NORTH CAROLINA DIVISION OF AIR QUALITY

Application Review

Issue Date: February 7, 2025

Region: Fayetteville Regional Office
County: Cumberland
NC Facility ID: 2600013
Inspector's Name: Jeffrey Cole
Date of Last Inspection: 07/01/2024
Compliance Code: 3 / Compliance - inspection

Facility Data

Applicant (Facility's Name): Darling Ingredients Inc. – Fayetteville

Facility Address:
Darling Ingredients Inc. – Fayetteville
1309 Industrial Drive
Fayetteville, NC 28301

SIC: 2077 / Animal And Marine Fats And Oil
NAICS: 311613 / Rendering and Meat Byproduct Processing

Facility Classification: Before: Title V **After:** Title V
Fee Classification: Before: Title V **After:** Title V

Permit Applicability (this application only)

SIP: 15A NCAC 02D .0503, .0516, 0521, and .0524
NSPS: 40 CFR Part 60, Subpart Dc
NESHAP: N/A
PSD: N/A
PSD Avoidance: 15A NCAC 02Q .0317 for 15A NCAC 02D .0530
NC Toxics: 15A NCAC 02Q .0711
112(r): N/A
Other: N/A

Contact Data

Facility Contact

Matt Haynes
Environmental Affairs Mgr., US East
(540) 431-9210
1309 Industrial Drive
Fayetteville, NC 28301

Authorized Contact

Gregg Wikstrom
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Technical Contact

Matt Haynes
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Application Data

Application Number: 2600013.24C
Date Received: 12/20/2024
Application Type: Modification
Application Schedule: TV-Minor

Existing Permit Data
Existing Permit Number: 00951/T32
Existing Permit Issue Date: 08/25/2022
Existing Permit Expiration Date: 07/31/2027

Total Actual emissions in TONS/YEAR:

CY	SO2	NOX	VOC	CO	PM10	Total HAP	Largest HAP
2023	0.3800	63.15	57.97	53.04	0.3300	0.4275	0.3762 [Hexane, n-]
2022	0.3900	63.26	35.21	53.13	0.3200	0.4261	0.3747 [Hexane, n-]
2021	0.3900	64.09	35.92	53.84	0.3300	0.4684	0.4164 [Hexane, n-]
2020	0.4100	61.25	35.68	51.42	0.3100	0.4383	0.3886 [Hexane, n-]
2019	0.3600	61.29	36.21	51.41	0.3200	0.4367	0.3866 [Hexane, n-]

Review Engineer: Luke Mayer

Review Engineer's Signature: **Date:** February 7, 2025

Comments / Recommendations:

Issue: 00951/T33
Permit Issue Date: February 7, 2025
Permit Expiration Date: July 31, 2027

1. Purpose of Application

Darling Ingredients Inc. currently holds Title V Permit No. 00951T32 with an expiration date of July 31, 2027, for a poultry rendering facility in Fayetteville, Cumberland County, North Carolina. This permit application is for a minor permit modification to add two temporary natural gas-fired boilers **(ID Nos. ES23** and **ES24)** to the permit. The modification application was received on December 20, 2024.

2. Facility Description

The following description is taken from the most recent inspection report, prepared by engineer Jeffrey Cole of the Fayetteville Regional Office, and dated July 1, 2024.

The facility renders poultry feathers, blood, grease, and other poultry parts to produce feed meal, pet meal, and fat. The majority of the fat is sold as a feed additive but can also be used as boiler fuel when prices warrant. There are six uncontrolled boilers that supply steam for the processes. Four of the boilers are associated with the Feed Meal process and two of the boilers are associated with the Pet Meal process.

The primary control for the high intensity rendering emissions (from cookers and presses) is oxidation of the condensable vapors in the boilers. An alternate scenario is directing non-condensable emissions through the wet scrubber and crossflow scrubber, normally used only for room air control. Darling Ingredients Inc. – Fayetteville employs ~175 people, including drivers, and operates 24 hours per day, 6 days per week, and 52 weeks per year. One day each week, typically Sunday, is reserved for cleaning and maintenance.

