

#### **15A NCAC 02D .0614 COMPLIANCE ASSURANCE MONITORING**

(a) General Applicability. Except as set forth in Paragraph (b) of this Rule, the requirements of this Paragraph shall apply to a pollutant-specific emissions unit at a facility required to obtain a permit pursuant to 15A NCAC 02Q .0500 if the unit:

- (1) is subject to an emission limitation or standard for the applicable regulated air pollutant, or a surrogate thereof, other than an emission limitation or standard that is exempt pursuant to Subparagraph (b)(1) of this Rule;
- (2) uses a control device to achieve compliance with any such emission limitation or standard; and
- (3) 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. For purposes of this Subparagraph, "potential pre-control device emissions" means the same as "potential to emit" as defined in 15A NCAC 02Q .0103, except that emission reductions achieved by the applicable control device shall not be taken into account.

(b) The following exemptions to this Rule shall apply.

- (1) Exempt emission limitations or standards. The requirements of this Rule shall not apply to any of the following emission limitations or standards:
  - (A) emission limitations or standards proposed by the Administrator of the Environmental Protection Agency after November 15, 1990, pursuant to section 111 or 112 of the federal Clean Air Act;
  - (B) stratospheric ozone protection requirements pursuant to Title VI of the federal Clean Air Act;
  - (C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the federal Clean Air Act;
  - (D) emission limitations or standards or other applicable requirements that apply solely under an emissions trading program approved under the rules of Subchapters 02D and 02Q of this Chapter and that are incorporated in a permit issued pursuant to 15A NCAC 02Q .0500;
  - (E) an emissions cap that is approved pursuant to the rules of Subchapters 02D and 02Q of this Chapter and incorporated in a permit issued pursuant to 15A NCAC 02Q .0500; or
  - (F) emission limitations or standards for which a permit issued pursuant to 15A NCAC 02Q .0500 specifies a continuous compliance determination method, as defined in 40 CFR 64.1. This exemption shall not apply if the applicable compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device, such as a surface coating line controlled by an incinerator for which continuous compliance is determined by calculating emissions on the basis of coating records and an assumed control device efficiency factor based on an initial performance test. In this example, 15A NCAC 02D .0614 would apply to the control device and capture system, but not to the remaining elements of the coating line, such as raw material usage.
- (2) Exemption for backup utility power emissions units. The requirements of this Rule shall not apply to a utility unit, as defined in 40 CFR 72.2, that is municipally-owned if the owner or operator provides documentation in a permit application submitted pursuant to 15A NCAC 02Q .0500 that:
  - (A) the utility unit is exempt from all monitoring requirements in 40 CFR Part 75, including the appendices thereto;
  - (B) the utility unit is operated for the sole purpose of providing electricity during periods of peak electrical demand or emergency situations and will be operated consistent with that purpose throughout the permit term. The owner or operator shall provide historical operating data and relevant contractual obligations to document that this criterion is satisfied; and
  - (C) the actual emissions from the utility unit, based on the average annual emissions over the last three calendar years of operation, or such shorter time period that is available for units with fewer than three years of operation, are less than 50 tons per year and are expected to remain so.

(c) For the purposes of this Rule, the definitions in 40 CFR 64.1 shall apply with the following exceptions:

- (1) "Applicable requirement" and "regulated air pollutant" shall have the same definition as in 15A NCAC 02Q .0103.

- (2) "Part 70 or 71 permit application" means an application, or any supplement to a previously submitted application, submitted by the owner or operator to obtain a permit under 15A NCAC 02Q .0500.
  - (3) "Part 70 or 71 permit" means a permit issued under 15A NCAC 02Q .0500.
  - (4) "Permitting authority" means the Division of Air Quality.
- (d) The owner or operator subject to the requirements of this rule shall comply with these requirements:
- (1) 40 CFR 64.3, Monitoring Design Criteria;
  - (2) 40 CFR 64.4, Submittal Requirements;
  - (3) 40 CFR 64.5, Deadlines for Submittals;
  - (4) 40 CFR 64.7, Operation of Approved Monitoring; and
  - (5) 40 CFR 64.9, Reporting and Recordkeeping Requirements.
- (e) The Division shall follow the procedures and requirements in 40 CFR Part 64.6, Approval of Monitoring, in reviewing and approving or disapproving monitoring plans and programs submitted under this Rule.
- (f) Based on the result of a determination made pursuant to 40 CFR 64.7(d)(2), the Director may require the owner or operator to develop and implement a quality improvement plan. If a quality improvement plan is required, the quality improvement plan shall be developed and implemented according to the procedures and requirements of 40 CFR 64.8, Quality Improvement Plan (QIP) Requirements.

*History Note: Authority G.S. 143-215.3(a)(3); 143-215.65; 143-215.66; 143-215.107(a)(4);  
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