

**SECTION .1400 – NITROGEN OXIDES****15A NCAC 02D .1401 DEFINITIONS**

(a) For the purpose of this Section, the definitions at N.C.G.S 143-212 and 143-213, and 15A NCAC 2D .0101 shall apply, and in addition the following definitions apply. If a term in this Rule is also defined at 15A NCAC 2D .0101, then the definition in this Rule controls.

- (1) “Acid rain program” means the federal program for the reduction of acid rain including 40 CFR Parts 72, 75, 76, and 77.
- (2) “Actual emissions” means for Rules .1416 through .1422 of this Section, emissions of nitrogen oxides as measured and calculated according to 40 CFR Part 75, Subpart H.
- (3) “Actual heat input” means for Rules .1416 through .1422 of this Section, heat input as measured and calculated according to 40 CFR Part 75, Subpart H.
- (4) “Averaging set of sources” means all the stationary sources included in an emissions averaging plan according to Rule .1410 of this Section.
- (5) “Averaging source” means a stationary source that is included in an emissions averaging plan in accordance to Rule .1410 of this Section.
- (6) “Boiler” means an enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.
- (7) “Combined cycle system” means a system consisting of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.
- (8) “Combustion turbine” means an enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.
- (9) “Diesel engine” means a compression ignited two- or four-stroke engine in which liquid fuel injected into the combustion chamber ignites when the air charge has been compressed to a temperature sufficiently high for auto-ignition.
- (10) “Dual fuel engine” means a compression ignited stationary internal combustion engine that is burning liquid fuel and gaseous fuel simultaneously.
- (11) “Emergency generator” means a stationary internal combustion engine used to generate electricity only during:

- (A) the loss of primary power at the facility that is beyond the control of the owner or operator of the facility or
- (B) maintenance when maintenance is being performed on the power supply to equipment that is essential in protecting the environment or to such equipment itself.

An emergency generator may be operated periodically to ensure that it will operate.

- (12) “Emergency use internal combustion engines” means stationary internal combustion engines used to drive pumps, aerators, and other equipment only during:
- (A) the loss of primary power at the facility that is beyond the control of the owner or operator of the facility or
  - (B) maintenance when maintenance is being performed on the power supply to equipment that is essential in protecting the environment or to such equipment itself.

An emergency use internal combustion engine may be operated periodically to ensure that it will operate.

- (13) “Excess emissions” means an emission rate that exceeds the applicable limitation or standard; for the purposes of this definition, nitrogen oxides emitted by a source covered under Rule .1416, .1417, or .1418 of this Section during the ozone season above its allocation, as may be adjusted under Rule .1419 of this Section, are not considered excess emissions.

- (14) “Fossil fuel fired” means
- (a) For sources that began operation before January 1, 1996, where fossil fuel actually combusted either alone or in combination with any other fuel, comprises more than 50 percent of the annual heat input on a Btu basis during 1995, or, if a source had no heat input in 1995, during the last year of operation of the unit before 1995;
  - (b) For sources that began operation on or after January 1, 1996 and before January 1, 1997, where fossil fuel actually combusted either alone or in combination with any other fuel, comprises more than 50 percent of the annual heat input on a Btu basis during 1996; or
  - (c) For sources that began operation on or after January 1, 1997:
    - (i) Where fossil fuel actually combusted either alone or in combination with any other fuel, comprises more than 50 percent of the annual heat input on a Btu basis during any year; or
    - (ii) Where fossil fuel combusted either alone or in combination with any other fuel, is projected to comprise more than 50 percent of the annual heat

input on a Btu basis during any year, provided that the unit shall be "fossil fuel-fired" as of the date, during such year, on which the source begins combusting fossil fuel.

