

**15A NCAC 02D .1412 PETITION FOR ALTERNATIVE LIMITATIONS**

(a) The owner or operator may petition the Director for an alternative limitation according to Paragraph (b) or (c) of this Rule if the owner or operator of a source subject to the requirements of 15A NCAC 02D .1407, .1408, or .1409(b):

- (1) cannot achieve compliance with the applicable limitation after reasonable effort to satisfy the requirements of 15A NCAC 02D .1407, .1408, or .1409(b) or if the requirements in these Rules are not RACT for the particular source; and
- (2) cannot provide reasonable assurance for overall compliance at a facility through the implementation of an emissions averaging plan pursuant to 15A NCAC 02D .1410.

(b) To petition the Director for an alternative limitation, the owner or operator of the source shall submit:

- (1) the name and location of the facility;
- (2) information identifying the source for which an alternative limitation is being requested;
- (3) the maximum heat input rate for the source;
- (4) the fuel or fuels combusted in the source;
- (5) the maximum allowable NOx emission rate proposed for the source for each fuel;
- (6) a demonstration that the source has satisfied the requirements to apply for an alternative limitation under Paragraph (a) of this Rule; and
- (7) a demonstration that the proposed alternative limitation is RACT for that source.

(c) If the source is required to comply with best achievable control technology pursuant to 15A NCAC 02D .0530, the owner or operator of the source shall provide the information required under Subparagraphs (b)(1) through (6) of this Rule and documentation that the source is required to use best available control technology and is complying with that requirement. For this source, its best available control technology shall be considered RACT without any further demonstrations.

(d) The Director shall approve the alternative limitation if he or she finds that:

- (1) all the information required by Paragraph (b) of this Rule has been submitted;
- (2) the requirements of Paragraph (a) of this Rule have been satisfied; and
- (3) the proposed alternative limitation is RACT for that source.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10); Eff. April 1, 1995; Temporary Amendment Eff. August 1, 2001; November 1, 2000; Amended Eff. June 1, 2008; July 18, 2002; Readopted Eff. October 1, 2020.*