



July 31st, 2026

To: North Carolina Department of Environmental Quality
Attn: Division of Air Quality, Air Permits Section
217 West Jones Street, Suite 4000
Raleigh, NC 27603

Re: Technical Comments Opposing Amazon's and Duke Energy's Draft Permits for the
Richmond County Energy Facility (Amazon.25A and DukeRichmond.26C)

To Director Abraczinskas, Mark Cuilla, and the DAQ Permitting Team:

The North Carolina League of Conservation Voters (NCLCV) appreciates the opportunity to provide extended comments on Amazon's and Duke Energy's proposed air quality permits for the Richmond County data center (Amazon.25A and DukeRichmond.26C). The North Carolina League of Conservation Voters (NCLCV) is a pragmatic, results-oriented, non-partisan organization whose mission is to protect the health and quality of life for all North Carolinians, with an intentional focus on systematically excluded communities of color. We elect environmental champions, advocate for environmental policies that protect our communities, and hold elected leaders accountable for their decisions. The following technical comments will pertain to both the Amazon and the Duke Energy permit applications.

First, NCLCV would like to extend our gratitude to the Division of Air Quality for questioning Amazon's desire for a confidential permit. This initial request for confidentiality in regards to emissions data is unwarranted and is clearly an attempt to hide detrimental information from Richmond County community members. NCLCV urges the Department to maintain as much transparency, timeliness, and community-oriented communications as possible.

However, our organization has significant concerns about the process behind which this permit is being processed. **It is our understanding that the site is already under construction**, with aerial images showing multiple buildings on Amazon's campus either in process of building or already completed. According to the EPA, the Clean Air Act's New Source Review (NSR) program requires stationary sources of air pollution to obtain permits prior to beginning construction.¹ This program applies to both new construction and modification of existing sources, which would apply to both permits. It is clear that both Amazon and Duke Energy are viewing the approval of all permits, including those issued by DAQ, as a foregone conclusion.

¹ <https://www.epa.gov/nsr/construction-activities-allowed-obtaining-preconstruction-air-permit>

This is an insult to DAQ's authority, explicitly violates the Clean Air Act, and sets a dangerous precedent for similar data center proposals in the future, whether in Richmond County or elsewhere. We urge DAQ to adhere to the Clean Air Act's intentions and explicit statutes and deny these permits.

In regards to the two permits proposed, DAQ is considering the authorization of both Amazon's installation and operation of 592 diesel emergency generators and Duke's installation and operation of 57 diesel non-emergency generators on Amazon's property. However, DAQ has so far determined that these projects are technically separate and not under common control. **NCLCV believes this determination was made in error and contests the decision that these generators are not possessed under common control by Amazon.**

According to page 25 of Duke Energy's permit review document, Duke Energy provided additional information in response to the issue of common control. The Companies directly state that this additional generation "[...] is in support of electrical demands projected for the Bulk Electric System (i.e., the grid) and not related to any one customer or interconnection." However, Duke continues in the same response to mention that "these engines will be dedicated in use to a single customer, a single customer (AWS) is responsible for the entire cost, and the equipment is not included in the rate base." To be clear, these generators will be installed and operated at the same site for the purpose of powering the same facility.

Despite Duke's claims these generators will support the grid more widely, Duke has not provided any publicly available information on where these generators will be used after the 364 days of operation proposed in their current permit. NCLCV is also not aware of any prior "bridge permitting" processes at the North Carolina Utilities Commission. As these assets will be purchased and owned by Amazon, our organization is doubtful of Duke Energy's ability to use these generators for the general electric grid as proposed. To a layman, these generators would be owned by Amazon, will be turned on and off at the request of Amazon, and will be placed on site for the needs of Amazon. These permits are also being heard jointly around the same project in the same venue, lending to a public perception of a single project and a single permit. This in itself shows a flaw in DAQ's assessment of common control: if these generators are purchased, installed, and operated to serve only the needs of one customer, they should be under common control regardless of the entity that maintains their compliance with applicable air quality standards. Furthermore, Amazon's application states that their contractual agreement with Duke Energy does not dictate how air permit compliance will be achieved. That contract has not been made available for these claims to be verified. It is our understanding that DAQ has neither requested nor received this contract to independently verify the methods by which these generators will be monitored.

Therefore, NCLCV disputes the findings of DAQ that these projects are separate and distinct. We ask the Division of Air Quality to reject these separate permitting schemes and require both projects to be permitted under a single major source process. Additionally, NCLCV urges DAQ to return to the pre-2018 guidelines for assessing common control, especially as the determination of such control is strongly reliant on a case-by-case nature. The guidance viewed as current by EPA is not mandatory for states to adhere to. If DAQ chooses to still follow these recommendations, these generators will escape stricter permitting requirements and cause harm to local air quality and the communities therein.

