

15A NCAC 02D .0543 BEST AVAILABLE RETROFIT TECHNOLOGY

- (a) For the purposes of this Rule, the definitions at 40 CFR 51.301 shall apply.
- (b) Mandatory Class I Federal areas are identified in 40 CFR Part 81, Subpart D.
- (c) The Director shall have the maximum flexibility allowed pursuant to 40 CFR 51.308 or 40 CFR Part 51, Appendix Y.
- (d) This Rule applies to BART-eligible sources meeting the requirements of 40 CFR Part 51, Appendix Y causing or contributing to any visibility impairment in a mandatory Class I Federal area as determined using 40 CFR Part 51, Subpart P.
- (e) Unless exempted pursuant to 40 CFR 51.303, the owner or operator of a BART-eligible emission unit subject to this Rule shall perform a best available retrofit technology (BART) evaluation. Pursuant to 40 CFR 51.308, the evaluation shall include:
 - (1) the technology available;
 - (2) the cost of compliance;
 - (3) the energy and non-air quality environmental impacts of compliance;
 - (4) any pollution control equipment in use at the source;
 - (5) the remaining useful life of the source; and
 - (6) the degree of improvement in visibility reasonably anticipated to result from the use of such technology.
- (f) The owner or operator of a BART-subject emission unit shall install, operate, and maintain BART as approved by the Director after considering the factors listed in Paragraph (e) of this Rule and incorporated in the unit's permit issued pursuant to 15A NCAC 02Q.
- (g) BART shall be determined using "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities" (1980), 40 CFR 51.308(e)(1)(ii), and 40 CFR Part 51, Appendix Y.
- (h) "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and Other Existing Stationary Facilities" is incorporated by reference, exclusive of appendix E, and shall include any later amendments or editions. This document, which was published in the Federal Register on February 6, 1980 (45 FR 8210), is EPA publication No. 450/3-80-009b and can be obtained from the National Service Center for Environmental Publications (NSCEP) available for free through their online publication search tool at: <https://www.epa.gov/nscep>. The document is also available through the U.S. Department of Commerce, National Technical Information Service located at 5301 Shawnee Road Alexandria, VA 22312.

*History Note: Authority G.S.143-215.3(a)(1); 143-215.107(a)(5),(10);
Eff. September 1, 2006;
Amended Eff. May 1, 2007;
Readopted Eff. November 1, 2020.*