

1 **15A NCAC 02D .0902 APPLICABILITY**

2 (a) The rules in this Section do not apply except as specifically set out in this Rule.

3 (b) Regardless of any other statement of applicability of this Section, this Section does not apply
4 to:

5 (1) sources whose emissions of volatile organic compounds are not more than 15
6 pounds per day, except that this Section does apply to the manufacture and use
7 of cutback asphalt and to gasoline service stations or gasoline dispensing
8 facilities regardless of levels of emissions of volatile organic compounds;

9 (2) sources whose emissions do not exceed 800 pounds of volatile organic
10 compounds per calendar month and that are:

11 (A) bench-scale, on-site equipment used exclusively for chemical or physical
12 analysis for quality control purposes, staff instruction, water or
13 wastewater analyses, or non-production environmental compliance
14 assessments;

15 (B) bench-scale experimentation, chemical or physical analyses, training or
16 instruction from not-for-profit, non-production educational laboratories;

17 (C) bench-scale experimentation, chemical or physical analyses, training or
18 instruction from hospitals or health laboratories pursuant to the
19 determination or diagnoses of illness; or

20 (D) research and development laboratory activities provided the activity
21 produces no commercial product or feedstock material; or

22 (3) emissions of volatile organic compounds during startup or shutdown operations
23 from sources which use incineration or other types of combustion to control
24 emissions of volatile organic compounds whenever the off-gas contains an
25 explosive mixture during the startup or shutdown operation if the exemption is
26 approved by the Director as meeting the requirements of this Subparagraph.

27 (c) The following rules of this Section apply statewide:

28 (1) .0925, Petroleum Liquid Storage in Fixed Roof Tanks, for fixed roof tanks at
29 gasoline bulk plants and gasoline bulk terminals;

30 (2) .0926, Bulk Gasoline Plants;

31 (3) .0927, Bulk Gasoline Terminals;

32 (4) .0928, Gasoline Service Stations Stage I;

33 (5) .0932, Gasoline Truck Tanks and Vapor Collection Systems;

34 (6) .0933, Petroleum Liquid Storage in External Floating Roof Tanks, for external
35 floating roof tanks at bulk gasoline plants and bulk gasoline terminals;

36 (7) .0948, VOC Emissions from Transfer Operations;

37 (8) .0949, Storage of Miscellaneous Volatile Organic Compounds; and

1 (9) .0958, Work Practices for Sources of Volatile Organic Compounds.
2 (d) Rule .0953, Vapor Return Piping for Stage II Vapor Recovery, of this Section applies in
3 Davidson, Durham, Forsyth, ~~Gaston~~, Guilford, Mecklenburg, Wake, Dutchville Township in
4 Granville County, and that part of Davie County bounded by the Yadkin River, Dutchmans Creek,
5 North Carolina Highway 801, Fulton Creek and back to Yadkin River in accordance with
6 provisions set out in that Rule.

7 (e) All sources located in Mecklenburg County that were required to comply with any of these
8 ~~Rules:~~ Rules before July 5, 1995:

- 9 (1) .0917 through .0937 of this Section, or
- 10 (2) .0943 through .0945 of this Section, ~~before July 5, 1995, shall continue to comply~~
11 ~~with these Rules.~~

12 shall continue to comply with those Rules.

13 (f) The Rules in this Section apply to sources with the potential to emit 100 tons or more volatile
14 organic compounds per year in the following areas:

- 15 (1) Cabarrus County
- 16 (2) Gaston County
- 17 (3) Lincoln County
- 18 (4) Mecklenburg County
- 19 (5) Rowan County
- 20 (6) Union County
- 21 (7) Davidson Township and Coddle Creek Township in Iredell County