With respect to the emissions estimates in each permit, NCLCV has significant concerns regarding the existing facilities in close proximity to this project and the potential for undue harm to local communities. DAQ proposes issuing two separate synthetic minor source permits for the two sets of diesel-fired generators to be installed and operated at Amazon's facility. The first permit is for Amazon's proposed installation of 592 emergency generators, and another for Duke Energy's proposed installation of 57 non-emergency generators. Based on NCLCV's rough calculations, these combined applications ask for 1.7 GW of potential generation at full load, which is roughly equivalent to two entire gas-fired power plants with corresponding emissions. This is an inordinate amount of generation that should be approved through the North Carolina Utilities Commission before any further permits are considered. As Duke states these generators are in support of the bulk electric grid, this is a deviation from accepted practice of NCUC issuing a Certificate of Public Convenience and Necessity (CPCN) for this generation. **More importantly, DAQ must secure information on where these generators will be taken after their 364 days of operation according to the permit.** Failure to determine where these generators will be used after permit life could endanger other areas' air quality and indicate that the applicants do not plan to remove the generators from the property after the aforementioned 364 days.

Amazon's draft permit requests authorization for emission of 249.9 tons per year of nitrogen oxides (hereinafter "NOx"), 249.9 tons per year of carbon monoxide (hereinafter "CO"), and 249.9 tons per year of volatile organic compounds (hereinafter "VOC"). As page 33 of the Duke Energy permit review document states, these proposed emission amounts are just under the threshold of 250 tons per year. This means any filters or control mechanisms that do not operate as expected could violate statutory limits very quickly. Amazon also states its new units also have the potential to emit 97.88 tons per year of fine particulate matter (hereinafter "PM2.5") and 6.4 tons per year of hazardous air pollutants (hereinafter "HAP"), including benzene and formaldehyde. DAQ even admits in its review on page 15 that "...the proposed facility has the potential to emit greater than the applicable major stationary source threshold of 250 tons per year of NOx, CO, and VOC."

Amazon's application is incredibly lacking in testing, monitoring, and accountability for an incredibly polluting project. DAQ will require that one engine per each data center building constructed be tested, and DAQ states their periodic testing of one engine per each data center building constructed per year shall occur thereafter. It is well established in engineering that while generators can be produced identically, each has a range of efficiency values within a margin of error. Actual emissions often vary on fuel type and purity, reliability of operation, frequency of operation, amount and frequency of maintenance, and other factors outside of those specified in the permit. Furthermore, in lab based scientific practice, it is a common assumption that one-time experiments cannot be replicated. At minimum, good scientific research requires a triplicate to be run to ensure a trial is accurate within that margin of error. Allowing Amazon the chance to manipulate emissions results due to the small number of generators tested is yet another fatal flaw in DAQ's approach to this permit. The mandate of the Department, of which the Division of Air Quality is a part, is to follow science-based practices to steward North Carolina's environment. However, this lack of oversight does not follow accepted practices of testing, monitoring, and evaluation.

Second, Duke Energy's draft permit requests authorization to install and operate 57 diesel-fired non-emergency generators on Amazon's property to provide primary power for the data center for up to one year, as well as 9 diesel storage tanks. The Duke Energy Draft Permit would authorize the 57 generators to emit up to 39.9 tons per year of NOx and 99.9 tons per year of CO. These generators would also emit 4.65 tons per year of PM2.5, 69,472 tons per year of greenhouse gases, and 4.94 tons per year of HAPs. Duke proposes an operating limit of 6.06 million gallons of diesel fuel per year.

Similar to the lack of testing on the generators proposed by Amazon, DAQ limits performance testing to two of Duke's 54 non-emergency generators. DAQ also does not establish any criteria besides blind reliance on manufacturer specifications that the emissions rates from the other 52 generators will mirror the ones tested. DAQ's approach to monitoring places an inordinate amount of trust in companies that have an untrustworthy historical record. This combined with the lack of testing and monitoring shows a lack of care from both the applicant and DAQ if this permit is approved.

According to available information, the closest air monitoring facility to the proposed facility is over 30 miles away. This distance makes the establishment of baseline air quality around this specific project incredibly challenging. Community members in Richmond County have a right to available information about their environment, including how polluted their air is currently before allowing any new projects into their local area. While this monitoring is not required under the current permitting scheme advanced by Amazon and Duke Energy, NCLCV strongly believes that these sources should be permitted as a single, major stationary source in accordance with all applicable Prevention of Significant Deterioration ("PSD") requirements.

This will not only protect a community already burdened with significant air pollution, but this method will provide the ability to establish baseline testing with more technologically advanced air monitoring.

Finally, NCLCV would like to uplift the extensive and detailed comments submitted by the Southern Environmental Law Center (hereinafter SELC), et al. These comments provide a detailed and expanded analysis of the concerns outlined in this document. NCLCV strongly agrees that there is a severe risk to Richmond County's air quality and the corresponding health of a vulnerable residential community. Based on the reasons above and the concerns outlined in SELC's comments, we urge DAQ to deny both of these associated permits in pursuit of its mission to protect North Carolina. **Computer servers don't breathe this air, and neither do the Amazon employees in Seattle or the Duke Energy employees in Charlotte who submitted these applications. NCLCV is asking DAQ employees to follow federal and state laws and deny these permit applications to protect our air and our communities.**

Best regards,

Michelle (Meech) Carter

Clean Energy Campaigns Director,
North Carolina League of Conservation Voters