



North Carolina Department of Environment and Natural Resources  
Division of Air Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary  
B. Keith Overcash, P.E., Director

March 6, 2008

Mr. Frank Panzer  
President  
SemMaterials, LP  
6502 S. Yale Ave.  
Tulsa OK 74136

Dear Mr. Panzer:

SUBJECT: Air Quality Permit No. 0056T13  
Facility ID: 08/16/00074  
SemMaterials, LP  
Morehead City Plant  
Morehead City, North Carolina  
Carteret County  
Fee Class: Title V

In accordance with the requested Ownership and Name Change made complete on February 15, 2008, we are forwarding herewith Air Quality Permit No. 0056T13 to SemMaterials, LP, Morehead City Plant, 107 Arendell Street, Morehead City, North Carolina, authorizing operation of the emission source(s) and associated air pollution control device(s) specified herein. Additionally, any emissions activities determined from your Air Quality Permit Application as being insignificant per 15A North Carolina Administrative Code 2Q .0503(8) have been listed for informational purposes as an "ATTACHMENT." Please note the requirements for the annual compliance certification are contained in General Condition P in Section 3 of Part I. **The current owner is responsible for submitting a compliance certification for the entire year regardless of who owned the facility during the year.**

As the designated responsible official it is your responsibility to review, understand, and abide by all of the terms and conditions of the attached permit. It is also your responsibility to ensure that any person who operates any emission source and associated air pollution control device subject to any term or condition of the attached permit reviews, understands, and abides by the conditions of the attached permit that are applicable to that particular emission source.

Mr. Frank Panzer

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Permitting Section  
1641 Mail Service Center, Raleigh, North Carolina 27699-1641  
2728 Capital Blvd., Raleigh, North Carolina 27604  
Phone: 919-715-6235 / FAX 919-733-5317 / Internet: [www.ncair.org](http://www.ncair.org)

One  
North Carolina  
*Naturally*

If any parts, requirements, or limitations contained in this Air Quality Permit are unacceptable to you, you have the right to request a formal adjudicatory hearing within 30 days following receipt of this permit, identifying the specific issues to be contested. This hearing request must be in the form of a written petition, conforming to NCGS (North Carolina General Statutes) 150B-23, and filed with **both** the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714 and the Division of Air Quality, Permitting Section, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641. The form for requesting a formal adjudicatory hearing may be obtained upon request from the Office of Administrative Hearings. Please note that this permit will be stayed in its entirety upon receipt of the request for a hearing. Unless a request for a hearing is made pursuant to NCGS 150B-23, this Air Quality Permit shall be final and binding 30 days after issuance.

You may request modification of your Air Quality Permit through informal means pursuant to NCGS 150B-22. This request must be submitted in writing to the Director and must identify the specific provisions or issues for which the modification is sought. Please note that this Air Quality Permit will become final and binding regardless of a request for informal modification unless a request for a hearing is also made under NCGS 150B-23.

**The construction of new air pollution emission source(s) and associated air pollution control device(s), or modifications to the emission source(s) and air pollution control device(s) described in this permit must be covered under an Air Quality Permit issued by the Division of Air Quality prior to construction unless the Permittee has fulfilled the requirements of GS 143-215-108A(b) and received written approval from the Director of the Division of Air Quality to commence construction. Failure to receive an Air Quality Permit or written approval prior to commencing construction is a violation of GS 143-215.108A and may subject the Permittee to civil or criminal penalties as described in GS 143-215.114A and 143-215.114B.**

This Air Quality Permit shall be effective from March 6, 2008 until March 31, 2008 is nontransferable to future owners and operators, and shall be subject to the conditions and limitations as specified therein.

Should you have any questions concerning this matter, please contact Mike Gordon, Environmental Engineer II at (919) 715-6243.

Sincerely yours,

Donald R. van der Vaart, Ph.D., P.E.  
Chief

Enclosure

c: Barry Bencsics, Facility Manager, SemMaterials, LP, Morehead City Plant  
Wilmington Regional Office  
Central Files

**ATTACHMENT  
Air Permit 0056T13**

**Insignificant Activities at the Facility**

<b>Emission Source I.D.</b>	<b>Emission Source Description</b>	<b>Insignificant Activity Regulation</b>	<b>Insignificant Activity Applicability</b>
I-PS-1	Pouring System	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-US-1	Unloading system	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-ARD	Asphalt Road dust	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-6.1	Storage tank #5A	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-6.3	Storage tank #8	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-6.2	No.5 fuel oil storage tank #9	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-6.4	Storage tank #25	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-ST-35	Storage tank #35	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-1.4	0.8 MMBtu/hr burner	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-3.1	450 gallon capacity recycle asphalt tank	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-3.2	1500 gallon capacity recycle asphalt tank	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-WRT-1	Water reclamation tank	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-ST-36	Fuel oil storage tank #36 (75,000 gallon storage capacity)	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-1.6	Tank#6 burner - Natural gas fired (1.2 million Btu/hr)	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP
I-EU-1.7	Tank#16 burner - Natural gas fired (0.8 million Btu/hr)	2Q .0503(8)	PTE <5 tpy each for criteria pollutants and PTE <1000 lbs/yr for single HAP

**ATTACHMENT**  
**Air Permit 0056T13**

**Table of Changes**

Old Page No.	New Page No.	Condition No.	Change
Through-out permit	Through-out permit		Updated permit number, relevant dates, and changed Facility Name
Letter	Letter		Corrected permit number and changed Facility Name

State of North Carolina  
Department of Environment  
and Natural Resources  
Division of Air Quality



## AIR QUALITY PERMIT

Permit No.	Replaces Permit No.	Effective Date	Expiration Date
0056T13	0056T12	March 6, 2008	March 31, 2008

Until such time as this permit expires or is modified or revoked, the below named Permittee is permitted to construct and operate the emission source(s) and associated air pollution control device(s) specified herein, in accordance with the terms, conditions, and limitations within this permit. This permit is issued under the provisions of Article 21B of Chapter 143, General Statutes of North Carolina as amended, and Title 15A North Carolina Administrative Codes (15A NCAC), Subchapters 2D and 2Q, and other applicable Laws.

Pursuant to Title 15A NCAC, Subchapter 2Q, the Permittee shall not construct, operate, or modify any emission source(s) or air pollution control device(s) without having first submitted a complete Air Quality Permit Application to the permitting authority and received an Air Quality Permit, except as provided in this permit.

**Permittee:** **SemMaterials, LP - Morehead City Plant**  
**Facility ID:** **08/16/00074**

**Facility Site Location:** **107 Arendell Street**  
**City, County, State, Zip:** **Morehead City, Carteret County, North Carolina 28557**

**Mailing Address:** **107 Arendell Street**  
**City, State, Zip:** **Morehead City, North Carolina 28557**

**Application Number:** **1600074.08A**  
**Complete Application Date:** **February 15, 2008**  
**Primary SIC Codes:** **2951, 2952**

**Division of Air Quality,** **Wilmington Regional Office**  
**Regional Office Address:** **127 Cardinal Drive Extension**  
**Wilmington, North Carolina 28405**

Permit issued this the day of March 6, 2008.

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Donald R. van der Vaart, Ph.D., P.E., Chief, Air Permits Section  
By Authority of the Environmental Management Commission

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ATTACHMENT

List of Acronyms

### **PART II**

This permit does not include a Part II.

# PART I

The Division of Air Quality (DAQ), the United States Environmental Protection Agency (EPA), and citizens as defined under the Federal Clean Air Act have the authority to enforce the terms, conditions, and limitations contained in Part I of this permit unless otherwise specified.

Under Title 15A NCAC 2Q, the operation of emission source(s) and associated air pollution control device(s) and appurtenances listed in Part I of this permit is based on plans, specifications, operating parameters, and other information as submitted in the Air Quality Permit Application.

## SECTION 1- PERMITTED EMISSION SOURCE (S) AND ASSOCIATED AIR POLLUTION CONTROL DEVICE (S) AND APPURTENANCES

The following table contains a summary of all permitted emission sources and associated air pollution control devices and appurtenances:

Emission Source ID No.	Emission Source Description	Control Device ID No.	Control Device Description
<b>Emission Unit Group 1 (ID No. EU 1)</b>			
EU 1.1	Boiler - Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil-fired boiler (20.9 million Btu/hour maximum heat input)	NA	NA
EU 1.3	Preheater#3 - Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil-fired (10 million Btu/hour maximum heat input)	NA	NA
EU 1.5*	Preheater#4 - Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil-fired (9.9 million Btu/hour maximum heat input)	NA	NA
<b>Emission Unit Group 2 (ID No. EU 2)</b>			
EU 2.1	Storage Tank # 1	NA	NA
EU 2.2	Storage Tank # 2	NA	NA
EU 2.3	Storage Tank # 3	NA	NA
EU 2.4	Storage Tank # 4	NA	NA
EU 2.5	Storage Tank # 6	F 001	Fiber bed filter (12 square feet of filter area)
EU 2.6	Storage Tank # 7	F 001	Fiber bed filter (12 square feet of filter area)
EU 2.7	Storage Tank # 10	F 002	Fiber bed filter (12 square feet of filter area)
EU 2.8	Storage Tank # 15	F 002	Fiber bed filter (12 square feet of filter area)
EU 2.9	Storage Tank # 16	F 002	Fiber bed filter (12 square feet of filter area)
EU 2.10	Storage Tank # 18	NA	NA
EU 2.11	Storage Tank # 19	NA	NA

<b>Emission Source ID No.</b>	<b>Emission Source Description</b>	<b>Control Device ID No.</b>	<b>Control Device Description</b>
EU 2.12	Storage Tank # 20	NA	NA
EU 2.13	Storage Tank # 21	NA	NA
EU 2.14	Storage Tank # 22	NA	NA
EU 2.15	Storage Tank # 23	NA	NA
EU 2.17	Storage Tank # 33	F 003	Fiber bed filter (12 square feet of filter area)
EU 2.18	Storage Tank # 34	F 003	Fiber bed filter (12 square feet of filter area)
<b>Emission Unit Group 4 (EU 4)</b>			
EU 4.1	Converter #1	TO 001	Thermal Oxidizer/Preheater # 2 - Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil-fired (8.37 million Btu/hour maximum heat input)
EU 4.2	Converter #2	TO 001	Thermal Oxidizer/Preheater # 2 - Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil-fired (8.37 million Btu/hour maximum heat input)
EU 4.3* NSPS	Converter #3	TO 001	Thermal Oxidizer/Preheater # 2 - Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil-fired (8.37 million Btu/hour maximum heat input)
<b>Emission Unit Group 5 (EU 5)</b>			
EU 5.1	Loading Rack East	F 004	Fiber filter bed (75 square feet of filter area)
EU 5.2	Loading Rack West	F 004	Fiber filter bed (75 square feet of filter area)
EU 5.3	Railcar Loading Rack West	NA	NA

\* These emission source(s) (ID Nos. EU 1.5 and EU 4.3) are listed as a 15A NCAC 2Q .0501(c)(2) modification. The permit shield described in General Condition R does not apply and compliance certification as described in General Condition P is not required.

## SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS

### 2.1 Emission Source(s) and Control Device(s) Specific Limitations and Conditions

The emission source(s) and associated air pollution control device(s) and appurtenances listed below are subject to the following specific terms, conditions, and limitations, including the testing, monitoring, record keeping, and reporting requirements as specified herein:

#### A. Emission Unit Group 1 (ID No. EU 1) including: Boiler (ID No. EU 1.1); Preheater #3 (ID No. EU 1.3); and Preheater #4 (ID No. EU 1.5)

The following table provides a summary of limits and/or standards for the emission units in Emission Unit Group 1.

Regulated Pollutant	Limits/Standards	Applicable Regulation
Particulate Matter	$E = 1.090 Q^{-0.2594}$ E = allowable emission limit Q = maximum heat input in million Btu/hour heat input 0.41 lb/million Btu (ID No. EU 1.5)	15A NCAC 2D .0503(c)
Sulfur Dioxide	2.3 pounds per million Btu heat input	15A NCAC 2D .0516(a)
Visible Emissions	20 percent opacity	15A NCAC 2D .0521(d)
Odors	odorous emissions must be controlled - Section 2.2. A.2 Facility Wide Affected Emission Sources; State-enforceable only	15A NCAC 2D .1806
Sulfur Dioxide	Facility-wide emissions less than 250 tons per consecutive 12-months period - Section 2.2. A.3	15A NCAC 2Q .0317
Hazardous Air Pollutants	Facility-wide emissions less than 10 tons per year of any HAP and less than 25 tons per year of a combination of HAPs - Section 2.2. A.4	15A NCAC 2Q .0317

#### 1. 15A NCAC 2D .0503: PARTICULATES FROM FUEL BURNING INDIRECT HEAT EXCHANGERS

##### Regulatory Requirements

- a. The allowable emissions of particulate matter shall be calculated by the equation:

$$E = 1.090 \times Q^{-0.2594}$$

where, E = allowable emission limit in lb/million Btu.  
Q = maximum heat input in million Btu/hour

Emissions of particulate matter from the combustion of Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil, that are discharged from the preheater#4 (ID No. EU 1.5) shall not exceed 0.41 pounds per million Btu heat input. [15A NCAC 2D .0503(c)]

##### Testing [15A NCAC 2D .0501(c)(3)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(3) and General Condition JJ. If the results of this test exceed the limit given in Section 2.1. A.1.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0503.

**Monitoring/Recordkeeping/Reporting Requirements** [15A NCAC 2Q .0508(f)]

- c. No monitoring/recordkeeping/reporting is required for particulate emissions from the firing of Natural gas, cutter stock, No. 2, 4, 5, or 6 fuel oil in the boiler (ID No. EU 1.1).

**2. 15A NCAC 2D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES**

**Regulatory Requirements**

- a. Emissions of sulfur dioxide from the boiler (ID No. EU 1.1) and preheaters (ID Nos. EU 1.3 and EU 1.5) shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard. [15A NCAC 2D .0516(a)]

**Testing** [15A NCAC 2D .0501(c)(4)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(4) and General Condition JJ found in Section 3. If the results of this test are above the limit given in Section 2.1 A.2. a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516.
- c. Cutter stock sulfur content testing shall be performed on-site in accordance with ASTM method D-4294 or shall be determined and certified by an off-site independent laboratory using an approved test method. The sulfur content testing shall be completed with an X-ray Sulfur Meter. The calibration of the testing meter shall be completed using the manufacturer's specifications. The sampling and testing requirements shall include the following:
  - i. The cutter stock stored in Tank No. 25 (ID No. EU 6.4) or Tank No. 36 (ID No. EU 6.5) shall be sampled from the tank sampling valve and tested each day that cutter stock is transferred out of either tank for combustion.

If the results of any tests (on-site by the Permittee and the off-site by the independent laboratory) are above the sulfur content limit given in Section 2.1 A.2.e. below, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- d. No monitoring/recordkeeping is required for sulfur dioxide emissions from the firing of Natural gas and No. 2 fuel oil in boiler (ID No. EU 1.1), preheater #3 (ID No. EU 1.3) and preheater #4 (ID No. EU 1.5).
- e. The maximum sulfur content of any cutter stock, Nos. 4, 5, or 6 fuel oil received and burned in the boiler and preheaters shall not exceed 2.1 percent by weight. The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516 if the sulfur content of the fuel exceeds this limit. [15A NCAC 2Q .0508(aa)]
- f. To ensure compliance, the Permittee shall monitor the sulfur content of the Nos. 4, 5 or 6 fuel oil by using fuel oil supplier certification per shipment received. The results of the fuel oil supplier certifications shall be recorded in a logbook (written or electronic format) on a quarterly basis and shall include the following information:
  - i. the name of the fuel oil supplier;
  - ii. the maximum sulfur content of the fuel oil received during the quarter;
  - iii. the method used to determine the maximum sulfur content of the fuel oil; and
  - iv. a certified statement signed by the responsible official that the records of fuel oil supplier certification submitted represent all of the Nos. 4, 5, or 6 fuel oil fired during the period.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516 if the sulfur content of the fuel oil is not monitored and recorded.

- g. To ensure compliance, the Permittee shall monitor the sulfur content of the cutter stock by using the on-site testing results per the procedure described in Section 2.1 A.2.c. above or by having an off-site independent laboratory determine and certify the sulfur content using an approved test method. The results of both the on-site and off-site testing shall be recorded in a logbook (written or electronic format) and shall include the following information:
  - i. date of samples obtained and tested from Tank No. 25 or Tank No. 36;
  - ii. the maximum sulfur content of the cutter stock combusted during the quarter;
  - iii. a certified statement signed by the responsible official that the records of cutter stock on-site and off-site testing submitted represent all of the cutter stock fired during the period.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516 if the sulfur content of the cutter stock is not monitored and recorded.

**Reporting** [15A NCAC 2Q .0508(f)]

- h. The Permittee shall submit a summary report of the fuel oil supplier certifications and on-site cutter stock testing results postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

### 3. 15A NCAC 2D .0521: CONTROL OF VISIBLE EMISSIONS

#### **Regulatory Requirements**

- a. As required by 15A NCAC 2D .0521(d) "Control of Visible Emissions," visible emissions from the units that comprise the Emission Unit Group 1 (ID No. EU 1) manufactured after July 1, 1971, shall not be more than 20 percent opacity when averaged over a six-minute period [15A NCAC 2D .0521(d)]. However, six minute averaging periods may exceed 20 percent opacity if:
  - i. no six-minute period exceeds 87 percent opacity;
  - ii. no more than one six-minute period exceeds 20 percent opacity in any hour; and
  - iii. no more than four six-minute periods exceed 20 percent opacity in any 24-hour period.

#### **Testing** [15A NCAC 2D .0501(c)(8)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(8) and General Condition JJ. If the results of this test exceed the limit given in Section 2.1.A.3.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521.

#### **Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- c. To assure compliance, once a month the Permittee shall observe the emission points of Emission Unit Group 1 (ID Nos. EU 1.1, 1.3, and 1.5) for any visible emissions above normal. The Permittee shall establish Anormal $\cong$  for the source (ID No. 1.5) in the first 30 days following the commencement of operation. If visible emissions from this source are observed to be above normal, the Permittee shall either:
  - i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
  - ii. demonstrate that the percent opacity from the emission points of the emission source in accordance with 15A NCAC 2D .0501(c)(8) is below the limit given in Section 2.1 A.3. a. above.If the above-normal emissions are not corrected per (i) above or if the demonstration in (ii) above cannot be made, the Permittee shall be deemed to be in noncompliance with 15A NCAC 2D .0521.
- d. The results of the monitoring for visible emissions shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
  - i. the date and time of each recorded action;
  - ii. the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions; and
  - iii. the results of any corrective actions performed.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521 if these records are not maintained

#### **Reporting** [15A NCAC 2Q .0508(f)]

- e. The Permittee shall submit a summary report of monitoring and record keeping activities by January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

### **B. Emission Unit Group 2 (ID No. EU 2), including: Storage Tanks #1 (ID EU 2.1); Storage Tank #2 (ID EU 2.2); Storage Tank #3 (ID No. EU 2.3); Storage Tank #4 (ID No. EU 2.4);**

**Storage Tank #6 (ID No. EU 2.5); Storage Tank #7 (ID No. 2.6); Storage Tank #10 (ID No. EU 2.7); Storage Tank #15 (ID No. EU 2.8), Storage Tank #16 (ID No. EU 2.9); Storage Tank #18 (ID No. EU 2.10); Storage Tank #19 (ID No. EU 2.11); Storage Tank #20 (ID No. EU 2.12); Storage Tank #21 (ID No. 2.13); Storage Tank #22 (ID No. EU 2.14); Storage Tank #23 (ID No. 2.15); Storage Tank #33 (ID No. 2.17); and Storage Tank #34 (ID No. EU 2.18) {Seventeen Tanks Total}**

The following table provides a summary of limits and/or standards for the units in the Emission Unit Group 2.

