

1 15A NCAC 02D .0601 is proposed for readoption without any changes as follows:

2  
3  
4

**SECTION .0600 - MONITORING: RECORDKEEPING: REPORTING**

5 **15A NCAC 02D .0601 PURPOSE AND SCOPE**

**Commented [AR1]:** DAQ Staff is proposing this rule for readoption without any change.

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

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

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

12

13 *History Note:* Filed as a Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the  
14 permanent rule is effective, whichever is sooner;

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

16 Eff. February 1, 1976;

17 Amended Eff. April 1, 1999; July 1, 1996; July 1, 1994; July 1, 1984; June 18, 1976.

18 Readopted Eff. \_\_\_\_\_.

1 15A NCAC 02D 0602 is proposed for readoption without substantive changes as follows:

2

3 **15A NCAC 02D .0602 DEFINITIONS**

4 For the purpose of this Section, the following definitions apply:

**Commented [AR2]:** DAQ staff is proposing to readopt rule without any substantive changes.

5 (1) "Applicable requirement" means any rule, standard, or requirement of this Subchapter, Subchapter  
6 2Q of this Chapter, or Article 21 of the North Carolina General Statutes.

7 (2) ~~Calender~~Calendar quarter" means:

**Formatted:** Strikethrough

8 (a) the time period from January 1 through March 31;

9 (b) the time period from April 1 through June 30;

10 (c) the time period from July 1 through September 30; or

11 (d) the time period from October 1 through December 31.

12 (3) "Capacity factor" means the ratio of the average load on a machine or equipment for the time period  
13 considered to the capacity rating of the machine or equipment.

14 (4) "Distillate oils" means fuel oil, including recycled oil, that complies with the specifications for fuel  
15 oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D-396,  
16 "Standard Specification for Fuel Oils".

17 (5) "Emission standard" means a rule setting forth an allowable rate of emissions, level of opacity, or  
18 prescribing equipment, fuel specifications, workplace standards, or material usage that result in  
19 control of air pollution emissions;

20 (6) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

21 (7) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil  
22 fuel for the primary purpose of producing steam by heat transfer.

23 (8) "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the  
24 pressure or atmospheric pressure process.

25 (9) "Permit condition" means:

26 (a) a condition set to comply with or to avoid any applicable requirement; or

27 (b) a condition set to maintain compliance with toxic air pollutant acceptable ambient levels  
28 or ambient air quality standards.

29 (10) "Petroleum refinery" means any facility engaged in producing gasoline, ~~kerosine, kerosene,~~  
30 distillate oils, residual oils, lubricants, or other products through the distillation of petroleum, or  
31 through the redistillation, cracking, or reforming of unfinished petroleum derivatives.

**Formatted:** Strikethrough

32 (11) "Residual oils" means crude oil, fuel oil that does not comply with the specifications under the  
33 definition of distillate oil, or all fuel oil numbers 4, 5, and 6, as defined by the American Society for  
34 Testing and Materials in ASTM D-396, "Standard Specification for Fuel Oils".

35 (12) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning  
36 elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge, but does not include facilities

1 where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the  
2 atmosphere of sulfur dioxide or other sulfur compounds.

3

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

5 *Eff. February 1, 1976;*

6 *Amended Eff. April 1, 1999; July 1, 1984; June 18, 1976.*

7 *Readopted Eff.* \_\_\_\_\_.

1 15A NCAC 02D 0604 is proposed for readoption without substantive changes as follows:  
2

3 **15A NCAC 02D .0604 EXCEPTIONS TO MONITORING AND REPORTING REQUIREMENTS**

**Commented [AR3]:** DAQ staff is proposing language for clarifications are not substantive in nature.

4 (a) Unless a specific rule specifies otherwise, the owner or operator of a source shall not be required to monitor during  
5 a period of monitoring system malfunction or report emissions during a period of monitoring system malfunction if  
6 the owner or operator of the source shows, to the satisfaction of the Director, that the malfunction was unavoidable,  
7 is being repaired as expeditiously as practicable, and no applicable requirements are violated. The owner or operator  
8 of the source shall provide the Director documentation of continuous monitoring system performance when system  
9 repairs or adjustments have been made if the Director requests proof. Malfunctions of the monitoring system that  
10 result from inadequate or poor operation and maintenance practices shall not be ~~exempted~~, exempted from monitoring  
11 and reporting requirements.

**Commented [AR4]:** DAQ staff is proposing language to clarify the use of exemptions do not apply for a poorly operated or maintained monitoring system.

