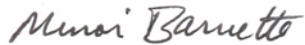


**PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT
FORSYTH COUNTY OFFICE OF ENVIRONMENTAL ASSISTANCE AND PROTECTION
WINSTON-SALEM, NC**

The Forsyth County Environmental Assistance and Protection Advisory Board will hold a hybrid public hearing on Tuesday, October 20 at 10:00 a.m. concerning amendments to Forsyth County's Air Quality Control Ordinance (FCAQCO) and Air Quality Technical Code (FCAQTC). This hearing is to request public comment on proposed amendments to the FCAQTC, Subchapter 3Q, Sec. 3Q-0203 to adjust the application and annual permit fees for non-major facilities to match the fees by the North Carolina Division of Air Quality

Any person may appear before the Environmental Assistance and Protection Advisory Board and bring representatives, consultants, and witnesses to be heard relative to the matters for which action by the Board is sought, provided advance notice is given to the Office Director of such matter to be considered. Persons wishing to attend may call this Office at 336-703-2440 or visit our website for more information.

The proposed rule changes are available at http://www.forsyth.cc/EAP/public_notices.aspx and at the Forsyth County Office of Environmental Assistance and Protection on the fifth floor of the Forsyth County Government Center at 201 North Chestnut Street in Winston-Salem, North Carolina. The public comment period begins today and ends on Wednesday, October 21, 2026. Date: September 20, 2026



Minor Barnette, Director

HEARING 1

PROPOSED REVISIONS TO CHAPTER 3 OF THE FORSYTH COUNTY CODE AND AIR QUALITY TECHNICAL CODE

PUBLIC HEARING TIME & DATE
10 AM, October 20, 2026

Telephone Number: (336) 703-2440

Fax Number: (336) 703- 2777

Proposed rule revisions are available on our website at:
http://www.forsyth.cc/EAP/public_notices.aspx

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BACKGROUND

The Environmental Assistance and Protection Advisory Board is conducting a public hearing for the adoption of revisions to Chapter 3 of the Forsyth County Air Quality Control Ordinance and Technical Code (FCAQTC) to make changes to Forsyth County's Local Implementation Plan. The Forsyth County Local Implementation Plan is included as an appendix to the North Carolina State Implementation Plan (SIP).

RULE CHANGES BEING CONSIDERED

The Forsyth County Office of Environmental Assistance and Protection is undertaking this rulemaking to revise the air quality permit and application fee provisions in Section 3Q-0203 of the Forsyth County Air Quality Technical Code to reflect changes adopted at the State level for the Division of Air Quality. On July 7, 2026, North Carolina Session Law 2026-41 became effective and established non-Title V air quality permitting fees in statute. The North Carolina Division of Air Quality subsequently issued amended Calendar Year 2026 fee tables reflecting these statutory changes.

The State's amended 2026 fee schedule establishes annual permit fees of \$3,070 for Synthetic Minor facilities and \$400 for Small facilities, as well as application fees of \$800 for Synthetic Minor facilities and \$100 for Small facilities.

These revisions will update the corresponding provisions of Section 3Q-0203, which currently contain the County's permit and application fee requirements. Specifically, the annual permit fee for Synthetic Minor facilities is increased from \$1,500 to \$3,070, and the annual permit fee for Small and Exclusionary Small facilities is increased from \$250 to \$400. The application fee for Synthetic Minor facilities is increased from \$400 to \$800, and the application permit fee for Small and Exclusionary Small facilities is increased from \$50 to \$100.

This rulemaking preserves the existing methodology for calculating Title V fees and maintains the existing provisions governing permit categories, application types, fee applicability, and annual adjustments. The calendar year 2021 application and annual fee values displayed in the rule text will also be updated to the current calendar year, 2026.

INSTRUCTIONS FOR UNDERSTANDING CHANGES

Additions: Words, sentences, or entire paragraphs to be added are underlined.

For example:

Area sources mean all sources other than point sources.

~~Deletions~~: Words, sentences, or entire paragraphs to be deleted are struck through.

For example:

~~Area sources mean all sources other than point sources.~~

Additions/Deletions: Words, sentences, or entire paragraphs that have been changed as a result of comments received prior to, or during, the public comment period or during the public hearing.

For example:

July 1, 2009~~10, 2009~~

PROPOSED REVISIONS

SUBCHAPTER 3Q AIR QUALITY PERMITS

Sec. 3Q-0203. Permit and application fees

- (a) The owner or operator of any facility holding a permit shall pay the following permit fees:

ANNUAL PERMIT FEES (FEES FOR CALENDAR YEAR ~~2021~~2026)

Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee	Complexity Fee (3-6 Programs)	Complexity Fee (7+ Programs)
Title V	\$40,000 48.27	\$8,775 10,558	\$4,056 4,894	\$2,500 3,017	\$7,500 9,050
Synthetic Minor		\$3,070 1,500			
Exclusionary Small		\$400 250			
Small		\$400 250			
General	50% of the otherwise applicable fee				

Annual permit fees for Title V facilities shall be adjusted as described in Sec. 3Q-0204. Annual permit fees for Title V facilities in this Paragraph are equal to the sum of the basic permit fee, tonnage factor fee, and nonattainment area added fee, as applicable.

- (b) In addition to the annual permit fees required by Paragraph (a) of this Rule, the owner or operator of a Title V facility shall pay the following annual complexity fee, as applicable:

- (1) For facilities subject to at least three and no greater than six of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be two thousand five hundred dollars (\$2,500); or
- (2) For facilities subject to seven or greater of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be seven thousand five hundred dollars (\$7,500).