Regulated Pollutant	Limits/Standards	Applicable Regulation
Particulate Matter	$E = 55.0 P^{0.11} - 40$ where E = allowable emission rate in pounds per hour P = process weight in tons per hour	15A NCAC 2D .0515
Visible Emissions	20 percent opacity	15A NCAC 2D .0521(d)
Volatile Organic Compounds	Work Practice Standards - Section 2.2. A.1 Facility Wide Affected Emission Sources	15A NCAC 2D .0958
Odors	Odorous emissions must be controlled - Section 2.2. A.2 Facility Wide Affected Emission Sources; State-enforceable only	15A NCAC 2D .1806
Hazardous Air Pollutants	facility-wide emissions less than 10 tons per year of any HAP and less than 25 tons per year of a combination of HAPs - Section 2.2. A.4	15A NCAC 2Q .0317

**1. 15A NCAC 2D .0515: PARTICULATE EMISSIONS FROM MISCELLANEOUS INDUSTRIAL PROCESSES**

**Regulatory Requirements**

- a. Emissions of particulate matter from the storage tanks in Emission Unit Group 2 that are discharged into the atmosphere shall not exceed an allowable emission rate as calculated by the following equations: [15A NCAC 2D .0515(a)].

$$E = 55.0 P^{0.11} - 40$$

Where E = allowable emission rate in pounds per hour calculated to three significant figures

P = process weight rate in tons per hour

Liquid and gaseous fuels and combustion air are not considered as part of the process weight.

**Testing** [15A NCAC 2D .0501(c)(3)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(3) and General Condition JJ found in Section 3. If the results of the test performed exceed the limits given in Section 2.1. B.1.a. above for particulate matter, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515.

**Monitoring/Recordkeeping/Reporting** [15A NCAC 2Q .0508(f)]

- c. No monitoring, record keeping, or reporting are required for the particulate emissions from the storage tanks in emission units group 2 (ID No. EU 2).
- d. The Permittee shall take all reasonable precautions with any operation, process, handling, transportation, or storage facilities to prevent fugitive emissions from becoming airborne.

**2. 15A NCAC 2D .0521: CONTROL OF VISIBLE EMISSIONS**

**Regulatory Requirements**

- a. As required by 15A NCAC 2D .0521(d) "Control of Visible Emissions," visible emissions from the units that comprise the Emission Unit Group 2 (ID No. EU 2) manufactured after July 1, 1971, shall not be more than 20 percent opacity when averaged over a six-minute period [15A NCAC 2D .0521(d)]. However, six minute averaging periods may exceed 20 percent opacity if:
  - i. no six-minute period exceeds 87 percent opacity;
  - ii. no more than one six-minute period exceeds 20 percent opacity in any hour; and
  - iii. no more than four six-minute periods exceed 20 percent opacity in any 24-hour period

**Testing** [15A NCAC 2D .0501(c)(8)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(8) and General Condition JJ found in Section 3. If the results of the test performed exceed the limits given in Section 2.1. B.2.a. above for visible emissions, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- c. To ensure compliance, once a month the Permittee shall observe the emission points for the storage tanks of Emission Unit Group 2 (ID No. EU 2), for any visible emissions above normal. If visible emissions from any of the emission points for the storage tanks in the Emission Units Group 2 (ID No. EU 2) are observed to be above normal, the Permittee shall either:
  - i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
  - ii. demonstrate that the percent opacity from the emission points of the emission source in accordance with 15A NCAC 2D .0501(c)(8) is below the limit given in Section 2.1 B.2. a. above.

If the above-normal emissions are not corrected per (i) above or if the demonstration in (ii) above cannot be made, the Permittee shall be deemed to be in noncompliance with 15A NCAC 2D .0521.

- d. The results of the monitoring for visible emissions shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
  - i. the date and time of each recorded action;
  - ii. the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions; and
  - iii. the results of any corrective actions performed.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521 if these records are not maintained.

**Reporting** [15A NCAC 2Q .0508(f)]

- e. The Permittee shall submit a summary report of monitoring and record keeping activities by January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**C. Emission Unit Group 4 (EU 4) including: Converter #1 (ID No. EU 4.1), Converter #2 (ID No. EU 4.2), and Converter #3 (ID No. EU 4.3)**

The following table provides a summary of limits and/or standards for converters in Emission Unit Group 4.

<b>Regulated Pollutant</b>	<b>Limits/Standards</b>	<b>Applicable Regulation</b>
Particulate Matter	$E = 55.0 P^{0.11} - 40$ where E = allowable emission rate in pounds per hour P = process weight in tons per hour  (ID Nos. EU 4.1 and EU 4.2)	15A NCAC 2D .0515
Sulfur Dioxide	2.3 pounds per million Btu heat input (ID Nos. EU 4.1, EU 4.2, and EU 4.3)	15A NCAC 2D .0516(a)
<b>Regulated Pollutant</b>	<b>Limits/Standards</b>	<b>Applicable Regulation</b>

Visible Emissions	20 percent opacity (ID Nos. EU 4.1 and EU 4.2)	15A NCAC 2D .0521(d)
Particulate Matter and Opacity of Emissions	See Section 2.1 C.4. (ID No. EU 4.3)	15A NCAC 2D .0524
Volatile Organic Compounds	Work Practice Standards - Section 2.2. A.1 Facility Wide Affected Emission Sources	15A NCAC 2D .0958
Odors	Odorous emissions must be controlled - Section 2.2. A.2 Facility Wide Affected Emission Sources; State-enforceable only	15A NCAC 2D .1806
NC Regulated Air Toxics	No more than two converters can operate at any given time - State-enforceable only (ID Nos. EU 4.1, EU 4.2, and EU 4.3)	15A NCAC 2Q .0317
Sulfur Dioxide	facility-wide emissions less than 250 tons per consecutive 12-months period - Section 2.2. A.3	15A NCAC 2Q .0317
Hazardous Air Pollutants	facility-wide emissions less than 10 tons per year of any HAP and less than 25 tons per year of a combination of HAPs - Section 2.2. A.4	15A NCAC 2Q .0317

**1. 15A NCAC 2D .0515: PARTICULATE EMISSIONS FROM MISCELLANEOUS INDUSTRIAL PROCESSES**

**Regulatory Requirements**

- a. Emissions of particulate matter from converters (ID Nos. EU 4.1 and EU 4.2) that are discharged into the atmosphere shall not exceed an allowable emission rate as calculated by the following equations: [15A NCAC 2D .0515(a)].

$$E = 55.0 P^{0.11} - 40$$

Where E = allowable emission rate in pounds per hour calculated to three significant figures

P = process weight rate in tons per hour

Liquid and gaseous fuels and combustion air are not considered as part of the process weight.

**Testing** [15A NCAC 2D .0501(c)(3)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(3) and General Condition JJ found in Section 3. If the results of the test performed exceed the limits given in Section 2.1. C.1.a. above for particulate matter, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- c. Emissions of particulate matter from converters (ID Nos. EU 4.1 and EU 4.2) shall be directly exhausted to and controlled by the thermal oxidizer/preheater #2 (ID No. TO 001). To comply with the provisions of this Permit and ensure that optimum control efficiency is maintained, the Permittee shall establish an inspection and maintenance schedule/checklist based on manufacturer's recommendations. As a minimum, the inspection and maintenance program will include a monthly inspection of the thermal oxidizer/preheater and ductwork for leaks and an annual internal inspection of the primary heat exchanger and associated inlet/outlet valves to ensure structural integrity. The results of these inspections shall be recorded in a logbook for the converters (ID Nos. EU 4.1 and EU 4.2). The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515 if the thermal oxidizer and ductwork are not visually inspected for deterioration.
- d. The results of inspection and maintenance shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
- i. the date and time of each recorded action;
  - ii. the results of each inspection;

- iii. the results of any maintenance performed on the thermal oxidizer; and
  - iv. any variance from manufacturer's recommendations, if any, and corrections made.
- The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515 if these records are not maintained.
- e. To ensure compliance and the effective operation of the thermal oxidizer/preheater #2 (ID No. TO 001), the Permittee shall monitor the thermal oxidizer/preheater temperatures on a continuous basis. To ensure quality, temperature monitoring devices will be calibrated, operated, and maintained using procedures that take into account manufacturer's specifications. The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515 if these records are not maintained.
  - f. The Permittee shall assure the proper performance of the preheater/thermal oxidizer (ID No. TO 001) by ensuring, on a daily basis, that the temperature in the combustion chamber or firebox will be maintained at a minimum of 1400 degrees F during the oxidizing process. If the temperature readings are observed to be below 1400 degrees F, the Permittee shall inspect the thermal oxidizer/preheater for malfunctions and repair or replace burners as necessary in accordance to manufacturer's inspection and maintenance recommendations. The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515 if the temperature falls below 1400 degrees F and no maintenance or repairs are performed.
  - g. The Permittee shall take all reasonable precautions with any operation, process, handling, transportation, or storage facilities to prevent fugitive emissions from becoming airborne.

**Reporting** [15A NCAC 2Q .0508(f)]

- h. The Permittee shall submit a summary report of monitoring and record keeping activities by January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**2. 15A NCAC 2D .0516: SULFUR DIOXIDE EMISSIONS FROM COMBUSTION SOURCES**

**Regulatory Requirements**

- a. Emissions of sulfur dioxide from the converters (ID Nos. EU 4.1, EU 4.2, and EU 4.3) and the preheater #2/thermal oxidizer (ID No. TO 001) shall not exceed 2.3 pounds per million Btu heat input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard. [15A NCAC 2D .0516(a)]

**Testing** [15A NCAC 2D .0501(c)(4)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(4) and General Condition JJ found in Section 3. If the results of this test are above the limit given in Section 2.1 C.2. a., above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516.
- c. Cutter stock sulfur content testing shall be performed on-site in accordance with ASTM method D-4294 or shall be determined and certified by an off-site independent laboratory using an approved test method. The sulfur content testing shall be completed with an X-ray Sulfur Meter. The calibration of the testing meter shall be completed using the manufacturer's specifications. The sampling and testing requirements shall include the following:
  - i. The cutter stock stored in Tank No. 25 (ID No. EU 6.4) or Tank No. 36 (ID No. EU 6.5) shall be sampled from the tank sampling valve and tested each day that cutter stock is transferred out of either tank for combustion.

