143-215.108; Eff. July 1, 1994; Amended Eff. July 1, 1998.

*WNCRAQA History Note:* Adopted Eff. May 8, 2000

### **.0308 FINAL ACTION ON PERMIT APPLICATIONS**

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

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

(c) The Director shall issue or renew a permit for a period of time that the Director considers reasonable, but such period shall not exceed five years.

*NCDQA 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; Statutory Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. July 1, 1994.

*WNCRAQA History Note:* Adopted Eff. May 8, 2000.

### **.0309 TERMINATION, MODIFICATION AND REVOCATION OF PERMITS**

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

- (1) The information contained in the application or presented in support thereof is determined to be incorrect;
- (2) The conditions under which the permit or permit renewal was granted have changed;
- (3) Violations of conditions contained in the permit have occurred;
- (4) The permit holder fails to pay the fee required under Section .0200 of this Chapter within 30 days after being billed;
- (5) The permittee refuses to allow the Director or his authorized representative upon presentation of credentials:
  - (A) to enter, at reasonable times and using reasonable safety practices, the permittee's premises in which a source of emissions is located or in which any records are required to be kept under terms and conditions of the permit;
  - (B) to have access, at reasonable times, to any copy or records required to be kept under terms and conditions of the permit;
  - (C) to inspect, at reasonable times and using reasonable safety practices, any source of emissions, control equipment, and any monitoring equipment or method required in the permit; or
  - (D) to sample, at reasonable times and using reasonable safety practices, any emission source at the facility;
- (6) The Director finds that termination, modification, or revocation and reissuance of a permit is necessary to carry out the purpose of G.S. 143, Article 21B.
  - (b) The permittee shall furnish the Agency, in a timely manner, any reasonable information that the Director may request in writing to determine whether cause exists for terminating, modifying, or revoking and reissuing the permit or to determine compliance with the permit.
  - (c) The operation of a facility or source after its permit has been terminated is a violation of this Section and G.S. 143-215.108.
  - (d) The permittee may request modifications to his permit.
  - (e) The filing of a request by a permittee for a permit termination, modification, revocation and reissuance, notification of planned changes, or anticipated noncompliance does not stay any permit term or condition.
  - (f) When a permit is modified, the proceedings shall affect only those parts of the permit that are being modified.

*NCDAQ 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), (1a),(1b); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C; Eff. July 1, 1994;*

*Amended Eff. July 1, 1999.*

*WNCRAQA History Note: Adopted Eff. May 8, 2000*

**.0310 PERMITTING OF NUMEROUS SIMILAR FACILITIES**

- (a) The Director may issue a permit to cover numerous similar facilities or sources.
- (b) The Director shall not issue a permit under this Rule unless the following conditions are met:
  - (1) There is no unique difference that would require special permit conditions for any individual facility; and
  - (2) No unique analysis is required for any facility covered under the permit.
- (c) A permit issued under this Rule shall identify criteria by which facilities or sources may qualify for the permit. The Director shall grant the terms and conditions of the permit to facilities or sources that qualify.
- (d) The facility or source shall be subject to enforcement action for operating without a permit if the facility or source is later determined not to qualify for the terms and conditions of the permit issued under this Rule.
- (e) The owner or operator of a facility or source that qualifies for a permit issued under this Rule shall apply for coverage under the terms of the permit issued under this Rule or shall apply for a standard permit under this Section.

*NCDAQ 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; Statutory Authority G.S. 143-215.3(a)(1); 143-215.108; Eff. July 1, 1994.*

*WNCRAQA History Note: Adopted Eff. May 8, 2000*

**.0311 PERMITTING OF FACILITIES AT MULTIPLE TEMPORARY SITES**

- (a) The Director may issue a single permit authorizing emissions from a facility or source at multiple temporary sites.
- (b) Permits for facilities at multiple temporary sites shall include:
  - (1) the identification of each site;
  - (2) the conditions that will assure compliance with all applicable requirements at all approved sites;
  - (3) a requirement that the permittee notify the Agency at least 10 days in advance of each change of site; and

- (4) the conditions that assure compliance with all other provisions of this Section.

