

**SECTION 2D.0600 AIR CONTAMINANTS; MONITORING, REPORTING**

**.0601 MONITORING: RECORDKEEPING: REPORTING**

(a) The purpose of this Section is to set forth the requirements of the Commission for monitoring air pollution emissions and filing reports covering their discharge into the outdoor atmosphere of the state.

(b) This Section shall apply to all persons subject to the provisions of this Subchapter or Subchapter 2Q of this Chapter.

(c) Monitoring, recordkeeping, and reporting may also be required by other rules including .0524, .0536, .1110, or .1111 of this Subchapter.

History Note: Filed as a Temporary Amendment Eff. March 8, 1994 for a Period of 180 Days or Until the Permanent Rule is Effective, Whichever is sooner; Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-15.107(a)(4); Eff. February 1, 1976; Amended Eff. April 1, 1999; July1, 1996, July1, 1994, July 1, 1984; June 18, 1976.

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3 <sup>rd</sup> Revision	Apr 16, 2001	Aug 08, 2002	67 FR 51461

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## **.0602 DEFINITIONS**

For the purpose of this Section, the following apply:

- (1) “Applicable requirement” means any rule, standard, or requirement of this Subchapter. Subchapter 2Q of this Chapter, or Article 21 of the North Carolina General Statutes.
- (2) “Calendar quarter” means:
  - a. the time period from January 1 through March 31;
  - b. the time period from April 1 through June 30;
  - c. the time period from July 1 through September 30; or
  - d. the time period from October 1 through December 31.
- (3) “Capacity factor” means the ratio of the average load on a machine or equipment for the time period considered to the capacity rating of the machine or equipment.
- (4) “Distillate oils” means fuel oil, including recycled oil, that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D-396, “Standard Specifications for Fuel Oils”.
- (5) “Emission standard” means a rule setting forth an allowable rate of emissions, level of opacity, or prescribing equipment, fuel specifications, workplace standards, or material usage that result in control of air pollution emissions:
- (6) “Excess emissions” means emissions of an air pollutant in excess of an emission standard.
- (7) “Fossil fuel-fired steam generator” means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
- (8) “Nitric acid plant” means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.
- (9) “Permit condition” means
  - (a) a condition set to comply with or to avoid any applicable requirement; or
  - (b) a condition set to maintain compliance with toxic air pollutant acceptable ambient levels or ambient air quality standards.
- (10) “Petroleum refinery” means any facility engaged in producing gasoline, kerosene, distillate oils, residual oils, lubricants, or other products through the distillation of petroleum, or through the redistillation, cracking, or reforming of unfinished petroleum derivatives.
- (11) “Residual oils” means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, or all fuel oil numbers 4, 5, and 6, as defined by the American Society for Testing and Materials in ASTM D-396, “Standard Specification for Fuel Oils”.
- (12) “Sulfuric acid plant” means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities where conversion to sulfuric acid is

utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);  
Eff. February 1, 1976;  
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## **.0604 EXCEPTIONS TO MONITORING AND REPORTING REQUIREMENTS**

- (a) Unless a specific rule specifies otherwise, the owner or operator of a source shall not be required to monitor during a period of monitoring system malfunction or report emissions during a period of monitoring system malfunction if the owner or operator of the source shows, to the satisfaction of the Director, that the malfunction was unavoidable, is being repaired as expeditiously as practicable, and no applicable requirements are violated. The owner or operator of the source shall provide the Director documentation of continuous monitoring system performance when system repairs or adjustments have been made if the Director requests proof. Malfunctions of the monitoring system that result from inadequate or poor operation and maintenance practices shall not be exempted.
- (b) The owner or operator of a source that operates less than 30 days per 12-month period shall not be required to monitor emissions from that source. However, the owner or operator shall maintain records to document that the source is operated less than 30 days per 12-month period.
- (c) The owner or operator of a source exempted from needing a permit by 15A NCAC 2Q.0102 shall not be required to monitor emissions from that source unless;
  - (1) required by a specific rule of this Subchapter or Subchapter 2Q of this Chapter, or
  - (2) required as a part of an enforcement settlement.

