15A NCAC 02D .0902 is proposed for amendment as follows:

15A NCAC 02D .0902 APPLICABILITY

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

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

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

(d) This Section does not apply to:

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

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

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

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

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

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

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

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

(2) .0926, Bulk Gasoline Plants;

(3) .0927, Bulk Gasoline Terminals;

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

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

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

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

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

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

(f) Except as provided in Paragraph (e) of this Rule, ~~The~~the Rules in this Section apply to facilities subject to Section 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 emit less than 100 tons per year of volatile organic compounds in categories for which the United States Environmental Protection Agency has issued Control Technique Guidelines ~~with the potential to emit greater than or equal to 100 tons of volatile organic compounds per year~~that are located in the following moderate nonattainment ~~areas:~~areas for the 1997 8-hour ozone standard as designated in 40 CFR 81.334:

(1) Cabarrus County;

(2) Gaston County;

(3) Lincoln County;

(4) Mecklenburg County;

(5) Rowan County;

(6) Union County; and

(7) Davidson Township and Coddle Creek Township in Iredell County.

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

(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 becomes a maintenance area for the 1997 8-hour ozone standard, all sources in that county or part of county subject to Paragraph (f) of this Rule that achieved compliance in accordance with Rule .0909 of this Section ~~subject to this Section before the redesignation to attainment~~ shall continue to comply with this Section. Facilities with potential to emit less than 100 tons of volatile organic compounds per year for which the compliance date in Rule .0909 of this Section has not passed before redesignation of the area to attainment for the 1997 ozone standard shall comply in accordance with Paragraph (h) of this Rule.

(h) If ~~EPA reclassifies~~ a violation of the 1997 ambient air quality standard for ozone occurs in the Charlotte-Gastonia-Rock Hill ozone ~~nonattainment~~ maintenance ~~area as serious for ozone under Section 182 of the federal Clean Air Act, the rules in this Section shall apply to facilities in Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, and Union Counties and Davidson and Coddle Creek townships in Iredell County with the potential to emit at least 50 tons of volatile organic compounds per year. Within 60 days of the reclassification,~~ area, the Director shall initiate technical analysis to determine the control measures needed to attain and maintain the 1997 8-hour 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 1997 8-hour ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as being 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 the areas listed in Paragraph (f) of this Rule. 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 notice the applicability of these Rules to these facilities in the North Carolina Register and~~ shall

send written notification to all permitted facilities within the counties 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 .0909 of this Section.

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

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

15A NCAC 02D .0903 is proposed for amendment as follows:

15A NCAC 02D .0903 RECORDKEEPING: REPORTING: MONITORING

(a) The owner or operator of any volatile organic compound emission source or control equipment shall:

(1) install, operate, and maintain process and control equipment monitoring instruments or procedures as necessary to comply with the requirements of this Section; and

(2) maintain, in writing, data and reports relating to monitoring instruments or procedures which will, upon review, document the compliance status of the volatile organic compound emission source or control equipment; such data and reports shall, as a minimum, be maintained ~~daily.~~ daily unless otherwise specified in this Section.

(b) The owner or operator of any volatile organic compound emission source or control equipment subject to the requirements of this Section shall comply with the monitoring, recordkeeping, and reporting requirements in Section .0600 of this Subchapter.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*
Eff. July 1, 1979;
Amended Eff. May 1, 2013; April 1, 1999; July 1, 1993; July 1, 1991; December 1, 1989; January 1, 1985.

15A NCAC 02D .0909 is proposed for amendment as follows:

15A NCAC 02D .0909 COMPLIANCE SCHEDULES FOR SOURCES IN OZONE NONATTAINMENT AND MAINTENANCE AREAS

(a) Applicability. With the exceptions in Paragraph (b) of this Rule, this Rule applies to ~~all~~ sources located at any facility covered by ~~Paragraph~~ Paragraphs (f) ~~or~~ and (h) of Rule .0902 of this Section.

(b) Exceptions. This Rule does not apply to ~~sources~~ facilities ~~required to comply with the requirements~~ subject to rules listed ~~of this Section~~ under Paragraph (e) ~~of~~ in Rule .0902 of this Section. Facilities subject to Rules listed in Paragraph (e) of Rule .0902 shall comply in accordance with the provisions defined in those rules rather than the schedule in Paragraphs (c) and (d) of this Rule.

(c) Maintenance area ~~and Charlotte ozone nonattainment area~~ contingency plan. The owner or operator of any source ~~subject to this Rule because of the application of Paragraph (h) of Rule .0902 of this Section~~ subject to Paragraph (a) in this Rule shall adhere to the following increments of progress and schedules:

(1) if compliance with applicable rules in this Section is to be achieved by installing emission control equipment, replacing process equipment, or modifying existing process equipment:

(A) The owner or operator shall submit a permit application and a compliance schedule within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone;

(B) The compliance schedule shall contain the following increments of progress:

(i) a date by which contracts for the emission control system and process equipment shall be awarded or orders shall be issued for purchase of component parts;

(ii) a date by which on-site construction or installation of the emission control and process equipment shall begin; and

(iii) a date by which on-site construction or installation of the emission control and process equipment shall be completed; and

(C) Final compliance with applicable rules in this Section shall be achieved within three years after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.

