

15A NCAC 02B .0407 GUIDANCE FOR DETERMINING A NEW SOURCE

(a) A source shall be considered a new source by the Director if, on the date of publication of any applicable new source performance standard, construction has not commenced, as indicated by:

- (1) significant site preparation work, such as major clearing or excavation;
- (2) placement, assembly, or installation of facilities or equipment at the premises where such facilities or equipment will be used; except as provided in Paragraph (b) of this Rule;
- (3) contractual obligation to purchase facilities or equipment whose value represents a substantial commitment to construct the facility, such as:
 - (A) structures;
 - (B) structural materials;
 - (C) machinery;
 - (D) process equipment; or
 - (E) construction equipment; or
- (4) contractual obligation with a firm to design, engineer, and erect a completed facility (i.e., a turnkey plant).

(b) For the purposes of this Rule, the placement, assembly, or installation of facilities or equipment used in connection with feasibility, engineering, and design studies regarding the source or water pollution treatment for the source does not indicate that construction has commenced.

(c) A modification to an existing source shall be considered a new source if the alteration is of such magnitude to, in effect, create a new facility. Only those portions of a facility determined to be a new source shall be required to achieve new source performance standards.

*History Note: Authority G.S. 143-215; 143-215.1; 143-215.3(a)(1), (4);
Eff. December 1, 1976;
Readopted Eff. May 1, 2020.*