

1 15ANCAC 02D .0932 is readopted with changes as published in 34:16 NCR 1464 as follows:

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3 **15A NCAC 02D .0932 GASOLINE ~~TRUCK~~ CARGO TANKS AND VAPOR COLLECTION SYSTEMS**

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

- 5 (1) "Bottom filling" means the filling of a cargo tank ~~truck~~ or stationary storage tank through an opening  
6 ~~that is~~ flush with the tank bottom.
- 7 (2) "Bulk gasoline plant" means a gasoline storage and distribution facility ~~that has with~~ an average  
8 daily throughput of less than 20,000 gallons of gasoline and ~~which that usually typically~~ receives  
9 gasoline from bulk terminals by trailer transport, stores it in tanks, and subsequently dispenses it via  
10 account ~~trucks~~ cargo tanks to local farms, businesses, and service stations.
- 11 (3) "Bulk gasoline terminal" means:
- 12 (A) ~~breakout tanks~~ a pipeline breakout station of an interstate oil pipeline facility; or
- 13 (B) a gasoline storage facility ~~that usually typically~~ receives gasoline from refineries primarily  
14 by pipeline, ship, or barge; delivers gasoline to bulk gasoline plants or to commercial or  
15 retail accounts primarily by ~~tank truck~~; cargo tank; and has an average daily throughput of  
16 more than 20,000 gallons of gasoline.
- 17 (4) "Cargo tank" means the storage vessels of freight trucks or trailers used to transport gasoline from  
18 sources of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants,  
19 gasoline dispensing ~~facilities~~ facilities, and gasoline service stations.
- 20 (5)(4) ~~"Certified facility" means any facility that has been certified under Rule .0960 of this Section to~~  
21 ~~perform leak tightness tests on truck tanks.~~ "Cargo tank testing facility" means any facility  
22 complying with registration in 49 CFR Part 107, Subpart ~~[F]~~ [F]. "Registration of Cargo Tank and  
23 Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design  
24 Certifying Engineers" of 49 CFR Part 107.
- 25 (6) "Cargo tank vapor collection equipment" means any piping, hoses, and devices on the cargo tank  
26 used to collect and route gasoline vapors in the tank to or from the bulk gasoline terminal, bulk  
27 gasoline plant, gasoline dispensing ~~facility~~ facility, or gasoline service station vapor control system  
28 or vapor balance system.
- 29 (7)(5) "Gasoline" means any petroleum distillate having a ~~Reid vapor pressure of 4.0 psia~~ Reid Vapor  
30 Pressure (RVP) of 4.0 psi or greater.
- 31 (8)(6) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline  
32 tanks from stationary storage tanks.
- 33 (9)(7) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the  
34 motoring public from stationary storage tanks.
- 35 (8) ~~"Truck tank" means the storage vessels of trucks or trailers used to transport gasoline from sources~~  
36 ~~of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants, gasoline~~  
37 ~~dispensing facilities and gasoline service stations.~~

(9) ~~"Truck tank vapor collection equipment" means any piping, hoses, and devices on the truck tank used to collect and route gasoline vapors in the tank to or from the bulk gasoline terminal, bulk gasoline plant, gasoline dispensing facility or gasoline service station vapor control system or vapor balance system.~~

(10) "Vapor balance system" means a combination of pipes or hoses that create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(11) "Vapor collection system" means a vapor balance system or any other system used to collect and control emissions of volatile organic compounds.

(b) This Rule applies to gasoline ~~truck cargo~~ tanks that are equipped for vapor collection and to vapor control systems at bulk gasoline terminals, bulk gasoline plants, gasoline dispensing facilities, and gasoline service stations equipped with vapor balance or vapor control systems.