- (15) "Indirect-fired process heater" means an enclosed device using controlled flame where the device's primary purpose is to transfer heat by indirect heat exchange to a process fluid, a process material that is not a fluid, or a heat transfer material, instead of steam, for use in a process.
- (16) "Lean-burn internal combustion engine" means a spark ignition internal combustion engine originally designed and manufactured to operate with an exhaust oxygen concentration greater than one percent.
- (17) "NO<sub>x</sub>" means nitrogen oxides.
- (18) "Ozone season" means the period beginning May 31 and ending September 30 for 2004 and beginning May 1 and ending September 30 for all other years.
- (19) "Potential emissions" means the quantity of NO<sub>x</sub> that would be emitted at the maximum capacity of a stationary source to emit NO<sub>x</sub> under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit NO<sub>x</sub> shall be treated as a part of its design if the limitation is federally enforceable. Such physical or operational limitations include air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed.
- (20) "Projected seasonal energy input" means the maximum design heat input per hour times 3300 hours.
- (21) "Projected seasonal energy output" means the maximum design energy output per hour times 3300 hours.
- (22) "Reasonable assurance" means a demonstration to the Director that a method, procedure, or technique is possible and practical for a source or facility under the expected operating conditions.
- (23) "Reasonably Available Control Technology" or "RACT" means the lowest emission limitation for NO<sub>x</sub> that a particular source can meet by the application of control technology that is reasonably available considering technological and economic feasibility.
- (24) "Reasonable effort" means the proper installation of technology designed to meet the requirements of Rule .1407, .1408, or .1409 of this Section and the utilization this technology, according to the manufacturer's recommendations or other similar guidance for not less than six months, in an effort to meet the applicable limitation for a source.

- (25) “Rich-burn internal combustion engine” means a spark ignition internal combustion engine originally designed and manufactured to operate with an exhaust oxygen concentration less than or equal to one percent.
- (26) “Seasonal energy input” means the total energy input of a combustion source during the period beginning May 1 and ending September 30.
- (27) “Seasonal energy output” means the total energy output of a combustion source during the period beginning May 1 and ending September 30.
- (28) “Shutdown” means the cessation of operation of a source or its emission control equipment.
- (29) “Source” means a stationary boiler, combustion turbine, combined cycle system, reciprocating internal combustion engine, indirect-fired process heater, or a stationary article, machine, process equipment, or other contrivance, or combination thereof, from which nitrogen oxides emanate or are emitted.
- (30) “Startup” means the commencement of operation of any source that has shutdown or ceased operation for a period sufficient to cause temperature, pressure, process, chemical, or pollution control device imbalance that would result in excess emissions.
- (31) “Stationary internal combustion engine” means a reciprocating internal combustion engine that is not self propelled; however, it may be mounted on a vehicle for portability.

(b) Whenever reference is made to the Code of Federal Regulations in this Section, the definitions in the Code of Federal Regulations shall apply unless specifically stated otherwise in a particular rule.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (7), (10); Eff. April 1, 1995; Temporary Amendment Eff. August 1, 2001; November 1, 2000; Amended Eff. July 15, 2002.*

### **15A NCAC 02D .1402 APPLICABILITY**

- (a) The requirements of this Section shall apply to all sources May 1 through September 30 of each year.
- (b) Rules .1409(b) and .1416 through .1423 of this Section apply statewide.
- (c) Rules .1407, .1408, .1409(a), and .1413 of this Section apply to sources identified according to Paragraph (d) of this Rule.
- (d) With the exceptions stated in Paragraph (h) of this Rule, this Section shall apply to:
  - (1) Charlotte/Gastonia, consisting of Mecklenburg and Gaston Counties according to Paragraph (e) of this Rule;

- (2) Greensboro/Winston-Salem/High Point, consisting of Davidson, Forsyth, and Guilford Counties and the part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin River according to Paragraph (f) of this Rule; or
- (3) Raleigh/Durham, consisting of Durham and Wake Counties and Dutchville Township in Granville County according to Paragraph (g) of this Rule.

(e) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, or Union County, North Carolina or York County, South Carolina, the Director shall initiate analysis to determine the control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the rules implemented are to apply in Gaston or Mecklenburg County or in both counties. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written notification to all permitted facilities within the county in which the rules are being implemented that are or may be subject to the requirements of this Section informing them that they are or may be subject to the requirements of this Section. (For Mecklenburg County, "Director" means for the purpose of notifying permitted facilities in Mecklenburg County, the Director of the Mecklenburg County local air pollution control program.) Compliance shall be according to Rule .1403 of this Section.

(f) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Davidson, Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin River, the Director shall initiate analysis to determine the control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the rules implemented are to apply in Davidson, Forsyth, or Guilford

County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin River or any combination thereof. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written notification to all permitted facilities within the county in which the rules are being implemented that are or may be subject to the requirements of this Section informing them that they are or may be subject to the requirements of this Section. (For Forsyth County, "Director" means for the purpose of notifying permitted facilities in Forsyth County, the Director of the Forsyth County local air pollution control program.) Compliance shall be according to Rule .1403 of this Section.