The following emissions sources will be added as part of this modification:

- 30.0 million Btu/hr natural gas-fired boiler **(ID No. ES23)**
- 61.5 million Btu/hr natural gas-fired boiler equipped with a low-NOx burner **(ID No. ES24)**

Note that the 61.5 million Btu/hr boiler **(ID No. ES24)** is planned to be operated with a low NO_x burner, but the 30.0 million Btu/hr boiler **(ID No. ES23)** is not. The low NO_x burner is not necessary for compliance with PSD permitting thresholds.

The facility is a Title V facility because emissions of sulfur dioxide (SO_2), nitrogen oxides (NO_x), and carbon monoxide (CO) exceed the major source threshold of 100 tons per year.

3. History/Background/Application Chronology

History/Background

March 1, 2017	TV permit renewal issued. Air Permit No. 00951T31 was issued on March 1, 2017, with an expiration date of February 28, 2022. *(See Judy Lee's TV review for permit No. 00951T31, dated March 1, 2017)*
August 25, 2022	Air Permit No. 00951T32 was issued for an ownership change. The facility was formerly owned by Valley Proteins, Inc. and became Darling Ingredients Inc. *(See Connie Horne TV review for permit No. 00951T32, dated August 25, 2022)*

Application Chronology

December 20, 2024	Received permit application 2600013.24C for a minor modification.

January 8, 2025	Sent acknowledgment letter indicating that the application for permit modification was complete effective December 20, 2024.
January 13, 2025	Draft permit and review forwarded to Supervisor Rahul Thaker for comments.
January 21, 2025	Comments received from Supervisor Rahul Thaker. Clarifications needed in the permit and additional/improved justifications needed in the statement of basis.
January 28, 2025	Comments addressed and draft finalized with Supervisor Rahul Thaker's assistance.
January 28, 2025	Draft permit and review forwarded to applicant, SSCB, and regional office for comments.
February 3, 2025	Samir Parekh of the SSCB indicated via email that they had no comments on the draft permit or permit review.
February 4, 2025	Technical contact Matt Haynes indicated via email that they had comments on the draft permit or permit review. Darling Ingredients requested clarification to the purpose of the application to indicate that the two new boilers could operate at their discretion and are not solely intended as a replacement for any specific process boiler(s). See Section 10 for more information.
February 6, 2025	Jeffrey Cole from the Fayetteville regional office indicated via email and phone call that they had comments on the draft permit or permit review. Mr. Cole requested a handful of editorial corrections and for clarifications to the facility-wide air toxics review in Section 7. See Section 10 for more information.
February 7, 2025	Permit issued.

4. Permit Modifications/Changes and TVEE Discussion

The following table describes the modifications to the current permit as part of the minor modification process. This summary is not meant to be an exact accounting of each change but a summary of those changes.

Page(s)	Section	Description of Changes
--	--	• Updated all dates and revision numbers • Reformatted permit in accordance with current TV permitting shell
8-9	2.1 A.1	• Added emission sources **ID Nos. ES23** and **ES24**
9	2.1 A.2	• Added emission sources **ID Nos. ES23** and **ES24**
10	2.1 A.3	• Added emission sources **ID Nos. ES23** and **ES24** • Reformatted internal section references in accordance with current TV permitting shell
10	2.1 A.4	• Added emission sources **ID Nos. ES23** and **ES24** • Revised fuel amount monitoring from daily to monthly • Reformatted internal section references in accordance with current TV permitting shell
23	2.1 A.15	• Corrected permit language in accordance with current TV permitting shell standards (i.e., revised "you must" to "the Permittee shall")

Page(s)	Section	Description of Changes
25	2.1 A.16	• Corrected the name of temporary backup boiler **ID No. ES21** in the permit language
26	2.1 B.1	• Corrected internal section reference for General Conditions
37	4	• Updated General Conditions to most recent version (Version 8.0, dated 07/10/2024)

This permit modification requires changes to the Title V Equipment Editor to include the two temporary boilers **(ID Nos. ES23** and **ES24)**.

