

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

- (a) For the purposes of this Rule, "research and development activities" or "R&D activities" means the following:
- (1) activities conducted to test more efficient production processes or methods for preventing or reducing adverse impacts on the environment, provided that the activities do not include or contribute to the production of an intermediate or final product for sale or exchange for commercial profit; and
  - (2) activities conducted at a research or laboratory facility, the primary purpose of which is to conduct research and development into new processes and products, and that is not engaged in or contributing to the manufacture of products for sale or exchange for commercial profit.
- (b) Notwithstanding the definition of "insignificant activities because of size or production rate" in 15A NCAC 02Q .0503(8), R&D activities that meet the definition in Paragraph (a) of this Rule and are located at a major facility, as defined pursuant to 15A NCAC 02Q .0103, shall qualify as an insignificant activity because of size or production rate if the R&D activities meet the following requirements:
- (1) emissions from the R&D activities would not violate any applicable emissions standard;
  - (2) actual emissions of particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide, from the R&D activities, before accounting for air pollution control devices, are each no more than five tons per year;
  - (3) actual emissions of each hazardous air pollutant from the R&D activities, before air pollution control devices, are below 1,000 pounds per year; and
  - (4) potential emissions, as defined in 15A NCAC 02Q .0103, from the R&D activities are less than the major source emission thresholds specified in 40 CFR 70.2, which have been incorporated by reference in 15A NCAC 02Q .0106.
- (c) Pursuant to the application requirements in 15A NCAC 02Q .0507(b), the owner or operator of a new major facility shall include in the Title V permit application R&D activities that qualify as an insignificant activity because of size or production rate pursuant to Paragraph (b) of this Rule. For an existing major facility with new R&D activities that qualify as an insignificant activity pursuant to Paragraph (b) of this Rule, the owner or operator shall provide notification of the R&D activities to the Division of Air Quality no less than seven days prior to commencing the R&D activities. The owner or operator of insignificant R&D activities, pursuant to Paragraph (b) of this Rule, shall keep records at least five years demonstrating compliance with this Rule and provide those records to the Division upon request.

*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. 2023-134, s. 12.11.(d); Eff. January 1, 2025.*