12 (b) The owner or operator of a source that operates less than 30 days per 12-month period shall not be required to  
13 monitor emissions from that source; source unless a specific rule in this Subchapter or Subchapter 02Q specifies  
14 otherwise. However, the owner or operator shall maintain records to document that the source is operated less than  
15 30 days per 12-month period.

**Commented [AR5]:** DAQ staff is proposing language to clarify blanket exemptions.

16 (c) The owner or operator of a source exempted from needing a permit by 15A NCAC 2Q .0102 shall not be required  
17 to monitor emissions from that source unless;

- 18 (1) required by a specific rule of this Subchapter or Subchapter 2Q of this Chapter, or
- 19 (2) required as a part of an enforcement settlement.

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

22  
23 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);

24 *Eff. February 1, 1976;*

25 *Amended Eff. April 1, 1999; July 1, 1996; July 1, 1988; July 1, 1984; June 18, 1976.*

26 *Readopted Eff. \_\_\_\_\_.*

1 15A NCAC 02D .0605 is proposed for readoption without substantive changes as follows:

2

3 **15A NCAC 02D .0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS**

**Commented [AR6]:** DAQ staff is proposing language for clarifications are not substantive in nature.

4 (a) The owner or operator of a source subject to a requirement of this Subchapter or Subchapter 02Q of this Chapter  
5 shall maintain:

- 6 (1) records detailing all malfunctions under Rule .0535 of this Subchapter,
- 7 (2) records of all testing conducted under rules in this Subchapter,
- 8 (3) records of all monitoring conducted under rules in this Subchapter or Subchapter 02Q of this  
9 Chapter,
- 10 (4) records detailing activities relating to any compliance schedule in this Subchapter, and
- 11 (5) for unpermitted sources, records necessary to determine compliance with rules in this Subchapter  
12 or Subchapter 02Q of this Chapter.

13 (b) The Director shall specify in the source's permit:

- 14 (1) the type of monitoring required and the frequency of the monitoring,
- 15 (2) the type of records to be maintained, and
- 16 (3) the type of reports to be submitted and the frequency of submitting these reports, as necessary to  
17 determine compliance with rules in this Subchapter or Subchapter 02Q of this Chapter or with an  
18 emission standard or permit condition.

19 (c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may  
20 require that the owner or operator of any source subject to the requirements of this Subchapter or Subchapter 02Q of  
21 this Chapter submit to the Director any information necessary to determine the compliance status of the source.

22 (d) The owner or operator of a source of excess emissions which last for more than four hours and which results from  
23 a malfunction, a breakdown of process or control equipment, or any other abnormal conditions shall report excess  
24 emissions in accordance with the requirements of Rule .0535 of this Subchapter.

25 (e) Copies of all records and reports generated in response to the requirements of this Section shall be retained by the  
26 owner or operator for a period of two years after the date on which the record was made or the report submitted, ~~except~~  
27 ~~that the Director may extend the retention period in particular instances except that the retention period will be~~  
28 ~~extended~~ when necessary to comply with other State or federal requirements or when compliance with a particular  
29 standard requires documentation for more than two years.

**Commented [AR7]:** DAQ Staff is proposing language to clarify director's obligations.

30 (f) All records and reports generated in response to the requirements of this Section shall be made available to  
31 personnel of the Division for inspection.

32 (g) The owner or operator of a source subject to the requirements of this Section shall comply with the requirements  
33 of this Section at his own cost.

34 (h) No person shall falsify any information required by a rule in this Subchapter or a permit issued under 15A NCAC  
35 02Q. No person shall knowingly submit any falsified information required by a rule in this Subchapter or a permit  
36 issued under 15A NCAC 02Q.

37

1 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215-65; 143-215.66; 143-215.1078(a)(4);  
2 *Eff. February 1, 1976;*  
3 *Amended Eff. January 1, 2007; April 1, 1999; July 1, 1984; June 18, 1976.*  
4 *Readopted Eff. \_\_\_\_\_.*

1 15A NCAC 02D .0606 is proposed for reoption without substantive changes as follows:  
2

3 **15A NCAC 02D .0606 SOURCES COVERED BY APPENDIX P OF 40 CFR PART 51**

4 (a) The following sources shall be monitored as described in Paragraph 2 of Appendix P of 40 CFR Part 51:

- 5 (1) fossil fuel-fired steam ~~generators,~~generators;
- 6 (2) nitric acid ~~plants,~~plants;
- 7 (3) sulfuric acid ~~plants,~~plants; and
- 8 (4) petroleum refineries.

9 Sources covered by Rule 0524 of this Subchapter are exempt from this Rule.

10 (b) The monitoring systems required under Paragraph (a) of this Rule shall meet the minimum specifications described  
11 in Paragraphs 3.3 through 3.8 of Appendix P of 40 CFR Part 51.