(c) ~~Gasoline Truck Tanks,~~ For cargo tanks, the following requirements shall apply:

(1) Gasoline ~~truck cargo~~ tanks and their vapor collection systems shall be tested annually by a ~~certified cargo tank testing facility. The test procedure that shall be used is described in Section .2600 of this Subchapter and is according to Rule .0912 of this Section. The facility shall follow the test procedure as defined by 15A NCAC 02D .2615 to certify the gasoline cargo tank leak tight. The gasoline truck cargo tank shall not be used if it sustains a pressure change greater than 3.0 inches of water in five minutes when pressurized to a gauge pressure of 18 inches of water or when evacuated to a gauge pressure of 6.0 inches of water, unless it is certified leak tight.~~

(2) Each gasoline ~~truck cargo~~ tank that has been certified leak ~~tight, tight~~ according to Subparagraph (1) of this Paragraph shall display a sticker near the Department of Transportation certification plate required by ~~49 CFR 178.340-10b, 180.415.~~

(3) There shall be no liquid leaks from any gasoline ~~truck cargo~~ tank.

(4) Any ~~truck cargo~~ tank with a leak equal to or greater than 100 percent of the lower explosive limit, as detected by a combustible gas detector using the test procedure described in ~~Rule .2615 15A NCAC 02D .2615 of this Subchapter~~ shall not be used beyond 15 days after the leak has been discovered, unless the leak has been repaired and the cargo tank has been certified to be leak tight according to Subparagraph (1) of this Paragraph.

(5) The owner or operator of a gasoline ~~truck tanks~~ cargo tank with a vapor collection system shall maintain records of all ~~certification-leak~~ testing and repairs. The records shall identify the gasoline ~~truck cargo~~ tank, the date of the test or ~~repair, repair,~~ and, if applicable, the type of repair and the date of retest. The records of ~~certification-leak~~ tests shall include:

(A) ~~the gasoline truck tank identification number; the name, address, and telephone number of cargo tank testing facility performing the leak test;~~

(B) ~~the initial test pressure and the time of the reading; the name and signature of the individual performing the leak test;~~

- (C) ~~the final test pressure and the time of the reading;~~ the name and address of the owner of the tank;
- (D) ~~the initial test vacuum and the time of reading;~~ the identification number of the tank;
- (E) ~~the final test vacuum and the time of the reading;~~ the documentation of tests performed including the date and summary of results;
- (F) ~~the date and location of the tests;~~ the continued qualification statement and returned to service status; and
- (G) ~~the NC sticker number issued; and a list or description of identified corrective repairs to the [tank,] tank. [if]~~ If none are performed then the report shall state "no corrective repairs performed."
- (H) ~~the final change in pressure of the internal vapor value test.~~
- (6) A copy of the most recent ~~certification leak testing~~ report shall be kept with the ~~truck cargo~~ tank. The owner or operator of the ~~truck cargo~~ tank shall also file a copy of the most recent ~~certification test leak testing~~ report with each bulk gasoline terminal that loads the ~~truck cargo~~ tank. The records shall be maintained for at least two years after the date of the testing or repair, and copies of such records shall be made available within a reasonable time to the Director upon written request.
- (d) ~~Bulk Gasoline Terminals, Bulk Gasoline Plants Equipped With Vapor Balance or Vapor Control Systems For~~ bulk gasoline [terminals,] terminals and bulk gasoline plants equipped with vapor balance or vapor control systems, the following requirements shall apply:
- (1) The vapor collection system and vapor control system shall be designed and operated to prevent gauge pressure in the ~~truck cargo~~ tank from exceeding 18 inches of water and to prevent a vacuum of greater than six inches of water.
- (2) During loading and unloading operations there shall be:
- (A) no vapor leakage from the vapor collection system such that a reading equal to or greater than 100 percent of the lower explosive limit at one inch around the perimeter of each potential leak source as detected by a combustible gas detector using the test procedure described in ~~Rule .2615 of this Subchapter;~~ 15A NCAC 02D .2615; and
- (B) no liquid leaks.
- (3) If a leak is discovered that exceeds the limit in Subparagraph (2) of this Paragraph:
- (A) For bulk gasoline plants, the vapor collection system or vapor control system ~~(and therefore the source)~~ shall not be used beyond 15 days after the leak has been discovered, unless the leak has been repaired and the system has been retested and found to comply with Subparagraph (2) of this Paragraph;
- (B) For bulk gasoline terminals, the vapor collection system or vapor control system shall be repaired following the procedures in ~~Rule .0927 of this Section;~~ 15A NCAC 02D .0927.
- (4) The owner or operator of a vapor collection system at a bulk gasoline plant or a bulk gasoline terminal shall test, according to ~~Rule .0912 of this Section;~~ 15A NCAC 02D .0912, the vapor

1 collection system at least once per year. If after two complete annual checks no more than 10 leaks  
2 are found, the Director ~~may~~ shall allow less frequent monitoring. If more than 20 leaks are found,  
3 the Director ~~may~~ shall require ~~that~~ the frequency of monitoring be increased.