(g) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Durham or Wake County or Dutchville Township in Granville County, the Director shall initiate analysis to determine the control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the rules implemented are to apply in Durham or Wake County or Dutchville Township in Granville County or any combination thereof. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written notification to all permitted facilities within the county in which the rules are being implemented that are or may be subject to the requirements of this Section informing them that they are or may be subject to the requirements of this Section. Compliance shall be in according to Rule .1403 of this Section.

(h) This Section does not apply to any:

- (1) source not required to obtain an air permit under 15A NCAC 2Q .0102 or is an insignificant activity as defined at 15A NCAC 2Q .0103(19);
- (2) incinerator or thermal or catalytic oxidizer used primarily for the control of air pollution;
- (3) emergency generator;
- (4) emergency use internal combustion engine;
- (5) source that is not covered under Rule .1416, .1417, or .1418, and that is at a facility with a federally enforceable potential to emit nitrogen oxides of:
  - (A) less than 100 tons per year; and

- (B) less than 560 pounds per calendar day beginning May 1 through September 30 of any year.
- (6) stationary internal combustion engine less than 2400 brake horsepower that operates no more than the following hours between May 1 and September 30:
  - (A) for diesel engines:

$$t = \frac{700,280}{ES}$$

- (B) for natural gas-fired engines:

$$t = \frac{833,333}{ES}$$

where  $t$  equals time in hours and ES equals engine size in horsepower.

This exemption shall not apply to any of the sources listed in Rules .1417(a)(1) or (2) or .1417(b) of this Section except that it shall apply to:

- (7) stationary combustion turbine constructed before January 1, 1979, that has a federally enforceable permit that restricts:
  - (A) its potential emissions of nitrogen oxides to no more than 25 tons between May 1 and September 30;
  - (B) it to burning only natural gas or oil; and
  - (C) its hours of operation as described in 40 CFR 96.4 (b) (1)(ii) and (iii).

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (7), (10);  
 Eff. April 1, 1995;  
 Amended Eff. April 1, 1997; July 1, 1995; April 1, 1995.  
 Temporary Amended Eff.; November 1, 2000;  
 Amended Eff. April 1, 2001;  
 Temporary Amended Eff. August 1, 2001;  
 Amended Eff. July 15, 2002;

### **15A NCAC 02D .1403 COMPLIANCE SCHEDULES**

- (a) Applicability. This Rule applies to sources as set out below.
- (b) Maintenance areas. The owner or operator of a source subject to this Rule because of the applicability of Paragraphs (e), (f), or (g) of Rule .1402 of this Section, 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 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, according to Rule .1415 of this Section, 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, according to Rule .1404 of this Section, 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 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, 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 according to Rule .1412 of this Section. If such a petition is made, 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 as provided for in Rule .1410 of this Section:
- (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 according to Rule .1410 of this Section 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 as provided for in Rule .1411 of this Section:
- (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 Rule .1411 of this Section with the permit application required under Part (A) of this Subparagraph.
  - (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 the deadline for each increment of progress in this Paragraph, whether the required increment of progress has been met.
- (c) Schedule for utility companies. The owner or operator of a source subject to this Rule because of Rule .1416 of this Section shall:
- (1) submit to the Director before October 1, 2003, a description of how the source will comply, which shall include an estimate of the number of tons of nitrogen oxides per ozone season, which may be a range, that will be obtained from the nitrogen oxide budget trading program under Rule .1419 of this Section to show compliance;
  - (2) submit to the Director a permit application, following the schedules in 15A NCAC 2Q .0312, .0313, .0525, or .0527, as applicable, to receive a permit and make the modification or construct and begin operating the control device before the final compliance dates in Rule .1416 of this Section if a permit is needed for source modifications or control device installation or modification; and