12 (c) The excess emissions recorded by the monitoring systems required to be installed under this Rule shall be reported  
13 no later than 30 days after the end of the quarter to the Division in the manner described in Paragraphs 4 and 5.1  
14 through 5.3.3 of Appendix P of 40 CFR Part 51 except that a six-minute time period is deemed as an appropriate  
15 alternative opacity averaging period as described in Paragraph 4.2 of Appendix P of 40 CFR Part 51. The owner or  
16 operators of any sources subject to this Rule that are required to monitor emissions of sulfur dioxide or nitrogen oxides  
17 under any other state or federal rule with continuous emission monitoring systems shall monitor compliance with the  
18 sulfur dioxide emission standard in Rule .0516 of this Subchapter and the nitrogen oxide emission standard in Rule  
19 .0519 or Section .1400 of this Subchapter with a continuous emission monitoring system. Compliance with sulfur  
20 dioxide and nitrogen oxide emission standards are determined by averaging hourly continuous emission monitoring  
21 system values over a 24-hour block period beginning at midnight. To compute the 24-hour block average, the average  
22 hourly values are summed, and the sum is divided by 24. A minimum of four data points, ~~equally spaced,~~ is required  
23 to determine a valid hour value unless the continuous emission monitoring system is installed to meet the provisions  
24 of 40 CFR Part 75. If a continuous emission monitoring system is installed to meet the provisions of 40 CFR Part 75,  
25 the minimum number of data points are determined by 40 CFR Part 75.

26 (d) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system  
27 if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system  
28 under another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur  
29 dioxide, the test methods described in Section .2600 of this Subchapter shall be used except that gross or composite  
30 samples, gross caloric value, moisture content, and sulfur content shall be determined per shipment. Alternatively,  
31 gross or composite samples, gross caloric value, moisture content, and sulfur content may be determined by sampling  
32 the fuel as fired if the owner or operator demonstrates to the Director that sampling as fired provides a more accurate  
33 estimation of sulfur dioxide emissions than sampling each shipment. If sulfur dioxide emissions are determined  
34 sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples shall be composited  
35 into a daily sample, and the daily sample shall be composited into a weekly sample. This weekly sample shall be  
36 analyzed using the procedures in Section .2600 of this Subchapter. The sulfur dioxide emission rate shall also be

**Commented [AR8]:** DAQ staff is proposing language for clarifications are not substantive in nature.

**Commented [AR9]:** DAQ Staff is proposing to remove language which no longer applies.

1 determined using fuel analysis data. Sulfur retention credit shall be granted and used for computing sulfur dioxide  
2 emission rates if a source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

3 (e) Wherever the language of the referenced portion of Appendix P of 40 CFR Part 51 speaks of the "state" or "state  
4 plan", the requirements described in Appendix P of 40 CFR Part 51 apply to those sources to which the requirements  
5 pertain.

6 (f) The owner or operator of the source shall conduct a daily zero and span check of the continuous opacity monitoring  
7 system and continuous emission monitoring system following the manufacturer's recommendations and shall comply  
8 with the requirements of Rule .0613 of this Section.

**Commented [AR10]:** DAQ staff is proposing language to clarify items covered in 15A NCAC 02D .0613

9 (g) The owner or operator of the source may request to use a different procedure or methodology than that required  
10 by this Rule if one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists. The person  
11 requesting to use a different procedure or methodology shall submit the request to the Director along with a description  
12 of the different procedure or methodology proposed to be used, an explanation of why the procedure or methodology  
13 required by this Rule will not work, and a showing that the proposed procedure or methodology is equivalent to the  
14 procedure or methodology being replaced. The Director shall approve the use of this procedure or methodology if he  
15 finds that one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists, that the procedure or  
16 methodology required by this Rule will not work, and that the proposed procedure or methodology is equivalent to  
17 the procedure or methodology that it will replace.

18 (h) The owner or operator of the source shall report to the Director no later than 30 days following the end of the  
19 quarter the following information:

20 (1) for fuel analysis per shipment:

21 (A) the quantity and type of fuels burned,

22 (B) the BTU value,

23 (C) the sulfur content in percent by weight, and

24 (D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable  
25 standard.

26 (2) for continuous monitoring of emissions:

27 (A) the daily calculated sulfur dioxide and nitrogen oxide emission rates expressed in the same  
28 units as the applicable standard for each day, and

29 (B) other information required under Appendix P of 40 CFR Part 51.