- 4 (5) The owner or operator of a vapor control systems at bulk gasoline terminals, bulk gasoline plants,  
5 gasoline dispensing facilities, and gasoline service stations equipped with vapor balance or vapor  
6 control systems shall maintain records of all certification testing and repairs. The records shall  
7 identify ~~the each~~ vapor collection system, or vapor control system; the date of the test or repair; and,  
8 if applicable, the type of repair and the date of retest.

9  
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

11 *Eff. July 1, 1980;*

12 *Amended Eff. August 1, 2008; June 1, 2008; January 1, 2007; April 1, 2003; August 1, 2002; July*  
13 *1, 1994; December 1, 1989; January 1, ~~1985~~ 1985;*

14 *Readopted Eff. October 1, 2020.*  
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1 15A NCAC 02D .0960 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0960 ~~CERTIFICATION OF LEAK TIGHTNESS TESTER~~CARGO TANK LEAK**  
4 **TESTER REPORT**

5 (a) Purpose. The purpose of this Rule is to establish procedures for ~~certifying cargo tank testing~~ facilities to perform  
6 leak tightness tests on ~~gasoline cargo truck~~ tanks as defined ~~under Rule .0932 of this Section in 15A NCAC 02D .0932.~~

7 ~~(b) Certification request. To request certification to perform leak tightness testing on truck tanks for the purposes of~~  
8 ~~complying with Rule .0932 of this Section, a facility shall submit to the Director the following information:~~

9 (1) ~~the name and address of the facility requesting certification, including the primary contact and~~  
10 ~~telephone number; and~~

11 (2) ~~the federal (tank cargo) number.~~

12 ~~(c) Approval. The Director shall certify a facility requesting certification to perform leak tightness testing if he finds~~  
13 ~~that:~~

14 (1) ~~All the information required under Paragraph (b) of this Rule has been submitted;~~

15 (2) ~~The Division has observed the facility conducting one or more leak tightness tests and finds that:~~

16 (A) ~~The facility has the equipment necessary to perform Method 27 of 40 CFR Part 60, Subpart~~  
17 ~~A; and~~

18 (B) ~~The facility has the skills necessary to perform Method 27 of 40 CFR Part 60, Subpart A~~  
19 ~~correctly;~~

20 ~~(d) Expiration. A certification to perform leak tightness testing under this Rule shall expire one year from the date of~~  
21 ~~its issuance.~~

22 ~~(e) Renewal. To have a certification renewed, the certified facility shall submit to the Director a request to have the~~  
23 ~~certification renewed. Within 30 days after receipt of the request, the Division shall observe the certified facility~~  
24 ~~conducting one or more leak tightness tests. If the Director finds that:~~

25 (1) ~~The certified facility has the equipment necessary to perform Method 27 of 40 CFR Part 60, Subpart~~  
26 ~~A; and~~

27 (2) ~~The certified facility has the skills necessary to perform Method 27 of 40 CFR Part 60, Subpart A~~  
28 ~~correctly;~~

29 ~~he shall renew the certification. If the certified facility submits a request for renewal after the expiration of the last~~  
30 ~~certification, the Director shall reject the renewal request, and the facility shall request a new certification under~~  
31 ~~Paragraph (b) of this Rule.~~

32 ~~(f) Interim certification. If the Division is unable to observe the performance of leak tightness testing required under~~  
33 ~~Paragraphs (c) or (e) of this Rule, the Director shall issue an interim certification for up to 90 days to allow the certified~~  
34 ~~facility to perform leak tightness tests. An interim certification shall not be renewed.~~