TVEE was reviewed and approved by Connie Horne on February 7, 2025.

5. Regulatory Review

Darling Ingredients Inc. is subject to the following regulations. The facility's equipment and operations have not changed since the last renewal in 2017, save for the addition of the two temporary boilers as part of this modification. The permit was updated to reflect the most current stipulations for all applicable regulations, where necessary.

15A NCAC 02D .0503: Particulates from Indirect Heat Exchangers – The sources subject to this modification, two natural gas-fired boilers **(ID Nos. ES23** and **ES24)**, are subject to this rule because they are indirect heat exchangers. The allowable emission rate limits for these two boilers are calculated using the following equation:

$$E = 1.090 \times Q^{-0.2594}$$

Where:

E = allowable emission limit for particulate matter [lb/million Btu]
Q = maximum design heat input capacity [million Btu/hr]

For the purposes of the equation above, Q is the summation of all maximum heat input capacities of each indirect heat exchanger at the site.

Emission Source	Heat Input Capacity (million Btu/hr)
ES1	26.8
ES2	26.8
ES3	59.3
ES12	61.5
ES14	58.6
ES21	30
ES22	29.3
Total (w/o new boilers)	292.3
ES23	30
ES24	61.5
Total (incl. new boilers)	**383.8**

The first boiler **(ID No. ES23)** has a maximum heat input capacity of 30.0 million Btu/hr, and the second boiler **(ID No. ES24)** has a maximum heat input capacity of 61.5 million Btu/hr. With the addition of these two new boilers, the new total site heat input capacity is 383.8 million Btu/hr. Given Q as 383.8 million Btu/hr, the two new boilers will be assigned an allowable PM emission rate limit of 0.23 lb/million Btu.

Because both boilers fire natural gas, no monitoring, recordkeeping, or reporting is required for these sources. Estimations using DEQ's Natural Gas Combustion Emissions Estimation Spreadsheet, Rev. N (dated 01/05/2017), indicate that potential emissions from both boilers are well below the allowable emission rate limits. Furthermore, the most recent inspection report, prepared by engineer Jeffrey Cole of the Fayetteville Regional Office and dated July 12, 2024, indicates that the facility has historically complied with this regulation for similar existing boilers. The facility only stores natural gas and ultra-low sulfur No. 2 fuel oil onsite, while No. 6, No. 5, recycled No. 4 equivalent fuel oil and saleable fat for boiler combustion are no longer stored on site. These two boilers would only fire natural gas. The AP-42 factor for PM emissions from natural gas combustion is 0.007 lb per million Btu. Compliance is expected.

15A NCAC 02D .0516: Sulfur Dioxide Emissions from Combustion Sources – The sources subject to this modification, two natural gas-fired boilers **(ID Nos. ES23** and **ES24)**, are subject to this rule because they are combustion sources. Both sources are subject to a flat SO_2 emission rate limit of 2.3 lb per million Btu.

Because both boilers fire natural gas, no monitoring, recordkeeping, or reporting is required for these sources. Estimations using DEQ's Natural Gas Combustion Emissions Estimation Spreadsheet, Rev. N (dated 01/05/2017), indicate that potential emissions from both boilers are well below the allowable emission rate limit. Furthermore, the most recent inspection report, prepared by engineer Jeffrey Cole of the Fayetteville Regional Office and dated July 12, 2024, indicates that the facility has historically complied with this regulation for similar boilers. The facility has exclusively fired natural gas since 2018, and only natural gas and ultra-low sulfur No. 2 fuel oil are stored onsite. These two boilers would only fire natural gas; the AP-42 factor for SO_2 emissions from natural gas combustion is 0.0006 lb per million Btu. Compliance is expected.