22 ~~(f) If a violation of the ambient air quality standard for ozone is measured in accordance with 40~~
23 ~~CFR 50.9 in Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, or Union County, North~~
24 ~~Carolina or York County, South Carolina, the Director shall initiate analysis to determine the~~
25 ~~control measures needed to attain and maintain the ambient air quality standard for ozone. By~~
26 ~~the following May 1, the Director shall implement the specific stationary source control measures~~
27 ~~contained in this Section that are required as part of the control strategy necessary to bring the~~
28 ~~area into compliance and to maintain compliance with the ambient air quality standard for ozone.~~
29 ~~The Director shall implement the rules in this Section identified as being necessary by the~~
30 ~~analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be~~
31 ~~implemented and shall identify whether the rules implemented are to apply in Gaston or~~
32 ~~Mecklenburg County or in both counties. At least one week before the scheduled publication~~
33 ~~date of the North Carolina Register containing the Director's notice implementing rules in this~~
34 ~~Section, the Director shall send written notification to all permitted facilities within the county in~~
35 ~~which the rules are being implemented that are or may be subject to the requirements of this~~
36 ~~Section informing them that they are or may be subject to the requirements of this Section. (For~~
37 ~~Mecklenburg County, "Director" means for the purpose of notifying permitted facilities in~~

1 ~~Mecklenburg County, the Director of the Mecklenburg County local air pollution control program.)~~
2 ~~Compliance shall be in accordance with Rule .0909 of this Section.~~

3 (g) If a violation of the ambient air quality standard for ozone is measured in accordance with 40
4 CFR 50.9 in Davidson, Forsyth, or Guilford County or that part of Davie County bounded by the
5 Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin
6 River, the Director shall initiate analysis to determine the control measures needed to attain and
7 maintain the ambient air quality standard for ozone. By the following May 1, the Director shall
8 implement the specific stationary source control measures contained in this Section that are
9 required as part of the control strategy necessary to bring the area into compliance and to
10 maintain compliance with the ambient air quality standard for ozone. The Director shall implement
11 the rules in this Section identified as being necessary by the analysis by notice in the North
12 Carolina Register. The notice shall identify the rules that are to be implemented and shall identify
13 whether the rules implemented are to apply in Davidson, Forsyth, or Guilford County or that part
14 of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801,
15 Fulton Creek and back to Yadkin River or any combination thereof. At least one week before the
16 scheduled publication date of the North Carolina Register containing the Director's notice
17 implementing rules in this Section, the Director shall send written notification to all permitted
18 facilities within the county in which the rules are being implemented that are or may be subject to
19 the requirements of this Section informing them that they are or may be subject to the
20 requirements of this Section. (For Forsyth County, "Director" means for the purpose of notifying
21 permitted facilities in Forsyth County, the Director of the Forsyth County local air pollution control
22 program.) Compliance shall be in accordance with Rule .0909 of this Section.

23 (h) If a violation of the ambient air quality standard for ozone is measured in accordance with 40
24 CFR 50.9 in Durham or Wake County or Dutchville Township in Granville County, the Director
25 shall initiate analysis to determine the control measures needed to attain and maintain the
26 ambient air quality standard for ozone. By the following May 1, the Director shall implement the
27 specific stationary source control measures contained in this Section that are required as part of
28 the control strategy necessary to bring the area into compliance and to maintain compliance with
29 the ambient air quality standard for ozone. The Director shall implement the rules in this Section
30 identified as being necessary by the analysis by notice in the North Carolina Register. The notice
31 shall identify the rules that are to be implemented and shall identify whether the rules
32 implemented are to apply in Durham or Wake County or Dutchville Township in Granville County
33 or any combination thereof. At least one week before the scheduled publication date of the North
34 Carolina Register containing the Director's notice implementing rules in this Section, the Director
35 shall send written notification to all permitted facilities within the county in which the rules are
36 being implemented that are or may be subject to the requirements of this Section informing them

1 that they are or may be subject to the requirements of this Section. Compliance shall be in
2 accordance with Rule .0909 of this Section.

3 (i) Sources whose emissions of volatile organic compounds are not subject to limitation under
4 this Section may still be subject to emission limits on volatile organic compounds in Rules, .0524,
5 .1110, or .1111 of this Subchapter.

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7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*
8 *Eff. July 1, 1979;*
9 *Amended Eff. January 1, 2007; August 1, 2004; July 1, 2000; April 1, 1997; July*
10 *1, 1996; July 1, 1995; May 1, 1995; July 1, 1994.*

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14 **15A NCAC 02D .0909 COMPLIANCE SCHEDULES FOR SOURCES IN NEW**
15 **NONATTAINMENT AREAS**

16 (a) Applicability. With the exceptions in Paragraph (b) of this Rule, this Rule applies to all sources
17 covered by Paragraphs (f), (g) or (h) ~~(e), (f), or (g)~~ of Rule .0902 of this Section.