35 ~~(g) Revocation of Certification. If the Director finds that a certified facility is not performing Method 27 of 40 CFR~~  
36 ~~Part 60, Subpart A correctly or that the certified facility is certifying tanks as leak tight that have not passed the leak~~  
37 ~~tightness test, the Director shall revoke the facility's certification or interim certification.~~

(h) ~~Stickers.~~ The Division shall provide serialized stickers at no cost, or the facility may choose to provide the stickers. If the facility provides the stickers, the stickers shall contain the same information that is on the stickers provided by the Division and shall have the same dimensions and a sample sticker shall accompany the application for certification. Once a facility is certified under this Rule to perform leak tightness tests, stickers are to be:

- (1) ~~affixed to tanks that have passed the test under Rule .0932 of this Section; and~~
- (2) ~~placed near the Department of Transportation Certification (DOT, 49 CFR 178.340-10b).~~

~~The certified facility performing the test shall maintain a log matching sticker serial numbers and tank identification numbers. The certified facility shall send this log to the Director monthly.~~

~~(i)(b) Certification~~ Leak testing report. The certified facility performing the test shall give a copy of the ~~certification~~ leak testing report to the ~~truck cargo~~ tank owner and shall retain a copy of the ~~certification~~ leak testing report. The certification leak testing report shall contain the following information:

- (1) the name, address, and telephone number of ~~certified cargo tank testing~~ facility performing the leak test;
- (2) the name and signature of the individual ~~actually~~ performing the leak test;
- (3) the name and address of the owner of the tank;
- (4) ~~serial number of the sticker and~~ the identification number of the tank;
- (5) ~~the date that the sticker is issued and the date that the sticker expires, which shall be one year after the issuance date;~~ documentation of tests performed including the date and summary or results;
- (6) ~~the pressure drops measured and vacuum drops measured; and~~ continued qualification statement and returned to service status; and
- (7) a list or description of problems with tank (if none are found, the report shall state that none were found); identified corrective repairs to the [tank,] tank. [if] If none are performed then the report shall state "no corrective repairs performed."

~~(j)(c) Record retention.~~ The ~~certified cargo tank testing~~ facility performing the test and the owner of the ~~[gasoline]~~ cargo truck tank shall keep the ~~certification~~ leak testing report for at least two years. ~~Certification~~ Leak testing reports shall be made available to the Division upon request.

~~(k)(d) Verification of leak tightness.~~ The Division may use Method 21 of Appendix A to 40 CFR Part 60 to verify the leak tightness of a tank.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (13);  
Eff. April 1, 2003;  
Amended Eff. July 1, 2007-2007;  
Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1401 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **SECTION .1400 – NITROGEN OXIDES**  
4

5 **15A NCAC 02D .1401 DEFINITIONS**

6 (a) For the purpose of this Section, in addition to the definitions ~~at in G.S.G.S. 143-212 and 143-212,~~ G.S. 143-213,  
7 and 15A NCAC 02D-~~0101 .0101,~~ ~~shall apply, and in addition~~ the following definitions shall apply. If a term in this  
8 Rule is also defined at 15A NCAC 02D .0101, then the definition in this Rule controls.

