

1 15A NCAC 02Q .0529 is adopted as published in 39:01 NCR 35 as follows:

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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, provided that the activities do not include or contribute to
8 the production of an intermediate or final product for sale or exchange for commercial profit; and
9 (2) activities conducted at a research or laboratory facility that is operated under the close supervision
10 of technically trained personnel the primary purpose of which is to conduct research and
11 development into new processes and products and that is not engaged in or contributing to the
12 manufacture of products for sale or exchange for commercial profit.

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

- 17 (1) Emissions from the R&D activities would not violate any applicable emissions standard;
18 (2) Actual emissions of particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds,
19 and carbon monoxide from the R&D activities, before air pollution control devices, are each no
20 more than five tons per year;
21 (3) Actual emissions of each hazardous air pollutant from the R&D activities, before air pollution
22 control devices, are below 1,000 pounds per year; and
23 (4) Potential emissions from the R&D activities are less than the major source emission thresholds
24 specified in 40 CFR 70.2.

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

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33 History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(10); 143-215.108;
34 Eff. January 1, 2025.
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