*NCDQA History Note:* Filed as a Temporary Adoption 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; Eff. July 1, 1994; Amended Eff. July 1, 1996.

*WNCRAQA History Note:* Adopted Eff. May 8, 2000.

### **.0312 APPLICATION PROCESSING SCHEDULE**

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

- (1) for permit applications, except for prevention of significant deterioration under Chapter 4 .0530, case-by-case maximum achievable control technology under Chapter 4 .1109 or .1112, or a request for synthetic minor facility status before one year after EPA approves Section .0500 of this Chapter:

- (A) The Agency shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
- (B) The Agency shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Agency shall notify the applicant by letter:
- (i) stating that the application as submitted is complete and specifying the completeness date,
  - (ii) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Agency, or
  - (iii) stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application.

If the Agency does not notify the applicant by letter dated within 45 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the deadline specified in the

letter requesting additional information, the Director may return the application to the applicant as incomplete. The applicant may request a time extension for submittal of the requested additional information.

- (C) The Agency shall determine within 45 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment or the facility. The Agency shall complete the technical review within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (D) If the draft permit is not required to go to public notice or to public hearing, the Director shall issue or deny the permit within 90 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (E) If the draft permit is required to go to public notice with a request for opportunity for public hearing under Rule .0306(a) of this Section, the Director shall:
  - (i) send the draft permit to public notice within 90 days after receipt of a complete application; and
  - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (F) If the draft permit is required to go to public hearing as a result of a request for public hearing under Rule .0307(e) of this Section, the Director shall:
  - (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
  - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (2) for permit applications for prevention of significant deterioration under Chapter 4 .0530, the processing schedules are set out in those Rules.
- (3) for case-by-case maximum achievable control technology under Chapter 4.1109 or .1112:
  - (A) The Agency shall send written acknowledgment of receipt of the permit application to the applicant within 10 days of receipt of the application.
  - (B) The Agency shall review all permit applications within 45 days of receipt of the application to determine whether the application is complete or

incomplete for processing purposes. The Agency shall notify the applicant by letter:

- (i) stating that the application as submitted is complete and specifying the completeness date,
- (ii) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Agency, or
- (iii) stating that the application is incomplete and that the applicant rewrite and resubmit the application.

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

- (C) The Agency shall determine within 60 days of receipt of a complete application if any additional information is needed to conduct the technical review of the application. A technical completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment or the facility. The Agency shall complete the technical review within 120 days of receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.
- (D) The Director shall:
  - (i) send the draft permit to public notice within 120 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later; and
  - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public comment period.
- (E) If the draft permit is required to go to public hearing as a result of a request for public hearing under Rule .0307(e) of this Section, the Director shall:

- (i) send the draft permit to public hearing within 45 days after approving the request for the public hearing; and
  - (ii) complete the review of the record and take final action on the permit within 30 days after the close of the public hearing.
- (4) requests for synthetic minor facility status before one year after EPA approves Section .0500 of this Chapter shall be acted on within one year after EPA approves Section .0500 of this Chapter.
- (b) The days that fall between sending out a letter requesting additional information and receiving that additional information shall not be counted in the schedules under Paragraph (a) of this Rule.
- (c) The Director may return at any time applications containing insufficient information to complete the review.

*NC DAQ History Note:* Authority G.S. 143-215.3(a)(1); 143-215.108;  
Eff. February 1, 1995;  
Amended Eff. July 1, 1998.

*WNCRAQA History Note:* Adopted Eff. May 8, 2000.

### **.0313 EXPEDITED APPLICATION PROCESSING SCHEDULE (RESERVED)**

*NC DAQ History Note:* Authority G.S. 143-215.3(a)(1); 143-215.108;  
Eff. July 1, 1998.