(2) if compliance with applicable rules in this Section is to be achieved by using low solvent content coating technology:

(A) The owner or operator shall submit a permit application and a compliance schedule within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone;

(B) The compliance schedule shall contain the following increments:

~~(i) a date by which research and development of low solvent content coating shall be completed if the Director determines that low solvent content coating~~

~~technology has not been sufficiently researched and developed to assure compliance;~~

~~(ii) a date by which evaluation of product quality and commercial acceptance shall be completed;~~

~~(iii)~~(i) a date by which purchase orders shall be issued for low solvent content coatings and process modifications;

~~(iv)~~(ii) a date by which process modifications shall be initiated; and

~~(v)~~(iii) a date by which process modifications shall be completed and use of low solvent content coatings shall begin; and

(C) Final compliance with applicable rules in this Section shall be achieved within ~~three years~~ two years after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.

(3) The owner or operator shall certify to the Director within five days after each increment deadline of progress defined in this Paragraph, whether the required increment of progress has been met.

(d) Moderate ~~Nonattainment~~ nonattainment areas. The owner or operator of any source ~~subject to this Rule because of the application of Paragraph (f) of Rule .0902 of this Section~~ subject to Paragraph (a) of this Rule shall adhere to the following increments of progress and schedules:

(1) if compliance with applicable rules in this Section is to be achieved by installing emission control equipment, replacing process equipment, or modifying existing process equipment:

(A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007;

(B) The compliance schedule shall contain the following increments of progress:

(i) a date by which contracts for the emission control system and process equipment shall be awarded or orders shall be issued for purchase of component parts;

(ii) a date by which on-site construction or installation of the emission control and process equipment shall begin; and

(iii) a date by which on-site construction or installation of the emission control and process equipment shall be completed; and

(C) For facilities with potential to emit 100 tons or more of volatile organic compounds per year, ~~Final~~final compliance with applicable rules in this Section shall be achieved no later than April 1, 2009;

(D) For facilities with potential to emit less than 100 tons of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than May 1, 2016.

(2) if compliance with applicable rules in this Section is to be achieved by using low solvent content coating technology:

(A) The owner or operator shall submit a permit application and a compliance schedule by August 1, 2007;

(B) The compliance schedule shall contain the following increments:

~~(i) a date by which research and development of low solvent content coating shall be completed if the Director determines that low solvent content coating technology has not been sufficiently researched and developed;~~

~~(ii) a date by which evaluation of product quality and commercial acceptance shall be completed;~~

~~(iii)~~(i) a date by which purchase orders shall be issued for low solvent content coatings and process modifications;

~~(iv)~~(ii) a date by which process modifications shall be initiated; and

~~(v)~~(iii) a date by which process modifications shall be completed and use of low solvent content coatings shall begin; and

(C) Final compliance with applicable rules in this Section shall be achieved no later than April 1, 2009.

(D) For facilities with potential to emit less than 100 tons of volatile organic compounds per year, final compliance with applicable rules in this Section shall be achieved no later than May 1, 2015.

(3) The owner or operator shall certify to the Director within five days after the deadline, for each increment of progress defined in this Paragraph, whether the required increment of progress has been met.

(e) If the Director requires a test to demonstrate that compliance has been achieved, the owner or operator of sources subject to this Rule shall conduct a test and submit a final test report within six months after the stated date of final compliance.

(f) Sources already in compliance.

(1) Maintenance area ~~and Charlotte ozone nonattainment area~~ contingency plan. Paragraph (c) of this Rule shall not apply to ~~sources~~ any source subject to Paragraph (a) of this Rule that is in compliance with applicable rules of this Section when the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone and that have determined and certified compliance to the satisfaction of the Director within six months after the Director notices the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone.

(2) Moderate ~~and Nonattainment~~ nonattainment areas. ~~Paragraphs~~ Paragraph (d) of this Rule does not apply to sources ~~in an area named in Paragraph (f) of Rule .0902 of this Section that~~ subject to Paragraph (a) of this Rule if they are in compliance with applicable rules of this Section on March 1, 2007.

(g) New sources.

(1) Maintenance area ~~and Charlotte ozone nonattainment area~~ contingency plan. The owner or operator of any ~~new~~ source ~~of volatile organic compounds~~ subject to Paragraph (a) of this Rule not in existence or under construction before the date that the Director notices in the North Carolina Register in accordance with Paragraph (h) of Rule .0902 of this Section the implementation of rules in the North Carolina Register that resolves a violation of the ambient air quality standard for ozone, shall comply with all applicable rules in this Section upon start-up of the source.