However, the owner or operator shall maintain records to document that the source qualifies for the permit exemption.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);  
Eff. February 1, 1976;  
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**.0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS**

- (a) The owner or operator of a source subject to a requirement of this Subchapter or Subchapter 2Q of this Chapter shall maintain:
  - (1) records detailing all malfunctions under Rule .0535 of this Subchapter,
  - (2) records of all testing conducted under rules in this Subchapter,
  - (3) records of all monitoring conducted under rules in this Subchapter or Subchapter 2Q of this Chapter.
  - (4) records detailing activities relating to any compliance schedule in this Subchapter, and
  - (5) For permitted sources, records necessary to determine compliance with rules in this Subchapter or Subchapter 2Q of this Chapter.
- (b) The Director shall specify in the source's permit:
  - (1) the type of monitoring required and the frequency of the monitoring,
  - (2) the type of records to be maintained, and
  - (3) the type of reports to be submitted and the frequency of submitting these reports, as necessary to determine compliance with rules in this Subchapter or Subchapter 2Q of this Chapter or with an emission standard or permit condition.
- (c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may require that the owner or operator of any source subject to the requirements of this Subchapter or Subchapter 2Q of this Chapter submit to the Director any information necessary to determine the compliance status of the source.
- (d) The owner or operator of a source of excess emissions which last for more than four hours and which results from a malfunction, a breakdown or process or control equipment, or any other abnormal conditions shall report excess emissions in accordance with the requirements of Rule .5535 of this Subchapter.
- (e) Copies of all records and reports generated in response to the requirements of this Section shall be retained by the owner or operator for a period of two years after the date on which the record was made or the report submitted, except that the Director may extend the retention period in particular instances when necessary to comply with other State or federal requirements or when compliance with a particular standard requires documentation for more than two years.
- (f) All records and reports generated in response to the requirements of this Section shall be made available to personnel of the Division for inspection.
- (g) The owner or operator of a source subject to the requirements of this Section shall comply with the requirements of this Section at his own cost.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.1078(a)(4);  
Eff. February 1, 1976;  
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## **.0606 OTHER COAL OR RESIDUAL OIL BURNERS**

(a) The owner or operator of any fuel burning unit shall determine sulfur dioxide emissions into the ambient air if the unit:

- (1) burns coal or residual oil,
- (2) is not required to monitor sulfur dioxide emissions by Regulations .0525 or .0604 of this Subchapter,
- (3) has a total heat input of more than 250 million BTU per hour from coal and residual oil, and
- (4) is required to be monitored based on its annual average capacity factor as determined from the three most recent calendar year reports to the Federal Power Commission or as otherwise demonstrated to the director by the owner or operator, as follows:
  - (A) If the average capacity factor of the unit for 1980, 1981, and 1982 exceeds 30 percent, the unit shall be monitored.
  - (B) If the average capacity factor of the unit for 1980, 1981, and 1982 does not exceed 30 percent, the unit need not be monitored.
  - (C) If the unit has not been in existence for three calendar years or if the unit is constructed after 1982, its three-calendar-year average capacity factor shall be determined by estimating its annual capacity factors for enough future years to allow a three-calendar-year average capacity year to be computed. If this three-calendar-year average capacity factor does not exceed 30 percent, the unit need not be monitored.
  - (D) Once the unit is being monitored in accordance with Subparagraphs (a)(4) (A), (C), or (E) of this Regulation, it shall continue to be monitored until its most recent three-calendar-year average capacity factor exceeds 25 percent.

If units required to be monitored have a common exhaust or if units required to be monitored have a common exhaust with units not required to be monitored, then the common exhaust may be monitored, and the emissions need not be apportioned among the units with the common exhaust.

