

1 15A NCAC 02D .0614 is proposed for amendment as follows:

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3 **15A NCAC 02D .0614 COMPLIANCE ASSURANCE MONITORING**

4 (a) General Applicability. With the exception of Paragraph (b) of this Rule, the requirements of this part shall  
5 apply to a pollutant-specific emissions unit at a facility required to obtain permit under ~~15A NCAC 2Q .0500~~  
6 15A NCAC 02Q .0500 if the unit satisfies all of the following criteria:

- 7 (1) The unit is subject to an emission limitation or standard for the applicable regulated air  
8 pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt  
9 under Subparagraph (b)(1) of this Rule;
- 10 (2) The unit uses a control device to achieve compliance with any such emission limitation or  
11 standard; and
- 12 (3) The unit has potential pre-control device emissions of the applicable regulated air pollutant  
13 that are equal to or greater than ~~100 tons per year~~ percent of the amount, in tons per year,  
14 required for a source to be classified as a major source. For purposes of this Subparagraph,  
15 "potential pre-control device emissions" means the same as "potential to emit," as defined in  
16 ~~15A NCAC 2Q .0103,~~ 15A NCAC 02Q .0103, except that emission reductions achieved by the  
17 applicable control device shall not be taken into account.

18 (b) Exemptions.

- 19 (1) Exempt emission limitations or standards. The requirements of this Rule shall not apply to any  
20 of the following emission limitations or standards:
- 21 (A) emission limitations or standards proposed by the Administrator of the Environmental  
22 Protection Agency after November 15, 1990 pursuant to section 111 or 112 of the  
23 federal Clean Air Act;
- 24 (B) stratospheric ozone protection requirements under title VI of the federal Clean Air Act;
- 25 (C) Acid Rain Program requirements pursuant to sections 404, 405, 406, 407(a), 407(b),  
26 or 410 of the federal Clean Air Act;
- 27 (D) emission limitations or standards or other applicable requirements that apply solely  
28 under an emissions trading program approved under the rules of this Subchapter and  
29 Subchapter ~~15A NCAC 2Q~~ 15A NCAC 02Q and that are incorporated in a permit  
30 issued under ~~15A NCAC 2Q .0500;~~ 15A NCAC 02Q .0500;
- 31 (E) an emissions cap that is approved under the rules of this Subchapter and Subchapter  
32 ~~15A NCAC 2Q~~ 15A NCAC 02Q and incorporated in a permit issued under ~~15A NCAC~~  
33 ~~2Q .0500;~~ 15A NCAC 02Q .0500; or
- 34 (F) emission limitations or standards for which a permit issued under ~~15A NCAC 2Q~~  
35 ~~.0500~~ 15A NCAC 02Q .0500 specifies a continuous compliance determination  
36 method, as defined in 40 CFR 64.1. (This exemption shall not apply if the applicable  
37 compliance method includes an assumed control device emission reduction factor  
38 that could be affected by the actual operation and maintenance of the control device

1 (such as a surface coating line controlled by an incinerator for which continuous  
2 compliance is determined by calculating emissions on the basis of coating records  
3 and an assumed control device efficiency factor based on an initial performance test;  
4 in this example, this exemption would apply to the control device and capture system,  
5 but not to the remaining elements of the coating line, such as raw material usage).

6 (2) Exemption for backup utility power emissions units. The requirements of this Rule shall not  
7 apply to a utility unit, as defined in 40 CFR 72.2, that is municipally-owned if the owner or  
8 operator provides documentation in a permit application submitted under ~~15A NCAC 2Q~~  
9 ~~.0500~~ 15A NCAC 02Q .0500 that:

10 (A) The utility unit is exempt from all monitoring requirements in 40 CFR Part 75  
11 (including the appendices thereto);

12 (B) The utility unit is operated for the sole purpose of providing electricity during periods  
13 of peak electrical demand or emergency situations and will be operated consistent  
14 with that purpose throughout the permit term. The owner or operator shall provide  
15 historical operating data and relevant contractual obligations to document that this  
16 criterion is satisfied; and

17 (C) The actual emissions from the utility unit, based on the average annual emissions  
18 over the last three calendar years of operation (or such shorter time period that is  
19 available for units with fewer than three years of operation) are less than 50 tons per  
20 year and are expected to remain so.