Annual complexity fees for Title V facilities shall be adjusted for inflation as described in Sec. 3Q-0204.

- (c) Each of the programs and regulations identified in Subparagraphs (1) through (5) of this Paragraph are considered a federal program for the purposes of determining annual complexity fees under Paragraph (b) of this Rule:

- (1) The PSD program is considered one federal program for any facility that is subject to Sec. 3D-0530;
- (2) The Risk Management Program under Section 112r of the Clean Air Act is considered

- one federal program for any facility that is subject to Section 3D-2100;
- (3) Each Subpart under 40 CFR Part 60, New Source Performance Standards (NSPS) is considered one federal program, with the exception of Subparts A, B, Ba, and C;
 - (4) Each Subpart under 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) is considered one federal program, with the exception of Subpart A; and
 - (5) Each Subpart under 40 CFR Part 63, NESHAP for Source Categories, is considered one federal program, with the exception of Subparts A, B, C, D, and E.

The sum of all applicable federal programs identified in Subparagraphs (1) through (5) of this Paragraph shall be used to determine the annual complexity fee in accordance with Paragraph (b) of this Rule.

(d) In addition to the annual permit fee, a permit applicant shall pay a non-refundable permit application fee as follows:

PERMIT APPLICATION FEES
(FEES FOR CALENDAR YEAR ~~2021~~2026)

Facility Category	New or Modification	New	Significant Modification	Minor Modification	Ownership Change
Title V		\$10,325 <u>12,485</u>	\$700 <u>8,446</u>	\$3,000 <u>3,620</u>	\$60 <u>70</u>
Title V (PSD or NSR/NAA)	\$15,631 <u>18,860</u>				\$60 <u>70</u>
Title V (PSD and NSR/NAA)	\$30,402 <u>36,681</u>				\$60 <u>70</u>
Synthetic Minor	\$400 <u>800</u>				\$50
Exclusionary Small	\$50 <u>100</u>				\$50
Small	\$50 <u>100</u>				\$50
General		50% of the otherwise applicable fee			\$25

Permit application fees for Title V facilities shall be adjusted as described in Sec. 3Q-0204.

(e) The current annual permit fees, annual complexity fees, and permit application fees shall be found on the Office's website at https://www.forsyth.cc/eap/air_quality_regulation.aspx#fees.

(f) If a facility, other than a general facility, belongs to more than one facility category, the fees shall be those of the applicable category with the highest fees. If a permit application belongs to more than one type of application, the fee shall be that of the applicable permit application type with the highest fee.

(g) The tonnage factor fee shall be applicable only to Title V facilities. It shall be computed by multiplying the tonnage factor indicated in the table in Paragraph (a) of this Rule by the facility's combined total actual emissions of all regulated air pollutants, rounded to the nearest ton contained in the latest emissions inventory that has been completed by the Office. The calculation shall not include:

- (1) Carbon monoxide;
- (2) any pollutant that is regulated solely because it is a Class I or II substance listed under Section 602 of the federal Clean Air Act (ozone depleters);
- (3) any pollutant that is regulated solely because it is subject to a regulation or standard under Section 112(r) of the federal Clean Air Act (accidental releases); and

Even though a pollutant may be classified in more than one pollutant category, the amount of pollutant emitted shall be counted only once for tonnage factor fee purposes and in a pollutant category chosen by the permittee. If a facility has more than one permit, the tonnage factor fee for the facility's combined total actual emissions as described in this Paragraph shall be paid only on the permit whose anniversary date first occurs on or after July 1.

(h) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with Sec. 3D-0531, Section 3D-0900 (Volatile Organic Compounds) or Section 3D-1400 (Nitrogen Oxides) and either:

- (1) are in an area designated in 40 CFR 81.334 as nonattainment, or
- (2) are covered by a nonattainment or maintenance State Implementation Plan submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

(i) A Title V (PSD or NSR/NAA) facility is a facility whose application is subject to review under Sec. 3D-0530 (Prevention of Significant Deterioration) or Sec. 3D-0531 (Sources in Nonattainment Areas).

(j) A Title V (PSD and NSR/NAA) facility is a facility whose application is subject to review under Sec. 3D-0530 (Prevention of Significant Deterioration) and Sec. 3D-0531 (Sources in Nonattainment Areas).

(k) Minor modification permit applications that are group processed require the payment of only one permit application fee per facility included in the group.

(l) No permit application fee is required for renewal of an existing permit, for changes to an unexpired permit when the only reason for the changes is initiated by the Director, for a name change with no ownership change, for a change under Sec. 3Q-0523 (Changes Not Requiring Permit Revisions) or for a construction date change, a test date change, a reporting procedure change, or a similar change.

(m) The permit application fee paid for modifications under Section 3Q-0400, Acid Rain Procedures, shall be the fee for the same modification if it were under Section 3Q-0500, Title V Procedures.

(n) An applicant who files permit applications pursuant to Sec. 3Q-0504 shall pay an application fee as would be determined by the application fee for the permit required under Section 3Q-0500; this fee will cover both applications provided that the second application covers only what is covered under the first application. If permit terms or conditions in an existing or future permit issued under Section 3Q-0500 will be established or modified by an application for a modification and if these terms or conditions are enforceable by the County only, then the applicant shall pay the fee under the column entitled " Minor Modification" in the table in Paragraph (d) of this Rule.