

November 29, 2006

Mr. Rick White
President
AKG of America Inc
7315 Oakwood Street Extension
Mebane, NC 27302

DRAFT

Dear Mr. White

SUBJECT: Air Quality Permit No. 06071T11
Facility ID: 6800058
AKG of America Inc
Mebane
Orange County, North Carolina
Fee Class: Title V

In accordance with your Air Quality Permit Application for a Renewal of a Title V permit made complete December 29, 2005, we are forwarding herewith Air Quality Permit No. 06071T11 to AKG of America Inc., 7315 Oakwood Street Extension, Mebane, North Carolina authorizing the operation, as outlined in Part I and the construction, as outlined in Part II 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 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 condition(s) of the attached permit that are applicable to that particular emission source.

Mr. Rick White
November 28, 2006
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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.

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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 November 29, 2006 until September 30, 2011, 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 Ken Babb at (919) 715-7218.

Sincerely yours,

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

Enclosure

c: Gregg Worley, EPA Region 4
Raleigh regional Office

Central Files

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List of Changes to the permit

PAGE	CONDITION	CHANGE
	Part 2	This section was removed as all equipment has been added and this permit will go to public notice

DRAFT

State of North Carolina,
Department of Environment,
and Natural Resources



Division of Air Quality

AIR QUALITY PERMIT

Permit No.	Replaces Permit No.(s)	Effective Date	Expiration Date
06071T11	06071T10	November 29, 2006	September 30, 2011

Until such time as this permit expires or is modified or revoked, the below named Permittee is authorized to operate, as outlined in Part I and to construct, as outlined in Part II 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:

AKG of America Inc.

Facility ID:

6800058

Facility Site Location:

7315 Oakwood Street Extension

City, County, State, Zip:

Mebane, Orange County, North Carolina, 27302

Mailing Address:

P.O. Box 365

City, State, Zip:

Mebane, North Carolina 27302

Application Number:

6800058.05A

Complete Application Date:

December 29, 2005

Renewal Application Due Date:

December 31, 2010

Primary SIC Code:

3599

Regional Office Address:

Raleigh Regional Office

3800 Barrett Drive

Raleigh, North Carolina 27609

Permit issued this the 28th day of November, 2006,

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

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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
ES1 NESHAP, Subpart T	batch parts solvent (perchloroethylene) vapor degreaser with superheated vapor zone, bi-parting covers, automated hoist, freeboard	CD1	primary condenser/freeboard chiller
ES7 ¹	water quench tank (ID No. I7)	na	na
ES10 ¹	pre-heater, CAB brazing furnace, and cooling chamber	na	na

1. These emission sources are insignificant for Title V purposes; however, they are permitted pursuant to state-enforceable only requirements.

SECTION 2 - SPECIFIC LIMITATIONS AND CONDITIONS

2.1- Emission Source(s) and Control Devices(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, recordkeeping, and reporting requirements as specified herein:

- A. batch parts solvent (perchloroethylene) vapor degreaser (ID No. ES1) equipped with a superheated vapor zone, primary condenser/freeboard chiller (ID No. CD1), freeboard bi-parting covers, an automated hoist, a maintained freeboard ratio of 1.0, and employs reduced room draft**
 1. **40 CFR Part 63 Subpart T: NATIONAL EMISSIONS STANDARD FOR HALOGENATED SOLVENT CLEANING**

For the vapor degreaser (ID No. ES-1), the Permittee shall comply with all applicable provisions, including the notification, testing, reporting, record keeping, and monitoring requirements contained in 40 CFR Part 63, Subpart T.

