

15A NCAC 02D .1403 COMPLIANCE SCHEDULES

(a) Applicability. This Rule applies to sources regulated by 15A NCAC 02D .1402(d), (e), (f), or (g).

(b) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner or operator of a source subject to this Rule because of the applicability of 15A NCAC 02D .1402(d), (e), (f), or (g) shall adhere to the following increments of progress and schedules:

- (1) If compliance with this Section is to be achieved through a demonstration to certify compliance without source modification:
 - (A) The owner or operator shall notify the Director in writing within six months after the Director's notice in the North Carolina Register that the source is in compliance with the applicable limitation or standard;
 - (B) The owner or operator shall perform any required testing, pursuant to 15A NCAC 02D .1415, within 12 months after the Director's notice in the North Carolina Register to demonstrate compliance with the applicable limitation; and
 - (C) The owner or operator shall implement any required recordkeeping and reporting requirements pursuant to 15A NCAC 02D .1404, within 12 months after the Director's notice in the North Carolina Register to demonstrate compliance with the applicable limitation.
- (2) If compliance with this Section is to be achieved through the installation of combustion modification technology or other source modification:
 - (A) The owner or operator shall submit a permit application pursuant to 15A NCAC 02Q and a compliance schedule within six months after the Director's notice in the North Carolina Register.
 - (B) The compliance schedule shall contain the following increments of progress:
 - (i) a date by which contracts for installation of the modification shall be awarded or orders shall be issued for purchase of component parts;
 - (ii) a date by which installation of the modification shall begin;
 - (iii) a date by which installation of the modification shall be completed; and
 - (iv) if the source is subject to a limitation in a permit, a date by which compliance testing shall be completed.
 - (C) Final compliance shall be achieved within three years after the Director's notice in the North Carolina Register unless the owner or operator of the source petitions the Director for an alternative limitation pursuant to 15A NCAC 02D .1412. If a petition has been submitted and approved, final compliance shall be achieved within four years after the Director's notice in the North Carolina Register.
- (3) If compliance with this Section is to be achieved through the implementation of an emissions averaging plan pursuant to 15A NCAC 02D .1410;
 - (A) The owner or operator shall abide by the applicable requirements of Subparagraphs (b)(1) or (b)(2) of this Rule for certification or modification of each source to be included under the averaging plan.
 - (B) The owner or operator shall submit a plan to implement an emissions averaging plan pursuant to 15A NCAC 02D .1410 within six months after the Director's notice in the North Carolina Register.
 - (C) Final compliance shall be achieved within one year after the Director's notice in the North Carolina Register unless implementation of the emissions averaging plan requires the modification of one or more of the averaging sources. If modification of one or more of the averaging sources is required, final compliance shall be achieved within three years.
- (4) If compliance with this Section is to be achieved through the implementation of a seasonal fuel switching program pursuant to 15A NCAC 02D .1411:
 - (A) The owner or operator shall make all necessary modifications according to Subparagraph (b)(2) of this Rule.
 - (B) The owner or operator shall include a plan for complying with the requirements of 15A NCAC 02D .1411 with the permit application required in Part (b)(2)(A) of this Rule.
 - (C) Final compliance shall be achieved within three years after the Director's notice in the North Carolina Register.

- (5) Increments of progress certification. The owner or operator shall certify to the Director, within five days after each increment deadline of progress in this Paragraph, whether the required increment of progress has been met.
- (c) Nonattainment areas. The owner or operator of a source subject to this Rule because of the applicability of 15A NCAC 02D .1402(d), shall adhere to the following:
- (1) If compliance with this Section is to be achieved through a demonstration to certify compliance without source modification:
 - (A) The owner or operator shall notify the Director in writing by August 1, 2007;
 - (B) The owner or operator shall perform any required testing, according to 15A NCAC 02D .1415, by January 1, 2008; and
 - (C) The owner or operator shall implement any required recordkeeping and reporting requirements, according to 15A NCAC 02D .1404, by January 1, 2008.
 - (2) If compliance with this Section is to be achieved through the installation of combustion modification technology or other source modification:
 - (A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007.
 - (B) The compliance schedule shall contain a date by which contracts for installation of the modification shall be awarded or orders shall be issued for purchase of component parts.
 - (C) The compliance schedule shall contain a date by which installation of the modification shall begin.
 - (D) The compliance schedule shall contain a date by which installation of the modification shall be completed.
 - (E) If the source is subject to a limitation, the compliance schedule shall contain, a date by which compliance testing shall be completed.
 - (F) Final compliance shall be achieved no later than April 1, 2009.
 - (3) If compliance with this Section is to be achieved through the implementation of an emissions averaging plan as provided for in 15A NCAC 02D .1410:
 - (A) The owner or operator shall abide by the applicable requirements of Subparagraphs (c)(1) or (c)(2) of this Rule for certification or modification of each source to be included under the averaging plan.
 - (B) The owner or operator shall submit a plan to implement an emissions averaging plan according to 15A NCAC 02D .1410 by August 1, 2007.
 - (C) Final compliance shall be achieved within one year no later than January 1, 2008.
 - (4) If compliance with this Section is to be achieved through the implementation of a seasonal fuel switching program as provided for in 15A NCAC 02D .1411:
 - (A) The owner or operator shall make all necessary modifications according to Subparagraph (c)(2) of this Rule.
 - (B) The owner or operator shall include a plan for complying with the requirements of 15A NCAC 02D .1411 with the permit application required in Part (c)(2)(A) of this Rule.
 - (C) Final compliance shall be achieved no later than April 1, 2009.
 - (5) Increments of progress certification. The owner or operator shall certify to the Director, within five days after the deadline for each increment of progress in this Paragraph, whether the required increment of progress has been met.
- (d) Sources already in compliance.
- (1) Maintenance area and Charlotte ozone nonattainment area contingency plan. Paragraph (b) of this Rule shall not apply to sources that:
 - (A) are in compliance with the applicable rules of this Section when the Director notices in the North Carolina Register the implementation of rules that resolves a violation of the ambient air quality standard for ozone; and
 - (B) have determined and certified compliance to the Director within six months after the Director notices in the North Carolina Register the implementation of rules that resolves a violation of the ambient air quality standard for ozone.
 - (2) Nonattainment areas. Paragraph (c) of this Rule shall not apply to sources in an area named in 15A NCAC 02D .1402(d) that are in compliance with applicable rules of this Section on March 1, 2007.
- (e) New sources.

- (1) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner or operator of any new source of nitrogen oxides not permitted before the date the Director notices in the North Carolina Register according to 15A NCAC 02D .1402(e), (f), or (g) shall comply with all applicable rules in this Section upon start-up of the source. The owner or operator of any new source covered by 15A NCAC 02D .1407, .1408, .1409, .1413, or .1418 shall comply with all applicable rules in this Section upon start-up of the source.
- (2) Nonattainment areas. The owner or operator of any new source of nitrogen oxides not permitted before March 1, 2007 in an area identified in 15A NCAC 02D .1402(d) shall comply with all applicable rules in this Section upon start-up of the 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;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. November 1, 2000;
Amended Eff. April 1, 2001;
Temporary Amendment Eff. August 1, 2001;
Amended Eff. July 1, 2007; March 1, 2007; July 18, 2002;
Readopted Eff. October 1, 2020;
Amended Eff. November 1, 2023.