(b) Sulfur dioxide emissions shall be determined by:

- (1) an instrument for continuously monitoring and recording sulfur dioxide emissions, or
- (2) analyses of representative samples of fuels to determine BTU value and percent sulfur content, or
- (3) such other procedures as may be approved by the Director, or his delegate.

(c) The continuous monitoring of sulfur dioxide emissions and the determination of the sulfur content of fuels shall be conducted in accordance with procedures approved by the Director, or his delegate.

(d) The data to be reported quarterly to the director shall include:

- (1) for fuel analysis:
  - (A) the quantity and type of fuels burned,
  - (B) the BTU value,
  - (C) the sulfur content in percent by weight,
  - (D) the total calculated sulfur dioxide emissions.

- (2) for continuous monitoring of emissions:
- (A) the emission rate expressed in the same units as the applicable standard,
  - (B) the maximum instantaneous rate, and (C) the total sulfur dioxide emissions.

Recorder charts from continuous monitoring instruments shall be retained by the company for at least one year and made available for inspection by personnel of the division of Environmental Management.

History Note: Authority G.S. 143-215.3(a)(1);  
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2 <sup>nd</sup> Revision	Mar 15, 1985	Nov 19, 1986	51 FR 41786
3 <sup>rd</sup> Revision	May 02, 1988	Dec 12, 1988	53 FR 49881

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**.0607 LARGE WOOD AND WOOD-FOSSIL FUEL COMBINATION UNITS**

- (a) The Rule applies to wood-fired steam generator units with a heat input from wood fuels (or the sum of the heat inputs from wood fuels and liquid or solid fossil fuels for generators not covered by Rule .0524 or .0606 of this Subchapter) that exceeds 250 million BTU per hour and with an annual average capacity factor greater than 30 percent as demonstrated to the Director by the owner or operator of the source.
- (b) The owner or operator of a wood-fired steam generator unit covered under this Rule shall install, calibrate, maintain, and operate, as specified in 40 CFR Part 60 Appendix B Performance Specification 1, opacity continuous monitoring systems on all stacks discharging the flue gases from one or more steam generator units covered under this Rule.
- (c) The owner or operator of the source shall conduct a daily zero and span check of the opacity continuous emission monitoring system following the manufacturer's recommendations and shall comply with the requirements of Rule .0613 of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.65; 143-215.66; 143-215.107(a)(5);  
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## **.0608 PROGRAM SCHEDULE**

(a) All persons required to report emissions by Rules .0524, .0604, .0605, or .0606, .1110, or .1111 of this Subchapter shall have in operation a monitoring program for each affected source upon beginning operation of a new source or within 18 months after an existing source becomes subject to Rules .0604, .0605 or .0606 of this Section. However, reasonable extensions of this deadlines may be granted as described in 40 CFR 51.18(e)(5) and Paragraph 1.3 of Appendix P of 40 CFR Part 51. The monitoring program shall remain in effect as long as the source is required to monitor and report its emissions under the requirements of this Section.

(b) All persons required to report emissions by Rules .0605 or .0606 of this Section shall submit to the Division of Environmental Management for review and approval a program for complying with such requirements. The program shall include a statement concerning:

- (1) the date by which the first report will be submitted, and
- (2) a description of the procedures and equipment for sampling and sample analysis.

History Note: Authority G.S. 143-215.3(a)(1);  
Eff. February 1, 1976;  
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**.0609 MONITORING CONDITION IN PERMIT**

Reference to the obligations of the approved monitoring program shall be included as a condition of the Permit issued for the source. In the case of Permits outstanding, this reference shall be included upon renewal of the Permit.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.68;

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1 <sup>st</sup> Revision	Apr 14, 1984	Oct 04, 1985	50 FR 41501

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**.0610 FEDERAL MONITORING REQUIREMENTS**

(a) The owner or operator of sources subject to monitoring, recordkeeping and reporting requirements contained in:

- (1) 40 CFR Part 60, New Source Performance Standards (NSPS);
- (2) 40 CFR Part 61. National Emission Standards for Hazardous Air Pollutants (NESHAP);
- (3) 40 CFR Part 63. Maximum Achievable Control Technology (MACT); or
- (4) 40 CFR Part 75. Acid Rain:

shall comply with these requirements,

(b) An air pollutant from sources covered under Paragraph (a) of this Rule for which monitoring is not required under Paragraph (a) of this Rule shall comply with the requirements covered in Rule .0611 of this Section if the pollutant from this source is subject to an emission standard.