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

22 (1) "Applicable requirement" and "regulated air pollutant" shall have the same definition as in ~~15A~~  
23 ~~NCAC 2Q .0103.~~ 15A NCAC 02Q .0103.

24 (2) "Part 70 or 71 permit application" means an application (including any supplement to a  
25 previously submitted application) submitted by the owner or operator to obtain a permit under  
26 ~~15A NCAC 2Q .0500.~~ 15A NCAC 02Q .0500.

27 (3) "Part 70 or 71 permit" means a permit issued under ~~15A NCAC 2Q .0500.~~ 15A NCAC 02Q  
28 .0500.

29 (4) "Permitting authority" means the Division of Air Quality.

30 (d) The owner or operator subject to the requirements of this rule shall comply with these requirements:

31 (1) 40 CFR 64.3, Monitoring Design ~~Criteria,~~ Criteria;

32 (2) 40 CFR 64.4, Submittal ~~Requirements,~~ Requirements;

33 (3) 40 CFR 64.5, Deadlines for ~~Submittals,~~ Submittals;

34 (4) 40 CFR 64.7, Operation of Approved ~~Monitoring,~~ Monitoring; and

35 (5) 40 CFR 64.9, Reporting and Recordkeeping ~~Requirements~~ Requirements.

36 (e) The Division shall follow the procedures and requirements in 40 CFR Part 64.6, Approval of Monitoring, in  
37 reviewing and approving or disapproving monitoring plans and programs submitted under this Rule.

1 (f) Based on the result of a determination made under 40 CFR 64.7(d)(2), the Director may require the owner  
2 or operator to develop and implement a quality improvement plan. If a quality improvement plan is required,  
3 the quality improvement plan shall be developed and implemented according to the procedures and  
4 requirements of 40 CFR 64.8, Quality Improvement Plan (QIP) Requirements.

5 (g) Nothing in this Rule shall:

- 6 (1) excuse the owner or operator of a source from compliance with any existing emission  
7 limitation or standard, or any existing monitoring, testing, reporting or recordkeeping  
8 requirement that may apply under federal, state, or local law, or any other applicable  
9 requirements. The requirements of this Rule shall not be used to justify the approval of  
10 monitoring less stringent than the monitoring that is required under another Rule in this  
11 Subchapter or Subchapter ~~15A NCAC 2Q~~ 15A NCAC 02Q or Title 40 of the CFR and are not  
12 intended to establish minimum requirements for the purpose of determining the monitoring to  
13 be imposed under another Rule in this Subchapter or Subchapter ~~15A NCAC 2Q~~ 15A NCAC  
14 02Q or Title 40 of the CFR. The purpose of this Rule is to require, as part of the issuance of a  
15 permit under ~~15A NCAC 2Q .0500~~, 15A NCAC 2Q .0500, improved or new monitoring at  
16 those emissions units where monitoring requirements do not exist or are inadequate to meet  
17 the requirements of this Rule;
- 18 (2) restrict or abrogate the authority of the Division to impose additional or more stringent  
19 monitoring, recordkeeping, testing, or reporting requirements on any owner or operator of a  
20 source under any provision of this Subchapter or Subchapter ~~15A NCAC 2Q~~ 15A NCAC 02Q  
21 or the General Statutes;
- 22 (3) restrict or abrogate the authority of the Division to take any enforcement action for any  
23 violation of an applicable requirement; or
- 24 (4) restrict the authority of the Administrator of the Environmental Protection Agency or of any  
25 person to take action under Section 304 of the federal Clean Air Act as stated under 40 CFR  
26 64.10.

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28 *History Note:* Authority G.S. 143-215.3(a)(3); 143-215.65; 143-215.66; 143-215.107(a)(4);  
29 Eff. April 1, ~~1999~~. 1999;  
30 Amended Eff. November 1, 2008.