15A NCAC 02D .0521: Control of Visible Emissions – The sources subject to this modification, two natural gas-fired boilers **(ID Nos. ES23** and **ES24)**, are subject to this rule because they can be reasonably expected to generate visible emissions. Visible emissions from these sources shall not be more than 20% opacity when averaged over a six minute period. Six-minute averaging periods may exceed 20% opacity if: no six-minute period averaging period exceeds 87% opacity; no more than one six-minute period exceeds 20% opacity in any hour; and no more than four six-minute periods exceed 20% opacity in any 24-hour period.

Because both boilers fire natural gas, no monitoring, recordkeeping, or reporting is required for these sources. According to the most recent inspection report, prepared by engineer Jeffrey Cole of the Fayetteville Regional Office and dated July 12, 2024, the facility operators have established a baseline of "normal" for similar combustion sources at the facility as no visible emissions. Compliance is expected.

15A NCAC 02D .0524: New Source Performance Standards – The sources subject to this modification, two natural gas-fired boilers **(ID Nos. ES23** and **ES24)**, are subject to this rule because they are subject to 40 CFR 60, Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Subpart Dc applies to these sources because both boilers have maximum heat input capacities greater than 2.9 MW (10 million Btu), but less than 29

MW (100 million Btu), and because construction for these sources commenced or will commence after June 9, 1989. See the NSPS segment of Section 6 below for more information about this facility's requirements under NSPS Dc. To demonstrate compliance with 15A NCAC 02D .0524, the facility owner or operator shall comply with any and all applicable NSPS regulations.

6. NSPS, NESHAPS/MACT, PSD, 112(r), CAM

NSPS

The facility is currently subject to one New Source Performance Standard: 40 CFR 60, Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. This permit modification does not change the facility's NSPS status. The two new boilers included in this modification are subject to NSPS Dc along with certain existing boilers from the facility.

40 CFR 60, Subpart Dc: Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units – The two boilers, as well as several of the facility's other sources, are subject to this subpart because they have maximum heat input capacities greater than 2.9 MW (10.0 million Btu per hour), but less than 29 MW (100 million Btu per hour), and because construction on these sources have commenced or will commence after June 1, 1989.

Because these boilers fire only natural gas, the only applicable requirements under this subpart are for the facility owner or operator to record and maintain records of the amount of fuel combusted on a monthly basis. According to the most recent inspection report, prepared by engineer Jeffrey Cole of the Fayetteville Regional Office and dated July 12, 2024, the facility owner or operator has historically complied with this subpart for similar boilers at the facility **(ID Nos. ES12** and **ES14)**. Compliance is expected.

NESHAP/MACT

The facility is an area source for hazardous air pollutants (HAPs). The facility is currently subject to one Maximum Achievable Control Technology standard: 40 CFR 63, Subpart JJJJJJ: National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. This permit modification does not change the facility's MACT status.

40 CFR 63, Subpart JJJJJJ: National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources – Several of the facility's other sources are subject to this subpart because the facility is considered an area source for HAPs. The two boilers subject to this modification **(ID Nos. ES23** and **ES24)** are not subject to this subpart because they fire natural gas and are considered "gas-fired boilers" for the purpose of this subpart (§63.11195(e) and §63.11237) and are therefore exempt.

PSD

The facility is an existing major stationary source under the 250 tons per year threshold. The facility is subject to several PSD avoidance conditions which collectively allow pollution levels above major source thresholds, even without counting emissions from sources that are not limited under the various PSD avoidance limitations. For example, SO_2 avoidance limits collectively allow for 701 tons per year or less, and NO_x avoidance limits collectively allow for 270 tons per year or less. Avoidance conditions for this facility include rolling total SO_2 and NO_x emissions from boilers **ES12**, **ES14**, **ES21**, and **ES22**, rolling total CO emissions from boilers **ES12** and **ES14**, rolling total NO_x emissions from saleable fat

combustion (available in boilers **ES1**, **ES2**, **ES3**, **ES12**, and **ES14**), combined emissions from boilers **ES12** and **ES14**, and particulate emissions from **ES22**.

