

1 15A NCAC 02Q .0529 is proposed for adoption with changes as published in 39:01 NCR 35 as follows:

2  
3 **15A NCAC 02Q .0529 TITLE V INSIGNIFICANT RESEARCH AND DEVELOPMENT ACTIVITIES**

4 **EXEMPTION**

5 (a) For the purposes of this Rule, “research and development activities” or “R&D activities” means the following:

6 (1) activities conducted to test more efficient production processes or methods for preventing or  
7 reducing adverse ~~environmental impacts,~~ impacts on the environment, provided that the activities  
8 do not include or contribute to the production of an intermediate or final product for sale or exchange  
9 for commercial profit; and

10 (2) activities conducted at a research or laboratory ~~facility~~ facility, ~~that is operated under the close~~  
11 ~~supervision of technically trained personnel~~ the primary purpose of which is to conduct research  
12 and development into new processes and ~~products~~ products, and that is not engaged in or  
13 contributing to the manufacture of products for sale or exchange for commercial profit.

14 (b) Notwithstanding the definition of "insignificant activities because of size or production rate" in 15A NCAC 02Q  
15 .0503(8), R&D activities that meet the definition in Paragraph (a) of this Rule and are located at a major ~~facility~~  
16 facility, as defined pursuant to 15A NCAC 02Q .0103, shall qualify as an insignificant activity because of size or  
17 production rate if the R&D activities meet the ~~requirements of this Paragraph;~~ following requirements:

18 (1) Emissions from the R&D activities would not violate any applicable emissions standard;

19 (2) Actual emissions of particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds,  
20 and carbon ~~monoxide~~ ~~monoxide~~, from the R&D activities, before accounting for air pollution  
21 control devices, are each no more than five tons per year;

22 (3) Actual emissions of each hazardous air pollutant from the R&D activities, before air pollution  
23 control devices, are below 1,000 pounds per year; and

24 (4) Potential ~~emissions~~ emissions, as defined in 15A NCAC 02Q .0103, from the R&D activities are  
25 less than the major source emission thresholds specified in 40 CFR ~~70.2;~~ 70.2, which have been  
26 incorporated by reference in 15A NCAC 02Q .0106.

27 (c) Pursuant to the application requirements in 15A NCAC 02Q .0507(b), the owner or operator of a new major  
28 facility shall include in the Title V permit application R&D activities that qualify as an insignificant activity because  
29 of size or production rate pursuant to Paragraph (b) of this Rule. For an existing major facility with new R&D activities  
30 that qualify as an insignificant activity pursuant to Paragraph (b) of this Rule, the owner or operator shall provide  
31 notification of the R&D activities to the Division of Air Quality no less than seven days prior to commencing the  
32 R&D ~~activity;~~ activities. The owner or operator of insignificant R&D ~~activities;~~ activities, pursuant to Paragraph  
33 (b) of this ~~Rule;~~ Rule, shall ~~also;~~ keep records at least 5 years demonstrating compliance with this Rule and provide  
34 those records to the Division upon request.

35  
36 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108; S.L.  
37 2023-134 (Section 12.11.(d));