(2) Moderate ~~and Nonattainment~~ nonattainment areas. The owner or operator of any new source ~~of volatile organic compounds~~ subject to Paragraph (a) of this Rule not in existence or under construction before March 1, 2007 in an area identified in ~~of volatile organic compounds~~ Paragraph (f) of Rule .0902 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); 143-215.107(a)(5);*
Eff. July 1, 1979;
Amended Eff. May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007; March 1, 2007; July 1, 2000; April 1, 1997; July 1, 1995; July 1, 1994; July 1, 1988; January 1, 1985.

15A NCAC 02D .0951 is proposed for amendment as follows:

15A NCAC 02D .0951 RACT FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS~~MISCELLANEOUS VOLATILE ORGANIC COMPOUND EMISSIONS~~

(a) Facilities required to install RACT pursuant to Rule .0902 of this Section shall determine the emissions control level according to this Rule. ~~With the exceptions in Paragraph (b) of this Rule, this Rule applies to all facilities that use volatile organic compounds as solvents, carriers, material processing media, or industrial chemical reactants, or in other similar uses, or that mix, blend, or manufacture volatile organic compounds for which there is no other applicable emissions control rule in this Section except Rule .0958 of this Section.~~ If the only other applicable emissions control rule for the facility in this Section is Rule .0958, then both this Rule and Rule .0958 apply.

(b) This Rule does not apply to architectural or maintenance coating.

(c) The owner or operator of any facility to which this Rule applies ~~shall:~~shall comply by either of the following:

(1) install and operate reasonable available control ~~technology;~~technology as defined by category specific emission standards defined in this Section; or

(2) ~~limit emissions of volatile organic compounds from coating lines not covered by Rules .0922, .0923, .0924, .0934, .0935, .0936, or .0961 through .0968 from this Section to no more than 6.7 pounds of volatile organic compounds per gallon of solids delivered to the coating applicator.~~install and operate reasonable available control technology demonstrated to the Director and the U.S. Environmental Protection Agency to advance attainment.

(d) If the owner or operator of a facility chooses to install reasonable available control technology under Subparagraph (c)~~(1)~~(2) of this Rule, the owner or operator shall submit:

(1) the name and location of the facility;

(2) information identifying the source for which a reasonable available control technology limitation or standard is being proposed;

(3) a demonstration that shows the proposed reasonable available control technology limitation or standard satisfies the requirements for reasonable available control technology; and

(4) a proposal for demonstrating compliance with the proposed reasonable control technology limitation or standard.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*
Eff. July 1, 1994;
Amended Eff. May 1, 2013; September 1, 2010; July 1, 2000; July 1, 1996.

15A NCAC 02Q .0102 is proposed for amendment as follows:

15A NCAC 02Q .0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) This Rule does not apply to facilities required to have a permit under Section .0500 of this Subchapter. This Rule applies only to permits issued under Section .0300 of this Subchapter.

(b) If a source is subject to any of the following rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (c) of this Rule do not apply:

(1) new source performance standards under 15A NCAC 02D .0524 or 40 CFR Part 60, except when the following activities are eligible for exemption under Paragraph (c) of this Rule:

(A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units;

(B) 40 CFR Part 60, Subparts K, Ka, or Kb, volatile organic liquid storage vessels;

(C) 40 CFR Part 60, Subpart AAA, new residential wood heaters;

(D) 40 CFR Part 60, Subpart JJJ, petroleum dry cleaners;

(E) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills;

(F) 40 CFR Part 60, Subpart IIII, stationary compression ignition internal combustion engines; or

(G) 40 CFR Part 60, Subpart JJJJ, stationary spark ignition internal combustion engines;

(2) national emission standards for hazardous air pollutants under 15A NCAC 02D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities, which are eligible for exemption under Paragraph (c) of this Rule;

(3) prevention of significant deterioration under 15A NCAC 02D .0530;

(4) new source review under 15A NCAC 02D .0531 or .0532;

(5) sources of volatile organic compounds subject to the requirements of ~~15A NCAC 02D .0900~~ Section .0900,Volatile Organic Compounds, that are located in Mecklenburg County according to ~~15A NCAC 02D .0902 (d);~~ 15A NCAC 02D .0902(f).

(6) sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 02D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a permit under Section .0500 of this Subchapter;

(7) sources at facilities subject to 15A NCAC 02D .1100. (If a source does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (c) of this Rule).