If the results of any tests (on-site by the Permittee and the off-site by the independent laboratory) are above the sulfur content limit given in Section 2.1 C.2.e. below, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- d. No monitoring/recordkeeping is required for sulfur dioxide emissions from the firing of Natural gas and No. 2 fuel oil in the preheater #2/thermal oxidizer (ID No. TO 001).
- e. The maximum sulfur content of any cutter stock, Nos. 4, 5, or 6 fuel oil received and burned in the burner for the preheater #2/thermal oxidizer (ID No. TO 001) shall not exceed 2.1 percent by weight. The Permittee shall

be deemed in noncompliance with 15A NCAC 2D .0516 if the sulfur content of the fuel exceeds this limit. [15A NCAC 2Q .0508(bb)]

- f. To ensure compliance, the Permittee shall monitor the sulfur content of the Nos. 4, 5, or 6 fuel oil by using fuel oil supplier certification per shipment received. The results of the fuel oil supplier certifications shall be recorded in a logbook (written or electronic format) on a quarterly basis and shall include the following information:
- i. the name of the fuel oil supplier;
  - ii. the maximum sulfur content of the fuel oil received during the quarter;
  - iii. the method used to determine the maximum sulfur content of the fuel oil; and
  - iv. a certified statement signed by the responsible official that the records of fuel oil supplier certification submitted represent all of the Nos. 4, 5, or 6 fuel oil fired during the period.
- The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516 if the sulfur content of the oil is not monitored and recorded.
- g. To ensure compliance, the Permittee shall monitor the sulfur content of the cutter stock by using the on-site testing results per the procedure described in Section 2.1 C.2.c. above or by having an off-site independent laboratory determine and certify the sulfur content using an approved test method. The results of both the on-site and off-site testing shall be recorded in a logbook (written or electronic format) and shall include the following information:
- i. date of samples obtained and tested from Tank No. 25 or Tank No. 36;
  - ii. the maximum sulfur content of the cutter stock combusted during the quarter;
  - iii. a certified statement signed by the responsible official that the records of cutter stock on-site and off-site testing submitted represent all of the cutter stock fired during the period.
- The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0516 if the sulfur content of the cutter stock is not monitored and recorded.

**Reporting** [15A NCAC 2Q .0508(f)]

- h. The Permittee shall submit a summary report of the fuel oil supplier certifications and on-site cutter stock testing results postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**3. 15A NCAC 2D .0521: CONTROL OF VISIBLE EMISSIONS**

**Regulatory Requirements**

- a. As required by 15A NCAC 2D .0521(d) "Control of Visible Emissions," visible emissions from converters (ID Nos. EU 4.1 and EU 4.2) manufactured after July 1, 1971, shall not be more than 20 percent opacity when averaged over a six-minute period [15A NCAC 2D .0521(d)]. However, six minute averaging periods may exceed 20 percent opacity if
- i. no six-minute period exceeds 87 percent opacity;
  - ii. no more than one six-minute period exceeds 20 percent opacity in any hour; and
  - iii. no more than four six-minute periods exceed 20 percent opacity in any 24-hour period.

**Testing** [15A NCAC 2D .0501(c)(8)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(8) and General Condition JJ found in Section 3. If the results of the test performed exceed the limits given in Section 2.1. C.3.a. above for visible emissions, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- c. To ensure compliance, once a month the Permittee shall observe the emission point for two converters (ID Nos. EU 4.1 and EU 4.2) for any visible emissions above normal. If visible emissions from this source are observed to be above normal, the Permittee shall either:
- i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or

ii. demonstrate that the percent opacity from the emission points of the emission source in accordance with 15A NCAC 2D .0501(c)(8) is below the limit given in Section 2.1C.3. a. above.

If the above-normal emissions are not corrected per (i) above or if the demonstration in (ii) above cannot be made, the Permittee shall be deemed to be in noncompliance with 15A NCAC 2D .0521.

d. The results of the monitoring for visible emissions shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:

i. the date and time of each recorded action;

ii. the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions; and

iii. the results of any corrective actions performed.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521 if these records are not maintained.

**Reporting** [15A NCAC 2Q .0508(f)]

e. The Permittee shall submit a summary report of monitoring and record keeping activities by January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**4. 15A NCAC 2D .0524: NEW SOURCE PERFORMANCE STANDARDS [40 CFR 60 Subpart UU]**

a. For Converter #3 (ID No. EU 4.3), the Permittee shall comply with all applicable provisions, including the notification, testing, record keeping, and monitoring requirements contained in Environmental Management Commission Standard 15A NCAC 2D .0524 "New Source Performance Standards (NSPS)" as promulgated in 40 CFR Part 60 Subpart UU including Subpart A "General Provisions." [15A NCAC 2D .0524]

**Emission Limitations** [40 CFR 60.472(b)]

b. The Permittee shall not allow to be discharged into the atmosphere from Converter #3 (ID No. EU 4.3):

i. Particulate matter in excess of 0.67 kg/Mg (1.3 lb/ton) of asphalt charged to the still when a catalyst is added to the still; and

ii. Particulate matter in excess of 0.71 kg/Mg (1.4 lb/ton) of asphalt charged to the still when a catalyst is added to the still and when No. 6 fuel oil is fired in the afterburner; and

iii. Particulate matter in excess of 0.60 kg/Mg (1.2 lb/ton) of asphalt charged to the still during blowing without a catalyst; and

iv. Particulate matter in excess of 0.64 kg/Mg (1.3 lb/ton) of asphalt charged to the still during blowing without a catalyst and when No. 6 fuel oil is fired in the afterburner; and

v. Exhaust gases with an opacity greater than 0 percent unless an opacity limit for the blowing still when fuel oil is used to fire the afterburner has been established by the Administrator in accordance with the procedures in §60.474(g).

**Testing** [15A NCAC 2Q .0508(f) and 40 CFR 60.474]

c. As required in §60.8, an initial performance test for Converter #3 (ID No. EU 4.3) for particulate matter including opacity of emissions shall be conducted in accordance with 40 CFR 60.474 and General Condition JJ. If any additional testing is required, it shall also be performed in accordance with 40 CFR 60.474 and General Condition JJ. If the results of any tests are above the limits given in Section 2.1 C.4 b. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0524.

**Monitoring** [40 CFR 60.473]

d. The Permittee using the afterburner to comply with the emission limitations in Section 2.1 C. 4.b. above, shall continuously monitor and record the temperature in the combustion zone during each particulate matter test run. If the Permittee does not continuously monitor and record the temperature in the combustion zone during each particulate matter test run, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0524.

After the completion of performance test, the Permittee shall also continuously monitor and record the temperature in the combustion zone of the afterburner. The monitoring instrument shall have an accuracy of  $\pm 10^{\circ}\text{C}$  ( $\pm 18^{\circ}\text{F}$ ) over its range. The total duration of missing data shall not exceed 2% of the total operating time of the afterburner (ID No. TO 001) during each 6-month reporting period (i.e., January to June and July through December). The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0524 if the combustion temperature is not continuously monitored and recorded. The Permittee shall also be deemed in noncompliance with 15A NCAC 2D .0524 if any 2-hour average temperature of combustion zone of the afterburner is below the average temperature of three, 2-hour test runs of the initial performance test, provided the Permittee does not repeat the performance test as required in §60.474(f).

- e. To ensure compliance, once a month the Permittee shall observe the emission point for Converter #3 (ID No. EU 4.3) using Method 22 of 40 CFR Part 60. If any monthly observations of visible emissions exceed the limit given in Section 2.1 C.4 b. above or if the monthly observation is not made or recorded, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0524.

**Recordkeeping** [15A NCAC 2Q .0508(f) and 40 CFR 60.473]

- f. The results of the monitoring shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
  - i. the date and time of Converter #3 and afterburner operation;
  - ii. operating temperature of the afterburner during the performance test;
  - iii. each 2-hour period when the average temperature was below the average temperature of three, 2-hour test runs of the initial performance test;
  - iv. the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions;
  - v. periods of start up, shut down, and malfunction; and,
  - vi. any corrective actions performed.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0524 if these records are not maintained.

**Reporting** [15A NCAC 2Q .0508(f)]

- g. The Permittee shall submit a notification of the date construction of an affected facility is commenced postmarked no later than 30 days after such date. [§60.7(a)(1)]
- h. The Permittee shall submit a notification of the date of initial start-up of an affected facility, postmarked within 15 days after such date. [§60.7(a)(3)]
- i. The Permittee shall report the operating temperature data of the afterburner during the performance test along with the results of the performance test. [40 CFR 60.474]
- j. The Permittee shall submit a summary report of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**5. 15A NCAC 2Q .0317: AVOIDANCE CONDITIONS for 15A NCAC 2Q .0700: TOXIC AIR POLLUTANT PROCEDURES [STATE ONLY REQUIREMENT]**

- a. In order to avoid applicability of 15A NCAC 2Q .0700, the Permittee shall oxidize asphalt in no more than two converters (ID Nos. EU 4.1, EU 4.2, and EU 4.3) at any given time.

**Testing** [15A NCAC 2D .0605]

- b. No testing shall be required.

**Monitoring/Recordkeeping** [15A NCAC 2D .0605]

- c. The Permittee shall record start time, finish time, and duration for each converter (ID Nos. EU 4.1, EU 4.2, and EU 4.3), when it is oxidizing the asphalt.
- d. The Permittee shall maintain at the facility for a minimum of three years, and shall make available to representatives of the DAQ upon request, accurate records of the following:
  - i. The start time, finish time, and duration for each converter (ID Nos. EU 4.1, EU 4.2, and EU 4.3), when it is oxidizing the asphalt.