18 (b) Exceptions. This Rule does not apply to:

- 19 (1) sources in Mecklenburg County required to comply with the requirements of this
20 Section under Rule ~~.0902(e)~~ .0902(e) of this Section;
- 21 (2) sources covered under Rule .0953 or .0954 of this Section; or
- 22 (3) sources required to comply with the requirements of this Section under Rule
23 ~~.0902(a)~~ .0902(c) of this Section.

24 (c) Maintenance areas. The owner or operator of any source subject to this Rule because of the
25 application of Paragraphs (g) or (h) ~~(e), (f), or (g)~~ of Rule .0902 of this Section shall adhere to the
26 following increments of progress and schedules:

- 27 (1) if compliance is to be achieved by installing emission control equipment,
28 replacing process equipment, or modifying existing process equipment:
 - 29 (A) A The owner or operator shall submit a permit application and a
30 compliance schedule ~~shall be submitted~~ within six months after the
31 Director notices in the North Carolina Register that an area is in violation
32 of the ambient air quality standard for ozone;
 - 33 (B) The compliance schedule shall contain the following increments of
34 progress:
 - 35 (i) a date by which contracts for the emission control system and
36 process equipment shall be awarded or orders shall be issued
37 for purchase of component parts;

- 1 (ii) a date by which on-site construction or installation of the
- 2 emission control and process equipment shall begin; and
- 3 (iii) a date by which on-site construction or installation of the
- 4 emission control and process equipment shall be completed;
- 5 (C) Final compliance shall be achieved within three years after the Director
- 6 notices in the North Carolina Register that the area is in violation of the
- 7 ambient air quality standard for ozone.
- 8 (2) if compliance is to be achieved by using low solvent content coating technology:
- 9 (A) A The owner or operator shall submit a permit application and a
- 10 compliance schedule ~~shall be submitted~~ within six months after the
- 11 Director notices in the North Carolina Register that an area is in violation
- 12 of the ambient air quality standard for ozone;
- 13 (B) The compliance schedule shall contain the following increments:
- 14 (i) a date by which research and development of low solvent
- 15 content coating shall be completed if the Director determines that
- 16 low solvent content coating technology has not been sufficiently
- 17 researched and developed;
- 18 (ii) a date by which evaluation of product quality and commercial
- 19 acceptance shall be completed;
- 20 (iii) a date by which purchase orders shall be issued for low solvent
- 21 content coatings and process modifications;
- 22 (iv) a date by which process modifications shall be initiated; and
- 23 (v) a date by which process modifications shall be completed and
- 24 use of low solvent content coatings shall begin;
- 25 (C) Final compliance shall be achieved within three years after the Director
- 26 notices in the North Carolina Register that the area is in violation of the
- 27 ambient air quality standard for ozone.
- 28 (3) The owner or operator shall certify to the Director within five days after each
- 29 increment deadline of progress in this Paragraph, whether the required increment
- 30 of progress has been met.
- 31 (d) Nonattainment areas. The owner or operator of any source subject to this Rule because of
- 32 the application of Paragraphs (f) of Rule .0902 of this Section shall adhere to the following
- 33 increments of progress and schedules:
- 34 (1) if compliance is to be achieved by installing emission control equipment,
- 35 replacing process equipment, or modifying existing process equipment:
- 36 (A) The owner or operator shall submit a permit application and a
- 37 compliance schedule by August 1, 2007

