

## **SECTION .0500 - EMISSION CONTROL STANDARDS**

### **15A NCAC 02D .0501 COMPLIANCE WITH EMISSION CONTROL STANDARDS**

(a) Purpose and Scope. The purpose of this Rule is to assure compliance with emission control standards found in this Section. This Rule shall apply to all air pollution sources, both combustion and non-combustion.

(b) New sources shall be in compliance prior to beginning operations.

(c) The owner or operator of an air pollution source shall operate or control the source in a manner to meet emission standards in this Section and not cause the ambient air quality standards pursuant to 15A NCAC 02D .0400 to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than those named in the applicable emission standards in this Section are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

(d) The Bubble Concept. As provided in this Paragraph, a facility with multiple emission sources or multiple facilities within the same area may choose to meet the total emission limitation for a given pollutant through a different mix of controls than those required by the rules in 15A NCAC 02D .0500 or .0900.

- (1) In order for this mix of alternative controls to be permitted, the Director shall determine that the following conditions are met:
  - (A) Sources pursuant to which 15A NCAC 02D .0524, .0530, .0531, .1110, or .1111, the federal New Source Performance Standards (NSPS), the federal National Emission Standards for Hazardous Air Pollutants (NESHAP), regulations established pursuant to Section 111(d) of the federal Clean Air Act, or state or federal Prevention of Significant Deterioration (PSD) requirements apply shall have emissions no larger than if there were not an alternative mix of controls;
  - (B) The facility or facilities is located in an attainment area, an unclassifiable area, or in an area that has been demonstrated to be attainment by the statutory deadlines with reasonable further progress toward attainment for those pollutants being considered;
  - (C) All of the emission sources affected by the alternative mix are in compliance with applicable regulations or are in compliance with established compliance agreements; and
  - (D) The review of an application for the proposed mix of alternative controls and the enforcement of the resulting permit shall not require expenditures of State funds in excess of five times that which would otherwise be required for the review and enforcement of permits without an alternative mix of controls.
- (2) The owners or operators of the facility or facilities shall demonstrate the alternative mix of controls is equivalent in total allowed emissions, reliability, enforceability, and environmental impact to the aggregate of the individual emission standards to which the facility would be subject without the alternative mix of controls; and
  - (A) that the alternative mix approach does not interfere with the attainment and maintenance of the ambient air quality standards and does not interfere with the Prevention of Significant Deterioration (PSD) program, which shall include modeled calculations of the amount, if any, of PSD increment consumed or created as defined in Clean Air Act Section 163;
  - (B) that the alternative mix approach conforms with reasonable further progress requirements as defined in Clean Air Act Section 171(1) if the source is located in a nonattainment area;
  - (C) that the emissions pursuant to the alternative mix approach are quantifiable, and emission trades among the sources involved in the alternative mix approach are equivalent; and
  - (D) that the pollutants controlled pursuant to the alternative mix approach are of the same criteria pollutant categories, except that emissions of criteria pollutants that contain hazardous pollutants and are used in alternative emission control strategies are subject to the limitations as defined in 44 Fed. Reg. 71784 (December 11, 1979), Subdivision D.1.c.ii. The Federal Register referenced in this Part is incorporated by reference and does not include subsequent amendments or editions. A copy of 44 Fed. Reg. 71784 may be obtained free of charge and found online at <https://www.govinfo.gov/content/pkg/FR-1979-12-11/pdf/FR-1979-12-11.pdf>.

The demonstrations of equivalence shall be performed with at least the same level of detail as State Implementation Plan (SIP) demonstration of attainment for the area. A copy of the SIPs may be found on the Division of Air Quality (DAQ) website at <https://deq.nc.gov/about/divisions/air->

quality/air-quality-planning/state-implementation-plans. If the facility involves another facility in the alternative strategy, it shall complete a modeling demonstration to ensure that air quality is protected. Demonstrations of equivalency shall take into account differences in the level of reliability of the control measures or other uncertainties.

- (3) The emission rate limitations or control techniques of each source within the facility or facilities subjected to the alternative mix of controls shall be specified in the facility's permit or facilities' permits.
- (4) Compliance schedules and enforcement actions shall not be affected because an application for an alternative mix of controls is being prepared or is being reviewed.
- (5) The Director may waive or reduce requirements in this Paragraph up to the extent allowed by the Emissions Trading Policy Statement published in the Federal Register of April 7, 1982, pages 15076-15086, provided that the analysis required by Paragraph (e) of this Rule supports the waiver or reduction of requirements. The Federal Register referenced in this Subparagraph is incorporated by reference and does not include subsequent amendments or editions.

(e) In a permit application for an alternative mix of controls pursuant to Paragraph (d) of this Rule, the owner or operator of the facility shall demonstrate the proposal is equivalent to the existing requirements of the SIP in total allowed emissions, enforceability, reliability, and environmental impact. The Director shall provide for public notice with an opportunity to request a public hearing following the procedures pursuant to 15A NCAC 02Q .0300 or .0500, as applicable.

- (1) If a permit containing these conditions is issued pursuant to 15A NCAC 02Q .0300, it shall become a part of the state implementation plan (SIP) as an appendix available for inspection as specified in 15A NCAC 02Q .0105. Until the U.S. Environmental Protection Agency (EPA) approves the SIP revision embodying the permit containing an alternative mix of controls, the facility shall continue to meet the otherwise applicable existing SIP requirements.
- (2) If a permit containing these conditions is issued pursuant to 15A NCAC 02Q .0500 it shall be available for inspection as specified in 15A NCAC 02Q .0105. Until the EPA approves the Title V permit containing an alternative mix of controls, the facility shall continue to meet the otherwise applicable existing SIP requirements.

The revision shall be submitted for approval by the EPA on the basis of the revision's consistency with EPA's "Policy for Alternative Emission Reduction Options Within State Implementation Plans" as promulgated in the Federal Register of December 11, 1979, pages 71780-71788, and subsequent rulings.

(f) If the owner or operator of a combustion or noncombustion source or control equipment subject to the requirements of this Section is required to demonstrate compliance with a rule in this Section, source testing procedures pursuant to 15A NCAC 02D .2600 shall be used.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. February 1, 1976;  
Amended Eff. August 1, 1991; October 1, 1989;  
Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;  
Amended Eff. June 1, 2008; April 1, 2001; April 1, 1999; July 1, 1996; February 1, 1995; July 1, 1994;  
Readopted Eff. November 1, 2020;  
Amended Eff. September 1, 2023.*