The addition of the two boilers **ES23** and **ES24** do not push the facility's total emissions above any PSD applicability thresholds. The potential emission additions associated with the two new boilers, on a before control and after control basis, are compiled in the table below and were calculated using DEQ's Natural Gas Combustion Emissions Estimation Spreadsheet (Rev. N), dated January 5, 2017.

Pollutant	Potential Emissions (Before Controls, tons per year)		Potential Emissions (After Controls, tons per year)		Aggregate Potential Emissions (Before Controls, tpy)
	ES23 (30.0 million Btu/hr)	ES24 (61.5 million Btu/hr)	ES23 (30.0 million Btu/hr)	ES24 (61.5 million Btu/hr)	
Particulate Matter (Total)	0.07	0.14	0.07	0.14	0.21
Particulate Matter ($PM_{2.5}$)	0.06	0.11	0.06	0.11	0.17
Sulfur Dioxide (SO_2)	0.08	0.16	0.08	0.16	0.24
Nitrogen Oxides (NO_x)	12.88	26.41	12.88	13.20	39.29
Carbon Monoxide (CO)	10.82	22.18	10.82	22.18	33
Volatile Organic Compounds (VOCs)	0.71	1.45	0.71	1.45	2.16

Because aggregate emissions are below significance thresholds for PSD, it is not necessary to complete a PSD review for this modification application. DAQ has considered the fact that the total potential NO_x emissions increase for this project (39.29 tons per year) is very close to the NO_x significance threshold for PSD (40 tons per year). These potential emissions were calculated using emissions factors from AP-42, Chapter 1.4, which was last revised in July 1998. Because of the age of these emissions factors, DAQ generally considers these factors to be a conservative "worst-case scenario" for estimating potential emissions. Source-specific emissions factors are likely to be much lower, and the aggregate potential emissions increase is likely to be further from the threshold in reality. For example, facility contact Matt Haynes provided manufacturer data for ES24's low NO_x burner which guarantees NO_x emissions at 30 ppm or less for the firing of natural gas.

112(r)

The facility is not subject to Section 112(r) of the Clean Air Act requirements because it does not store any of the regulated substances in quantities above the 112(r) thresholds. No change with respect to 112(r) is anticipated under this permit modification.

CAM

The CAM rule (40 CFR 64; 15A NCAC 02D .0614) applies to each pollutant specific emissions unit (PSEU), located at a facility required to obtain a Title V permit, that meets all three following criteria:

- the unit is subject to any (non-exempt: e.g., pre November 15, 1990, Section 111 or Section 112 standard) emission limitation or standard for the applicable regulated pollutant.
- the unit uses any control device to achieve compliance with any such emission limitation or standard.
- The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source (i.e., 100 tons per year for criteria pollutants or 10/25 tons per year for HAPs).

This modification does not affect the facility's CAM status. The two new boilers do not use associated control devices and thus are not subject to CAM themselves. In any event, CAM applicability is unnecessary to address during the minor modification process and will be addressed fully as part of the next renewal.

7. Facility Wide Air Toxics

The facility is not directly subject to the NC Air Toxics program. The facility is subject to one avoidance condition for 15A NCAC 02Q .0711, specifically relating to the use of recycled fuels which are equivalent to virgin counterparts to avoid applicability of 15A NCAC 02Q .0700. The following allowable limits apply:

Constituent/Property	Allowable Level
Arsenic	1.0 ppm maximum
Cadmium	2.0 ppm maximum
Chromium	5.0 ppm maximum
Lead	100 ppm maximum
Total Halogens	1000 ppm maximum
Flash Point No. 4	130 °F minimum
Sulfur No. 4	2.0% maximum (by weight)
Ash	1.0% maximum

The addition of the two new boilers does not violate any Toxic Air Pollutant (TAP) Permitting Emission Rates (TPERs) listed in 15A NCAC 02Q .0711.