- 9 (1) "Acid-~~rain program~~-Rain Program" means the federal program for the reduction of acid rain  
10 including 40 CFR Parts 72, 75, 76, and 77.
- 11 (2) "Actual emissions" means for ~~Rules .1416 through .1422 of this Section,~~ 15A NCAC 02D .1418,  
12 emissions of ~~nitrogen oxides~~ NO<sub>x</sub> as measured and calculated according pursuant to 40 CFR Part  
13 75, Subpart H.
- 14 (3) "Actual heat input" means for ~~Rules .1416 through .1422 of this Section,~~ 15A NCAC 02D .1418,  
15 heat input as measured and calculated according pursuant to 40 CFR Part 75, Subpart H.
- 16 (4) "Averaging set of sources" means all the stationary sources included in an emissions averaging plan  
17 according pursuant to Rule .1410 of this Section. 15A NCAC 02D .1410.
- 18 (5) "Averaging source" means a stationary source that is included in an emissions averaging plan ~~in~~  
19 accordance pursuant to Rule .1410 of this Section. 15A NCAC 02D .1410.
- 20 (6) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to  
21 transfer heat to recirculating water, steam, or other medium.
- 22 (7) "Combined cycle system" means a system consisting of one or more combustion turbines, heat  
23 recovery steam generators, and steam turbines configured to improve overall efficiency of electricity  
24 generation or steam production.
- 25 (8) "Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a  
26 compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of  
27 fuel in the combustor passes through the turbine, rotating the turbine.
- 28 (9) "Diesel engine" means a compression ignited two- or four-stroke engine in which liquid fuel injected  
29 into the combustion chamber ignites when the air charge has been compressed to a temperature  
30 sufficiently high for auto-ignition.
- 31 (10) "Dual fuel engine" means a compression ignited stationary internal combustion engine that is  
32 burning liquid fuel and gaseous fuel simultaneously.
- 33 (11) "Emergency generator" means a stationary internal combustion engine used to generate electricity  
34 only during:
- 35 (A) the loss of primary power at the facility that is beyond the control of the owner or operator  
36 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 NOx emitted by a source covered under Rules .1416, .1417, or .1418 of this Section regulated by 15A NCAC 02D .1418 during the ozone season above its allocation, as may be adjusted under Rule .1419 of this Section, allocation~~ 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>"~~ "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>~~ NO<sub>x</sub> that would be emitted at the maximum capacity of a stationary source to emit ~~NO<sub>x</sub>~~ 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>~~ 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>~~ 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 ~~Rules .1407, .1408, or .1409 of this Section~~ 15A NCAC 02D .1407, .1408, or .1409 and the utilization of ~~this technology, 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~~ NO<sub>x</sub> emanate or are emitted.

1 (30) "Startup" means the commencement of operation of any source that has shutdown or ceased  
2 operation for a period sufficient to cause temperature, pressure, process, chemical, or pollution  
3 control device imbalance that would result in excess emissions.

4 (31) "Stationary internal combustion engine" means a reciprocating internal combustion engine that is  
5 not ~~self-propelled~~; self-propelled; however, it may be mounted on a vehicle for portability.

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

8  
9 *History Note: Authority G.S. 143-215.3(a)(1); ~~143-215.107(a)(5), (7), (10)~~; 143-215.107(a)(5); 143-*  
10 *215.107(a)(7); 143-215.107(a)(10)*;  
11 *Eff. April 1, 1995;*  
12 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
13 *Amended Eff. July 18, ~~2002~~.2002;*  
14 *Readopted Eff. October 1, 2020.*  
15  
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1 15A NCAC 02D .1402 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1402 APPLICABILITY**

4 (a) The rules in this Section do not apply except as specifically set out in this Rule. ~~Section .2400 of this Subchapter~~  
5 ~~applies rather than the nitrogen oxide (NOx) state implementation plan (SIP) call (40 CFR 51.121) provisions of Rules~~  
6 ~~.1402(c) and (h), .1403(a) and (d) through (e), .1404(a), (b), and (d) through (j), .1409(c), (d), and (h), and .1416~~  
7 ~~through .1423 of this Subchapter.~~

8 (b) The requirements of this Section apply to all sources May 1 through September 30 of each year.

9 (c) Rules 15A NCAC 02D .1409(c) and .1416 through .1423 of this Section .1409(c), .1418 and .1423 apply ~~statewide.~~  
10 Statewide.

11 (d) Rules 15A NCAC 02D .1407 through .1409(b) and .1413 ~~of this Section~~ apply to facilities with potential emissions  
12 ~~of nitrogen oxides NOx equal to or greater than~~ greater than or equal to 100 tons per year or 560 pounds per calendar  
13 day beginning May 1 through September 30 of any year in the following areas:

- 14 (1) Cabarrus County;  
15 (2) Gaston County;  
16 (3) Lincoln County;  
17 (4) Mecklenburg County;  
18 (5) Rowan County;  
19 (6) Union County; and  
20 (7) Davidson Township and Coddle Creek Township in Iredell County.