**Reporting** [15A NCAC 2D .0605]

- e. Within 30 days after each calendar year, regardless of the amount asphalt oxidized, the Permittee shall submit in writing to the Regional Supervisor, DAQ, the following:
  - i. A summary for the previous 12 months for start time, finish time, and duration for each converter (ID Nos. EU 4.1, EU 4.2, and EU 4.3), when it is oxidizing the asphalt.

**D. Emission Unit Group 5 (EU 5) including: Loading Rack East (ID No. EU 5.1), Loading Rack West (ID No. EU 5.2) and Railcar Loading Rack West (ID No. EU 5.3)**

The following table provides a summary of limits and/or standards for the loading racks in Emission Unit Group 5.

Regulated Pollutant	Limits/Standards	Applicable Regulation
Particulate Matter	$E = 55.0 P^{0.11} - 40$ where E = allowable emission rate in pounds per hour P = process weight in tons per hour	15A NCAC 2D .0515
Visible Emissions	20 percent opacity	15A NCAC 2D .0521(d)
Volatile Organic Compounds	Work Practice Standards - Section 2.2 A.1 Facility Wide Affected Emission Sources	15A NCAC 2D .0958
Odors	Odorous emissions must be controlled - Section 2.2. A.2 Facility-Wide Affected Emission Sources; State-enforceable only	15A NCAC 2D .1806
Hazardous Air Pollutants	less than 10 tons per year of any HAP and less than 25 tons per year of a combination of HAPs - Section 2.2. A.4	15A NCAC 2Q .0317

**1. 15A NCAC 2D .0515: PARTICULATE EMISSIONS FROM MISCELLANEOUS INDUSTRIAL PROCESSES**

**Regulatory Requirements**

- a. Emissions of particulate matter from the loading racks in Emission Unit Group 5 that are discharged into the atmosphere shall not exceed an allowable emission rate as calculated by the following equations: [15A NCAC 2D .0515(a)].

$$E = 55.0 P^{0.11} - 40$$

Where E = allowable emission rate in pounds per hour calculated to three significant figures

P = process weight rate in tons per hour

Liquid and gaseous fuels and combustion air are not considered as part of the process weight.

**Testing** [15A NCAC 2D .0501(c)(3)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(3) and General Condition JJ found in Section 3. If the results of the test performed exceed the limits given in Section 2.1. D.1.a. above for particulate matter, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0515.

**Monitoring/Recordkeeping/Reporting** [15A NCAC 2Q .0508(f)]

- c. No monitoring, record keeping, or reporting are required for the emissions of particulate matter from the loading racks (ID Nos. EU 5.1, EU 5.2, and EU 5.3).

**2. 15A NCAC 2D .0521: CONTROL OF VISIBLE EMISSIONS**

**Regulatory Requirements**

- a. As required by 15A NCAC 2D .0521(d) "Control of Visible Emissions," visible emissions from the loading racks that comprise the Emission Unit Group 5 (ID No. EU 5) manufactured after July 1, 1971, shall not be more than 20 percent opacity when averaged over a six-minute period [15A NCAC 2D .0521(d)].

However, six minute averaging periods may exceed 20 percent opacity if

- i. no six-minute period exceeds 87 percent opacity;
- ii. no more than one six-minute period exceeds 20 percent opacity in any hour; and
- iii. no more than four six-minute periods exceed 20 percent opacity in any 24-hour period.

**Testing** [15A NCAC 2D .0501(c)(3)]

- b. If emissions testing is required, the testing shall be performed in accordance with 15A NCAC 2D .0501(c)(8) and General Condition JJ. If the results of this test are above the limit given in Section 2.1. D.2.a. above, the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508(f)]

- c. To ensure compliance, once a month the Permittee shall observe the emission points for Emission Unit 5 (ID Nos. EU 5.1, 5.2, and 5.3) for any visible emissions above normal. If visible emissions from the emission points for Emission Unit Group 5 (ID Nos. EU 5.1, 5.2, and 5.3) are observed to be above normal, the Permittee shall either:

- i. take appropriate action to correct the above-normal emissions as soon as practicable and within the monitoring period and record the action taken as provided in the recordkeeping requirements below, or
- ii. demonstrate that the percent opacity from the emission points of loading rack east (ID No. EU 5.1), loading rack west (ID No. EU 5.2), and the railcar loading rack west (ID Nos. EU 5.3) in accordance with 15A NCAC 2D .0501(c)(8) is below the limit given in Section 2.1 D.2. a. above.

If the above-normal emissions are not corrected per (i) above or if the demonstration in (ii) above cannot be made, the Permittee shall be deemed to be in noncompliance with 15A NCAC 2D .0521.

- d. The results of the monitoring for visible emissions shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
  - i. the date and time of each recorded action;
  - ii. the results of each observation and/or test noting those sources with emissions that were observed to be in noncompliance along with any corrective actions taken to reduce visible emissions; and
  - iii. the results of any corrective actions performed.

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0521 if these records are not maintained.

**Reporting** [15A NCAC 2Q .0508(f)]

- e. The Permittee shall submit a summary report of monitoring and record keeping activities by January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

## 2.2 Multiple Emission Source(s) Specific Limitations and Conditions

### A. Facility-wide affected emission sources

The following table provides a summary of limits and standards applicable facility wide:

Regulated Pollutant	Limits/Standards	Applicable Regulation
Volatile Organic Compounds	Work Practice Standards	15A NCAC 2D .0958

Odors	Odorous emissions must be controlled; State enforceable only	15A NCAC 2D .1806
Sulfur Dioxide	Facility-wide emissions less than 250 tons per consecutive 12-months period	15A NCAC 2Q .0317
Hazardous Air Pollutants	Facility-wide emissions less than 10 tons per year of any HAP and less than 25 tons per year of a combination of HAPs	15A NCAC 2Q .0317

**1. 15A NCAC 2D .0958: WORK PRACTICES FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS**

**Regulatory Requirements** [15A NCAC 2D .0958(c)]

- a. Pursuant to 15A NCAC 2D .0958, for all sources that use volatile organic compounds (VOC) as solvents, carriers, material processing media, or industrial chemical reactants, or in similar uses that mix, blend, or manufacture volatile organic compounds, or emit volatile organic compounds as a product of chemical reactions, and whose emissions of VOC are greater than 15 pounds per day; the Permittee shall:
  - i. store all material, including waste material, containing volatile organic compounds in tanks or in containers covered with a tightly fitting lid that is free of cracks, holes, or other defects, when not in use,
  - ii. clean up spills of volatile organic compounds as soon as possible following proper safety procedures,
  - iii. store wipe rags containing volatile organic compounds in closed containers,
  - iv. not clean sponges, fabric, wood, paper products, and other absorbent materials with volatile organic compounds,
  - v. transfer solvents containing volatile organic compounds used to clean supply lines and other coating equipment into close able containers and close such containers immediately after each use, or transfer such solvents to closed tanks, or to a treatment facility regulated under section 402 of the Clean Water Act,
  - vi. clean mixing, blending, and manufacturing vats and containers containing volatile organic compounds by adding cleaning solvent and close the vat or container before agitating the cleaning solvent. The spent cleaning solvent shall then be transferred into a closed container, a closed tank or a treatment facility regulated under section 402 of the Clean Water Act.
- b. When cleaning parts with a solvent containing a volatile organic compound, the Permittee shall:
  - i. flush parts in the freeboard area,
  - ii. take precautions to reduce the pooling of solvent on and in the parts,
  - iii. tilt or rotate parts to drain solvent and allow a minimum of 15 seconds for drying or until all dripping has stopped, whichever is longer,
  - iv. not fill cleaning machines above the fill line,
  - v. not agitate solvent to the point of causing splashing. [15A NCAC 2D .0958(d)]

**Monitoring** [15A NCAC 2Q .0508(f)]

- c. To ensure compliance with paragraphs (a) and (b) above, the Permittee shall, at a minimum, perform a visual inspection once per month of all operations and processes utilizing volatile organic compounds. The inspections shall be conducted during normal operations. If the required inspections are not conducted the Permittee shall be deemed to be in noncompliance with 15A NCAC 2D .0958.

**Recordkeeping** [15A NCAC 2Q .0508(f)]

- d. The results of the inspections shall be maintained in a logbook (written or electronic format) on-site and made available to an authorized representative upon request. The logbook shall record the following:
  - i. the date and time of each inspection; and
  - ii. the results of each inspection noting whether or not noncompliant conditions were observed.
 If the required records are not maintained the Permittee shall be deemed to be in noncompliance with 15A NCAC 2D .0958.

**Reporting** [15A NCAC 2Q .0508(f)]

- e. The Permittee shall submit a summary report of the observations by January 30 of each calendar year for the preceding six-month period between July and December and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified.

**2. 15A NCAC 2D .1806: CONTROL AND PROHIBITION OF ODOROUS EMISSIONS [STATE ONLY REQUIREMENT]**

- a. The Permittee shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility's boundary.