(c) The following activities do not need a permit or permit modification under Section .0300 of this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 02D .0200:

(1) activities exempted because of category:

(A) maintenance, upkeep, and replacement:

(i) maintenance, structural changes, or repairs which do not change the capacity of such process, fuel-burning, refuse-burning, or control equipment, and do not involve any change in quality or nature or increase in quantity of emission of regulated air pollutants;

(ii) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;

(iii) use of office supplies, supplies to maintain copying equipment, or blueprint machines;

(iv) use of fire fighting equipment;

(v) paving parking lots; or

(vi) replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;

(B) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;

(C) laboratory activities:

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

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

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

(iv) research and development laboratory activities provided the activity produces no commercial product or feedstock material;

(D) storage tanks:

(i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas or liquefied petroleum gas;

(ii) storage tanks used to store gasoline or ethanol-based fuels for which there are no applicable requirements except Stage I controls under 15A NCAC 02D .0928;

(iii) storage tanks used solely to store inorganic liquids; or

(iv) storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;

(E) combustion and heat transfer equipment:

(i) space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum gas operating by direct heat transfer and used solely for comfort heat;

(ii) residential wood stoves, heaters, or fireplaces;

(iii) hot water heaters which are used for domestic purposes only and are not used to heat process water;

(F) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;

(G) gasoline distribution: gasoline service stations or gasoline dispensing facilities;

(H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;

(I) solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:

(i) The portable solvent distillation system is not:

(I) owned by the facility, and

(II) operated at the facility for more than seven consecutive days; and

(ii) The material recycled is recycled at the site of origin;

(J) processes:

(i) electric motor burn-out ovens with secondary combustion chambers or afterburners;

(ii) electric motor bake-on ovens;

(iii) burn-off ovens for paint-line hangers with afterburners;

(iv) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;

(v) blade wood planers planing only green wood;

(K) solid waste landfills: municipal solid waste landfills (This Part does not apply to flares and other sources of combustion at solid waste landfills; these flares and other combustion sources are required to be permitted under 15A NCAC 02Q .0300 unless they qualify for another exemption under this Paragraph.);

(L) miscellaneous:

(i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;

(ii) non-self-propelled non-road engines, except generators, regulated by rules adopted under Title II of the Federal Clean Air Act (Generators are required to be permitted under 15A NCAC 02Q .0300 unless they qualify for another exemption under this Paragraph.);

(iii) portable generators regulated by rules adopted under Title II of the Federal Clean Air Act;

(iv) equipment used for the preparation of food for direct on-site human consumption;

(v) a source whose emissions are regulated only under Section 112(r) or Title VI of the Federal Clean Air Act;

(vi) exit gases from in-line process analyzers;

(vii) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;

(viii) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment (A unit used as or in conjunction with air pollution control equipment is required to be permitted under 15A NCAC 02Q .0300 unless it qualifies for another exemption under this Paragraph);

(ix) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds (Equipment that emits volatile organic compounds is required to be permitted under 15A NCAC 02Q .0300 unless it qualifies for another exemption under this Paragraph);

(x) equipment that does not emit any regulated air pollutants;

(xi) facilities subject only to a requirement under 40 CFR Part 63 (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard; a control device used to meet a MACT or GACT emission standard is required to be permitted under 15A NCAC 02Q .0300 unless it qualifies for another exemption under this Paragraph);

(xii) sources for which there are no applicable requirements;

(xiii) animal operations not required to have control technology under 15A NCAC 02D .1800 (If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter).

(2) activities exempted because of size or production rate:

(A) storage tanks:

(i) above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70o F; or

(ii) underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70o F;

(B) combustion and heat transfer equipment:

(i) fuel combustion equipment, except for internal combustion engines, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed with natural gas or liquefied petroleum gas with a heat input of less than:

(I) 10 million Btu per hour for which construction, modification, or reconstruction commenced after June 9, 1989; or

(II) 30 million Btu per hour for which construction, modification, or reconstruction commenced before June 10, 1989;

(Internal combustion engines are required to be permitted under 15A NCAC 02Q .0300 unless they qualify for another exemption under this Paragraph);

(ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with a heat input rating less than 65 million Btu per hour (Internal combustion engines are required to be permitted under 15A NCAC 02Q .0300 unless they qualify for another exemption under this Paragraph);

(iii) space heaters burning waste oil if:

(I) The heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes;

(II) The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and

(III) The combustion gases from the heater are vented to the ambient air;

(iv) fuel combustion equipment with a heat input rating less than 10 million Btu per hour that is used solely for space heating except:

(I) space heaters burning waste oil, or

(II) internal combustion engines;

(v) emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the Federal Clean Air Act, except self-propelled vehicles, that have a rated capacity of no more than:

(I) 680 kilowatts (electric) or 1000 horsepower for natural gas-fired engines;

(II) 1800 kilowatts (electric) or 2510 horsepower for liquefied petroleum gas-fired engines;

(III) 590 kilowatts (electric) or 900 horsepower for diesel-fired or kerosene-fired engines; or

(IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;

(Self-propelled vehicles with internal combustion engines are exempted under Subpart (1)(c)(L)(i) of this Paragraph.)

