



Expedited Permit Modification Procedures

CAPCA Conference, Spring 2007

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Outline

- Overview of Permit Modification Procedures
- Notice of Intent to Construct
(a.k.a. Request for Approval to Construct)
- Two-Part Permitting Procedures



Types of Permit Modifications

- Non-Title V Modifications (2Q .0300)
- Title V Modifications (2Q .0500)
 - State-Only Changes
 - Administrative Amendments
 - 502(b)(10) Changes
 - Minor Modifications
 - Significant Modifications
 - One-Part
 - Two-Part
- PSD/NA-NSR Permits (2D .0530/.0531)



What Can You Do Before Receiving a Permit Modification?

- ✓ Clearing/Grading
- ✓ Access roads, driveways, and parking lots
- ✓ Install water/sewer/electric/communications lines
- ✓ Ancillary structures (e.g., fences, office bldgs, etc.)
- ✓ Demolition of Existing Sources
- ✗ Pour Footings for New Equipment (*)



* Notice of Intent to Construct

[NC General Statute 143-214.108A]



Notice of Intent to Construct

[NC General Statute 143-214.108A]

- NOI Approval authorizes construction prior to receiving an air permit.
- DAQ response within 15 days of receipt
- Source may not be operated until obtaining a permit modification
- Available to both Title V / Non-Title V Sources

<http://daq.state.nc.us/permits/ConstBill/>



Not All Modifications Qualify for NOI Approval

- Not available to any facility without an active air quality permit (*No Greenfields!!!*)
- May be disapproved for:
 - facilities not in “substantial compliance”
 - modifications that change the nature of the source, result in a “disproportionate” emissions increase, or result in a “significant” effect on air quality.
- Applicability of certain rules make the modification “INELIGIBLE”



INELIGIBILITY

- Toxics (2D .1111)?? (*case-by-case*)
- PSD/NA-NSR (2D .0530 & 2D .0531)
- Contributors to an Ambient Violation (2D .0532)
- 112(j) MACT “Hammer” (2D .1109)
- 112(g) Case-By-Case MACT (2D .1112)
- Transportation Facilities (2D .0800)
- Petition for:
 - Alternative VOC Controls for RACT (2D .0952)
 - Superior Alternative VOC Controls (2D .0959)
 - Alternative NO_x Limitations (2D .1412)



How to “Apply”

- Publish a Notice in Local Newspaper
- Submit NOI to Regional Office Including:
 - Proof of Publication (i.e., affidavit or copy)
 - Written acknowledgement that:
 1. Source will not be operated until obtaining an air permit.
 2. Construction is at the Permittee's risk with the knowledge that the permit modification may be denied without regard to financial investment or alteration or expansion of the facility.
 - Certification by the Responsible Official
 - \$200 Processing Fee



NOI Stats

- Since 2003, DAQ has received 76 NOIs
 - 2003: 10 received
 - 2004: 17 received
 - 2005: 22 received
 - 2006: 18 received
 - 2007: 9 received, to date
- 46 from Title V, 30 from non-Title V
- Only two NOIs have been *Disapproved*



Two-Part Permitting Procedures



Two-Part Modifications

[15A NCAC 2Q .0504]

Relevant to any Source Wishing to Make a Modification that Requires Public Comment and U.S. ERA Review, including:

- Significant Modifications of Existing Title V Sources
- Existing Minor and Synthetic-Minor Sources Wishing to Become Title V
- Greenfield Title V Sources



Part I: State Permit Modification Pursuant to 15A NCAC 2Q .0300

- DAQ Review Period ≤ 90 days.
- No Public Comment/EPA Review
- Authorizes construction and operation* of a modified source.
- No Title V permit shield.
- Modified permit conditions do not need to be included in the Annual Compliance Certification.
- Application Fee (Greenfields: \$8,576, Others: \$834)

*Except for Significant Modifications to existing Title V permits that contravene an existing permit condition. In this case, the Second Part, Title V permit modification must be issued prior to operating the modified source(s).



Part II: Title V Permit Modification Pursuant to 15A NCAC 2Q .0500

- DAQ Review Period ≤ 90 days.
- 30-Day Public Comment, 45-Day EPA Review
- Must be submitted within 12 months of commencing operation of any modified source.*
- You may submit both Part I and Part II applications *simultaneously*.
- Title V permit shield applies.
- Conditions must be included in the annual compliance certification.
- Application Fee (Greenfields: \$0, Others: \$834)

*Except for Sign. Modifications that contravene an existing permit condition.



Two-Part Modifications Are Optional

- Advantage:
 - It allows you to commence installation and operation* of the modified source(s) prior to Public Comment/EPA Review.
- Disadvantages:
 - Two Permits Modifications Required (Including Two Application Fees)
 - No Permit Shield Between First and Second Parts

*Except for Sign. Modifications that contravene an existing permit condition.



QUESTIONS?

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