

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1335  
Committee Substitute Favorable 5/12/09  
Committee Substitute #2 Favorable 5/13/09

Short Title: Alternative Air Toxics Compliance.

(Public)

Sponsors:

Referred to:

April 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DEMONSTRATING THAT A  
3 NEW OR MODIFIED SOURCE OF HAZARDOUS AIR POLLUTANT EMISSIONS  
4 WILL NOT RESULT IN AN EXCEEDANCE OF HAZARDOUS AIR POLLUTANT  
5 EMISSION CONTROL STANDARDS THROUGH A MODELING ANALYSIS OR  
6 THROUGH ANOTHER METHOD APPROVED BY THE COMMISSION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 143-215.108 reads as rewritten:

9 "§ 143-215.108. Control of sources of air pollution; permits required.

10 (a) Except as provided in subsections (a1) and (a2) of this section, no person shall do  
11 any of the following things or carry out any of the following activities that contravene or will  
12 be likely to contravene standards established pursuant to G.S. 143-215.107 or set out in  
13 G.S. 143-215.107D unless that person has obtained a permit for the activity from the  
14 Commission and has complied with any conditions of the permit:

- 15 (1) Establish or operate any air contaminant source, except as provided in  
16 G.S. 143-215.108A.  
17 (2) Build, erect, use, or operate any equipment that may result in the emission of  
18 an air contaminant or that is likely to cause air pollution, except as provided  
19 in G.S. 143-215.108A.  
20 (3) Alter or change the construction or method of operation of any equipment or  
21 process from which air contaminants are or may be emitted.  
22 (4) Repealed by Session Laws 2003-428, s. 1, effective August 19, 2003.

23 (a1) The Commission may by rule establish procedures that meet the requirements of  
24 section 502(b)(10) of Title V (42 U.S.C. § 7661a(b)(10)) and 40 Code of Federal Regulations §  
25 70.4(b) (12) (1 July 1993 Edition) to allow a permittee to make changes within a permitted  
26 facility without requiring a revision of the permit.

27 (a2) The Commission may adopt rules that provide for a minor modification of a permit.  
28 At a minimum, rules that provide for a minor modification of a permit shall meet the  
29 requirements of 40 Code of Federal Regulations § 70.7(e)(2) (1 July 1993 Edition). If the  
30 Commission adopts rules that provide for a minor modification of a permit, a permittee shall  
31 not make a change in the permitted facility while the application for the minor modification is  
32 under review unless the change is authorized under the rules adopted by the Commission.

33 (a3) An air emission source that is subject to hazardous air pollutant emission control  
34 standards under 40 C.F.R. Pts. 61 and 63 (July 1, 2008 editions) and that is a Title V source  
35 subject to 40 C.F.R. § 70.3(a)(1) (July 1, 2008 edition) may demonstrate that a new or modified  
36 source of hazardous air pollutant emissions will not result in an exceedance of hazardous air



1 pollutant emission control standards through a modeling analysis or through another method  
2 approved by the Commission.  
3 ...."  
4 **SECTION 2.** This act becomes effective July 1, 2009.