**3. 15A NCAC 2Q .0317: AVOIDANCE CONDITION for 15A NCAC 2D .0530: PREVENTION OF SIGNIFICANT DETERIORATION**

- a. In order to avoid applicability of 15A NCAC 2D .0530(g), the facility shall discharge into the atmosphere less than 250 tons of sulfur dioxide per consecutive 12-month period. [15A NCAC 2D .0530]

**Testing** [15A NCAC 2Q .0501(c)(4)]

- b. If emissions testing is required, the Permittee shall perform such testing in accordance with General Condition JJ. If the results of this test are above the limit given in Section 2.2 A.3.a., the Permittee shall be deemed in noncompliance with 15A NCAC 2D .0530.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508 (f)]

- c. The Permittee shall keep monthly records of the amount of each fuel used, sulfur content of each fuel including certification of the fuel oils and the cutter stock, and amount of oxidized asphalt produced in a logbook (written or in electronic format). The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0530 if the sulfur content of the fuel is not monitored.
- d. The use of fuel in the combustion emission units (ID Nos. EU 1.1, EU 1.3, EU 1.5, and TO 001) and oxidized asphalt production from the converters (ID Nos. EU 4.1, EU 4.2, and EU 4.3) shall be limited such that sulfur dioxide emissions shall not exceed 250 tons for any consecutive 12-month period on a facility-wide basis. Calculations shall be made monthly and recorded in a log (written or in electronic format), according to the following formula:

$$T = [U \times 0.6 (\text{lb sulfur dioxide/million cubic feet}) + V \times 142 (\text{lb sulfur dioxide}/1000 \text{ gallons}) \times S1 + W \times 150 (\text{lb sulfur dioxide}/1000 \text{ gallons}) \times S2 + X \times 157 (\text{lb sulfur dioxide}/1000 \text{ gallons}) \times S3 + Y \times 157 (\text{lb sulfur dioxide}/1000 \text{ gallons}) \times S4 + Z \times 157 (\text{lb sulfur dioxide}/1000 \text{ gallons}) \times S5 + 1.43 \text{ lbs/ton} \times A] / 2000$$

Where:

T is the total actual emissions of sulfur dioxide in pounds

U is the total amount of Natural gas used in the combustion units in cubic feet

V is the total amount of No. 2 fuel oil used in combustion units in 1,000 gallons

W is the total amount of No. 4 fuel oil used in combustion units in 1,000 gallons

X is the amount of cutter stock used in the combustion units in 1,000 gallons

Y is the amount of No. 5 fuel oil used in the combustion units in 1,000 gallons

Z is the total amount of No. 6 fuel oil used in the combustion unit in 1,000 gallons

A is the total amount of oxidized asphalt produced in the converters in tons

S1 is the percent sulfur in the No. 2 fuel oil

S2 is the percent sulfur in the No. 4 fuel oil

S3 is the percent sulfur in the cutter stock

S4 is the percent sulfur in the No. 5 fuel oil

S5 is the percent sulfur in the No. 6 fuel oil

The Permittee shall be deemed in noncompliance with 15A NCAC 2D .0530 if the above records are not kept or if the sulfur dioxide emissions exceed the limit in Section 2.2 A.3.a.

**Reporting** [15A NCAC 2Q .0508(f)]

- e. The Permittee shall submit a summary report, acceptable to the Regional Air Quality Supervisor, of monitoring and recordkeeping activities postmarked on or before January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. The report shall contain the following:
  - i. The monthly sulfur dioxide emissions for the previous 17 months. The emissions must be calculated for each of the 12-month periods over the previous 17 months;
  - ii. The monthly quantities of natural gas, No. 2 fuel oil, No. 4 fuel oil, cutter stock, No. 5 fuel oil, and No. 6 fuel oil consumed, and amount of oxidized asphalt produced for the previous 17 month;
  - iii. The average sulfur contents for No. 2 fuel oil, No. 4 fuel oil, cutter stock, No. 5 fuel oil, and No. 6 fuel oil.All instances of deviations from the requirements of this permit must be clearly identified.

**4. 15A NCAC 2Q .0317: AVOIDANCE CONDITION for 15A NCAC 2D .1111: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY**

- a. In order to avoid applicability of this regulation, the facility shall discharge into the atmosphere less than 10 tons of any individual HAP or 25 tons of total HAPs per consecutive 12-month period.

**Monitoring/Recordkeeping** [15A NCAC 2Q .0508 (f)]

- b. Calculations of HAP emissions per month shall be made at the end of each month. HAP emissions shall be determined by multiplying the total amount of each type of HAP-containing material consumed during the month by the HAP content of the material. Calculations and the total amount of HAP emissions and individual HAP emissions shall be recorded monthly in a logbook (written or electronic format). The Permittee shall be deemed in noncompliance with 15A NCAC 2D .1111 if the amounts of HAP containing materials or the HAP emissions are not monitored and recorded. The Permittee shall also be deemed in noncompliance with 15A NCAC 2D .1111 if the HAP emissions exceed the above limits.

**Reporting** [15A NCAC 2Q .0508 (f)]

- c. The Permittee shall submit a summary report of the monitoring and recordkeeping requirements by January 30 of each calendar year for the preceding six-month period between July and December, and July 30 of each calendar year for the preceding six-month period between January and June. All instances of deviations from the requirements of this permit must be clearly identified in a report submitted to the Regional Air Quality Supervisor, DAQ. The report shall contain the following:
  - i. Individual HAP emissions during the six, previous twelve-month periods.
  - ii. Total HAP emissions during the six, previous twelve-month periods.All instances of deviations from the requirements of this permit must be clearly identified.

## SECTION 3 – GENERAL CONDITIONS

This section describes terms and conditions applicable to this Title V facility. All references to the “permit” in this section apply only to Part I of the permit.

- A. **General Provisions** [NCGS 143-215 and 15A NCAC 2Q .0508(i)(16)]
1. Terms not otherwise defined in this permit shall have the meaning assigned to such terms as defined in 15A NCAC 2D and 2Q.
  2. The terms, conditions, requirements, limitations, and restrictions set forth in this permit are binding and enforceable pursuant to NCGS 143-215.114A and 143-215.114B, including assessment of civil and/or criminal penalties. Any unauthorized deviation from the conditions of this permit may constitute grounds for revocation and/or enforcement action by the DAQ.
  3. This permit is not a waiver of or approval of any other Department permits that may be required for other aspects of the facility which are not addressed in this permit.
  4. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted facility, or from penalties therefore, nor does it allow the Permittee to cause pollution in contravention of state laws or rules, unless specifically authorized by an order from the North Carolina Environmental Management Commission.
  5. Except as identified as state-only requirements in this permit, all terms and conditions contained herein shall be enforceable by the DAQ, the EPA, and citizens of the United States as defined in the Federal Clean Air Act.
  6. Any stationary source of air pollution shall not be operated, maintained, or modified without the appropriate and valid permits issued by the DAQ, unless the source is exempted by rule. The DAQ may issue a permit only after it receives reasonable assurance that the installation will not cause air pollution in violation of any of the applicable requirements. A permitted installation may only be operated, maintained, constructed, expanded, or modified in a manner that is consistent with the terms of this permit.
- B. **Permit Availability** [15A NCAC 2Q .0507(k) and .0508(i)(9)(B)]  
The Permittee shall have available at the facility a copy of this permit and shall retain for the duration of the permit term one complete copy of the application and any information submitted in support of the application package. The permit and application shall be made available to an authorized representative of Department of Environment and Natural Resources upon request.
- C. **Severability Clause** [15A NCAC 2Q .0508(i)(2)]  
In the event of an administrative challenge to a final and binding permit in which a condition is held to be invalid, the provisions in this permit are severable so that all requirements contained in the permit, except those held to be invalid, shall remain valid and must be complied with.
- D. **Submissions** [15A NCAC 2Q .0507(e) and 2Q .0508(i)(16)]  
Except as otherwise specified herein, two copies of all documents, reports, test data, monitoring data, notifications, request for renewal, and any other information required by this permit shall be submitted to the appropriate Regional Office. Refer to the Regional Office address on the cover page of this permit. For continuous emissions monitoring systems (CEMS) reports, continuous opacity monitoring systems (COMS) reports, quality assurance (QA)/quality control (QC) reports, acid rain CEM certification reports, and NOx budget CEM certification reports, one copy shall be sent to the appropriate Regional Office and one copy shall be sent to:
- Supervisor, Stationary Source Compliance  
North Carolina Division of Air Quality  
1641 Mail Service Center  
Raleigh, NC 27699-1641
- E. **Duty to Comply** [15A NCAC 2Q .0508(i)(2)]  
The Permittee shall comply with all terms, conditions, requirements, limitations and restrictions set forth in this permit. Noncompliance with any permit condition except conditions identified as state-only requirements constitutes a violation of the Federal Clean Air Act. Noncompliance with any permit condition is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.
- F. **Circumvention** - STATE ENFORCEABLE ONLY

The facility shall be properly operated and maintained at all times in a manner that will effect an overall reduction in air pollution. Unless otherwise specified by this permit, no emission source may be operated without the concurrent operation of its associated air pollution control device(s) and appurtenances.

G. **Permit Modifications**

1. Administrative Permit Amendments [15A NCAC 2Q .0514]  
The Permittee shall submit an application for an administrative permit amendment in accordance with 15A NCAC 2Q .0514.
2. Transfer in Ownership or Operation and Application Submittal Content [15A NCAC 2Q .0524 and 2Q .0505]  
The Permittee shall submit an application for an ownership change in accordance with 15A NCAC 2Q.0524 and 2Q .0505.
3. Minor Permit Modifications [15A NCAC 2Q .0515]  
The Permittee shall submit an application for a minor permit modification in accordance with 15A NCAC 2Q .0515.
4. Significant Permit Modifications [15A NCAC 2Q .0516]  
The Permittee shall submit an application for a significant permit modification in accordance with 15A NCAC 2Q .0516.
5. Reopening for Cause [15A NCAC 2Q .0517]  
The Permittee shall submit an application for reopening for cause in accordance with 15A NCAC 2Q .0517.

