

15A NCAC 02Q .0508 PERMIT CONTENT

(a) A permit shall specify and reference the origin and authority for each term or condition and shall identify differences compared to the applicable requirement on which the term or condition is based.

(b) A permit shall specify emission limitations and standards, including operational requirements and limitations, that assure compliance with all applicable requirements at the time of permit issuance.

(c) Where an applicable requirement of the federal Clean Air Act is more stringent than an applicable requirement of rules promulgated pursuant to Title IV, both provisions shall be placed in a permit. A permit shall state that both provisions are enforceable by EPA.

(d) A permit for sources using an alternative emission limit established in 15A NCAC 02D .0501(d) or 15A NCAC 02D .0952 shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(e) The expiration date of a permit shall be for a fixed term of five years for sources covered by Title IV and for a term of no more than five years from the date of issuance for all other sources including solid waste incineration units combusting municipal waste subject to standards in Section 129(e) of the federal Clean Air Act.

(f) A permit shall contain monitoring and related recordkeeping and reporting requirements as specified in 40 CFR 70.6(a)(3) and 70.6(c)(1), including conditions requiring:

(1) the permittee to submit reports of required monitoring no less frequent than every six months. The permittee shall submit reports:

(A) on forms obtained from the Division as specified in 15A NCAC 02Q .0104;

(B) in a manner as specified by a permit condition; or

(C) on other forms that contain the information required by this Subchapter or as specified by a permit condition;

(2) the permittee to report:

(A) malfunctions, emergencies, and other upset conditions as prescribed in 15A NCAC 02D .0524, .0535, .1110, or .1111; and

(B) deviations quarterly from permit requirements not covered by 15A NCAC 02D .0524, .0535, .1110, or .1111. The permittee shall include the probable cause of the deviations and any corrective actions or preventive measures taken; and

(3) the responsible official to certify all deviations from permit requirements.

(g) At the request of a permittee, the Director may allow records to be maintained in electronic form in lieu of maintaining paper records. The Director shall make this decision based on whether the electronic records contain the same information as the paper records and the availability of the electronic records for inspection to demonstrate compliance.

(h) A permit for facilities covered by 15A NCAC 02D .2100, Risk Management Program, shall contain:

(1) a statement listing 15A NCAC 02D .2100 as an applicable requirement; and

(2) conditions that require the owner or operator of the facility to submit:

(A) a compliance schedule for meeting the requirements of 15A NCAC 02D .2100 by the dates provided in 15A NCAC 02D .2101(a); or

(B) as part of the compliance certification required by Paragraph (n) of this Rule, a certification statement that the source is in compliance with the requirements of 15A NCAC 02D .2100, including the registration and submission of the risk management plan.

The content of the risk management plan need not be incorporated as a permit term or condition.

(i) A permit shall:

(1) contain a condition prohibiting emissions exceeding any allowances that a facility lawfully holds pursuant to Title IV but shall not limit the number of allowances held by a permittee. A permittee shall not use allowances as a defense to noncompliance with any other applicable requirement;

(2) contain a severability clause so that various permit requirements shall continue to be valid in the event of a challenge to any other portion of the permit;

(3) state that noncompliance with a condition of the permit constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;

(4) state that the permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the permit;

- (5) state that the Director may reopen, modify, revoke and reissue, or terminate the permit for reasons specified in 15A NCAC 02Q .0517 or .0519;
 - (6) state that the filing of a request by the permittee for a permit revision, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition;
 - (7) specify the conditions in which the permit may be reopened before the expiration of the permit;
 - (8) state that the permit does not convey any property rights of any sort, or any exclusive privileges;
 - (9) state that the permittee shall furnish to the Division, in a timely manner:
 - (A) any information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit, and
 - (B) copies of records required to be kept by the permit when copies are requested by the Director.

The permit shall also state that for information claimed to be confidential, the permittee may furnish the confidential records directly to EPA along with a claim of confidentiality;
 - (10) contain a provision to ensure that the permittee pays fees required by 15A NCAC 02Q .0200;
 - (11) contain a condition that authorizes the permittee to make CAA 502(b)(10) changes pursuant to 15A NCAC 02Q .0523(a), off-permit changes, or emission trades in accordance with 15A NCAC 02Q .0523;
 - (12) include the applicable requirements for the sources covered by the permit;
 - (13) include fugitive emissions in the same manner as stack emissions;
 - (14) contain a condition requiring annual reporting of actual emissions as required by 15A NCAC 02Q .0207;
 - (15) include sources, including insignificant activities; and
 - (16) contain other provisions the Director considers appropriate.
- (j) A permit shall state the terms and conditions for reasonably anticipated operating scenarios identified by the applicant in the application. These terms and conditions shall:
- (1) require the permittee, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the operating scenario in which it is operating;
 - (2) extend the permit shield described in 15A NCAC 02Q .0512 to all terms and conditions in each reasonably anticipated operating scenario; and
 - (3) ensure that each operating scenario meets all applicable requirements of Subchapter 02D of this Chapter and of this Section.
- (k) A permit shall identify which terms and conditions are enforceable by the Division only.
- (l) A permit shall state that the permittee shall allow personnel of the Division to:
- (1) enter the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept by the conditions of the permit;
 - (2) have access to and copy any records that are required to be kept by the conditions of the permit;
 - (3) inspect sources, equipment, including monitoring and air pollution control equipment, practices, or operations regulated or required by the permit; and
 - (4) sample or monitor substances or parameters, to assure compliance with the permit or applicable requirements.
- (m) When a compliance schedule is required by 40 CFR 70.5(c)(8) or by a rule contained in Subchapter 02D of this Chapter, the permit shall contain the compliance schedule and shall state that the permittee shall submit semiannually, or more frequently if specified in the applicable requirement, a progress report. The progress report shall contain:
- (1) dates for achieving the activities, milestones, or compliance required in the compliance schedule and dates when these activities, milestones, or compliance were achieved; and
 - (2) an explanation of why any dates in the compliance schedule were not or may not be met and any preventive or corrective measures adopted.
- (n) The permit shall contain requirements for compliance certification with the terms and conditions in the permit that are enforceable by EPA pursuant to Title V of the federal Clean Air Act, including emissions limitations, standards, and work practices. The permit shall specify:
- (1) the frequency, annually or more frequently as specified in the applicable requirements, of submissions of compliance certifications;

- (2) a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
- (3) a requirement that the compliance certification include:
 - (A) the identification of each term or condition of the permit that is the basis of the certification;
 - (B) the status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the methods or means designated in 40 CFR 70.6(c)(5)(iii)(B). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance was required and in which an excursion or exceedance as defined in 40 CFR 64 occurred;
 - (C) whether compliance was continuous or intermittent;
 - (D) the identification of the methods or other means used by the owner and operator for determining the compliance status with each term and condition during the certification period; these methods shall include the methods and means required in 40 CFR Part 70.6(a)(3). The owner or operator also shall identify any other material information that shall be included in the certification to comply with Section 113(c)(2) of the federal Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and
 - (E) other facts as the Director may require to determine the compliance status of the source; and
- (4) that all compliance certifications be submitted to EPA as well as to the Division.

History Note: Authority G.S. 143-215.3(a)(1),(2); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108; Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. July 1, 1996; Temporary Amendment Eff. December 1, 1999; Amended Eff. August 1, 2008; June 1, 2008; January 1, 2007; December 1, 2005; April 1, 2001; July 1, 2000; Readopted Eff. April 1, 2018; Amended Eff. September 1, 2023; September 1, 2022.