30 (i) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done  
31 according to 40 CFR Part 60, Appendix A, Method 6, Method 6, 6C or other approved methods in 15A NCAC 02D  
32 .2600.

**Commented [AR11]:** DAQ staff is proposing language to include new applicable test methods developed since this rule was last promulgated.

33 (j) If emission testing for compliance with the nitrogen oxide emission standard is required, the testing shall be done  
34 according to 40 CFR Part 60, Appendix A, Method 7, Method 7, 7E or other approved methods in 15A NCAC 02D  
35 .2600.

**Commented [AR12]:** DAQ staff is proposing to add language to include new applicable test methods developed since this rule was last promulgated.

36  
37 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);



1           *Eff. February 1, 1976;*  
2           *Amended Eff. June 1, 2008; January 1, 2005; April 1, 2003; April 1, 1999; May 1, 1985; July 1,*  
3           *1983; December 1, 1976; June 18, 1976.*  
4           *Readopted Eff. \_\_\_\_\_.*

1 15A NCAC 02D .0607 is proposed for re adoption without any changes as follows:  
2

3 **15A NCAC 02D .0607 LARGE WOOD AND WOOD-FOSSIL FUEL COMBINATION UNITS**

**Commented [AR13]:** DAQ staff is proposing re adoption without any change.

4 (a) This Rule applies to wood-fired steam generator units with a heat input from wood fuels (or the sum of the heat  
5 inputs from wood fuels and liquid or solid fossil fuels for generators not covered by Rule .0524 or .0606 of this  
6 Subchapter) that exceeds 250 million BTU per hour and with an annual average capacity factor greater than 30 percent  
7 as demonstrated to the Director by the owner or operator of the source.

8 (b) The owner or operator of a wood-fired steam generator unit covered under this Rule shall install, calibrate,  
9 maintain, and operate, as specified in 40 CFR Part 60 Appendix B Performance Specification 1, opacity continuous  
10 emission monitoring systems on all stacks discharging the flue gases from one or more steam generator units covered  
11 under this Rule.

12 (c) The owner or operator of the source shall conduct a daily zero and span check of the opacity continuous emission  
13 monitoring system following the manufacturer's recommendations and shall comply with the requirements of Rule  
14 .0613 of this Section.

15  
16 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5);  
17 Eff. February 1, 1976;  
18 Amended Eff. July 1, 1999; July 1, 1984; June 18, 1976.  
19 Readopted Eff. \_\_\_\_\_.

1 15A NCAC 02D .0608 is proposed for reoption without substantive changes as follows:

2  
3 **15A NCAC 02D .0608 OTHER LARGE COAL OR RESIDUAL OIL BURNERS**

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

- 6 (1) burns coal or residual oil;
- 7 (2) is not required to monitor sulfur dioxide emissions by Rules .0524 or .0606 of this Subchapter;
- 8 (3) has a total heat input of more than 250 million BTU per hour from coal and residual oil; and
- 9 (4) has an annual average capacity factor greater than 30 percent as determined from the three most  
10 recent calendar year reports to the Federal Power Commission or as otherwise demonstrated to the  
11 Director by the owner or operator. (If the unit has not been in existence for three calendar years, its  
12 three-calendar-year average capacity factor shall be determined by estimating its annual capacity  
13 factors for enough future years to allow a three-calendar-year average capacity factor to be  
14 computed. If this three-calendar-year average capacity factor exceeds 30 percent, the unit shall be  
15 monitored. If this three-calendar-year average capacity factor does not exceed 30 percent, the unit  
16 need not be monitored.)

17 (b) Once the unit is being monitored in accordance with Paragraph (a) of this Rule, it shall continue to be monitored  
18 until its most recent three-calendar-year average capacity factor does not exceed 25 percent. Once the unit is not being  
19 monitored in accordance with Subparagraph (a) of this Rule, it need not be monitored until its most recent three-  
20 calendar-year average capacity factor exceeds 35 percent.

21 (c) If units required to be monitored have a common exhaust or if units required to be monitored have a common  
22 exhaust with units not required to be monitored, then the common exhaust may be monitored, and the sulfur dioxide  
23 emissions need not be apportioned among the units with the common exhaust.

24 (d) The owner or operator of the source shall determine sulfur dioxide emissions by:

- 25 (1) an instrument for continuous monitoring and recording of sulfur dioxide ~~emissions, emissions;~~ or
- 26 (2) analyses of representative samples of fuels to determine BTU value and percent sulfur content.

