

15A NCAC 02D .0524 NEW SOURCE PERFORMANCE STANDARDS

(a) With the exception of Paragraph (b) and (c) of this Rule, sources subject to new source performance standards promulgated in 40 CFR Part 60 shall comply with emission standards, monitoring and reporting requirements, maintenance requirements, notification and record keeping requirements, performance test requirements, test method and procedural provisions, and any other provisions, as required therein, rather than with any otherwise-applicable rule in this Section which would be in conflict therewith.

(b) The following is not included under this Rule:

- (1) 40 CFR Part 60, Subpart AAA (new residential wood heaters);
- (2) 40 CFR Part 60, Subpart B (adoption and submittal of state plans for designated facilities);
- (3) 40 CFR Part 60, Subpart C (emission guidelines and compliance times);
- (4) 40 CFR Part 60, Subpart Cb (guidelines for municipal waste combustors constructed on or before September 20, 1994);
- (5) 40 CFR Part 60, Subpart Cc (guidelines for municipal solid waste landfills);
- (6) 40 CFR Part 60, Subpart Cd (guidelines for sulfuric acid production units);
- (7) 40 CFR Part 60, Subpart Ce (guidelines for hospital, medical, infectious waste incinerators);
- (8) 40 CFR Part 60, Subpart BBBB (guidelines for small municipal waste combustion units constructed on or before August 30, 1999);
- (9) 40 CFR Part 60, Subpart DDDD (guidelines for commercial and industrial solid waste incinerators constructed on or before November 30, 1999);
- (10) 40 CFR Part 60, Subpart FFFF (guidelines for other solid waste incinerators constructed on or before December 9, 2004); or
- (11) 40 CFR Part 60, Subpart HHHH (guidelines for coal-fired electric steam generating units).

(c) Along with the notice appearing in the North Carolina Register for a public hearing to amend this Rule to exclude a standard from this Rule, the Director shall state whether or not the new source performance standards promulgated under 40 CFR Part 60, or part thereof, shall be enforced. If the Commission does not adopt the amendment to this Rule to exclude or amend the standard within 12 months after the close of the comment period on the proposed amendment, the Director shall begin enforcing that standard when 12 months has elapsed after the end of the comment period on the proposed amendment.

(d) New sources of volatile organic compounds that are located in an area designated in 40 CFR 81.334 as nonattainment for ozone or an area identified in accordance with 15A NCAC 02D .0902 as being in violation of the ambient air quality standard for ozone shall comply with the requirements of 40 CFR Part 60 that are not excluded by this Rule, as well as with any applicable requirements in Section .0900 of this Subchapter.

(e) All requests, reports, applications, submittals, and other communications to the administrator required under Paragraph (a) of this Rule shall be submitted to the Director of the Division of Air Quality rather than to the Environmental Protection Agency.

(f) In the application of this Rule, definitions contained in 40 CFR Part 60 shall apply rather than those of Section .0100 of this Subchapter.

(g) With the exceptions allowed under 15A NCAC 02Q .0102, Activities Exempted from Permit Requirements, the owner or operator of the source shall apply for and receive a permit as required in 15A NCAC 02Q .0300 or .0500.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 150B-21.6;
Eff. June 18, 1976;
Temporary Amendment Eff. January 3, 1988, for a period of 180 days to expire on June 30, 1988;
Amended Eff. December 1, 1992; July 1, 1992;
Temporary Amendment Eff. March 8, 1994, for a period of 180 days or until the permanent rule is effective, whichever is sooner;
Amended Eff. July 1, 2007; January 1, 2007; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1994.*