(vi) portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the Federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation (Self-propelled vehicles with internal combustion engines are exempted under Subpart (1)(c)(L)(i) of this Paragraph.);

(vii) peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained to verify the energy production on a monthly basis and on a 12-month basis;

(C) gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons;

(D) processes:

(i) graphic arts operations, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices), and solvent cleaning operations located at a facility whose facility-wide actual emissions of volatile organic compounds are less than five tons per year (Graphic arts operations, coating operations, and solvent cleaning operations are defined in 15A NCAC 02Q .0803);

(ii) sawmills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;

(iii) perchloroethylene dry cleaners that emit less than 13,000 pounds of perchloroethylene per year;

(iv) electrostatic dry powder coating operations with filters or powder recovery systems including electrostatic dry powder coating operations equipped with curing ovens with a heat input of less than 10,000,000 Btu per hour;

(E) miscellaneous:

(i) any source whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff except:

(I) storage tanks,

(II) fuel combustion equipment,

(III) space heaters burning waste oil,

(IV) generators, excluding emergency generators, or other non-self-propelled internal combustion engines,

(V) bulk gasoline plants,

(VI) printing, paint spray booths, or other painting or coating operations,

(VII) sawmills,

(VIII) perchloroethylene dry cleaners, or

(IX) electrostatic dry powder coating operations, provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit. (A source identified in Sub-subpart (I) through (IX) of this Part is required to be permitted under 15A NCAC 02Q .0300 unless it qualifies for another exemption under this Paragraph);

(ii) any facility whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., uncontrolled emissions, are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rate, and none of whose sources would violate an applicable emissions standard;

(iii) any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or

(iv) any incinerator covered under Subparagraph (c)(4) of 15A NCAC 02D .1201;

(F) case-by-case exemption: activities that the applicant demonstrates to the satisfaction of the Director:

(i) to be negligible in their air quality impacts;

(ii) not to have any air pollution control device; and

(iii) not to violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater.

(d) Because an activity is exempted from being required to have a permit does not mean that the activity is exempted from any applicable requirement or that the owner or operator of the source is exempted from demonstrating compliance with any applicable requirement.

(e) Emissions from stationary source activities identified in Paragraph (c) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under 15A NCAC 02D .1100 or 02Q .0700 according to 15A NCAC 02Q .0702 (exemptions from air toxic permitting).

(f) The owner or operator of a facility or source claiming an exemption under Paragraph (c) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

(g) If the Director finds that an activity exempted under Paragraph (c) of this Rule is in violation of or has violated a rule in 15A NCAC 02D, he shall revoke the permit exemption for that activity and require that activity to be permitted under this Subchapter if necessary to obtain or maintain compliance.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;*
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, 2000.

15A NCAC 02D .0961 is proposed for amendment as follows:

15A NCAC 02D .0961 OFFSET LITHOGRAPHIC PRINTING AND LETTERPRESS PRINTING

(a) For the purpose of this Rule, the ~~following~~ definitions listed in rules .0101, 0902 of this Section ~~apply:~~ and in Paragraph (a)(1) through (10) of this rule shall apply.

(1) "Composite partial vapor pressure" means the sum of the partial pressure of the compounds defined as volatile organic compounds. Volatile organic compounds composite partial vapor pressure is calculated as follows:

$$PP_c = \sum_{i=1}^{n} \frac{(W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \frac{W_c}{MW_c} + \sum_{i=1}^{n} \frac{W_i}{MW_i}}$$

Where:

W_i = Weight of the "i" volatile organic compound, in grams

W_w = Weight of water, in grams

W_c = Weight of exempt compound, in grams

MW_i = Molecular weight of the "i" volatile organic compound, in g/g-mole

MW_w = Molecular weight of water, in g/g-mole

MW_c = Molecular weight of exempt compound, in g/g-mole

PP_c = Volatile organic compounds composite partial vapor pressure at 20 degrees Celsius (68 degrees Fahrenheit), in mm Hg

VP_i = Vapor pressure of the "i" volatile organic compound at 20 degrees Celsius (68 degrees Fahrenheit), in mm Hg

(2) "First installation date" means the actual date when this control device becomes operational. This date does not change if the control device is later redirected to a new press.

(3) "Fountain solution" means water-based solution that applies to lithographic plate to render the non-image areas unreceptive to the ink.

(4) "Heatset" means any operation in which heat is required to evaporate ink oils from the printing ink, excluding ultraviolet (UV) curing, electron beam curing and infrared drying.

(5) "Letterpress printing" means a printing process in which the image area is raised relative to the non-image area and the paste ink is transferred to the substrate directly from the image surface.

(6) "Non-heatset" means a lithographic printing process where the printing inks are set by absorption or oxidation of the ink oil, not by evaporation of the ink oils in a dryer. For the purposes of this Rule, use of an infrared heater or printing conducted using ultraviolet-cured or electron beam-cured inks is considered non-heatset.

(7) "Offset lithography" means ~~an indirect method of~~ a printing process that uses sheet-fed or web method of press feeding ~~when~~ and transfers ink ~~transferred~~ from the lithographic plate to a rubber-

covered intermediate "blanket" cylinder and then ~~transferred~~ from the blanket cylinder to the substrate.