- 1 (B) The compliance schedule shall contain the following increments of
- 2 progress:
- 3 (i) a date by which contracts for the emission control system and
- 4 process equipment shall be awarded or orders shall be issued
- 5 for purchase of component parts;
- 6 (ii) a date by which on-site construction or installation of the
- 7 emission control and process equipment shall begin; and
- 8 (iii) a date by which on-site construction or installation of the
- 9 emission control and process equipment shall be completed;
- 10 (C) Final compliance shall be achieved no later than October 1, 2009.
- 11 (2) if compliance is to be achieved by using low solvent content coating technology:
- 12 (A) The owner or operator shall submit a permit application and a
- 13 compliance schedule by August 1, 2007
- 14 (B) The compliance schedule shall contain the following increments:
- 15 (i) a date by which research and development of low solvent
- 16 content coating shall be completed if the Director determines that
- 17 low solvent content coating technology has not been sufficiently
- 18 researched and developed;
- 19 (ii) a date by which evaluation of product quality and commercial
- 20 acceptance shall be completed;
- 21 (iii) a date by which purchase orders shall be issued for low solvent
- 22 content coatings and process modifications;
- 23 (iv) a date by which process modifications shall be initiated; and
- 24 (v) a date by which process modifications shall be completed and
- 25 use of low solvent content coatings shall begin;
- 26 (C) Final compliance shall be achieved no later than October 1, 2009.
- 27 (3) The owner or operator shall certify to the Director within five days after the
- 28 deadline, for each increment of progress in this Paragraph, whether the required
- 29 increment of progress has been met.
- 30 ~~(d) The owner or operator shall certify to the Director within five days after the deadline, for each~~
- 31 ~~increment of progress in Paragraph (c) of this Rule, whether the required increment of progress~~
- 32 ~~has been met.~~
- 33 (e) If the Director requires a test to demonstrate that compliance has been ~~achieved~~ achieved,
- 34 the owner or operator of sources subject to this Rule shall conduct a test and submit a final test
- 35 report within six months after the stated date of final compliance.
- 36 ~~(f) The owner or operator of any new source of volatile organic compounds not in existence or~~
- 37 ~~under construction as of the date that the Director notices in the North Carolina Register in~~

AGENDA ITEM 8

8

1 ~~accordance with Paragraphs (e), (f), or (g) of Rule .0902 of this Section that the area is in~~
2 ~~violation of the ambient air quality standard for ozone, shall comply with all applicable rules in this~~
3 ~~Section upon start-up of the source.~~

4 ~~(g)(f)~~ Sources already in compliance.

5 (1) Maintenance Areas. Paragraphs (c) and (d) of this Rule shall not
6 apply to sources that are in compliance with applicable rules of this Section when
7 the Director notices in the North Carolina Register that the area is in violation of
8 the ambient air quality standard for ozone and that have determined and certified
9 compliance to the satisfaction of the Director within six months after the Director
10 notices in the North Carolina Register that the area is in violation.

11 (2) Nonattainment areas. Paragraphs (d) of this Rule shall not apply to sources in an
12 area named in Paragraph (f) of Rule .0902 of this Section that are in compliance
13 with applicable rules of this Section on January 1, 2007.

14 (g) New sources.

15 (1) Maintenance areas. The owner or operator of any new source of volatile organic
16 compounds not in existence or under construction before the date that the
17 Director notices in the North Carolina Register in accordance with Paragraphs (g)
18 or (h) of Rule .0902 of this Section that the area is in violation of the ambient air
19 quality standard for ozone, shall comply with all applicable rules in this Section
20 upon start-up of the source.

21 (2) Nonattainment areas. The owner or operator of any new source of volatile
22 organic compounds not in existence or under construction before January 1,
23 2007 shall comply with all applicable rules in this Section upon start-up of the
24 source.

26 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

27 *Eff. July 1, 1979;*

28 *Amended Eff. January 1, 2007; July 1, 2000; April 1, 1997; July 1, 1995; July 1,*
29 *1994; July 1, 1988; January 1, 1985.*

32 15A NCAC 02D .1402 APPLICABILITY

33 (a) The rules in this Section do not apply except as specifically set out in this Rule.

34 ~~(a)(b)~~ The requirements of this Section shall apply to all sources May 1 through September 30 of
35 each year.

36 ~~(b)(c)~~ Rules .1409(b) and .1416 through .1423 of this Section apply statewide.

1 (d) The Rules .1407 through .1409 and .1413 of this Section apply to sources with the potential
2 to emit 100 ton or more nitrogen oxides per year in the following areas:

- 3 (1) Cabarrus County
- 4 (2) Gaston County
- 5 (3) Lincoln County
- 6 (4) Mecklenburg County
- 7 (5) Rowan County
- 8 (6) Union County
- 9 (7) Davidson Township and Coddle Creek Township in Iredell County

10 ~~(e) Rules .1407, .1408, .1409(a), and .1413 of this Section apply to sources identified according~~
11 ~~to Paragraph (d) of this Rule.~~

12 ~~(d) With the exceptions stated in Paragraph (h) of this Rule, this Section shall apply to:~~