21 (e) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Davidson,  
22 Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North  
23 Carolina Highway 801, Fulton Creek and back to Yadkin River, the Director shall initiate analysis to determine the  
24 control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1,  
25 the Director shall implement the specific stationary source control measures contained in this Section that are required  
26 as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient  
27 air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the  
28 analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and  
29 shall identify whether the rules implemented are to apply in Davidson, Forsyth, or Guilford County or that part of  
30 Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back  
31 to Yadkin River or any combination thereof. At least one week before the scheduled publication date of the North  
32 Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written  
33 notification to all permitted facilities within the county ~~in which where~~ the rules Rules are being implemented that are  
34 or may be subject to the requirements of this ~~Section~~ Section, informing them that they are or may be subject to the  
35 requirements of this Section. ~~(For Forsyth County, "Director" means for the purpose of notifying permitted facilities~~  
36 ~~in Forsyth County, the Director of the Forsyth County local air pollution control program.)~~ ["For]For the purposes of  
37 notifying permitted facilities in Forsyth County, "Director" means the Director of the Forsyth County local air

pollution control program. Compliance shall be ~~according to Rule .1403 of this Section.~~ determined by 15A NCAC 02D .1403.

(f) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Durham ~~or County, Wake-County 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 County, Wake-County 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 .1407 through .1409(b) and .1413 of this Section,~~ 15A NCAC 02D .1407 through .1409(b) and 15A NCAC 02D .1413, the Director shall send written notification to all permitted facilities within the county ~~in which~~ where the ~~rules~~ Rules are being implemented that are or may be subject to the requirements of this ~~Section~~ 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.~~ 15A NCAC 02D .1403.

(g) If the State nonattainment plan for ozone has failed to attain the ambient air quality standard for ozone in 40 CFR 50.9 and does not qualify for an extension of the attainment date in the Charlotte-Gastonia-Rock Hill ozone nonattainment area, 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 ~~nitrogen oxides~~ NOx per year. Once the nonattainment plan for ozone has failed and the area does not qualify for an extension of the attainment date, the Director shall notice the applicability of these ~~rules~~ Rules to ~~these~~ those sources in the North Carolina Register and shall send written notification to all permitted facilities within the counties ~~in which~~ where the ~~rules~~ Rules are being implemented that are or may be subject to the requirements of this ~~Section~~ 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.)~~ For the purposes of notifying permitted facilities in Mecklenburg County, "Director" means the Director of the Mecklenburg County local air pollution control program. Compliance shall be according to ~~Rule .1403 of this Section.~~ 15A NCAC 02D .1403.

(h) Regardless of any other statement of applicability of this Section, this Section does not apply to any:

- (1) source not required to obtain an air permit ~~under~~ pursuant to 15A NCAC 02Q .0102 or is an insignificant activity as defined ~~at 15A NCAC 02Q .0103(19);~~ in 15A NCAC 02Q .0103;
- (2) incinerator or thermal or catalytic oxidizer used primarily for the control of air pollution;
- (3) emergency generator;
- (4) emergency use internal combustion engine; or

(5) 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:

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

$$t = 833,333 / ES$$

(B) for natural gas-fired engines:

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

$$t = 700,280 / ES$$

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

*History Note: Authority G.S. 143-215.3(a)(1); ~~143-215.107(a)(5), (7), (10); 143.215.107(a)(5);~~  
~~143.215.107(a)(7); 143.215.107(a)(10);~~  
Eff. April 1, 1995;  
Amended Eff. April 1, 1997; July 1, 1995; April 1, 1995;  
Temporary Amendment Eff. November 1, 2000;  
Amended Eff. April 1, 2001;  
Temporary Amendment Eff. August 1, 2001;  
Amended Eff. June 1, 2008; July 1, 2007; March 1, 2007; July 18, 2002;  
Temporary Amendment Eff. December 31, 2008;  
Temporary Amendment expired September 29, 2009;  
Amended Eff. January 1, ~~2010-2010;~~  
Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1403 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1403 COMPLIANCE SCHEDULES**

4 (a) Applicability. This Rule applies to sources ~~covered by Paragraph (d), (e), (f), or (g) of Rule .1402 of this Section.~~  
5 regulated by 15A NCAC 02D .1402(d), (e), (f), or (g).