27 (e) The owner or operators of any sources subject to this Rule that are required to monitor emissions of sulfur dioxide  
28 under any other state or federal rule with continuous emission monitoring systems shall monitor compliance with the  
29 sulfur dioxide emission standard in Rule .0516 of this Subchapter with a continuous emission monitoring system.  
30 Compliance with sulfur dioxide emission standards is determined by averaging hourly continuous emission  
31 monitoring system values over a 24-hour block period beginning at midnight. To compute the 24-hour block average,  
32 the average hourly values are summed, and the sum is divided by 24. A minimum of four data points, ~~equally spaced,~~  
33 is required to determine a valid hour value unless the continuous emission monitoring system is installed to meet the  
34 provisions of 40 CFR Part 75. If a continuous emission monitoring system is installed to meet the provisions of 40  
35 CFR Part 75, the minimum number of data points are determined by 40 CFR Part 75.

36 (f) For emissions of sulfur dioxide, fuel analysis may be used in place of a continuous emissions monitoring system  
37 if the source is not required to monitor emissions of sulfur dioxide using a continuous emissions monitoring system

**Commented [AR14]:** DAQ staff is proposing language for clarifications and are not substantive in nature.

**Commented [AR15]:** DAQ staff is suggesting to delete language because it no longer used nor applies.

1 under another state or federal rule. If fuel analysis is used as an alternative method to determine emissions of sulfur  
2 dioxide, then:

3 (1) for coal, the test methods described in Section .2600 of this Subchapter shall be used except that  
4 gross or composite samples, gross caloric value, moisture content, and sulfur content shall be  
5 determined per shipment. Alternatively, gross or composite samples, gross caloric value, moisture  
6 content, and sulfur content may be determined by sampling the fuel as fired if the owner or operator  
7 demonstrates to the Director that sampling as fired provides a more accurate estimation of sulfur  
8 dioxide emissions than sampling each shipment. If sulfur dioxide emissions are determined  
9 sampling fuel as fired, then a fuel sample shall be taken every four hours. These four-hour samples  
10 shall be composited into a daily sample, and the daily sample shall be composited into a weekly  
11 sample. This weekly sample shall be analyzed using the procedures in Section .2600 of this  
12 Subchapter. The sulfur dioxide emission rate shall also be determined using fuel analysis data.  
13 Sulfur retention credit shall be granted and used for computing sulfur dioxide emission rates if a  
14 source, on a case-by-case basis, quantitatively and empirically demonstrates the sulfur retention.

15 (2) for residual oil, the test methods described in Section .2600 of this Subchapter shall be used except  
16 that sulfur content shall be determined per shipment. Alternatively, gross or composite samples,  
17 gross caloric value, moisture content, and sulfur content may be determined sampling the fuel as  
18 fired if the owner or operator demonstrates to the Director that sampling as fired provides a more  
19 accurate estimation of sulfur dioxide emissions than sampling each shipment. If sulfur dioxide  
20 emissions are determined sampling fuel as fired, then a fuel sample shall be taken every four hours.  
21 These four-hour samples shall be composited into a daily sample, and the daily sample shall be  
22 composited into a weekly sample. This weekly sample shall be analyzed using the procedures in  
23 Section .2600 of this Subchapter. Residual oil shall be collected in accordance with ASTM D4177  
24 or D4057.

25 (g) The owner or operator of the source may request to use a different procedure or methodology than that required  
26 by this Rule if one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists. The person  
27 requesting to use a different procedure or methodology shall submit the request to the Director along with a description  
28 of the different procedure or methodology proposed to be used, an explanation of why the procedure or methodology  
29 required by this Rule will not work, and a showing that the proposed procedure or methodology is equivalent to the  
30 procedure or methodology being replaced. The Director shall approve the use of this procedure or methodology if he  
31 finds that one of the conditions identified in 40 CFR Part 51, Appendix P, Section 3.9 exists, that the procedure or  
32 methodology required by this Rule will not work, and that the proposed procedure or methodology is equivalent to  
33 the procedure or methodology that it will replace.

34 (h) The owner or operator of the source shall report to the Director no later than 30 days following the end of the  
35 quarter the following information:

- 36 (1) for fuel analysis per shipment:  
37 (A) the quantity and type of fuels ~~burned~~burned;

- 1 (B) the BTU ~~value,value;~~  
2 (C) the sulfur content in percent by ~~weight,weight;~~ and  
3 (D) the calculated sulfur dioxide emission rates expressed in the same units as the applicable  
4 standard.  
5 (2) for continuous monitoring of emissions:  
6 (A) the daily calculated sulfur dioxide emission rates expressed in the same units as the  
7 applicable standard for each ~~day,day;~~ and  
8 (B) other information required under Appendix P of 40 CFR Part 51.  
9 (i) The owner or operator of the source shall conduct a daily zero and span check of the continuous emission  
10 monitoring system following the manufacturer's recommendations and shall comply with the requirements of Rule  
11 .0613 of this Section.  
12 (j) If emission testing for compliance with the sulfur dioxide emission standard is required, the testing shall be done  
13 according to 40 CFR Part 60, Appendix A, ~~Method 6, Method 6, 6C or other approved methods in 15A NCAC 02D~~  
14 .2600.