As part of the modification, actual and potential facility-wide emissions of air toxics were reviewed. Emissions of ammonia, benzene, formaldehyde, and n-hexane were selected for an additional degree of review because actual emissions of these TAPs were above a certain threshold (~30%) of their respective TPER. A request for PTE data was sent to facility contact Matt Haynes, and he responded with calculations for 2 theoretical operating scenarios: one where all boilers on-site fire natural gas, and one where all boilers on-site fire fuel oil. In the natural gas-only scenario, potential emissions of the four surveyed TAPs were below their respective TPERs. However, in the fuel oil-only scenario, potential emissions of benzene were considerably above the TPER. It should be noted that according to the most recent inspection report, prepared by engineer Jeffrey Cole of the Fayetteville Regional Office and dated July 12, 2024, the facility now only stores natural gas and Ultra-Low Sulfur Diesel/No. 2 fuel oil on-site. Furthermore, the sources subject to this modification (**ID Nos. ES23** and **ES24**) only fire natural gas and will contribute minimally to facility-wide benzene totals. Finally, NC Air Toxics limits (i.e. TPERs) are based on actual emissions rather than potential, and actual emissions of all TAPs appear to be below each respective TPER. As a result, it was determined that a full NC Air Toxics demonstration will not be necessary as part of this modification. If the facility returns to firing fuel oil in the future, a new air toxics evaluation and compliance demonstration may be necessary.

Toxic Air Pollutant Potential Emissions Review			
Toxic Air Pollutant	**TPER**	**Natural Gas Scenario**	**Fuel Oil Scenario***
Ammonia	2.84 lb/hr	1.11 lb/hr	--

Toxic Air Pollutant Potential Emissions Review			
Toxic Air Pollutant	**TPER**	**Natural Gas Scenario**	**Fuel Oil Scenario***
Benzene	11.069 lb/yr	6.38 lb/yr	*45 lb/yr*
Formaldehyde	0.16 lb/hr	0.026 lb/hr	0.09 lb/hr
Hexane, n-	46.3 lb/day	14.976 lb/day	--

*Facility only fires natural gas as of 2018.

8. Facility Emissions Review

The facility-wide potential emissions are changing because of this TV permit modification. The potential emission additions associated with the two new boilers are compiled in the table below and were calculated using DEQ's Natural Gas Combustion Emissions Estimation Spreadsheet (Rev. N), dated January 5, 2017. Actual emissions for criteria pollutants and HAPs for the previous five years reporting periods are provided in the header of this permit review.

Pollutant	**Potential Emissions (Before Controls, tons per year)**	
	ES23 (30.0 million Btu/hr)	**ES24 (61.5 million Btu/hr)**
Particulate Matter (Total)	0.07	0.14
Particulate Matter ($PM_{2.5}$)	0.06	0.11
Sulfur Dioxide (SO_2)	0.08	0.16
Nitrogen Oxides (NO_x)	12.88	26.41
Carbon Monoxide (CO)	10.82	22.18
Volatile Organic Compounds (VOCs)	0.71	1.45

The addition of these two sources does not cause the facility to violate any applicable air quality regulations or exceed any significance thresholds for PSD.

9. Compliance Status

DAQ has reviewed the compliance status of Darling Ingredients Inc. – Fayetteville. During the most recent inspection, conducted on July 1, 2024, the facility appeared to be in compliance with all applicable requirements. The facility has had two air quality violations within the last five years: one NOV issued on October 25, 2023, for violating 15A NCAC 02D .0539 (Odor Control of Feed Ingredient Manufacturing Plants), and one NOV issued on March 18, 2022, for a late Title V Air Permit renewal application. The facility's renewal NOV was resolved on March 28, 2022, and the facility's odor control NOV was resolved on October 25, 2023. The facility's Annual Compliance Certification was received on February 1, 2024, and indicated compliance with all applicable requirements in 2023.