- a. **Design Requirements** - Pursuant to 40 CFR 63.463(a) the solvent vapor cleaning machine (ID No. ES1) shall conform to the design requirements specified below:
 - i. A reduced room draft as described in 40 CFR 63.463(e)(2)(ii)
 - ii. Freeboard ratio of greater than 0.75 or greater,
 - iii. Equipped with automated parts handling system capable of moving parts at a speed of 11 feet per minute or less,
 - iv. Equipped with a device that shuts off the sump heat if the sump liquid solvent level drops to the sump heater coils,
 - v. Equipped with a vapor level control device that shuts off the sump heat if the vapor level in the vapor cleaning machine rises above the height of the primary condenser,
 - vi. Each vapor cleaning machine shall have a primary condenser;

- b. **Specific Machine Standard Control Requirements** - Pursuant to 40 CFR 63.463(b) the affected facility has been identified as a batch vapor degreaser with a solvent/air interface area greater than 13 square feet is subject to the machine standards set in Section 63.463(b)(2). The applicant has elected to demonstrate compliance using the control combination described under option "4" of 63.463(b)(2)(ii) Table 2. The following control combination shall be used to demonstrate compliance:
 - i. Reduced Room Draft (RRD);
 - ii. Super heated vapor (SHV);
 - iii. Freeboard ratio of 1.0

- c. **Work Practices** - Pursuant to section 63.463(d), the owner or operator shall meet all of the following work and operational practices:
 - i. Control air disturbances across the cleaning machine by reducing room draft [40 CFR 63.463(e)(2)(iii)].
 - ii. The parts basket or parts being cleaned in an open-top batch vapor cleaning machine shall not occupy more than 50 percent of the solvent/air interface unless the parts basket or parts are introduced at a speed of three feet per minute or less.
 - iii. Any spraying operation shall be done within the vapor zone or within a section of the solvent cleaning machine that is not directly exposed to the ambient air.
 - iv. Parts shall be oriented so that the solvent drains from them freely.
 - v. Parts baskets or parts shall not be removed from any solvent cleaning machine until dripping has stopped.
 - vi. During startup of the cleaning machine, the primary condenser shall be turned on before the sump heater.
 - vii. During shutdown of each vapor cleaning machine, the sump heater shall be turned off and the solvent vapor layer allowed to collapse before the primary condenser is turned off.
 - viii. When solvent is added or drained from the machine, the solvent shall be transferred using threaded or leakproof couplings and the end of the pipe in the solvent sump shall be located beneath the liquid solvent surface.
 - ix. Each solvent cleaning machine and associated controls shall be maintained as recommended by the manufacturer.
 - x. Each operator of a solvent cleaning machine shall complete and pass the applicable sections of the test of solvent cleaning operating procedures in Appendix B of 40 CFR Part 63.
 - xi. Waste solvent, still bottoms, and sump bottoms shall be collected and stored in closed containers.
 - xii. Sponges, fabric, wood, and paper products shall not be cleaned.

- d. **Control Device Requirements** - Pursuant to 40 CFR 63.463(e), the owner or operator must determine during each monitoring period whether each control device used to comply meets the following requirements:
 - i. Reduced Room Draft (RRD)
 - (A) Ensure that the flow or movement of air across the top of the freeboard area of the solvent cleaning machine or within the solvent cleaning machine enclosure does not exceed 50 feet per minute at any time using the methods specified in section 63.466(d), and
 - (B) Establish and maintain the operating conditions under which the wind speed was demonstrated to be 50 feet per minute or less.

