

## **15A NCAC 02Q .0515 MINOR PERMIT MODIFICATIONS**

(a) The procedures set out in this Rule shall apply to permit modifications if the modifications:

- (1) do not violate any applicable requirement;
- (2) do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
- (3) do not require or change a case-by-case determination of an emission limitation or other standard, a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
- (4) do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject. Such terms and conditions include:
  - (A) a federally enforceable emissions cap assumed to avoid an applicable requirement pursuant to any provision of Title I of the federal Clean Air Act; or
  - (B) an alternative emissions limit approved as part of an early reduction plan submitted pursuant to Section 112(i)(5) of the federal Clean Air Act;
- (5) are not modifications pursuant to any provision of Title I of the federal Clean Air Act; and
- (6) are not required to be processed as a significant modification pursuant to 15A NCAC 02Q .0516.

(b) In addition to the items required pursuant to 15A NCAC 02Q .0505, an application requesting the use of the procedures set out in this Rule shall include:

- (1) an application form including:
  - (A) a description of the change;
  - (B) the emissions resulting from the change; and
  - (C) identification of any new applicable requirements that will apply if the change occurs;
- (2) a list of the facility's other pending applications awaiting group processing and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the thresholds set out in Subparagraphs (c)(1) through (3) of this Rule;
- (3) the applicant's suggested draft permit;
- (4) certification by a responsible official that the proposed modification meets the criteria for using the procedures set out in this Rule and a request that these procedures be used; and
- (5) complete information for the Director to use to notify EPA and affected states.

(c) The Director shall use group processing for minor permit modifications processed pursuant to this Rule. The Director shall notify EPA and affected states of the requested permit revisions pursuant to this Rule and shall provide the information specified in 15A NCAC 02Q .0522 on a quarterly basis. If the aggregated emissions from all pending minor permit modifications equal or exceed:

- (1) 10 percent of the emissions allowed for the source for which the change is requested;
- (2) 20 percent of the applicable definition of major facility; or
- (3) five tons per year,

then the Director shall notify EPA and affected states within five business days of the requested permit revision pursuant to this Rule and provide the information specified in 15A NCAC 02Q .0522.

(d) Within 90 days after receiving a complete application that exceeds the thresholds in Subparagraphs (c)(1), (2), or (3) of this Rule or 15 days after the end of EPA's 45-day review period, whichever is later, the Director shall:

- (1) issue the permit modification as proposed;
- (2) deny the permit modification application;
- (3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q .0516; or
- (4) revise the draft permit modification and transmit the proposed permit to EPA.

(e) If the thresholds in Subparagraphs (c)(1), (2), and (3) of this Rule are not exceeded, the Director shall, within 180 days after receiving a completed application for a permit modification or 15 days after the end of EPA's 45-day review period, whichever is later:

- (1) issue the permit modification as proposed;
- (2) deny the permit modification application;
- (3) determine that the requested modification does not qualify for the procedures set out in this Rule and should be processed pursuant to 15A NCAC 02Q .0516; or
- (4) revise the draft permit modification and transmit the proposed permit to EPA.

(f) The permit applicant may make the change proposed in his minor permit modification application immediately after filing the completed application with the Division. After the applicant makes the change, the facility shall

comply with both the applicable requirements governing the change and the proposed permit terms and conditions until the Director takes one of the final actions specified in Paragraph (d) of this Rule. Between the filing of the permit modification application and the Director's final action, the facility need not comply with the existing permit terms and conditions it seeks to modify. However, if the facility fails to comply with its proposed permit terms and conditions during this time period, the Director may enforce the terms and conditions of the existing permit that the applicant seeks to modify, as necessary to ensure protection of air quality.

(g) The permit shield allowed pursuant to 15A NCAC 02Q .0512 shall not extend to minor permit modifications.

(h) If the State-enforceable only portion of the permit is revised, the procedures in 15A NCAC 02Q. 0300 shall be followed.

(i) The proceedings shall affect only those parts of the permit related to the modification.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10); 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. July 1, 1997;  
Readopted Eff. April 1, 2018.*