- (3) install and implement any required monitoring, recordkeeping, and reporting requirements before May 1, 2004; if a permit application is necessary to install and operate the monitor, the permit application shall be submitted by October 1, 2003; if a permit application is not submitted, the Director shall modify the source's permit by January 1, 2004, to insert the monitoring, recordkeeping, and reporting requirements necessary to show compliance with this Section.
- (d) Schedule for large combustion sources. The owner or operator of a source subject to this Rule because of Rules .1409(b) or .1417 of this Section shall:
- (1) submit to the Director before October 1, 2003, a description of how the source will comply, which shall include an estimate of the number of tons of nitrogen oxides per ozone season, which may be a range, that will be obtained from the nitrogen oxide budget trading program under Rule .1419 of this Section to show compliance;
  - (2) submit to the Director a permit application, following the schedules in 15A NCAC 2Q .0312, .0313, .0525, or .0527, as applicable, to receive a permit and make the modification or construct and begin operating the control device before the final compliance dates in Rules .1409(b) or .1417 of this Section if a permit is needed for source modifications or control device installation or modification;
  - (3) install and implement any required monitoring, recordkeeping, and reporting requirements before May 1, 2004; if a permit application is necessary to install and operate the monitor, the permit application shall be submitted by October 1, 2003; if a permit application is not submitted, the Director shall modify the source's permit by January 1, 2004, to insert the monitoring, recordkeeping, and reporting requirements necessary to show compliance with this Section.
- (e) New sources. The owner or operator of any new source of nitrogen oxides not permitted as of the date the Director notices in the North Carolina Register according to Paragraphs (e), (f), or (g) of Rule .1402 of this Section, shall comply with all applicable rules in this Section upon start-up of the source. The owner or operator of any new source covered under Rules .1407, .1408, .1409, .1413, or .1418 of this Section 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), (7), (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 15, 2002.*

**15A NCAC 02D .1404 RECORDKEEPING: REPORTING: MONITORING:**

- (a) General requirements. The owner or operator of any source shall comply with the monitoring, recordkeeping and reporting requirements in Section .0600 of this Subchapter and shall maintain all records necessary for determining compliance with all applicable limitations and standards of this Section for five years.
- (b) Submittal of information to show compliance status. The owner or operator of any source shall maintain and, when requested by the Director, submit any information required by these rules to determine the compliance status of an affected source.
- (c) Excess emissions reporting. The owner or operator shall report excess emissions following the procedures under Rule .0535 of this Subchapter.
- (d) Continuous emissions monitors.
- (1) The owner or operator shall install, operate, and maintain a continuous emission monitoring system according to 40 CFR Part 75, Subpart H, with such exceptions as may be allowed under 40 CFR Part 75, Subpart H or 40 CFR Part 96 if:
    - (A) a source is covered under Rules .1416, .1417, or .1418 of this Section except internal combustion engines, or
    - (B) any source that opts into the nitrogen oxide budget trading program under Rule .1419 of this Section .
  - (2) The owner or operator of a source that is subject to the requirements of this Section but not covered under Subparagraph (1) of this Paragraph and that uses a continuous emissions monitoring system to measure emissions of nitrogen oxides shall operate and maintain the continuous emission monitoring system according to 40 CFR Part 60, Appendix B, Specification 2, and Appendix F or Part 75, Subpart H. If diluent monitoring is required, 40 CFR Part 60, Appendix B, Specification 3, shall be used. If flow monitoring is required, 40 CFR Part 60, Appendix B, Specification 6, shall be used.
  - (3) The owner or operator of the following sources shall not be required to use continuous emission monitors unless the Director determines that a continuous emission monitor is necessary under Rule .0611 of this Subchapter to show compliance with the rules of this Section:
    - (A) a boiler or indirect-fired process heater covered under Rule .1407 of this Section with a maximum heat input less than or equal to 250 million Btu per hour;
    - (B) stationary internal combustion engines covered under Rule .1409 of this Section except for engines covered under Rules .1409(b) and .1418 of this Section.

## (e) Missing data.

- (1) If data from continuous emission monitoring systems required to meet the requirements of 40 CFR Part 75 are not available at a time that the source is operated, the procedures in 40 CFR Part 75 shall be used to supply the missing data.
- (2) For continuous emissions monitors not covered under Subparagraph (1) of this Paragraph, data shall be available for at least 95 percent of the emission sources operating hours for the applicable averaging period, where four equally spaced readings constitute a valid hour. If data from continuous emission monitoring systems are not available for at least 95 percent of the time that the source is operated, the owner or operator of the monitor shall:
  - (A) use the procedures in 40 CFR 75.33 through 75.37 to supply the missing data; or
  - (B) document that the combustion source or process equipment and the control device were being properly operated (acceptable operating and maintenance procedures are being used, such as, compliance with permit conditions, operating and maintenance procedures, and preventative maintenance program, and monitoring results and compliance history) when the monitoring measurements were missing.