- ii. Superheated Vapor (SHV)
 - (A) Ensure that the temperature of the solvent vapor at the center of the superheated vapor zone is at least 10 degrees above the solvent's boiling point, and
 - (B) Ensure that the manufacturer's specifications for determining the minimum proper dwell time within the superheated vapor system is followed, and
 - (C) Ensure that parts remain within the superheated vapor range for at least the minimum proper dwell time.
 - iii. If any of the requirements of conditions i.(B), ii.(B), or ii.(C) are not met an exceedance has occurred.
 - iv. If any of the requirements of i.(A) or ii.(A) are not met and are not corrected within 15 days of detection an exceedance has occurred.
 - v. The owner or operator shall report all exceedances and all corrections and adjustments made to avoid an exceedance in a semi-annual report as specified in section 63.468(h).
- e. **Monitoring Standards** - Pursuant to 40 CFR 63.466 the owner or operator shall conduct monitoring and record the results for the following:
- i. Superheated Vapor System (SHV) -On a weekly basis the owner or operator shall use a thermometer or thermocouple to measure the temperature at the center of the superheated solvent vapor zone while the solvent cleaning machine is in the idling mode.
 - ii. Hoist Speed Monitoring
 - (A) The owner or operator shall determine the hoist speed by measuring the time it takes the hoist to travel a measured distance. The speed is equal to the distance divided by the time in minutes.
 - (B) The monitoring shall be conducted monthly. If after the first year, no exceedances of the hoist speed are measured, the monitoring may be made quarterly.
 - (C) If an exceedance of the hoist speed occurs during quarterly monitoring, the monitoring frequency returns to monthly until another year of compliance without an exceedance is demonstrated.
 - (D) If the owner or operator can demonstrate in the initial compliance report that the hoist speed cannot exceed 11 feet per minute, the required monitoring is quarterly, including during the first year of compliance.
 - iii. Reduced Room Draft - Pursuant to section 43.466(d) the owner or operator using reduced room draft shall conduct monitoring and record results as specified in paragraph (A) or (B) below:
 - (A) If the reduced room draft is maintained by controlling room parameters, the operator shall conduct an initial monitoring test of the windspeed and of room parameters, quarterly monitoring of room parameters as specified below:
 - (1) Measure windspeed within 6 inches of the top of the freeboard area of the machine using the following procedures:
 - (2) Determine the direction of the wind current by slowly rotating a velometer or similar device until the maximum speed is located.
 - (3) Orient the velometer in the direction of the wind current at each of the four corners of the machine.
 - (4) Record the reading for each corner.
 - (5) Average the values obtained at each corner and record the average wind speed.Monitor on a weekly basis the room parameters established during the initial compliance test that are used to achieve the reduced room draft.
 - (B) If an enclosure is used to achieve a reduced room draft, the owner or operator shall conduct an initial monitoring test and, thereafter, monthly monitoring tests of the windspeed within the enclosure using the procedure described below, and monthly visual inspection of the enclosure to determine if it is free of cracks, holes, and other defects.
 - (1) Determine the direction of the wind current in the enclosure by slowly rotating a velometer inside the entrance to the enclosure until the maximum speed is located.
 - (2) Record the maximum wind speed.
- f. **Record keeping Requirements**
- i. Pursuant to 40 CFR 63.467(a) the owner or operator of a batch machine shall maintain records in written or electronic form as specified below for the lifetime of the machine.

- (A) Owner’s manual, written maintenance and operating procedures for the solvent cleaning machine and control equipment.
- (B) The date of installation and all of its control equipment.
- (C) Records of halogenated HAP solvent content for each solvent used in the solvent cleaning machine.
- ii. Pursuant to 40 CFR 63.467(b) the owner or operator of a batch machine shall maintain records in written or electronic form as specified below for a period of five (5) years.
 - (A) The results of control device monitoring.
 - (B) Information on the actions taken to comply with 63.463(e) and (f).
 - (C) Estimates of annual solvent consumption for each machine.

g.. Reporting Requirements

- i. **Annual Report** - Pursuant to 40 CFR 63.468(f) the owner or operator shall submit an annual report by January 30 of the year following the one for which the reporting is being made. This report shall contain the following:
 - (A) A signed statement from the facility owner or his designee stating, All the operators of the machines have received training on the proper operation of the solvent cleaning machines and their control devices sufficient to pass the test required in section 63.463(d)(10)."
 - (B) An estimate of solvent consumption for each solvent cleaning machine during the reporting period.
- ii. **Exceedance Report** - Pursuant to 40 CFR 63.468(h) the owner or operator shall submit an exceedance report to the Administrator semi-annually except when, the Administrator determines that more frequent reporting is necessary. Once an exceedance has occurred the owner or operator shall follow a quarterly reporting format until a request to reduce reporting frequency under paragraph 63.468(I) of this section is approved. Exceedance reports shall be delivered or postmarked by the 30th day following the end of each calendar half or quarter, as appropriate. The exceedance report shall include the following:
 - (A) Information on the actions taken to comply with section 63.463(e) and (f). This information shall include records of written or verbal orders for replacement parts, a description of the repairs made, and additional monitoring conducted to demonstrate that monitored parameters have returned to accepted levels.
 - (B) The reason for the exceedance and the description of the actions taken.
 - (C) If no exceedance of a parameter have occurred, or a piece of control equipment has not been inoperative, out of control, repaired, or adjusted, such information shall be stated in this report.

