

1 15A NCAC 02D .0902 is proposed for amendment as follows:
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3 **15A NCAC 02D .0902 APPLICABILITY**

4 (a) The rules in this Section do not apply except as specifically set out in this Rule.

5 (b) This Section applies to sources that emit greater than or equal to 15 pounds of volatile organic compounds per day
6 unless specified otherwise in this Section.

7 (c) Rules .0925, .0926, .0927, .0928, .0931, .0932, .0933, and .0958 of this Section apply regardless of the level of
8 emissions of volatile organic compounds unless provisions specified in Paragraph (d)(1) of this Rule are applied.

9 (d) This Section does not apply to:

10 (1) sources that emit less than 800 pounds of volatile organic compounds per calendar month and that are:

11 (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality
12 control purposes, staff instruction, water or wastewater analyses, or non-production
13 environmental compliance assessments;

14 (B) bench-scale experimentation, chemical or physical analyses, training or instruction from not-
15 for-profit, non-production educational laboratories;

16 (C) bench-scale experimentation, chemical or physical analyses, training or instruction from
17 hospitals or health laboratories pursuant to the determination or diagnoses of illness; or

18 (D) research and development laboratory activities, provided the activity produces no commercial
19 product or feedstock material; or

20 (2) emissions of volatile organic compounds during startup or shutdown operations from sources which
21 use incineration or other types of combustion to control emissions of volatile organic compounds
22 whenever the off-gas contains an explosive mixture during the startup or shutdown operation if the
23 exemption is approved by the Director as meeting the requirements of this Subparagraph.

24 (e) The following rules of this Section apply to facilities located statewide:

25 (1) .0925, Petroleum Liquid Storage in Fixed Roof Tanks, for fixed roof tanks at gasoline bulk plants and
26 gasoline bulk terminals;

27 (2) .0926, Bulk Gasoline Plants;

28 (3) .0927, Bulk Gasoline Terminals;

29 (4) .0928, Gasoline Service Stations Stage I;

30 (5) .0932, Gasoline Truck Tanks and Vapor Collection Systems;

31 (6) .0933, Petroleum Liquid Storage in External Floating Roof Tanks, for external floating roof tanks at
32 bulk gasoline plants and bulk gasoline terminals;

33 (7) .0948, VOC Emissions from Transfer Operations;

34 (8) .0949, Storage of Miscellaneous Volatile Organic Compounds; and

35 ~~(9) .0958, Work Practices for Sources of Volatile Organic Compounds.~~

36 (f) Except as provided in Paragraph (e) of this Rule, the rules in this Section apply to facilities subject to Section
37 182(b)(2) of the Clean Air Act with potential to emit 100 or more tons per year of VOC and to facilities with potential to

1 emit less than 100 tons per year of volatile organic compounds in categories for which the United States Environmental
2 Protection Agency has issued Control Technique Guidelines that are located in the following moderate nonattainment
3 areas for the 1997 8-hour ozone standard as designated in 40 CFR ~~81.334~~81.334 prior to January 2, 2014:

- 4 (1) Cabarrus County;
- 5 (2) Gaston County;
- 6 (3) Lincoln County;
- 7 (4) Mecklenburg County;
- 8 (5) Rowan County;
- 9 (6) Union County; and
- 10 (7) Davidson Township and Coddle Creek Township in Iredell County.

11 These facilities are subject to reasonably available control technology requirements under this Section and shall comply
12 with these requirements in accordance with Rule .0909 of this Section through use of Rule .0951 of this ~~Section~~Section
13 and with Rule .0958 of this Section.

14 (g) If any county or part of a county to which this Section applies is later designated in 40 CFR 81.334 as attainment and
15 becomes a maintenance area for the 1997 8-hour ozone standard, all sources in that county or part of county subject to
16 Paragraph (f) of this Rule that achieved compliance in accordance with Rule .0909 of this Section shall continue to
17 comply with this Section. Facilities with potential to emit less than 100 tons of volatile organic compounds per year for
18 which the compliance date in Rule .0909 of this Section has not passed before redesignation of the area to attainment for
19 the 1997 ozone standard shall comply in accordance with Paragraph (h) of this Rule.

20 (h) If a violation of the 1997 ambient air quality standard for ozone occurs when the areas listed in Paragraph (f) become
21 ozone maintenance area, no later than 10 days after the violation occurs, the Director shall initiate technical analysis to
22 determine the control measures needed to attain and maintain the 1997 8-hour ambient air quality standard for ozone. By
23 the following May 1, the Director shall implement the specific stationary source control measures contained in this
24 Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain
25 compliance with the 1997 8-hour ambient air quality standard for ozone. The Director shall implement the rules in this
26 Section identified as being necessary by the analysis by notice in the North Carolina Register. The notice shall identify
27 the rules that are to be implemented and shall identify whether the Rules implemented are to apply in the areas listed in
28 Paragraph (f) of this Rule. At least one week before the scheduled publication date of the North Carolina Register
29 containing the Director's notice implementing rules in this Section, the Director shall send written notification to all
30 permitted facilities within the counties in which the Rules of this Section are being implemented notifying them that they
31 are or may be subject to the requirements defined in Rule .0909 of this Section.

32 For Mecklenburg County, "Director" means, for the purpose of notifying permitted facilities in Mecklenburg County, the
33 Director of the Mecklenburg County local air pollution control program.

34 (i) Sources whose emissions of volatile organic compounds are not subject to limitation under this Section may still be
35 subject to emission limits on volatile organic compounds in Rules .0524, .1110, or .1111 of this Subchapter.

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37 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

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Eff. July 1, 1979;
Amended Eff. _____; May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007; March
1, 2007; August 1, 2004; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1995; May 1, 1995; July 1,
1994.