

15A NCAC 02Q .0528 112(G) CASE-BY-CASE MACT PROCEDURES

(a) Applicability. The owner or operator of a source required to apply maximum achievable control technology (MACT) under 15A NCAC 2D .1112 shall follow the permit procedures set out in this Rule.

(b) Construction prohibition. After July 1, 1998 a person shall not begin actual construction or reconstruction of a major source of hazardous air pollutants unless:

- (1) The major source has been specifically regulated or exempted from regulation under:
 - (A) 15A NCAC 2D .1109 or .1111, or
 - (B) a standard issued pursuant to Section 112(d), 112(h), or 112(j) of the federal Clean Air Act under 40 CFR Part 63,

and the owner and operator has fully complied with all procedures and requirements for preconstruction review established by that standard, including any applicable requirements set forth in 40 CFR Part 63, Subpart A; or

- (2) The Division has made a final and effective case-by-case determination under 15A NCAC 2D .1112 such that emissions from the constructed or reconstructed major source will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

(c) Requirements for constructed and reconstructed major sources. When a case-by-case determination of MACT is required by 15A NCAC 2D .1112, the owner and operator shall submit a permit application to the Division and the Division shall process the application following the procedures of Rule .0501(c) of this Section.

(d) Alternative operating scenarios. When applying for a permit, the owner or operator may request approval of case-by-case MACT determinations for alternative operating scenarios. Approval of such determinations satisfies the requirements of Section 112(g) of the federal Clean Air Act for each such scenario.

(e) Application requirements for a case-by-case MACT determination. The owner or operator of a source required to apply MACT under Rule 15A NCAC 2D .1112 shall submit a permit application that contains all the information required under 40 CFR 63.43(e).

(f) Reporting to the EPA. Within 60 days of the issuance of a permit under this Section or Section .0300 of this Subchapter incorporating a MACT determination, the Director shall provide a copy of such permit to EPA, and shall provide a summary in a compatible electronic format for inclusion in the MACT data base.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10);
Eff. July 1, 1998.