- 13 ~~(1) Charlotte/Gastonia, consisting of Mecklenburg and Gaston Counties according to~~
14 ~~Paragraph (e) of this Rule;~~
- 15 ~~(2) Greensboro/Winston-Salem/High Point, consisting of Davidson, Forsyth, and~~
16 ~~Guilford Counties and the part of Davie County bounded by the Yadkin River,~~
17 ~~Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to~~
18 ~~Yadkin River according to Paragraph (f) of this Rule; or~~
- 19 ~~(3) Raleigh/Durham, consisting of Durham and Wake Counties and Dutchville~~
20 ~~Township in Granville County according to Paragraph (g) of this Rule.~~

21 ~~(e) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR~~
22 ~~50.9 in Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, or Union County, North Carolina~~
23 ~~or York County, South Carolina, the Director shall initiate analysis to determine the control~~
24 ~~measures needed to attain and maintain the ambient air quality standard for ozone. By the~~
25 ~~following May 1, the Director shall implement the specific stationary source control measures~~
26 ~~contained in this Section that are required as part of the control strategy necessary to bring the~~
27 ~~area into compliance and to maintain compliance with the ambient air quality standard for ozone.~~
28 ~~The Director shall implement the rules in this Section identified as necessary by the analysis by~~
29 ~~notice in the North Carolina Register. The notice shall identify the rules that are to be~~
30 ~~implemented and shall identify whether the rules implemented are to apply in Gaston or~~
31 ~~Mecklenburg County or in both counties. At least one week before the scheduled publication date~~
32 ~~of the North Carolina Register containing the Director's notice implementing rules in this Section,~~
33 ~~the Director shall send written notification to all permitted facilities within the county in which the~~
34 ~~rules are being implemented that are or may be subject to the requirements of this Section~~
35 ~~informing them that they are or may be subject to the requirements of this Section. (For~~
36 ~~Mecklenburg County, "Director" means for the purpose of notifying permitted facilities in~~

1 ~~Mecklenburg County, the Director of the Mecklenburg County local air pollution control program.)~~
2 ~~Compliance shall be according to Rule .1403 of this Section.~~

3 ~~(f)(e)~~ If a violation of the ambient air quality standard for ozone is measured according to 40 CFR
4 50.9 in Davidson, Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin
5 River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin River,
6 the Director shall initiate analysis to determine the control measures needed to attain and
7 maintain the ambient air quality standard for ozone. By the following May 1, the Director shall
8 implement the specific stationary source control measures contained in this Section that are
9 required as part of the control strategy necessary to bring the area into compliance and to
10 maintain compliance with the ambient air quality standard for ozone. The Director shall implement
11 the rules in this Section identified as necessary by the analysis by notice in the North Carolina
12 Register. The notice shall identify the rules that are to be implemented and shall identify whether
13 the rules implemented are to apply in Davidson, Forsyth, or Guilford County or that part of Davie
14 County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton
15 Creek and back to Yadkin River or any combination thereof. At least one week before the
16 scheduled publication date of the North Carolina Register containing the Director's notice
17 implementing rules in this Section, the Director shall send written notification to all permitted
18 facilities within the county in which the rules are being implemented that are or may be subject to
19 the requirements of this Section informing them that they are or may be subject to the
20 requirements of this Section. (For Forsyth County, "Director" means for the purpose of notifying
21 permitted facilities in Forsyth County, the Director of the Forsyth County local air pollution control
22 program.) Compliance shall be according to Rule .1403 of this Section.

23 ~~(g)(f)~~ If a violation of the ambient air quality standard for ozone is measured according to 40 CFR
24 50.9 in Durham or Wake County or Dutchville Township in Granville County, the Director shall
25 initiate analysis to determine the control measures needed to attain and maintain the ambient air
26 quality standard for ozone. By the following May 1, the Director shall implement the specific
27 stationary source control measures contained in this Section that are required as part of the
28 control strategy necessary to bring the area into compliance and to maintain compliance with the
29 ambient air quality standard for ozone. The Director shall implement the rules in this Section
30 identified as necessary by the analysis by notice in the North Carolina Register. The notice shall
31 identify the rules that are to be implemented and shall identify whether the rules implemented are
32 to apply in Durham or Wake County or Dutchville Township in Granville County or any
33 combination thereof. At least one week before the scheduled publication date of the North
34 Carolina Register containing the Director's notice implementing rules in this Section, the Director
35 shall send written notification to all permitted facilities within the county in which the rules are
36 being implemented that are or may be subject to the requirements of this Section informing them

1 that they are or may be subject to the requirements of this Section. Compliance shall be in
2 according to Rule .1403 of this Section.