(8) "Press" means a printing production assembly composed of one or more units used to produce a printed substrate including any associated coating, spray powder application, heatset web dryer, ultraviolet or electron beam curing units, or infrared heating units.

(9) "Sheet-fed printing" means ~~indirect method of~~ offset lithographic printing when ~~ink transferred from the lithographic plate to a rubber-covered intermediate "blanket" cylinder and then transferred from the blanket cylinder to the substrate.~~ individual sheets of paper or other substrate are fed to the press.

(10) "Web printing" means offset lithographic printing when continuous rolls of substrate material are fed to the press and rewound or cut to size after printing.

(b) This Rule applies to any offset lithographic and any letterpress printing operations sources that are not covered by Subparagraph (c)(1) of Rule .0966 of this Section and whose emissions of volatile organic compounds ~~exceed the threshold established in Paragraphs (b) and (f) of Rule .0902 of this Section and is not covered by Subparagraph (c)(1) of Rule .0966 of this Section. Section~~ exceed:

(1) the threshold established in Paragraphs (b) and (f) of Rule .0902 of this Section; or

(2) an equivalent level of three tons per 12-consecutive month rolling period.

(c) Volatile organic compounds content in the fountain solution ~~from~~for on-press (as-applied) ~~for~~ heatset web offset lithographic printing shall ~~not exceed 1.6 percent alcohol (by weight) in the fountain solution or equivalent. This level of control for volatile organic compounds shall be achieved by:~~meet one of the following requirements or equivalent level of control as determined in permit conditions:

(1) ~~reducing the on-press (as-applied) alcohol content to~~contain 1.6 percent alcohol or ~~less~~less, ~~(by weight);~~by weight, as applied, in the fountain solution: or

(2) ~~use~~contain three percent alcohol or ~~less (by weight)~~ less, by weight, ~~the~~ on-press (as-applied) in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or

(3) ~~use~~contain five percent alcohol substitute or ~~less (by weight)~~less, by weight, ~~the~~ on-press (as-applied) and no alcohol in the fountain solution.

(d) Volatile organic compounds content in the fountain solution ~~from~~for on-press (as-applied) sheet-fed lithographic printing shall ~~not exceed five percent alcohol (by weight) in the fountain or equivalent. This level of control for volatile organic compounds shall be achieved by:~~meet one of the following requirements or equivalent level of control as determined in permit conditions:

(1) ~~reducing the on-press (as-applied) alcohol content to~~contain five percent alcohol or ~~less (by weight);~~less, by weight, on-press (as-applied) in the fountain solution;or

(2) ~~use~~contain 8.5 percent alcohol or ~~less (by weight)~~ ~~the~~ less, by weight, on-press (as-applied) in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or

(3) ~~use~~contain five percent alcohol substitute or ~~less (by weight) the~~less, by weight, on-press (as-applied) and no alcohol ~~in the~~ in the fountain solution.

(e) Volatile organic compounds content emissions from fountain solution ~~from on-press (as-applied)~~ for non-heatset web offset lithographic printing shall not exceed five percent alcohol substitute (by weight) on-press (as-applied) and no alcohol in the fountain solution.

~~(f) Emissions of volatile organic compounds from any single letterpress printing heatset press subject to this Rule shall not exceed 25 tons per year. This level of control shall be achieved by using petroleum ink oil with volatile organic compounds content 31.25 tons per year volatile organic compounds or less because of the 20 percent ink oil retention.~~

~~(g) EPA Method 25A (40CFR Part 60, Appendix A-7) shall be used to determine the volatile organic compounds content of the materials used at offset lithographic printing and letterpress printing facilities unless the facility maintains records to document the volatile organic compounds content of the materials from the manufacturer.~~

~~(h) Any single letterpress printing heatset dryer owner or operator subject to this Rule, who has chosen to use add-on control for letterpress printing operation rather than to comply with the emission limits established in Paragraph (f) of this Rule shall install control equipment with:~~

~~(1) 90 percent control efficiency for a control device whose first installation date was prior to July 1, 2010;~~

~~(2) 95 percent control efficiency for a control device whose first installation date was on or after July1, 2010.~~

~~(i) When the inlet of volatile organic compounds concentration is low or there is no identifiable measurable inlet, the control device outlet concentration shall be reduced to 20 parts per million by volume as hexane on a dry basis.~~

~~(j) Volatile organic compounds capture efficiency can be demonstrated by showing that the dryer is operating at negative pressure relative to the surrounding pressroom. The capture efficiency for volatile organic compounds can be assumed to be 100 percent of the volatile organic compounds (ink oils) volatilized in the dryer. Capture efficiency test is not required in this situation.~~

(f) An owner or operator of an individual web offset lithographic printing press dryer or letterpress-printing heatset press subject to this Rule that emits 25 or more tons per year potential emissions of volatile organic compounds shall:

(1) use an enforceable limitation on potential emissions to keep individual heatset press below 25 tons per year potential to emit volatile organic compounds threshold, which can be achieved by using inks and coatings that contain less than 31.25 tons per year volatile organic compound where 20 percent retention factor of petroleum ink oil applies, or by using other methods established by permit conditions; or

(2) use an add-on control system for web offset lithographic printing or letterpress printing operations that meets one of the following requirements:

(A) reduces volatile organic compounds emissions from each dryer by at least 90 percent volatile organic compounds emissions control efficiency established by procedures

defined in Paragraph (h) of this rule for a control device from heatset dryers whose first installation date was prior to July 1, 2010; or

(B) reduces volatile organic compounds emissions from each dryer by at least 95 percent volatile organic compounds emissions control efficiency established by procedures defined in Paragraph (h) of this rule for a control device from heatset dryers whose first installation date was on or after July 1, 2010; or

(C) maintains a maximum volatile organic compounds outlet concentration of 20 parts per million by volume (ppmv), as hexane (C_6H_{14}) on a dry basis.

~~(k)~~(g) The control limits established in:

(1) Paragraphs (c), (d), and (e), shall not be applied to any press with total fountain solution reservoir of less than one gallon; and

(2) Paragraph (d) shall not be applied to sheet-fed presses with maximum sheet size 11x 17 inches or smaller; and

(3) Paragraph ~~(f)~~ (f)(2) shall not be applied to a heatset press used for book printing, ~~and~~or to a ~~headset~~ heatset press with maximum web width of 22 inches or less.

(h) If the owner or operator of a printing press is required by permit conditions to determine:

(1) the volatile organic compounds content, the EPA test Method 24 or approved alternative methods shall be used;

(2) the control efficiency by measuring volatile organic compounds at the control device inlet and outlet, the EPA test Methods 18, 25, 25A, or approved alternative methods shall be used.

~~(l) All cleaning materials used in amount more than 110 gallons per year for cleaning a press, press parts, or to remove dried ink from areas around the press shall contain less than 70 weight percent volatile organic compounds or have volatile organic compounds composite vapor pressure less than 10 mm Hg at 20 degrees Celsius.~~

(i) All test methods defined in Paragraph (h) of this Rule, shall be conducted at typical operating conditions and flow rates.

(j) The owner or operator of any facility subject to this Rule shall demonstrate compliance with RACT applicability requirements by calculating volatile organic compounds emissions and keep records of the basis of the calculations required by the Rules .0605 and .0903 of this Subchapter. Volatile organic compounds emissions from offset lithographic printing and letterpress printing shall be determined by permit condition requirements or by using the following retention and capture efficiency factors:

(1) retention factors are:

(A) 20 percent for heatset petroleum ink oils;

(B) 100 percent for heatset vegetable ink oils;

(C) 95 percent for sheet-fed and coldset web petroleum ink oils;

(D) 100 percent for sheet-fed and coldset web vegetable ink oils.

(2) retention factor is 50 percent for low volatile organic compounds composite vapor pressure cleaning materials in shop towels where:

(A) volatile organic compounds composite vapor pressure of the cleaning material is less than 10 mm Hg at 20 ºC; and

(B) cleaning materials and used shop towels are kept in closed containers.

(3) Carryover (capture) factors of volatile organic compounds from automatic blanket wash and fountain solution to offset lithographic heatset dryers are:

(A) 40 percent VOC carryover (capture) factor for automatic blanket washing when the volatile organic compounds composite vapor pressure of the cleaning material is less than 10mm Hg at 20°C.

(B) 70 percent VOC carryover (capture) factor for alcohol substitutes in fountain solution.

(4) Capture efficiency for volatile organic compounds (petroleum ink oils) from oil-based paste inks and oil-based paste varnishes (coatings) in heatset web offset lithographic presses and heatset web letterpress presses shall be demonstrated by showing that the dryer is operating at negative pressure relative to the surrounding pressroom. As long as the dryer is operated at negative pressure, the capture efficiency for VOC from the heatset lithographic inks and varnishes (coatings) formulated with low volatility ink oils is 100 percent of the VOC (ink oils) volatilized in the dryer. Capture efficiency test is not required in this situation

(k) Except as specified in this Paragraph, all cleaning materials used for cleaning a press, press parts, or to remove dried ink from areas around the press shall meet one of the following requirements:

(1) The volatile organic compounds content shall be less than 70 percent by weight, or;

(2) Composite partial vapor pressure of volatile organic compounds shall be less than 10 mm Hg at 20 degrees Celsius.

No more than 110 gallons per year of cleaning materials that do not meet the requirements of Subparagraph (1) or (2) of this Paragraph shall be used during any twelve consecutive months.

