

15A NCAC 02D .0543 BEST AVAILABLE RETROFIT TECHNOLOGY

- (a) For the purposes of this Rule, the definitions at 40 CFR 51.301 shall apply.
- (b) Mandatory Class I Federal areas are identified in 40 CFR Part 81, Subpart D.
- (c) The Director shall have the maximum flexibility allowed under 40 CFR 51.308 or 40 CFR Part 51, Appendix Y.
- (d) This rule applies to BART-eligible sources as determined using 40 CFR Part 51, Appendix Y that cause or contribute to any visibility impairment in a mandatory Class I Federal area as determined by using 40 CFR Part 51, Subpart P.
- (e) Unless exempted under 40 CFR 51.303, the owner or operator of a BART-eligible emission unit subject to this Rule shall perform a best available retrofit technology (BART) evaluation for that emission unit. Pursuant to 40 CFR 51.308, the evaluation shall include:
- (1) the technology available,
 - (2) the cost of compliance,
 - (3) the energy and non-air quality environmental impacts of compliance,
 - (4) any pollution control equipment in use at source,
 - (5) the remaining useful life of the source, and
 - (6) the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology.
- (f) The owner or operator of a BART-subject emission unit shall install, operate, and maintain BART as approved by the Director after considering the six items listed in Paragraph (e) of this Rule and incorporated in the unit's permit issued under 15A NCAC 02Q.
- (g) The owner or operators of a BART-eligible source required to install BART under this Rule shall submit permit applications for the installation and operation of BART by September 1, 2006. The Director shall extend the deadline for submitting a permit application if additional time is needed to complete the evaluation required under Paragraph (e) of this Rule.
- (h) BART shall be determined using "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities" (1980), 40 CFR 51.308(e)(1)(ii), and 40 CFR Part 51, Appendix Y. Electric generating units covered under and complying with 15A NCAC 02D .2400, Clean Air Interstate Rules, are considered to be in compliance with the BART requirements for nitrogen oxides and sulfur dioxide under this Rule.
- (i) The owner or operator of a BART-eligible source required to install BART under this Rule shall have installed and begun operation of the BART controls by December 31, 2012.
- (j) "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities" is incorporated by reference, exclusive of appendix E, and shall include any later amendments or editions. This document, which was published in the Federal Register on February 6, 1980 (45 FR 8210), is EPA publication No. 450/3-80-009b and can be obtained from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 for eighty four dollars (\$84.00). It is also available for inspection at the National Archives and Records Administration (NARA). Information on the availability of this material at NARA may be found at:
http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

*History Note: Authority G.S.143-215.3(a)(1); 143-215.107(a)(5),(10);
Eff. September 1, 2006;
Amended Eff. May 1, 2007.*