

Title V/Clean Air Act: Center for Biological Diversity Petition to Object to University of North Carolina at Chapel Hill Air Quality Permit



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The Center for Biological Diversity (“CBD”) filed a Petition to Object (“Petition”) to Air Quality Permit No. 03069T36 for the University of North Carolina at Chapel Hill issued by the North Carolina Department of Environmental Quality’s Division of Air Quality (“DAQ”).

The referenced air quality permit is a Clean Air Act Title V Permit (“Title V Permit”).

Petitioners include the Sierra Club and Carrboro, which is a municipality in the State of North Carolina described as including historically black neighborhoods which could be disproportionately negatively impacted in terms of air quality.

Title V requires certain stationary sources of air pollution to obtain Operating Permits. The Clean Air Act requires that states administer Title V through adopted implementation plans. These plans are submitted to and approved by the United States Environmental Protection Agency (“EPA”). The intent of a Title V Permit is to organize in a single document all the requirements which apply to the permit holder.

42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(v)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V Permit in writing within 45 days of the receipt of the proposed permit (and all necessary supporting information) if the federal agency determines it is not in compliance with the applicable requirements of the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

CBD cites in the Petition as grounds for objection to the Title V Permit:

- Failure to Include Emission Limits Adequate to Prevent Violations of the National Ambient Air Quality Standards, as the State Implementation Plan Requires
- DAQ’s Modeling Does Not Support the Permit’s SO₂ and NO₂ Emission Limits
- DAQ’s Modeling Improperly Spreads 500 Hours’ Worth of NO₂ Pollution over 8760 Hours
- Lack of Numerous Monitoring, Record Keeping, and Reporting Requirements
- DAQ Relies on an Unjustified Expectation that No Excess Emissions Will Occur
- DAQ Relies on an Unjustified Expectation of Proper Maintenance and Operation of Generators

A copy of the Title V Petition can be downloaded [here](#).