

### **15A NCAC 02D .0524 NEW SOURCE PERFORMANCE STANDARDS**

(a) With the exception of Paragraph (b) and (c) of this Rule, sources subject to new source performance standards promulgated in 40 CFR Part 60 shall comply with emission standards, monitoring and reporting requirements, maintenance requirements, notification and record keeping requirements, performance test requirements, test method and procedural provisions, and any other provisions, as required therein, rather than with any otherwise-applicable rule in this Section that would be in conflict therewith.

(b) The following are not included pursuant to this Rule:

- (1) 40 CFR Part 60, Subpart AAA;
- (2) 40 CFR Part 60, Subpart B;
- (3) 40 CFR Part 60, Subpart C;
- (4) 40 CFR Part 60, Subpart Cb;
- (5) 40 CFR Part 60, Subpart Cc;
- (6) 40 CFR Part 60, Subpart Cd;
- (7) 40 CFR Part 60, Subpart Ce;
- (8) 40 CFR Part 60, Subpart BBBB;
- (9) 40 CFR Part 60, Subpart DDDD;
- (10) 40 CFR Part 60, Subpart FFFF; or
- (11) 40 CFR Part 60, Subpart HHHH.

(c) Along with the notice appearing in the North Carolina Register for a public hearing to amend this Rule to exclude a standard from this Rule, the Director shall state whether or not the new source performance standards promulgated under 40 CFR Part 60, or part thereof, shall be enforced. If the Environmental Management Commission does not adopt the amendment to this Rule to exclude or amend the standard within 12 months after the close of the comment period on the proposed amendment, the Director shall begin enforcing that standard when 12 months has elapsed after the end of the comment period on the proposed amendment.

(d) New sources of volatile organic compounds that are located in an area designated in 40 CFR 81.334 as nonattainment for ozone or an area identified in accordance with 15A NCAC 02D .0902 as being in violation of the ambient air quality standard for ozone shall comply with the requirements of 40 CFR Part 60 are not excluded by this Rule, as well as with any applicable requirements in 15A NCAC 02D .0900.

(e) All requests, reports, applications, submittals, and other communications to the administrator required under Paragraph (a) of this Rule shall be submitted to the Director rather than to the Environmental Protection Agency.

(f) In the application of this Rule, definitions contained in 40 CFR Part 60 shall apply rather than those in 15A NCAC 02D .0100.

(g) With the exceptions allowed in 15A NCAC 02Q .0102, Activities Exempted from Permit Requirements, the owner or operator of the source shall apply for and receive a permit as required in 15A NCAC 02Q .0300 or .0500.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. June 18, 1976;  
Temporary Amendment Eff. January 3, 1988, for a period of 180 days to expire on June 30, 1988;  
Amended Eff. December 1, 1992; July 1, 1992;  
Temporary Amendment Eff. March 8, 1994, for a period of 180 days or until the permanent rule is effective, whichever is sooner;  
Amended Eff. July 1, 2007; January 1, 2007; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1994;  
Readopted Eff. November 1, 2020.*