(c) Sources that are not subject to any monitoring, recordkeeping, or reporting requirements contained in Paragraph (a) of this Rule shall comply with the requirements contained in Rule .0611 of this Section.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4)  
Eff. June 18, 1976;  
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**.0611 MONITORING EMISSIONS FROM OTHER SOURCES**

(a) This Rule applies to sources or air pollutants, including toxic air pollutants, from sources that are not covered under Rule .0606, .0607, .0608, or .0610(a) of this Section.

(b) The owner or operator of a source shall maintain records of production rates, throughputs, material usage, and other process operational information as is necessary to determine compliance with the facility’s permit and all applicable requirements. The Director shall specify in the facility’s permit according to Rule .0605 of this Section the types of records that the owner or operator shall maintain.

(c) If the Director finds that the records maintained under Paragraph (b) of this Rule are inadequate to determine compliance with the facility’s permit and all applicable requirements, the Director may require the owner or operator to use monitoring instruments. If the Director determines that monitoring instruments are necessary to demonstrate compliance with rules in this Subchapter or Subchapter 2Q of this Chapter or with an emission standard or permit condition, the owner or operator of a source shall:

- (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures as necessary to demonstrate compliance with the emission standards of this Subchapter and Subchapter 2Q of this Chapter;
- (2) comply with the requirements of Rule .0613 of this Section; and
- (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to comply with Subparagraph (1) of this Paragraph that will document the compliance status of the sources or control equipment.

(d) If the Director determines that monitoring instruments are necessary to demonstrate good operation and maintenance, the owner or operator of a source shall:

- (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures as necessary to demonstrate good operation and maintenance;
- (2) comply with the requirements of Rule .0613 of this Section unless otherwise specified in any other applicable rule including 40 CFR Part 75 and 40 CFR 60.13. The Director may find that compliance with the quality assurance provisions of 40 CFR Part 51, Appendix P, is adequate to assure the quality of the data; and
- (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to comply with Subparagraph (1) of this Paragraph that will document that good operation and maintenance is being achieved.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4); Eff. April 1, 1999.

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## **.0612 ALTERNATIVE MONITORING AND REPORTING PROCEDURES**

(a) With the exceptions in Paragraph (b) of this Rule, the owner or operator of a source may petition the Director to allow monitoring or data reporting procedures varying from those prescribed by a rule of Subchapter 2D or 2Q of this Chapter. When petitioning for alternative monitoring or data reporting procedures, the owner or operator shall follow the procedures of Paragraph (c) of this Rule.

(b) This Rule does not apply to monitoring or reporting requirements of 40 CFR Part 60, 61, 63, or 75.

(c) When petitioning to use alternative monitoring or data reporting procedures in place of those procedures in .0606, .607, .0608 of this Section or in Section .0900, 1200, 1400 of this Subchapter, the owner or operator of the source shall submit a written petition to the Director that shall include:

- (1) the name and address of the company and the name and telephone number of a principal executive officer specified in 15A NCAC 2Q .0304(j) or responsible official specified in 15A NCAC 2Q .0520 over whose signature the petition is submitted;
- (2) a description of the sources at the facility to which the petition applies;
- (3) identification of the rule or rules for which the alternative is sought;
- (4) the basis or reason that alternative monitoring and reporting procedure is more desirable than those prescribed by the rule;
- (5) a proposal of alternative monitoring and reporting procedure;
- (6) a demonstration that the alternative procedure is at least as accurate as that prescribed by the rule;
- (7) a showing that one or more of the following conditions exist:
  - (A) a continuous monitoring system or other device prescribed by the rule would not provide accurate determinations of emissions;
  - (B) the emissions from two or more sources of significantly different design and operating characteristics are combined before release to the atmosphere or the emissions are released to the atmosphere through more than one point;
  - (C) the requirements prescribed by the rule would impose an extreme economic burden on the source owner or operator (The determination of an extreme economic burden shall be made on the basis of whether meeting the requirements prescribed by the rule would produce serious hardship without equal or greater benefit to the public);
  - (D) the monitoring systems prescribed by the rule cannot be installed because of physical limitations at the facility (The determination of such limitations shall be made on the basis of whether meeting the requirements prescribed by this Rule would necessitate significant reconstruction of the facility); or
  - (E) the alternative monitoring or reporting procedure is more accurate and precise than that prescribed by the rule;

(8) any other information that the petitioner believes would be helpful to the Director in evaluating the application.

(d) The Director may approve the petition to submit other information that the Director considers necessary to evaluate the proposed monitoring or reporting procedures.

(e) The Director may approve the petition for alternative monitoring and reporting procedures if:

- (1) The petition is submitted in accordance with this Rule and contains all the information required by Paragraph (c) of this Rule;
- (2) The Director finds the petition satisfies the showing required by Subparagraph (c)(7) of this Rule;
- (3) The Director finds that the proposed alternative monitoring or data reporting procedures provide information of sufficient quality to determine with reasonable certainty the amount of emissions or the adequacy of the emission control device or practice such that the compliance status of the source can be determined by reviewing this information; and
- (4) The facility is in compliance with, or under a schedule for compliance with, all applicable air quality rules.

(f) When monitoring or reporting requirements differ from those specified in the appropriate rule in this Subchapter or Subchapter 2Q of this Chapter are approved by the Director, the permit shall contain a condition stating such monitoring or reporting requirements.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);

Eff. April 1, 1999.

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## **.0613 QUALITY ASSURANCE PROGRAM**

(a) Any person required to operate a monitoring device by this Subchapter or Subchapter 2Q of this Chapter shall develop and implement a quality assurance program for the monitoring device.

(b) The Director may require the owner or operator of a facility required to operate a monitoring device by this Subchapter or Subchapter 20 of this Chapter to submit a quality assurance program if:

- (1) The maximum actual emission rate is more than 75 percent of the applicable emission standard;
- (2) The facility has violated an emission standard or a permit condition; or
- (3) The facility has failed to obtain quality assured data.

The quality assurance program shall be submitted to the Director within 60 days upon receipt of request.

(c) Except for gaseous continuous emission monitoring systems, the quality assurance program required by Paragraph (a) or (b) of this Rule shall include, if applicable:

- (1) procedures and frequencies for calibration,
- (2) standards traceability,
- (3) operational checks,
- (4) maintenance,
- (5) auditing,
- (6) data validation, and
- (7) a schedule for implementing the quality assurance program.

Continuous opacity monitoring systems may satisfy the requirements of Paragraph (a) of this Rule by complying with 40 CFR Part 51, Appendix M, Method 203, as proposed in 57 FR 46114, Except for opacity monitors and gaseous continuous emission monitoring systems, a manufacturer's recommended quality assurance procedure may be used as a quality assurance program if it provides an adequate quality assurance program.

(d) Owner or operators that operate continuous emission monitoring systems for a gaseous pollutant may satisfy the requirements of Paragraphs (a) or (b) of this Rule by developing and implementing a written quality assurance program containing information required by 40 CFR Part 60, Appendix F, Section 3, Quality Assurance Procedures.

(e) The owner or operator of a facility shall certify all opacity and gaseous continuous emission monitoring systems following applicable performance specifications in 40 CFR Part 60, Appendix B, within 60 days of monitor installation unless otherwise specified in permit or any other applicable rules. The owner or operator of a facility required to install an opacity or

gaseous continuous emission monitoring systems shall notify the Director at least 60 days before installation unless otherwise specified in permit or in 40 CFR Part 60, 61, 63, or 75. The notification shall include plans or schematic diagrams of the proposed monitor location.