6 (b) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner or operator of a source  
7 subject to this Rule because of the applicability of ~~Paragraph (e), (f), or (g) of Rule .1402 of this Section, 15A NCAC~~  
8 02D .1402(d), (e), (f), or (g) shall adhere to the following increments of progress and schedules:

9 (1) If compliance with this Section is to be achieved through a demonstration to certify compliance  
10 without source modification:

11 (A) The owner or operator shall notify the Director in writing within six months after the  
12 Director's notice in the North Carolina Register that the source is in compliance with the  
13 applicable limitation or standard;

14 (B) The owner or operator shall perform any required testing, ~~according to Rule .1415 of this~~  
15 Section, pursuant to 15A NCAC 02D .1415, within 12 months after the Director's notice  
16 in the North Carolina Register to demonstrate compliance with the applicable limitation;  
17 and

18 (C) The owner or operator shall implement any required recordkeeping and reporting  
19 ~~requirements, requirements~~ according to Rule .1404 of this Section, pursuant to 15A  
20 NCAC 02D .1404, within 12 months after the Director's notice in the North Carolina  
21 Register to demonstrate compliance with the applicable limitation.

22 (2) If compliance with this Section is to be achieved through the installation of combustion modification  
23 technology or other source modification:

24 (A) The owner or operator shall submit a permit application and a compliance schedule within  
25 six months after the Director's notice in the North Carolina Register.

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

27 (i) a date by which contracts for installation of the modification shall be awarded or  
28 orders shall be issued for purchase of component parts;

29 (ii) a date by which installation of the modification shall begin;

30 (iii) a date by which installation of the modification shall be completed; and

31 (iv) if the source is subject to a limitation, a date by which compliance testing shall be  
32 completed.

33 (C) Final compliance shall be achieved within three years after the Director's notice in the  
34 North Carolina Register unless the owner or operator of the source petitions the Director  
35 for an alternative limitation ~~according to Rule .1412 of this Section, pursuant to 15A~~  
36 NCAC 02D .1412. If ~~such~~ a petition ~~is made~~, has been submitted and approved, final

- 1 compliance shall be achieved within four years after the Director's notice in the North  
2 Carolina Register.
- 3 (3) If compliance with this Section is to be achieved through the implementation of an emissions  
4 averaging plan ~~as provided for in Rule .1410 of this Section; pursuant to 15A NCAC 02D~~ ~~[.1410.]~~  
5 ~~.1410;~~
- 6 (A) The owner or operator shall abide by the applicable requirements of Subparagraphs (b)(1)  
7 or (b)(2) of this ~~Rule~~ Paragraph for certification or modification of each source to be  
8 included under the averaging ~~plan;~~ plan.
- 9 (B) The owner or operator shall submit a plan to implement an emissions averaging plan  
10 ~~according to Rule .1410 of this Section; pursuant to 15A NCAC 02D .1410~~ within six  
11 months after the Director's notice in the North Carolina Register.
- 12 (C) Final compliance shall be achieved within one year after the Director's notice in the North  
13 Carolina Register unless implementation of the emissions averaging plan requires the  
14 modification of one or more of the averaging sources. If modification of one or more of  
15 the averaging sources is required, final compliance shall be achieved within three years.
- 16 (4) If compliance with this Section is to be achieved through the implementation of a seasonal fuel  
17 switching program ~~as provided for in Rule .1411 of this Section; pursuant to 15A NCAC 02D~~  
18 ~~[.1410.]; .1411;~~
- 19 (A) The owner or operator shall make all necessary modifications according to Subparagraph  
20 (b)(2) of this ~~Rule~~ Paragraph.
- 21 (B) The owner or operator shall include a plan for complying with the requirements of ~~Rule~~  
22 ~~.1411 of this Section~~ 15A NCAC 02D .1411 with the permit application required under  
23 Part ~~(A) (2)(A)~~ of this Subparagraph.
- 24 (C) Final compliance shall be achieved within three years after the Director's notice in the  
25 North Carolina Register.
- 26 (5) Increments of progress certification. The owner or operator shall certify to the Director, within five  
27 days after each increment deadline of progress in this Paragraph, whether the required increment of  
28 progress has been met.
- 29 (c) Nonattainment areas. The owner or operator of a source subject to this Rule because of the applicability of  
30 ~~Paragraph (d) of Rule .1402 of this Section, 15A NCAC 02D .1402(d),~~ shall adhere to the following:
- 31 (1) If compliance with this Section is to be achieved through a demonstration to certify compliance  
32 without source modification:
- 33 (A) The owner or operator shall notify the Director in writing by August 1, 2007;
- 34 (B) The owner or operator shall perform any required testing, according to ~~Rule .1415 of this~~  
35 ~~Section, 15A NCAC 02D .1415,~~ by January 1, ~~2008~~ 2008; and

