

## **15A NCAC 02Q .0523 CHANGES NOT REQUIRING PERMIT REVISIONS**

### **(a) Section 502(b)(10) changes:**

- (1) A permittee may make Section 502(b)(10) changes without having his or her permit revised if:
  - (A) the changes are not a modification pursuant to 15A NCAC 02D or Title I of the federal Clean Air Act;
  - (B) the changes do not cause the emissions allowed in the permit to be exceeded;
  - (C) the permittee notifies the Director and EPA in writing at least seven days before the change is made; and
  - (D) the permittee attaches the notice to the relevant permit.
- (2) The written notification required by Part (a)(1)(C) of this Rule shall include:
  - (A) a description of the change;
  - (B) the date on which the change will occur;
  - (C) all changes in emissions; and
  - (D) all permit term or conditions that are no longer applicable as a result of the change.
- (3) Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.

### **(b) Off-permit changes. A permittee may make changes in his or her operation or emissions without revising his or her permit if:**

- (1) the change affects only insignificant activities and the activities remain insignificant after the change;
- (2) the change is not covered by any applicable requirement; and
- (3) the changes are consistent with this Section and would not render existing permit compliance terms and conditions irrelevant.

### **(c) Emissions trading.**

- (1) To the extent that emissions trading is allowed pursuant to 15A NCAC 02D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revisions provided that:
  - (A) all applicable requirements are met;
  - (B) the permittee complies with all terms and conditions of the permit in making the emissions trade; and
  - (C) the permittee notifies the Director and EPA in writing at least seven days before the trade is made.
- (2) If an emissions cap has been established by a permit condition for the purposes of limiting emissions below that allowed by an otherwise applicable requirement, emissions trading shall be allowed to the extent allowed by the permit if:
  - (A) an emissions cap is established in the permit to limit emissions;
  - (B) the permit specifies the emissions limits with which each source shall comply with any applicable requirement;
  - (C) the permittee complies with all permit terms that ensure the emissions trades are enforceable, accountable, and quantifiable;
  - (D) the permittee complies with all applicable requirements;
  - (E) the permittee complies with the emissions trading procedures in the permit; and
  - (F) the permittee notifies the Director and EPA in writing at least seven days before the trade is made.
- (3) The written notification required in Subparagraph (1) of this Paragraph shall include:
  - (A) a description of the change;
  - (B) the date on when the change will occur;
  - (C) the change in emissions;
  - (D) the permit requirement with which the facility or source will comply using the emissions trading provision of the applicable provision of 15A NCAC 02D; and
  - (E) the pollutants emitted subject to the emissions trade.
- (4) The written notification required in Subparagraph (2) of this Paragraph shall include:
  - (A) a description of the change;
  - (B) the date on when the change will occur;
  - (C) the changes in emissions that will result and how the increases and decrease in emissions will comply with the terms and conditions of the permit.

(d) The permit shield allowed pursuant to 15A NCAC 02Q .0512 shall not apply to changes made pursuant to Paragraphs (a), (b), or (c) of this Rule.

*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. June 1, 2008; December 1, 2005;  
Readopted Eff. April 1, 2018.*