**Commented [AR16]:** DAQ staff is suggesting to add language to include new applicable test methods developed since this rule was last promulgated.

16 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*  
17 *Eff. June 18, 1976;*  
18 *Amended Eff. June 1, 2008; January 1, 2005; April 1, 2003; April 1, 1999; July 1, 1996; July 1,*  
19 *1988; July 1, 1984.*  
20 *Readopted Eff. \_\_\_\_\_.*

1 15A NCAC 02D .0610 is proposed for reoption without substantive changes as follows:

2

3 **15A NCAC 02D .0610 FEDERAL MONITORING REQUIREMENTS**

**Commented [AR17]:** DAQ staff is proposing language for clarifications are not substantive in nature.

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

- 5 (1) 40 CFR Part 60, New Source Performance Standards (NSPS);
- 6 (2) 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP);
- 7 (3) 40 CFR Part 63, Maximum Achievable Control Technology (~~MACT~~); ~~or (MACT) or~~ **Generally**
- 8 **Available Control Technology (GACT);**
- 9 (4) 40 CFR Part 75, Acid Rain; ~~or~~
- 10 **(5) 40 CFR Part 97, Cross State Air Pollution Rule (CSAPR)**

**Commented [AR18]:** DAQ is proposing to add language because the standards are included in Part 63.

**Commented [AR19]:** DAQ staff is proposing to update the list of federal monitoring requirements.

11 shall comply with these requirements.

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

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

17

18 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);  
19 Eff. June 18, 1976;  
20 Amended Eff. April 1, 1999; July 1, 1984.  
21 *Readopted Eff.* \_\_\_\_\_.

1 15A NCAC 02D .0611 is proposed for reoption without substantive changes as follows:  
2

3 **15A NCAC 02D .0611 MONITORING EMISSIONS FROM OTHER SOURCES**

**Commented [AR20]:** DAQ staff is proposing language for clarifications are not substantive in nature.

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

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

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

15 (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications  
16 in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures  
17 as necessary to demonstrate compliance with the emission standards of this Subchapter and  
18 Subchapter 2Q of this Chapter;

19 (2) comply with the requirements of Rule .0613 of this Section; and

20 (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to  
21 comply with Subparagraph (1) of this Paragraph that will document the compliance status of the  
22 sources or control equipment.

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

25 (1) install, calibrate, operate, and maintain, in accordance with applicable performance specifications  
26 in 40 CFR Part 60 Appendix B, process and control equipment monitoring instruments or procedures  
27 as necessary to demonstrate good operation and maintenance;

28 (2) comply with the requirements of Rule .0613 of this Section unless otherwise specified in any other  
29 applicable rule including 40 CFR Part 75 and 40 CFR 60.13. The Director may find that compliance  
30 with the quality assurance provisions of 40 CFR Part 51, Appendix P, is adequate to assure ~~that the~~  
31 ~~quality of the data;~~ **data demonstrates good operation and maintenance is being achieved;** and