## (f) Quality assurance for continuous emissions monitors.

- (1) The owner or operator of a continuous emission monitor required to meet 40 CFR Part 75, Subpart H, shall follow the quality assurance and quality control requirements of 40 CFR Part 75, Subpart H.
- (2) For a continuous emissions monitor not covered under Subparagraph (1) of this Paragraph, the owner or operator of the continuous emissions monitor shall follow the quality assurance and quality control requirements of 40 CFR Part 60, Appendix F, if the monitor is required to be operated annually under another rule. If the continuous emissions monitor is being operated only to satisfy the requirements of this Section, then the quality assurance and quality control requirements of 40 CFR Part 60, Appendix F, shall apply except that:
  - (A) A relative accuracy test audit shall be conducted after January 1 and before May 1 of each year;
  - (B) One of the following shall be conducted at least once between May 1 and September 30 of each year:
    - (i) a linearity test, according to 40 CFR Part 75, Appendix A, Section 3.2, 6.2, and 7.1;
    - (ii) a relative accuracy audit, according to 40 CFR Part 60, Appendix F, Section 5 and 6; or

- (iii) a cylinder gas audit according to 40 CFR Part 60, Appendix F, Section 5 and 6; and
- (C) A daily calibration drift test shall be conducted according to 40 CFR Part 60, Appendix F, Section 4.0.
- (g) Interim reporting for large sources. The owner or operator of a source covered under Rules .1416, .1417, or .1418 of this Section shall report to the Director no later than July 30 the tons of nitrogen oxides emitted during the previous May and June. No later than October 30, the owner or operator shall report to the Director the tons of nitrogen oxides emitted during the previous ozone season. The Division of Air Quality shall make this information publicly available.
- (h) Recordkeeping and reporting requirements for large sources. The owner or operator of a source covered under Rules .1416, .1417, or .1418 of this Section shall comply with the recordkeeping and reporting requirements of 40 CFR Part 96, Budget Trading Program for State Implementation Plans.
- (i) Averaging time for continuous emissions monitors. When compliance with a limitation established for a source subject to the requirements of this Section is determined using a continuous emissions monitoring system, a 24-hour block average as described under Rule .0606 of this Subchapter shall be recorded for each day beginning May 1 through September 30 unless a specific rule requires a different averaging time or procedure. Sources covered under Rules .1416, .1417, or .1418 of this Section shall comply with the averaging time requirements of 40 CFR Part 75. A 24-hour block average described in Rule .0606 of this Subchapter shall be used when a continuous emissions monitoring system is used to determine compliance with a short-term pounds-per-million-Btu standard in Rule .1418 of this Section.
- (j) Heat input. Heat input shall be determined:
  - (1) for sources required to use a monitoring system meeting the requirements of 40 CFR Part 75, using the procedures in 40 CFR Part 75; or
  - (2) for sources not required to use a monitoring system meeting the requirements of 40 CFR Part 75 using:
    - (A) 40 CFR Part 75,
    - (B) a method in 15A NCAC 2D .0501, or
    - (C) the best available heat input data if approved by the Director (the Director shall grant approval if he finds that the heat input data is the best available).
- (k) Source testing. When compliance with a limitation established for a source subject to the requirements of this Section is determined using source testing, the source testing shall follow the procedures of Rule .1415 of this Section.
- (l) Alternative monitoring and reporting procedures. The owner or operator of a source covered under this Rule, except for sources covered under Rule .1419 of this Section, may request alternative monitoring or reporting procedures under Rule .0612, Alternative Monitoring and Reporting Procedures.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5), (7), (10);  
Eff. April 1, 1995;  
Amended Eff. April 1, 1999.  
Temporary Amendment Eff. November 1, 2000;  
Amended Eff. April 1, 2001;  
Temporary Amendment Eff. August 1, 2001;  
Amended Eff. January 1, 2005; May 1, 2004; July 15, 2002.

**15A NCAC 02D .1405 CIRCUMVENTION**

- (a) An owner or operator subject to this Section shall not build, erect, install or use any article, machine, equipment, process, or method which conceals an emission which would otherwise constitute a violation of an applicable rule.
- (b) Paragraph (a) of this Rule includes the use of gaseous diluent to achieve compliance and the piecemeal carrying out of an operation to avoid coverage by a rule that applies only to operations larger than a specified size.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. April 1, 1995.

[pages D-1400-16 through D-1400-18 reserved]