

15A NCAC 02D .1111 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY

(a) With the exception of Paragraph (b) or (c) of this Rule, sources subject to national emission standards for hazardous air pollutants for source categories promulgated in 40 CFR Part 63 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 other provisions, as required therein, rather than with any otherwise-applicable rule in 15A NCAC 02D .0500 which would be in conflict therewith.

(b) This Rule shall not apply to:

- (1) the approval of state programs and delegation of federal authorities (40 CFR 63.90 to 63.96, Subpart E); and
- (2) the requirements for control technology determined for major sources in accordance with Clean Air Act Sections 112(g) and 112(j) (40 CFR 63.50 to 63.57, Subpart B).

(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 national emission standard for hazardous air pollutants for source categories promulgated in 40 CFR Part 63, or part thereof, will be enforced. If the 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) All requests, reports, applications, submittals, and other communications to the administrator required pursuant to Paragraph (a) of this Rule shall be submitted to the Director of the Division of Air Quality rather than to the Environmental Protection Agency; except that all such reports, applications, submittals, and other communications to the administrator required by 40 CFR Part 63, Subpart M for dry cleaners covered by Chapter 143, Article 21A, Part 6 of the General Statutes shall be submitted to the Director of the Division of Waste Management.

(e) In the application of this Rule, definitions contained in 40 CFR Part 63 shall apply rather than those of Section .0100 of this Subchapter when conflict exists.

(f) 15A NCAC 02Q .0102 shall not be applicable to any source to which this Rule applies if the source is required to be permitted pursuant to 15A NCAC 02Q .0500, Title V Procedures. The owner or operator of the source shall apply for and receive a permit if required pursuant to 15A NCAC 02Q .0300 or .0500. Sources that have heretofore been exempted from permit requirements and have become subject to requirements promulgated in 40 CFR 63 shall apply for a permit in accordance to 15A NCAC 02Q .0109.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 150B-21.6;
Eff. July 1, 1996;
Amended Eff. January 1, 2007; April 1, 1997;
Readopted Eff. July 1, 2018.*