3 ~~(h)~~(g) Regardless of any other statement of applicability of this Section, this This Section does
4 not apply to any:

- 5 (1) source not required to obtain an air permit under 15A NCAC 02Q .0102 or is an
6 insignificant activity as defined at 15A NCAC 02Q .0103(19);
- 7 (2) incinerator or thermal or catalytic oxidizer used primarily for the control of air
8 pollution;
- 9 (3) emergency generator;
- 10 (4) emergency use internal combustion engine;
- 11 (5) source that is not covered under Rules .1416, .1417, or .1418, and that is at a
12 facility with a federally enforceable potential to emit nitrogen oxides of:
13 (A) less than 100 tons per year; and
14 (B) less than 560 pounds per calendar day beginning May 1 through
15 September 30 of any year.

- 16 (6) stationary internal combustion engine less than 2400 brake horsepower that
17 operates no more than the following hours between May 1 and September 30:
18 (A) for diesel engines:
19 $t = 833,333 / ES$
20 (B) for natural gas-fired engines:
21 $t = 700,280 / ES$

22 where *t* equals time in hours and ES equals engine size in horsepower.

23 This exemption shall not apply to any of the sources listed in Rules .1417(a)(1) or (2) or
24 .1417(b) of this Section except that it shall apply to:

- 25 (7) stationary combustion turbine constructed before January 1, 1979, that has a
26 federally enforceable permit that restricts:
27 (A) its potential emissions of nitrogen oxides to no more than 25 tons
28 between May 1 and September 30;
29 (B) it to burning only natural gas or oil; and
30 (C) its hours of operation as described in 40 CFR 96.4 (b) (1)(ii) and (iii).

31
32 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (7), (10);*
33 *Eff. April 1, 1995;*
34 *Amended Eff. April 1, 1997; July 1, 1995; April 1, 1995;*
35 *Temporary Amendment Eff. November 1, 2000;*
36 *Amended Eff. April 1, 2001;*
37 *Temporary Amendment Eff. August 1, 2001;*

1 *Amended Eff. January 1, 2007; July 18, 2002.*

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3 **15A NCAC 02D .1403 COMPLIANCE SCHEDULES**

4 (a) Applicability. This Rule applies to sources ~~as set out in~~ covered by Paragraph (d), (f), or (g) of
5 Rule .1402 of this Section.

6 (b) Maintenance areas. The owner or operator of a source subject to this Rule because of the
7 applicability of Paragraphs ~~(e),~~ (f), or (g) of Rule .1402 of this Section, shall adhere to the
8 ~~following:~~ following increments of progress and schedules:

9 (1) If compliance with this Section is to be achieved through a demonstration to
10 certify compliance without source modification:

11 (A) The owner or operator shall notify the Director in writing within six
12 months after the Director's notice in the North Carolina Register that the
13 source is in compliance with the applicable limitation or standard;

14 (B) The owner or operator shall perform any required testing, according to
15 Rule .1415 of this Section, within 12 months after the Director's notice in
16 the North Carolina Register to demonstrate compliance with the
17 applicable limitation; and

18 (C) The owner or operator shall implement any required recordkeeping and
19 reporting requirements, according to Rule .1404 of this Section, within 12
20 months after the Director's notice in the North Carolina Register to
21 demonstrate compliance with the applicable limitation.

22 (2) If compliance with this Section is to be achieved through the installation of
23 combustion modification technology or other source modification:

24 (A) The owner or operator shall submit a permit application and a
25 compliance schedule within six months after the Director's notice in the
26 North Carolina Register.

27 (B) The compliance schedule shall contain the following increments of
28 progress:

29 (i) a date by which contracts for installation of the modification shall
30 be awarded or orders shall be issued for purchase of component
31 parts;

32 (ii) a date by which installation of the modification shall begin;

33 (iii) a date by which installation of the modification shall be
34 completed; and

35 (iv) if the source is subject to a limitation, a date by which
36 compliance testing shall be completed.