H. **Changes Not Requiring Permit Modifications**

1. Section 502(b)(10) Changes [15A NCAC 2Q .0523(a)]
  - a. "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
  - b. The Permittee may make Section 502(b)(10) changes without having the permit revised if:
    - i. the changes are not a modification under Title I of the Federal Clean Air Act;
    - ii. the changes do not cause the allowable emissions under the permit to be exceeded;
    - iii. the Permittee notifies the Director and EPA with written notification at least seven days before the change is made; and
    - iv. the Permittee shall attach the notice to the relevant permit.
  - c. The written notification shall include:
    - i. a description of the change;
    - ii. the date on which the change will occur;
    - iii. any change in emissions; and
    - iv. any permit term or condition that is no longer applicable as a result of the change.
  - d. Section 502(b)(10) changes shall be made in the permit the next time that the permit is revised or renewed, whichever comes first.
2. Off Permit Changes [15A NCAC 2Q .0523(b)]  
The Permittee may make changes in the operation or emissions without revising the permit if:
  - a. the change affects only insignificant activities and the activities remain insignificant after the change; or
  - b. the change is not covered under any applicable requirement.
3. Emissions Trading [15A NCAC 2Q .0523(c)]  
To the extent that emissions trading is allowed under 15A NCAC 2D, including subsequently adopted maximum achievable control technology standards, emissions trading shall be allowed without permit revision pursuant to 15A NCAC 2Q .0523(c).

I.A. **Reporting Requirements for Excess Emissions and Permit Deviations**

[15A NCAC 2D .0535(f) and 2Q .0508(f)(2)]

**"Excess Emissions"** - means an emission rate that exceeds any applicable emission limitation or standard allowed by any rule in Sections .0500, .0900, .1200, or .1400 of Subchapter 2D; or by a permit condition; or that exceeds an emission limit established in a permit issued under 15A NCAC 2Q .0700. (*Note: Definitions of excess emissions under 2D .1110 and 2D .1111 shall apply where defined by rule.*)

**"Deviations"** - for the purposes of this condition, any action or condition not in accordance with the terms and conditions of this permit including those attributable to upset conditions as well as excess emissions as defined above lasting less than four hours.

Excess Emissions

1. If a source is required to report excess emissions under NSPS (15A NCAC 2D .0524), NESHAPS (15A NCAC 2D .1110 or .1111), or the operating permit provides for periodic (e.g., quarterly) reporting of excess emissions, reporting shall be performed as prescribed therein.
2. If the source is not subject to NSPS (15A NCAC 2D .0524), NESHAPS (15A NCAC 2D .1110 or .1111), or these rules do NOT define "excess emissions," the Permittee shall report excess emissions in accordance with 15A NCAC 2D .0535 as follows:
  - a. Pursuant to 15A NCAC 2D .0535, if excess emissions last for more than four hours resulting from a malfunction, a breakdown of process or control equipment, or any other abnormal condition, the owner or operator shall:
    - i. notify the Regional Supervisor or Director of any such occurrence by 9:00 a.m. Eastern Time of the Division's next business day of becoming aware of the occurrence and provide:
      - name and location of the facility;
      - nature and cause of the malfunction or breakdown;
      - time when the malfunction or breakdown is first observed;
      - expected duration; and
      - estimated rate of emissions;
    - ii. notify the Regional Supervisor or Director immediately when corrective measures have been accomplished; and
    - iii. submit to the Regional Supervisor or Director within 15 days a written report as described in 15A NCAC 2D .0535(f)(3).

Permit Deviations

3. Pursuant to 15A NCAC 2Q .0508(f)(2), the Permittee shall report deviations from permit requirements (terms and conditions) as follows:
  - a. Notify the Regional Supervisor or Director of all other deviations from permit requirements not covered under 15A NCAC 2D .0535 quarterly. A written report to the Regional Supervisor shall include the probable cause of such deviation and any corrective actions or preventative actions taken. The responsible official shall certify all deviations from permit requirements.

**I.B. Other Requirements under 15A NCAC 2D .0535**

The Permittee shall comply with all other applicable requirements contained in 15A NCAC 2D .0535, including 15A NCAC 2D .0535(c) as follows:

1. Any excess emissions that do not occur during start-up and shut-down shall be considered a violation of the appropriate rule unless the owner or operator of the sources demonstrates to the Director, that the excess emissions are a result of a malfunction. The Director shall consider, along with any other pertinent information, the criteria contained in 15A NCAC 2D .0535(c)(1) through (7).
2. 15A NCAC 2D .0535(g). Excess emissions during start-up and shut-down shall be considered a violation of the appropriate rule if the owner or operator cannot demonstrate that excess emissions are unavoidable.

**J. Emergency Provisions [40 CFR 70.6(g)]**

The Permittee shall be subject to the following provisions with respect to emergencies:

1. An emergency means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the facility to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions specified in 3. below are met.

3. The affirmative defense of emergency shall be demonstrated through properly signed contemporaneous operating logs or other relevant evidence that include information as follows:
  - a. an emergency occurred and the Permittee can identify the cause(s) of the emergency;
  - b. the permitted facility was at the time being properly operated;

- c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the standards or other requirements in the permit; and
  - d. the Permittee submitted notice of the emergency to the DAQ within two working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
  5. This provision is in addition to any emergency or upset provision contained in any applicable requirement specified elsewhere herein.
- K. **Permit Renewal** [15A NCAC 2Q .0508(e) and 2Q .0513(b)]  
This permit is issued for a fixed term of five years for facilities subject to Title IV requirements and for a term not to exceed five years in the case of all other facilities. This permit shall expire at the end of its term. Permit expiration terminates the facility's right to operate unless a complete renewal application is submitted at least nine months before the date of permit expiration. If the Permittee or applicant has complied with 15A NCAC 2Q .0512(b)(1), this permit shall not expire until the renewal permit has been issued or denied. All terms and conditions of this permit shall remain in effect until the renewal permit has been issued or denied.
- L. **Need to Halt or Reduce Activity Not a Defense** [15A NCAC 2Q .0508(i)(4)]  
It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- M. **Duty to Provide Information (submittal of information)** [15A NCAC 2Q .0508(i)(9)]
  1. The Permittee shall furnish to the DAQ, in a timely manner, any reasonable 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.
  2. The Permittee shall furnish the DAQ copies of records required to be kept by the permit when such copies are requested by the Director. For information claimed to be confidential, the Permittee may furnish such records directly to the EPA upon request along with a claim of confidentiality.
- N. **Duty to Supplement** [15A NCAC 2Q .0507(f)]  
The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the DAQ. The Permittee shall also provide additional information as necessary to address any requirement that becomes applicable to the facility after the date a complete permit application was submitted but prior to the release of the draft permit.
- O. **Retention of Records** [15A NCAC 2Q .0508(f) and 2Q .0508 (l)]  
The Permittee shall retain records of all required monitoring data and supporting information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring information, and copies of all reports required by the permit. These records shall be maintained in a form suitable and readily available for expeditious inspection and review. Any records required by the conditions of this permit shall be kept on site and made available to DAQ personnel for inspection upon request.
- P. **Compliance Certification** [15A NCAC 2Q .0508(n)]  
The Permittee shall submit to the DAQ and the EPA (Air and EPCRA Enforcement Branch, EPA, Region 4, 61 Forsyth Street, Atlanta, GA 30303) postmarked on or before March 1 a compliance certification (for the preceding calendar year) by a responsible official with all federally-enforceable terms and conditions in the permit, including emissions limitations, standards, or work practices. It shall be the responsibility of the current owner to submit a

compliance certification for the entire year regardless of who owned the facility during the year. The compliance certification shall comply with additional requirements as may be specified under Sections 114(a)(3) or 504(b) of the Federal Clean Air Act. The compliance certification shall specify:

1. the identification of each term or condition of the permit that is the basis of the certification;
2. the compliance status (with the terms and conditions of the permit for the period covered by the certification);
3. whether compliance was continuous or intermittent; and
4. the method(s) used for determining the compliance status of the source during the certification period.

Q. **Certification by Responsible Official** [15A NCAC 2Q .0520]

A responsible official shall certify the truth, accuracy, and completeness of any application form, report, or compliance certification required by this permit. All certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

R. **Permit Shield for Applicable Requirements** [15A NCAC 2Q .0512]

1. Compliance with the terms and conditions of this permit shall be deemed compliance with applicable requirements, where such applicable requirements are included and specifically identified in the permit as of the date of permit issuance.
2. A permit shield shall not alter or affect:
  - a. the power of the Commission, Secretary of the Department, or Governor under NCGS 143-215.3(a)(12), or EPA under Section 303 of the Federal Clean Air Act;
  - b. the liability of an owner or operator of a facility for any violation of applicable requirements prior to the effective date of the permit or at the time of permit issuance;
  - c. the applicable requirements under Title IV; or
  - d. the ability of the Director or the EPA under Section 114 of the Federal Clean Air Act to obtain information to determine compliance of the facility with its permit.
3. A permit shield does not apply to any change made at a facility that does not require a permit or permit revision made under 15A NCAC 2Q .0523.
4. A permit shield does not extend to minor permit modifications made under 15A NCAC 2Q .0515.

S. **Termination, Modification, and Revocation of the Permit** [15A NCAC 2Q .0519]

The Director may terminate, modify, or revoke and reissue this permit 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 EPA requests that the permit be revoked under 40 CFR 70.7(g) or 70.8(d); or
5. the Director finds that termination, modification, or revocation and reissuance of the permit is necessary to carry out the purpose of NCGS Chapter 143, Article 21B.

T. **Insignificant Activities** [15A NCAC 2Q .0503]

Because an emission source or activity is insignificant does not mean that the emission source or activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement. The Permittee shall have available at the facility at all times and made available to an authorized representative upon request, documentation, including calculations, if necessary, to demonstrate that an emission source or activity is insignificant.

U. **Property Rights** [15A NCAC 2Q .0508(i)(8)]

This permit does not convey any property rights in either real or personal property or any exclusive privileges.

V. **Inspection and Entry** [15A NCAC 2Q .0508(l) and NCGS 143-215.3(a)(2)]

1. Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow the DAQ, or an authorized representative, to perform the following:
  - a. enter the Permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;

- b. have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
- c. inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.

Nothing in this condition shall limit the ability of the EPA to inspect or enter the premises of the Permittee under Section 114 or other provisions of the Federal Clean Air Act.