(l) The owner or operator of any facility subject to this Rule shall maintain the following records for a minimum of five years:

(1) parametric monitoring for processes and control devices as determined and at the frequency specified in the permit or by Paragraph (f) of this Rule; and

(2) the total amount of each individual or class of fountain solution and ink used monthly for the printing operations and the percentage of volatile organic compounds, alcohol, and alcohol substitute as applied in it; and

(3) the total amount of each individual or class of cleaning solutions used monthly with vapor pressure and the percentage of volatile organic compounds as applied in it; and

(4) the total amount of cleaning solutions used monthly with vapor pressure and the percentage of volatile organic compounds as applied which does not meet the vapor pressure or percentage of volatile organic compounds requirements of Paragraph (k) of this Rule; and

(5) temperature of fountain solutions for lithographic printing presses using alcohol at the frequency specified in the permit; and

(6) any other parameters required by the permit in accordance with the Rules .0903 and .0605 of this Subchapter.

(m) The owner or operator of any source subject to this Rule shall comply with Rules .0903, and .0958 of this Section.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*
Eff. September 1, 2010.
Amended Eff. May 1, 2013.

15A NCAC 02D .0962 is proposed for amendment as follows:

15A NCAC 02D .0962 INDUSTRIAL CLEANING SOLVENTS

(a) For the purpose of this Rule, the following definitions apply:

(1) "Organic solvent" means a liquid hydrocarbon, such as methyl ethyl ketone or toluene, used to dissolve paints, varnishes, grease, oil, or other hydrocarbons.

(2) "Solvent cleaning" means the process of removing the excess penetrant from the surface or a part by wiping, flushing, or spraying with a solvent for the penetrant.

(3) "Wipe cleaning" The method of cleaning which utilizes a material such as a rag wetted with a solvent, prior to a physical rubbing process to remove contaminants from surfaces.

(b) This Rule ~~applies~~ applies, with exemptions defined in Paragraphs (c) and (d) of this Rule, to sources whose volatile organic compound emissions exceed the threshold established in Paragraph (b) of Rule .0902 of this Section from the following cleaning operations:

(1) spray gun cleaning;

(2) spray booth cleaning;

(3) large manufactured components cleaning;

(4) parts cleaning;

(5) equipment cleaning;

(6) line cleaning;

(7) floor cleaning;

(8) tank cleaning; and

(9) small manufactured components cleaning.

(c) Paragraph (e) of this Rule does not apply to any cleaning material used for:

(1) cleaning operations covered by Rules .0918, .0919, .0921, .0923, .0924, .0930, .0934, .0935, .0936, .0961, .0963, .0964, .0965, .0966, .0967, and .0968 of this Section.

(d) Cleaning operations of portable or stationary mixing vats, high dispersion mills, grinding mills, tote tanks and roller mills for manufacturing of coating, ink, or adhesive shall apply one or more of the following methods:

(1) use industrial cleaning solvents that either contains less than 1.67 pounds VOC per gallon or has an initial boiling point greater than 120 degrees Celsius, and where the initial boiling point exceeds the maximum operating temperature by at least 100 degrees Celsius. The industrial cleaning solvents shall be collected and stored in closed containers; or

(2) implement the following work practices:

(A) maintain the equipment being cleaned as leak free; and

(B) drain volatile organic compounds containing cleaning materials from the cleaned equipment upon completion of cleaning; and

(C) store or dispose of volatile organic compounds containing cleaning materials, including waste solvent, in a manner that will prevent evaporation into atmosphere; and

(D) store all volatile organic containing cleaning materials in closed containers; or

(3) collect and vent the emissions from equipment cleaning to an add-on control system defined in Paragraph (g) of this Rule; or

(4) use organic solvents other than those defined in Paragraph (d)(1) of this Rule if no more than 60 gallons of fresh solvent shall be used per month (organic solvent that is reused or recycled either onsite or offsite for further use in equipment cleaning or the manufacture of coating, ink, or adhesive shall not be included in this limit); or

~~(c) Cleaning operations covered by Rules .0918, .0919, .0921, .0923, .0924, .0930, .0934, .0935, .0936, .0961, .0963, .0964, .0965, .0966, .0967, and .0968 of this Section are exempted from the requirements of this Rule.~~

~~(d)~~(e) Any cleaning material of the nine cleaning operations listed in Paragraph (b) of this Rule shall have:

(1) volatile organic compounds content that does not exceed 0.42 pounds per gallon; or

(2) composite vapor limit of eight millimeters of mercury (mmHg) at 20 degrees Celsius.

~~(e)~~(f) EPA Method 24 (40CFR Part 60, Appendix A-7) shall be used to determine the volatile organic compounds content of coating materials used in industrial cleaning solvents operations unless the facility maintains records to document the volatile organic compounds content of coating materials from the manufacturer.

~~(f)~~(g) Facilities which have chosen to use add-on control rather than to comply with the emission limits established in Paragraph (e) of this Rule shall install control equipment with 85 percent overall efficiency.

~~(g)~~(h) The owner or operator of any facility subject to this Rule shall comply with the Rules .0903 and .0958 of this Section.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*
Eff. September 1, 2010.
Amended Eff. May 1, 2013.