### **.0314 GENERAL PERMIT REQUIREMENTS**

- (a) All emissions limitations, controls, and other requirements imposed by a permit issued pursuant to this Section shall be at least as stringent as any other applicable requirement as defined under Rule .0103 of this Chapter. The permit shall not waive or make less stringent any limitation or requirement contained in any applicable requirement.
- (b) Emissions limitations, controls and requirements contained in permits issued pursuant to this Section shall be permanent, quantifiable, and otherwise enforceable as a practical matter under G.S. 143-215.114A, 143-215.114B, and 143-215.114C.
- (c) The owner or operator of a source permitted under this Section shall comply with the permit. Failure of the owner or operator of a permitted source to adhere to the terms and conditions of the permit shall be grounds for:
- (1) enforcement action;



- (2) permit termination, revocation and reissuance, or modification; or
- (3) denial of permit renewal applications.
- (d) A permit does not convey any property rights of any sort, or any exclusive privileges.

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

*WNCRAQA History Note:* Adopted Eff. May 8, 2000.

### **.0315 SYNTHETIC MINOR FACILITIES**

(a) A synthetic minor facility is a facility whose permit contains terms and conditions to avoid the procedures of Chapter 17 .0500, Title V Procedures.

(b) The owner or operator of a facility to which Chapter 17 .0500, Title V Procedures, applies may choose to have terms and conditions placed in his permit to restrict operation to limit the potential to emit of the facility in order to remove the applicability of Chapter 17 .0500 to the facility. An application for the addition of such terms and conditions shall be processed under this Section.

(c) A modification to a permit to remove terms and conditions in the permit that removed the applicability of Chapter 17 .0500 shall be processed under either this Section or Chapter 17 .0500. The applicant shall choose which procedures to follow. However, if the terms and conditions are removed following the procedures of this Section, the permittee shall submit a permit application under the procedures of Chapter 17 .0500 within one year after the limiting terms and conditions are removed.

(d) After a facility is issued a permit that contains terms and conditions to remove the applicability of Chapter 17.0500, the facility shall comply with the permitting requirements of this Section.

(e) The Director may require monitoring, recordkeeping, and reporting necessary to assure compliance with the terms and conditions placed in the permit to remove the applicability of Chapter 17 .0500.

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

*WNCRAQA History Note:* Adopted Eff. May 8, 2000.

### **.0316 ADMINISTRATIVE PERMIT AMENDMENTS**

- (a) An "administrative permit amendment" means a permit revision that:
- (1) corrects typographical errors;
  - (2) identifies a change in the name, address or telephone number of any individual identified in the permit, or provides a similar minor administrative change at the facility;
  - (3) requires more frequent monitoring or reporting by the permittee;
  - (4) changes test dates or construction dates provided that no applicable requirements are violated by the change in test dates or construction dates; or
  - (5) changes the permit number without changing any portion of the permit that would not otherwise qualify as an administrative amendment.
- (b) In making administrative permit amendments, the Director:
- (1) shall take final action on a request for an administrative permit amendment within 60 days after receiving such a request, and
  - (2) may make administrative amendments without providing notice to the public.
- (c) The permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

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

*WNCRAQA History Note:* Adopted Eff. April 9, 2001.

#### **.0317 AVOIDANCE CONDITIONS**

- (a) The owner or operator of a facility may request that terms and conditions be placed in that facility's permit to avoid the applicability of:
- (1) Chapter 4.0530, Prevention of Significant Deterioration,
  - (2) Chapter 4.0531, Sources in Nonattainment Areas,
  - (3) Chapter 4.0900, Volatile Organic Compounds,
  - (4) Chapter 4.1109, 112(j) Case-by-Case Maximum Achievable Control Technology,
  - (5) Chapter 4.1111, Maximum Achievable Control Technology,
  - (6) Chapter 4.1112(g) Case-by-Case Maximum Achievable Control Technology,
  - (7) Chapter 4.1400, Nitrogen Oxides, or
  - (8) other rules of Chapter 4, Air Pollution Control Requirements or Title 40 of the Code of Federal Regulations that contain applicability thresholds.

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

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

*WNCRAQA History Note:* Adopted Eff. April 9, 2001.