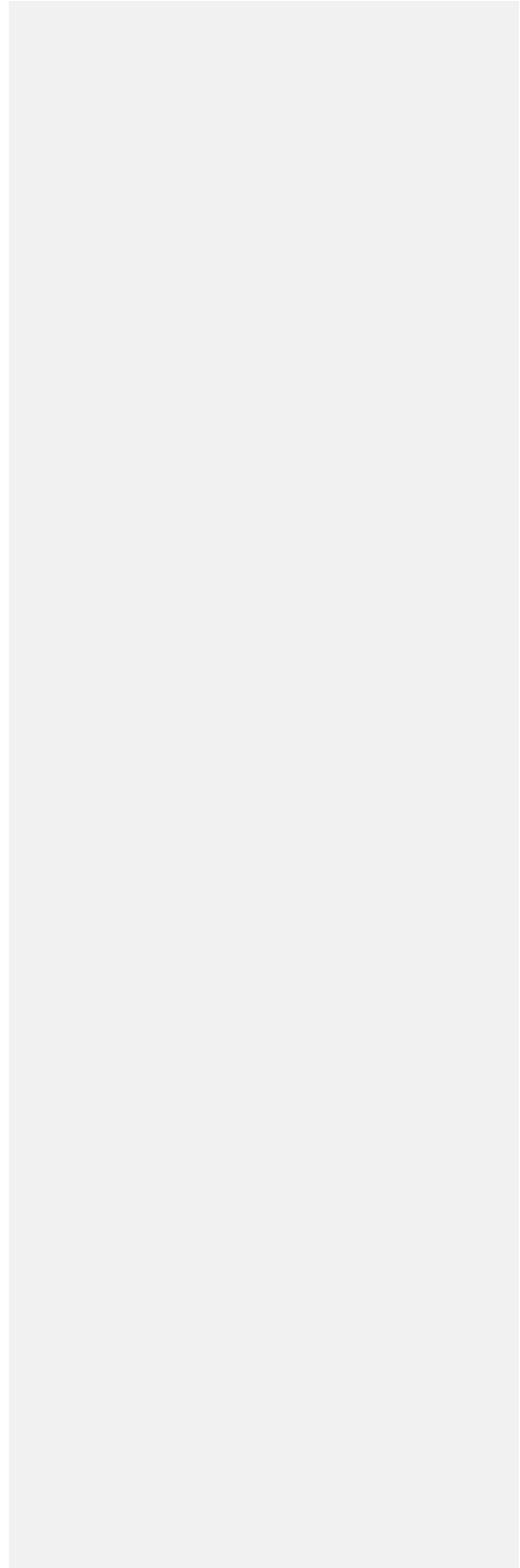
**Commented [AR21]:** DAQ staff is proposing language to be consistent with subparagraph (d) 1 and (d) 3.

32 (3) maintain, in writing, data and reports of any monitoring instruments or procedures necessary to  
33 comply with Subparagraph (1) of this Paragraph that will document that good operation and  
34 maintenance is being achieved.  
35

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

1

*Readopted Eff.*\_\_\_\_\_.





1 15A NCAC 02D .0612 is proposed for reoption without substantive changes as follows:  
2

3 **15A NCAC 02D .0612 ALTERNATIVE MONITORING AND REPORTING PROCEDURES**

**Commented [AR22]:** DAQ staff is proposing language for clarifications are not substantive in nature.

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

8 (b) This Rule does not apply to monitoring or reporting requirements of 40 CFR Part 60, ~~61, 61, 62, 63, or 75, 75, or~~  
9 ~~97.~~

**Commented [AR23]:** DAQ staff is proposing to add new part to address monitoring under CSAPR.

10 (c) When petitioning to use alternative monitoring or data reporting procedures in place of those procedures in .0606,  
11 .0607, .0608 of this Section or in Section .0900, .1200, .1400 of this Subchapter, the owner or operator of the source  
12 shall submit a signed written petition to the Director that shall include:

13 (1) the name and address of the company and the name and telephone number of a ~~principal executive~~  
14 ~~officer specified in 15A NCAC 2Q .0304(j) or~~ responsible official as specified in 15A NCAC  
15 ~~2Q02Q .0520 over whose signature the petition is submitted, .0300 or .0520;~~

**Commented [AR24]:** DAQ staff is proposing to remove language for clarification.

**Commented [AR25R24]:** Add ref to 02q 300

- 16 (2) a description of the sources at the facility to which the petition applies;
- 17 (3) identification of the rule or rules for which the alternative is sought;
- 18 (4) the basis or reason that alternative monitoring and reporting procedure is more desirable than those  
19 prescribed by the rule;
- 20 (5) a proposal of alternative monitoring and reporting procedure;
- 21 (6) a demonstration that the alternative procedure is at least as accurate as that prescribed by the rule;
- 22 (7) a showing that one or more of the following conditions exist:
  - 23 (A) a continuous monitoring system or other device prescribed by the rule would not provide  
24 accurate determinations of emissions;
  - 25 (B) the emissions from two or more sources of significantly different design and operating  
26 characteristics are combined before release to the atmosphere or the emissions are released  
27 to the atmosphere through more than one point;
  - 28 (C) the requirements prescribed by the rule would impose an extreme economic burden on the  
29 source owner or operator (The determination of an extreme economic burden shall be made  
30 on the basis of whether meeting the requirements prescribed by the rule would produce  
31 serious hardship without equal or greater benefit to the public);
  - 32 (D) the monitoring systems prescribed by the rule cannot be installed because of physical  
33 limitations at the facility (The determination of such limitations shall be made on the basis  
34 of whether meeting the requirements prescribed by this Rule would necessitate significant  
35 reconstruction of the facility); or
  - 36 (E) the alternative monitoring or reporting procedure is more accurate and precise than that  
37 prescribed by the rule;

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

3 (d) The Director may require the petitioner to submit other information that the Director considers necessary to  
4 evaluate the proposed monitoring or reporting procedures.