10. Public Notice/EPA and Affected State(s) Review

Not applicable. Applications processed in accordance with 15A NCAC 02Q .0515 "Minor Permit Modifications" are not required public participation, and EPA and affected states review. However, pursuant to 02Q .0515, the permit revision will be "proposed" to EPA for their 45-day review and the changes made to the current permit will become effective on the 60th day from the issuance date if no EPA comment is received. If the EPA does not comment on the "proposed" permit within the 45-day review, it will be reissued with the changes as appropriate.

Copies of the draft permit and draft statement of basis were forwarded to the applicant, regional office, and SSCB on January 28, 2025. Comments were received from the applicant on February 4, 2025. These comments requested that the statement of basis be amended to reflect that the two boilers added as part of this minor modification **(ID Nos. ES23** and **ES24)** are not intended as a direct replacement for any specific process boiler(s), and to emphasize the fact that the applicant may operate the two new boilers at their discretion. DAQ agreed with these comments and amended the statement of basis as requested on February 5, 2025. Comments were also received from Jeffrey Cole of the Fayetteville Regional Office on February 6, 2025. These comments requested a handful of editorial changes as well as clarifications to the facility-wide air toxics review in Section 7. Mr. Cole requested a correction to reflect that the facility no longer stores No. 6, No. 5, recycled No. 4 equivalent fuel oil and saleable fat, but still stores Ultra-Low Sulfur Diesel/No. 2 fuel oil on-site. The statement of basis was amended as requested on February 6, 2025.

11. Other Regulatory Considerations

- A P.E. seal is NOT required for this modification application.
- A zoning consistency determination IS required for this modification application. Confirmation of delivery to the local planning board was received as part of the application. Delivery took place on December 17, 2024.
- A permit fee of $3,508 IS required for this modification application and was received on December 20, 2024.

EPA has promulgated a rule (88 FR 47029, July 21, 2023), with an effective date of August 21, 2023, removing the emergency affirmative defense provisions in operating permits programs, codified in both 40 CFR 70.6(g) and 71.6(g). EPA has concluded that these provisions are inconsistent with the EPA's current interpretation of the enforcement structure of the CAA, in light of prior court decisions[1]. Moreover, per EPA, the removal of these provisions is also consistent with other recent EPA actions involving affirmative defenses[2] and will harmonize the EPA's treatment of affirmative defenses across different CAA programs.

As a consequence of this EPA action to remove these provisions from 40 CFR 70.6(g), it will be necessary for states and local agencies that have adopted similar affirmative defense provisions in their Part 70 operating permit programs to revise their Part 70 programs (regulations) to remove these provisions. In addition, individual operating permits that contain Title V affirmative defenses based on 40 CFR 70.6(g) or similar state regulations will need to be revised.

Regarding NCDAQ, it has not adopted these discretionary affirmative defense provisions in its Title V regulations (15A NCAC 02Q .0500). Instead, DAQ has chosen to include them directly in individual Title V permits as General Condition (GC) J.

[1] NRDC v. EPA, 749 F.3d 1055 (D.C. Cir. 2014).

[2] In newly issued and revised New Source Performance Standards (NSPS), emission guidelines for existing sources, and NESHAP regulations, the EPA has either omitted new affirmative defense provisions or removed existing affirmative defense provisions. See, e.g., National Emission Standards for Hazardous Air Pollutants for the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants; Final Rule, 80 FR 44771 (July 27, 2015); National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Final Rule, 80 FR 72789 (November 20, 2015); Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Final Rule, 81 FR 40956 (June 23, 2016).

Per EPA, DAQ is required to promptly remove such impermissible provisions, as stated above, from individual Title V permits, after August 21, 2023, through normal course of permit issuance. This change to the General Conditions will be made as part of this modification, during which the most recent version of the General Conditions (v. 8.0, dated July 10, 2024) will replace the existing version.

12. Recommendations

The permit modification application for Darling Ingredients Inc. – Fayetteville has been reviewed by DAQ to determine compliance with all procedures and requirements. DAQ has determined this facility is complying or will achieve compliance, as specified in the permit, with all requirements that are applicable to the affected sources. DAQ recommends the issuance of Air Permit No. 00951T33.