2. No person shall refuse entry or access to any authorized representative of the DAQ who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such authorized representative while in the process of carrying out his official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

W. **Annual Fee Payment** [15A NCAC 2Q .0508(i)(10)]

1. The Permittee shall pay all fees in accordance with 15A NCAC 2Q .0200.
2. Payment of fees may be by check or money order made payable to the N.C. Department of Environment and Natural Resources. Annual permit fee payments shall refer to the permit number.
3. If, within 30 days after being billed, the Permittee fails to pay an annual fee, the Director may initiate action to terminate the permit under 15A NCAC 2Q .0519.

X. **Annual Emission Inventory Requirements** [15A NCAC 2Q .0207]

The Permittee shall report by **June 30 of each year** the actual emissions of each air pollutant listed in 15A NCAC 2Q .0207(a) from each emission source within the facility during the previous calendar year. The report shall be in or on such form as may be established by the Director. The accuracy of the report shall be certified by a responsible official of the facility.

Y. **Confidential Information** [15A NCAC 2Q .0107 and 2Q. 0508(i)(9)]

Whenever the Permittee submits information under a claim of confidentiality pursuant to 15A NCAC 2Q .0107, the Permittee may also submit a copy of all such information and claim directly to the EPA upon request. All requests for confidentiality must be in accordance with 15A NCAC 2Q .0107.

Z. **Construction and Operation Permits** [15A NCAC 2Q .0100 and .0300]

A construction and operating permit shall be obtained by the Permittee for any proposed new or modified facility or emission source which is not exempted from having a permit prior to the beginning of construction or modification, in accordance with all applicable provisions of 15A NCAC 2Q .0100 and .0300.

AA. **Standard Application Form and Required Information** [15A NCAC 2Q .0505 and .0507]

The Permittee shall submit applications and required information in accordance with the provisions of 15A NCAC 2Q .0505 and .0507.

BB. **Financial Responsibility and Compliance History** [15A NCAC 2Q .0507(d)(3)]

The DAQ may require an applicant to submit a statement of financial qualifications and/or a statement of substantial compliance history.

CC. **Refrigerant Requirements (Stratospheric Ozone and Climate Protection)** [15A NCAC 2Q .0501(e)]

1. If the Permittee has appliances or refrigeration equipment, including air conditioning equipment, which use Class I or II ozone-depleting substances such as chlorofluorocarbons and hydrochlorofluorocarbons listed as refrigerants in 40 CFR Part 82 Subpart A Appendices A and B, the Permittee shall service, repair, and maintain such equipment according to the work practices, personnel certification requirements, and certified recycling and recovery equipment specified in 40 CFR Part 82 Subpart F.
2. The Permittee shall not knowingly vent or otherwise release any Class I or II substance into the environment during the repair, servicing, maintenance, or disposal of any such device except as provided in 40 CFR Part 82 Subpart F.
3. The Permittee shall comply with all reporting and recordkeeping requirements of 40 CFR, 82.166. Reports shall be submitted to the EPA or its designee as required.

DD. **Prevention of Accidental Releases - Section 112(r)** [15A NCAC 2Q .0508(h)]

If the Permittee is required to develop and register a Risk Management Plan with EPA pursuant to Section 112(r) of the Clean Air Act, then the Permittee is required to register this plan in accordance with 40 CFR Part 68.

EE. **Prevention of Accidental Releases General Duty Clause - Section 112(r)(1) -**  
FEDERALLY-ENFORCEABLE ONLY

Although a risk management plan may not be required, if the Permittee produces, processes, handles, or stores any amount of a listed hazardous substance, the Permittee has a general duty to take such steps as are necessary to prevent the accidental release of such substance and to minimize the consequences of any release.

FF. **Title IV Allowances** [15A NCAC 2Q .0508(i)(1)]

This permit does not limit the number of Title IV allowances held by the Permittee, but the Permittee may not use allowances as a defense to noncompliance with any other applicable requirement. The Permittee's emissions may not exceed any allowances that the facility lawfully holds under Title IV of the Federal Clean Air Act.

GG. **Air Pollution Emergency Episode** [15A NCAC 2D .0300]

Should the Director of the DAQ declare an Air Pollution Emergency Episode, the Permittee will be required to operate in accordance with the Permittee's previously approved Emission Reduction Plan or, in the absence of an approved plan, with the appropriate requirements specified in 15A NCAC 2D .0300.

HH. **Registration of Air Pollution Sources** [15A NCAC 2D .0200]

The Director of the DAQ may require the Permittee to register a source of air pollution. If the Permittee is required to register a source of air pollution, this registration and required information will be in accordance with 15A NCAC 2D .0202(b).

II. **Ambient Air Quality Standards** [15A NCAC 2D .0501(e)]

In addition to any control or manner of operation necessary to meet emission standards specified in this permit, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards in 15A NCAC 2D .0400 to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this permit are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

JJ. **General Emissions Testing and Reporting Requirements** [15A NCAC 2Q .0508(i)(16)]

If emissions testing is required by this permit or the DAQ or if the Permittee submits emissions testing to the DAQ in support of a permit application, the Permittee shall perform such testing in accordance with the appropriate EPA reference method(s) as approved by the DAQ and follow the procedures outlined below. The Permittee must request **in writing** and receive approval from the DAQ for an alternate test method or procedure.

1. The Permittee shall submit a completed Protocol Submittal Form to the DAQ Regional Supervisor at least 45 days prior to the scheduled test date. A copy of the Protocol Submittal Form may be obtained from the Regional Supervisor.
2. The Permittee shall notify the Regional Supervisor of the specific test dates at least 15 days prior to testing in order to afford the DAQ the opportunity to have an observer on-site during the sampling program.
3. During all sampling periods, the Permittee shall operate the emission source(s) under maximum normal operating conditions or alternative operating conditions as deemed appropriate by the Regional Supervisor or his delegate.
  
4. The Permittee shall submit **two** copies of the test report to the DAQ. The test report shall contain at a minimum the following information:
  - a. a certification of the test results by sampling team leader and facility representative;
  - b. a summary of emissions results and text detailing the objectives of the testing program, the applicable state and federal regulations, and conclusions about the testing and compliance status of the emission source(s);
  - c. a detailed description of the tested emission source(s) and sampling location(s) process flow diagrams, engineering drawings, and sampling location schematics should be included as necessary;

- d. all field, analytical, and calibration data necessary to verify that the testing was performed as specified in the applicable test methods;
  - e. example calculations for at least one test run using equations in the applicable test methods and all test results including intermediate parameter calculations; and
  - f. documentation of facility operating conditions during all testing periods and an explanation relating these operating conditions to maximum normal operation. If necessary, provide historical process data to verify maximum normal operation.
5. The testing requirement(s) shall be considered satisfied only upon written approval of the test results by the DAQ.
  6. The DAQ will review emission test results with respect exclusively to the specified testing objectives as proposed by the Permittee and approved by the DAQ. The use of the test results beyond the stated objectives remains subject to the approval of the DAQ.

**KK. Reopening for Cause** [15A NCAC 2Q .0517]

1. A permit shall be reopened and revised under the following circumstances:
  - a. additional applicable requirements become applicable to a facility with remaining permit term of three or more years;
  - b. additional requirements (including excess emission requirements) become applicable to a source covered by Title IV;
  - c. the Director or EPA finds that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
  - d. the Director or EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
2. Any permit reopening shall be completed or a revised permit issued within 18 months after the applicable requirement is promulgated. No reopening is required if the effective date of the requirement is after the expiration of the permit term unless the term of the permit was extended pursuant to 15A NCAC 2Q .0513(c).
3. Except for the state-enforceable only portion of the permit, the procedures set out in 15A NCAC 2Q .0507, .0521, or .0522 shall be followed to reissue the permit. If the State-enforceable only portion of the permit is reopened, the procedures in 15A NCAC 2Q .0300 shall be followed. The proceedings shall affect only those parts of the permit for which cause to reopen exists.
4. The Director shall notify the Permittee at least 60 days in advance of the date that the permit is to be reopened, except in cases of imminent threat to public health or safety the notification period may be less than 60 days.
5. Within 90 days, or 180 days if the EPA extends the response period, after receiving notification from the EPA that a permit needs to be terminated, modified, or revoked and reissued, the Director shall send to the EPA a proposed determination of termination, modification, or revocation and reissuance, as appropriate.

**LL. Reporting Requirements for Non-Operating Equipment** [15A NCAC 2Q .0508(i)(16)]

The Permittee shall maintain a record of operation for permitted equipment noting whenever the equipment is taken from and placed into operation. During operation the monitoring recordkeeping and reporting requirements as prescribed by the permit shall be implemented within the monitoring period.

# ATTACHMENT

## List of Acronyms

<b>AOS</b>	Alternate Operating Scenario
<b>BACT</b>	Best Available Control Technology
<b>Btu</b>	British Thermal Unit
<b>CEM</b>	Continuous Emission Monitor
<b>CFR</b>	Code of Federal Regulations
<b>CAA</b>	Clean Air Act
<b>DAQ</b>	Division of Air Quality
<b>DENR</b>	Department of Environment and Natural Resources
<b>EMC</b>	Environmental Management Commission
<b>EPA</b>	Environmental Protection Agency
<b>FR</b>	Federal Register
<b>GACT</b>	Generally Available Control Technology
<b>HAP</b>	Hazardous Air Pollutant
<b>MACT</b>	Maximum Achievable Control Technology
<b>NCAC</b>	North Carolina Administrative Code
<b>NCGS</b>	North Carolina General Statutes
<b>NESHAP</b>	National Emission Standards for Hazardous Air Pollutants
<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>NSPS</b>	New Source Performance Standard
<b>OAH</b>	Office of Administrative Hearings
<b>PM</b>	Particulate Matter
<b>PM<sub>10</sub></b>	Particulate Matter with Nominal Aerodynamic Diameter of 10 Micrometers or Less
<b>POS</b>	Primary Operating Scenario
<b>PSD</b>	Prevention of Significant Deterioration
<b>SIC</b>	Standard Industrial Classification
<b>SIP</b>	State Implementation Plan
<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>tpy</b>	Tons Per Year
<b>VOC</b>	Volatile Organic Compound