(f) Quality assurance programs for ambient monitors shall comply with the requirements in 40 CFR Part 58.

(g) A quality assurance program shall be available on-site for inspection within 30 days of monitor certification.

(h) The Director shall approve the quality assurance program within 30 days of submittal if he finds that the quality assurance program will assure that the precision and accuracy of the data for the pollutants being measured are within the design limits of the instruments being used. If the Director finds that the proposed quality assurance program does not meet the requirements of this Paragraph he shall notify the owner or operator of the facility of any deficiencies in the proposed quality assurance program. The owner or operator shall have 30 day after receiving written notification from the Director to correct the deficiencies,

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);  
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#### **.0614 COMPLIANCE ASSURANCE MONITORING**

(a) General Applicability. With the Exception of Paragraph (b) of this Rule, the requirements of this part shall apply to a pollutant-specific emissions unit at a facility required to obtain permit under 15A NCAC 2Q.0500 if the unit satisfies all of the following criteria:

- (1) The unit 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 under Subparagraph (b)(1) of this Rule;
- (2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and

(3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 tons per year. For purposes of this Subparagraph, "potential pre-control device emissions" means the same as "potential to emit," as defined in 15A NCAC 2Q .0103, except that emission reductions achieved by the applicable control device shall not be taken into account.

(b) Exemptions.

(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 under 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 this Subchapter and Subchapter 15A NCAC 2Q and that are incorporated in a permit issued under 15A NCAC 2Q .0500;

(E) an emissions cap that is approved under the rules of this Subchapter and Subchapter 15A NCAC 2Q and incorporated in a permit issued under 15A NCAC 20.0500;

(F) emission limitations or standards for which a permit issued under 15A NCAC 2Q .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, this exemption 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 under 15A NCAC 20.0500 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 20.0103.

(2) "Part 70 or 71 permit application" means an application (including any supplement to a previously submitted application) submitted by the owner or operator to obtain a permit under 15A NCAC 2Q.0500.

(3) "Part 70 or 71 permit" means a permit issued under 15A NCAC 2Q.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 under 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.

(g) Nothing in this Rule shall:

- (1) excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements. The requirements of this Rule shall not be used to justify the approval of monitoring less stringent than the monitoring that is required under another Rule in this Subchapter or Subchapter 15A NCAC 2Q or Title 40 of the CFR and are not intended to establish minimum requirements for the purpose of determining the monitoring to be imposed under another Rule in this Subchapter or Subchapter 15A NCAC 2Q or Title 40 of the CFR. The purpose of this Rule is to require, as part of the issuance of a permit under 15A NCAC 2Q.0500, improved or new monitoring at those emissions units where monitoring requirements do not exist or are inadequate to meet the requirements of this Rule;
- (2) restrict or abrogate the authority of the Division to impose additional or more stringent monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a source under any provision of this Subchapter or Subchapter 15A NCAC 20 or the General Statutes;
- (3) restrict or abrogate the authority of the Division to take any enforcement action for any violation of an applicable requirement; or
- (4) restrict the authority of the Administrator of the Environmental Protection Agency or of any person to take action under Section 304 of the federal Clean Air Act as stated under 40 CFR 64.10.

History Note: Authority G. S. 143-215.3(a)(3); 143-215.65, 143-215.66; 143-215.107(a)(4),  
 Eff. April 1, 1999;

	Date Submitted	Date Approved	Federal
	to EPA	by EPA	Register
Original Reg.	Apr 16, 2001	Aug 08, 2002	67 FR 51461

**.0615 DELEGATION**

The Director may delegate his administrative and approval functions under this Section to the Deputy Director regional air quality supervisor, or any supervisor in the Permitting, Ambient Monitoring, or Technical Services Section of the Division as he considers appropriate.

History note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4)  
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