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

A. Facility wide

STATE-ONLY REQUIREMENT:

- 1. **TOXIC AIR POLLUTANT EMISSIONS LIMITATION AND REPORTING REQUIREMENT** - Pursuant to 15A NCAC 2D .1100 and in accordance with the approved application for an air toxic compliance demonstration, the following permit limit shall not be exceeded:

EMISSION SOURCE(S)	TOXIC AIR POLLUTANT(S)	EMISSION LIMIT(S)
vapor degreaser (ID No. ES-1)	perchloroethylene	0.19 ppm

- a. To ensure compliance with the above limits, total emissions of perchloroethylene from the vapor degreaser (ID No. ES1) shall not exceed 49,761 lbs/year.
- b. For compliance purposes, within 30 days after each calendar year quarter the amount of perchloroethylene emitted from the vapor degreaser (ID No. ES-1) during the preceding calendar year quarter shall be reported to the Regional Supervisor, DAQ:

STATE-ONLY REQUIREMENT:

- 2. **TOXIC AIR POLLUTANT EMISSIONS LIMITATION AND REPORTING REQUIREMENT** - Pursuant to 15A NCAC 2Q .0700 and in accordance with the approved application, the following facility wide toxic air pollutant emission limits shall not be exceeded:

TOXIC AIR POLLUTANT(S)	EMISSION LIMITS
hydrogen fluoride	0.064 lb/hr and 0.63 lb/day

- a. To ensure compliance with the above Toxic Pollutant Exemption Rate, the Permittee shall maintain a record of daily operating hours for the salt braze quench tank (ID No. ES7) process and the CAB brazing process (ID No. ES10) and calculate daily hydrogen fluoride emissions pursuant to the following equation to demonstrate compliance with the daily hydrogen fluoride TPER limit.

$$QT \times 0.008 \text{ lb HF/hr} + CAB \times 0.022 \text{ lb HF/hr} = \text{daily hydrogen fluoride emissions}$$

where; QT = the quench tank daily operating hours, and

CAB = CAB brazing operation daily operating hours

The Permittee shall also maintain a record of the daily measurement of the flux/water mixture ratio used in the process to demonstrate that no mixtures used exceed 17 percent flux by weight.

- b. For compliance purposes, within 30 days after each calendar year half the Permittee shall report any daily values exceeding the hydrogen fluoride to the Regional Supervisor, DAQ.

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(aa)]

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(aa)]

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)]

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(c)]

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(j)]

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 on the next business day after becoming aware of the deviation. A written report shall be submitted within two business days to the Regional Supervisor and shall include the probable cause of such deviation and any corrective actions or preventative actions taken. All reports of deviations from permit requirements shall be certified by a responsible official.

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 .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(k)]

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(n)]

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)]

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(t)]

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(m)]

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(r) 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(o)]

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(n)]

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)(4)]

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(g)]

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(h)]

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(aa)]

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(f)]

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

AOS	Alternate Operating Scenario
BACT	Best Available Control Technology
Btu	British thermal unit
CEM	Continuous Emission Monitor
CFR	Code of Federal Regulations
CAA	Clean Air Act
DAQ	Division of Air Quality
DENR	Department of Environment and Natural Resources
EMC	Environmental Management Commission
EPA	Environmental Protection Agency
FR	Federal Register
GACT	Generally Available Control Technology
HAP	Hazardous Air Pollutant
MACT	Maximum Achievable Control Technology
NCAC	North Carolina Administrative Code
NCGS	North Carolina General Statutes
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standard
OAH	Office of Administrative Hearings
PM	Particulate Matter
PM₁₀	Particulate Matter with Nominal Aerodynamic Diameter of 10 Micrometers or Less
POS	Primary Operating Scenario
PSD	Prevention of Significant Deterioration
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO₂	Sulfur Dioxide
tpy	Tons Per Year
VOC	Volatile Organic Compound