

#### **15A NCAC 02D .0532 SOURCES CONTRIBUTING TO AN AMBIENT VIOLATION**

(a) This Rule applies to new major stationary sources and major modifications to which 15A NCAC 02D .0531 does not apply and which would contribute to a violation of a national ambient air quality standard, but which would not cause a new violation.

(b) For the purpose of this Rule the definitions contained in Section II.A. of Appendix S of 40 CFR Part 51 shall apply.

(c) The Rule is not applicable to:

- (1) emission of a pollutant from a new or modified source located in an area designated as nonattainment for that pollutant in 40 CFR 81.334;
- (2) emission of pollutants for which the source or modification is not major;
- (3) emission of pollutants other than sulfur dioxide, PM<sub>2.5</sub>, nitrogen oxides, carbon monoxide, and PM<sub>10</sub>;
- (4) a new or modified source whose impact will not increase more than:
  - (A) 1.0 µg/m<sup>3</sup> of SO<sub>2</sub> on an annual basis;
  - (B) 5 µg/m<sup>3</sup> of SO<sub>2</sub> on a 24-hour basis;
  - (C) 25 µg/m<sup>3</sup> of SO<sub>2</sub> on a 3-hour basis;
  - (D) 0.3 µg/m<sup>3</sup> of PM<sub>2.5</sub> on an annual basis;
  - (E) 1.2 µg/m<sup>3</sup> of PM<sub>2.5</sub> on a 24-hour basis;
  - (F) 1.0 µg/m<sup>3</sup> of NO<sub>2</sub> on an annual basis;
  - (G) 0.5 mg/m<sup>3</sup> of carbon monoxide on an 8-hour basis;
  - (H) 2 mg/m<sup>3</sup> of carbon monoxide on a one-hour basis;
  - (I) 1.0 µg/m<sup>3</sup> of PM<sub>10</sub> on an annual basis; or
  - (J) 5 µg/m<sup>3</sup> of PM<sub>10</sub> on a 24-hour basisat any locality that does not meet a national ambient air quality standard;
- (5) sources which are not major unless secondary emissions are included in calculating the potential to emit;
- (6) sources which are exempted by the provision in Section II.F. of Appendix S of 40 CFR Part 51;
- (7) temporary emission sources which will be relocated within two years; and
- (8) emissions resulting from the construction phase of the source.

(d) 15A NCAC 02Q .0102 is not applicable to any source to which this Rule applies. The owner or operator of the source shall apply for and receive a permit as required in 15A NCAC 02Q .0300 or .0500.

(e) To issue a permit to a new or modified source to which this Rule applies, the Director shall determine that the source will meet the following conditions:

- (1) The sources will emit the nonattainment pollutant at a rate no more than the lowest achievable emission rate;
- (2) The owner or operator of the proposed new or modified source has demonstrated that all major stationary sources in the State that are owned or operated by this person, or any entity controlling, controlled by, or under common control with this person, are subject to emission limitations and are in compliance, or on a schedule for compliance which is federally enforceable or contained in a court decree, with all applicable emission limitations and standards of this Subchapter which EPA has authority to approve as elements of the North Carolina State Implementation Plan for Air Quality; and
- (3) The source will satisfy one of the following conditions:
  - (A) The source will comply with 15A NCAC 02D .0531(i) when the source is evaluated as if it were in the nonattainment area; or
  - (B) The source will have an air quality offset, i.e., the applicant will have caused an air quality improvement in the locality where the national ambient air quality standard is not met by causing reductions in impacts of other sources greater than any additional impact caused by the source for which the application is being made. The emissions reductions creating the air quality offset shall be placed as a condition in the permit for the source reducing emissions. The requirements of this Part may be waived for the following sources, as specified in Section IV.B of Appendix S to 40 CFR Part 51, incorporated as specified in Paragraph (g) of this Rule:
    - (i) resource recovery facilities burning municipal solid waste; and
    - (ii) sources that must switch fuels due to lack of adequate fuel supplies, or sources that are required to be modified as a result of EPA regulations where no

exemption from such regulations is available to the source, if the permit applicant demonstrates that it made its best efforts to obtain sufficient air quality offsets to comply with this Part, the applicant has secured all available air quality offsets, and the applicant will continue to seek the necessary air quality offsets and apply them when they become available.

(f) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the provisions of this Rule shall apply to the source or modification as though construction had not yet begun on the source or modification.

(g) The version of the Code of Federal Regulations incorporated in this Rule is that as of July 1, 2019, at <https://www.govinfo.gov/content/pkg/CFR-2019-title40-vol2/pdf/CFR-2019-title40-vol2-part51-appS.pdf> and does not include any subsequent amendments or editions to the referenced material. The publication may be accessed free of charge.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.108(b);  
Eff. June 1, 1981;  
Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
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