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

6 (1) The petition is submitted in accordance with this Rule and contains all the information required by  
7 Paragraph (c) of this Rule;

8 (2) The Director finds the petition satisfies the showing required by Subparagraph (c)(7) of this Rule;

9 (3) The Director finds that the proposed alternative monitoring or data reporting procedures provide  
10 information of sufficient quality to determine with reasonable certainty the amount of emissions or  
11 the adequacy of the emission control device or practice such that the compliance status of the source  
12 can be determined by reviewing this information; and

13 (4) The facility is in compliance with, or under a schedule for compliance with, all applicable air quality  
14 rules.

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

18

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

20 *Eff. April 1, 1999.*

21 *Readopted Eff. \_\_\_\_\_.*

1 15A NCAC 02D .0613 is proposed for readoption without substantive changes as follows:

2

3 **15A NCAC 02D .0613 QUALITY ASSURANCE PROGRAM**

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

6 (b) The Director may require the owner or operator of a facility required to operate a monitoring device by this  
7 Subchapter or Subchapter 2Q of this Chapter to submit a quality assurance program if:

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

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

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

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

21 Continuous opacity monitoring systems may satisfy the requirements of Paragraph (a) of this Rule by complying with  
22 40 CFR Part 51, Appendix M, Method 203, as proposed in 57 FR 46114-46114 or 40 CFR Part 60, Appendix F,  
23 Procedure 3. Except for opacity monitors and gaseous continuous emission monitoring systems, a manufacturer's  
24 recommended quality assurance procedure may be used as a quality assurance program if it provides an adequate  
25 quality assurance program.

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

29 (e) The owner or operator of a facility shall certify all opacity and gaseous continuous emission monitoring systems  
30 following applicable performance specifications in 40 CFR Part 60, Appendix B, within 60 days of monitor installation  
31 unless otherwise specified in permit or any other applicable rules. The owner or operator of a facility required to  
32 install an opacity or gaseous continuous emission monitoring systems shall notify the Director at least 60 days before  
33 installation unless otherwise specified in permit or in 40 CFR Part 60, 61, 63, or 75. The notification shall include  
34 plans or schematic diagrams of the proposed monitor location.

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

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

**Commented [AR26]:** DAQ staff is proposing language for clarifications are not substantive in nature.

**Commented [AR27]:** DAQ staff is adding new reference as an option for sources that want to comply with the promulgated rule.

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

7

8 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4);*  
9 *Eff. April 1, 1999.*  
10 *Readopted Eff. \_\_\_\_\_.*

1 15A NCAC 02D .0614 is proposed for reoption without substantive changes as follows:  
2

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

**Commented [AR28]:** DAQ staff is proposing language for clarifications are not substantive in nature.

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

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

17 (b) Exemptions.

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

1 performance test; in this example, ~~this exemption 15A NCAC 02D .0614~~ would apply to  
2 the control device and capture system, but not to the remaining elements of the coating  
3 line, such as raw material usage).

**Commented [AR29]:** DAQ staff is suggesting clarifying language to be consistent with incorporated federal language.

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

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

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

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

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

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

21 (2) "Part 70 or 71 permit application" means an application (including any supplement to a previously  
22 submitted application) submitted by the owner or operator to obtain a permit under 15A NCAC 02Q  
23 .0500.

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

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

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

27 (1) 40 CFR 64.3, Monitoring Design Criteria;

28 (2) 40 CFR 64.4, Submittal Requirements;

29 (3) 40 CFR 64.5, Deadlines for Submittals;

30 (4) 40 CFR 64.7, Operation of Approved Monitoring; and

31 (5) 40 CFR 64.9, Reporting and Recordkeeping Requirements.

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

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

1 (g) Nothing in this Rule shall:

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

19  
20 *History Note:* Authority G.S. 143-215.3(a)(3); 143-215.65; 143-215.66; 143-215.107(a)(4);  
21 Eff. April 1, 1999;  
22 Amended Eff. January 1, 2009.  
23 Readopted Eff. \_\_\_\_\_.

1 15A NCAC 02D .0615 is proposed for readoption without any changes as follows:

2

3 **15A NCAC 02D .0615 DELEGATION**

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

7

8 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4);*

9 *Eff. April 1, 1999.*

10 *Readopted Eff. \_\_\_\_\_.*

11

**Commented [AR30]:** DAQ staff is proposing readoption without any change.