1 (C) Final compliance shall be achieved within three years after the Director's
2 notice in the North Carolina Register unless the owner or operator of the
3 source petitions the Director for an alternative limitation according to
4 Rule .1412 of this Section. If such a petition is made, final compliance
5 shall be achieved within four years after the Director's notice in the North
6 Carolina Register.

7 (3) If compliance with this Section is to be achieved through the implementation of
8 an emissions averaging plan as provided for in Rule .1410 of this Section:

9 (A) The owner or operator shall abide by the applicable requirements of
10 Subparagraphs (b)(1) or (b)(2) of this Rule for certification or modification
11 of each source to be included under the averaging plan;

12 (B) The owner or operator shall submit a plan to implement an emissions
13 averaging plan according to Rule .1410 of this Section within six months
14 after the Director's notice in the North Carolina Register.

15 (C) Final compliance shall be achieved within one year after the Director's
16 notice in the North Carolina Register unless implementation of the
17 emissions averaging plan requires the modification of one or more of the
18 averaging sources. If modification of one or more of the averaging
19 sources is required, final compliance shall be achieved within three
20 years.

21 (4) If compliance with this Section is to be achieved through the implementation of a
22 seasonal fuel switching program as provided for in Rule .1411 of this Section:

23 (A) The owner or operator shall make all necessary modifications according
24 to Subparagraph (b)(2) of this Rule.

25 (B) The owner or operator shall include a plan for complying with the
26 requirements of Rule .1411 of this Section with the permit application
27 required under Part (A) of this Subparagraph.

28 (C) Final compliance shall be achieved within three years after the Director's
29 notice in the North Carolina Register.

30 (5) Increments of progress certification. The owner or operator shall certify to the
31 Director, within five days after ~~the deadline for~~ deadline of
32 progress in this Paragraph, whether the required increment of progress has been
33 met.

34 ~~(e) Schedule for utility companies. The owner or operator of a source subject to this Rule~~
35 ~~because of Rule .1416 of this Section shall:~~

36 ~~(1) submit to the Director before October 1, 2003, a description of how the source~~
37 ~~will comply, which shall include an estimate of the number of tons of nitrogen~~

1 oxides per ozone season, which may be a range, that will be obtained from the
2 nitrogen oxide budget trading program under Rule .1419 of this Section to show
3 compliance;

4 (2) submit to the Director a permit application, following the schedules in 15A NCAC
5 02Q .0312, .0313, .0525, or .0527, as applicable, to receive a permit and make
6 the modification or construct and begin operating the control device before the
7 final compliance dates in Rule .1416 of this Section if a permit is needed for
8 source modifications or control device installation or modification; and

9 (3) install and implement any required monitoring, recordkeeping, and reporting
10 requirements before May 1, 2004; if a permit application is necessary to install
11 and operate the monitor, the permit application shall be submitted by October 1,
12 2003; if a permit application is not submitted, the Director shall modify the
13 source's permit by January 1, 2004, to insert the monitoring, recordkeeping, and
14 reporting requirements necessary to show compliance with this Section.

15 (d) Schedule for large combustion sources. The owner or operator of a source subject to this
16 Rule because of Rules .1409(b) or .1417 of this Section shall:

17 (1) submit to the Director before October 1, 2003, a description of how the source
18 will comply, which shall include an estimate of the number of tons of nitrogen
19 oxides per ozone season, which may be a range, that will be obtained from the
20 nitrogen oxide budget trading program under Rule .1419 of this Section to show
21 compliance;

22 (2) submit to the Director a permit application, following the schedules in 15A NCAC
23 02Q .0312, .0313, .0525, or .0527, as applicable, to receive a permit and make
24 the modification or construct and begin operating the control device before the
25 final compliance dates in Rules .1409(b) or .1417 of this Section if a permit is
26 needed for source modifications or control device installation or modification;

27 (3) install and implement any required monitoring, recordkeeping, and reporting
28 requirements before May 1, 2004; if a permit application is necessary to install
29 and operate the monitor, the permit application shall be submitted by October 1,
30 2003; if a permit application is not submitted, the Director shall modify the
31 source's permit by January 1, 2004, to insert the monitoring, recordkeeping, and
32 reporting requirements necessary to show compliance with this Section.¶

33 (c) Nonattainment areas. The owner or operator of a source subject to this Rule because of the
34 applicability of Paragraphs (d) of Rule .1402 of this Section, shall adhere to the following:

35 (1) If compliance with this Section is to be achieved through a demonstration to
36 certify compliance without source modification:

- 1 (A) The owner or operator shall notify the Director in writing by August 1,
2 2007;
- 3 (B) The owner or operator shall perform any required testing, according to
4 Rule .1415 of this Section, by January 1, 2008 and
- 5 (C) The owner or operator shall implement any required recordkeeping and
6 reporting requirements, according to Rule .1404 of this Section, by
7 January 1, 2008.
- 8 (2) If compliance with this Section is to be achieved through the installation of
9 combustion modification technology or other source modification:
- 10 (A) The owner or operator shall submit a permit application and a
11 compliance schedule by August 1, 2007.
- 12 (B) The compliance schedule shall contain the following increments of
13 progress:
- 14 (i) a date by which contracts for installation of the modification shall
15 be awarded or orders shall be issued for purchase of component
16 parts;
- 17 (ii) a date by which installation of the modification shall begin;
- 18 (iii) a date by which installation of the modification shall be
19 completed; and
- 20 (iv) if the source is subject to a limitation, a date by which
21 compliance testing shall be completed.
- 22 (C) Final compliance shall be achieved no later than October 1, 2009.
- 23 (3) If compliance with this Section is to be achieved through the implementation of
24 an emissions averaging plan as provided for in Rule .1410 of this Section:
- 25 (A) The owner or operator shall abide by the applicable requirements of
26 Subparagraphs (c)(1) or (c)(2) of this Rule for certification or modification
27 of each source to be included under the averaging plan;
- 28 (B) The owner or operator shall submit a plan to implement an emissions
29 averaging plan according to Rule .1410 of this Section by August 1,
30 2007.
- 31 (C) Final compliance shall be achieved within one year no later than
32 January 1, 2008.
- 33 (4) If compliance with this Section is to be achieved through the implementation of a
34 seasonal fuel switching program as provided for in Rule .1411 of this Section:
- 35 (A) The owner or operator shall make all necessary modifications according
36 to Subparagraph (c)(2) of this Rule.

1 (B) The owner or operator shall include a plan for complying with the
2 requirements of Rule .1411 of this Section with the permit application
3 required under Part (A) of this Subparagraph.

4 (C) Final compliance shall be achieved no later than October 1, 2009.

5 (5) Increments of progress certification. The owner or operator shall certify to the
6 Director, within five days after the deadline for each increment of progress in this
7 Paragraph, whether the required increment of progress has been met.

8 (d) Sources already in compliance.

9 (1) Maintenance Areas. Paragraph (b) of this Rule shall not apply to sources that are
10 in compliance with applicable rules of this Section when the Director notices in
11 the North Carolina Register that the area is in violation of the ambient air quality
12 standard for ozone and that have determined and certified compliance to the
13 satisfaction of the Director within six months after the Director notices in the
14 North Carolina Register that the area is in violation.

15 (2) Nonattainment areas. Paragraphs (c) of this Rule shall not apply to sources in an
16 area named in Paragraph (d) of Rule .1402 of this Section that are in compliance
17 with applicable rules of this Section on January 1, 2007.

18 (e) New sources.

19 (1) Maintenance areas. The owner or operator of any new source of nitrogen oxides
20 not permitted ~~as of~~ before the date the Director notices in the North Carolina
21 Register according to Paragraphs ~~(e), (f), (f)~~ or (g) of Rule .1402 of this Section,
22 shall comply with all applicable rules in this Section upon start-up of the source.
23 The owner or operator of any new source covered under Rules .1407, .1408,
24 .1409, .1413, or .1418 of this Section shall comply with all applicable rules in this
25 Section upon start-up of the source.

26 (2) Nonattainment areas. The owner or operator of any new source of nitrogen
27 oxides not permitted before January 1, 2008 in an area identified in Paragraph
28 (d) of Rule .1402 of this Section, shall comply with all applicable rules in this
29 Section upon start-up of the source.

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31 History Note: *Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.107(a)(5), (7), (10);*
32 *Eff. April 1, 1995;*
33 *Amended Eff. April 1, 1997;*
34 *Temporary Amendment Eff. November 1, 2000;*
35 *Amended Eff. April 1, 2001;*
36 *Temporary Amendment Eff. August 1, 2001;*
37 *Amended Eff. January 1, 2007; July 18, 2002.*