- 1 (C) The owner or operator shall implement any required recordkeeping and reporting  
2 requirements, according to ~~Rule .1404 of this Section~~, 15A NCAC 02D .1404, by January  
3 1, 2008.
- 4 (2) If compliance with this Section is to be achieved through the installation of combustion modification  
5 technology or other source modification:
- 6 (A) The owner or operator shall submit a permit application and a compliance schedule by  
7 August 1, 2007.
- 8 (B) The compliance schedule shall contain a date by which contracts for installation of the  
9 modification shall be awarded or orders shall be issued for purchase of component parts.
- 10 (C) The compliance schedule shall contain a date by which installation of the modification  
11 shall begin.
- 12 (D) The compliance schedule shall contain a date by which installation of the modification  
13 shall be completed.
- 14 (E) If the source is subject to a limitation, the compliance schedule shall contain, a date by  
15 which compliance testing shall be completed.
- 16 (F) Final compliance shall be achieved no later than April 1, 2009.
- 17 (3) If compliance with this Section is to be achieved through the implementation of an emissions  
18 averaging plan as provided for in ~~Rule .1410 of this Section~~, 15A NCAC 02D .1410:
- 19 (A) The owner or operator shall abide by the applicable requirements of Subparagraph (c)(1)  
20 or (c)(2) of this ~~RuleParagraph~~ for certification or modification of each source to be  
21 included under the averaging ~~plan~~, plan.
- 22 (B) The owner or operator shall submit a plan to implement an emissions averaging plan  
23 according to ~~Rule .1410 of this Section~~ 15A NCAC 02D .1410 by August 1, 2007.
- 24 (C) Final compliance shall be achieved within one year no later than January 1, 2008.
- 25 (4) If compliance with this Section is to be achieved through the implementation of a seasonal fuel  
26 switching program as provided for in ~~Rule .1411 of this Section~~, 15A NCAC 02D .1411:
- 27 (A) The owner or operator shall make all necessary modifications according to Subparagraph  
28 (c)(2) of this ~~RuleParagraph~~.
- 29 (B) The owner or operator shall include a plan for complying with the requirements of ~~Rule~~  
30 ~~.1411 of this Section~~ 15A NCAC 02D .1411 with the permit application required under  
31 Part ~~(A)(2)(A)~~ of this Subparagraph.
- 32 (C) Final compliance shall be achieved no later than April 1, 2009.
- 33 (5) Increments of progress certification. The owner or operator shall certify to the Director, within five  
34 days after the deadline for each increment of progress in this Paragraph, whether the required  
35 increment of progress has been met.
- 36 (d) Sources already in compliance.



(1) Maintenance area and Charlotte ozone nonattainment area contingency plan. Paragraph (b) of this Rule shall not apply to sources that are in compliance with the 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~~ has 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) Nonattainment areas. Paragraph (c) of this Rule shall not apply to sources in an area named in ~~Paragraph (d) of Rule .1402 of this Section~~ 15A NCAC 02D .1402(d) that are in compliance with applicable rules of this Section on March 1, 2007.

(e) New sources.

(1) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner or operator of any new source of nitrogen oxides not permitted before the date the Director notices in the North Carolina Register according to ~~Paragraph (e), (f), or (g) of Rule .1402 of this Section,~~ 15A NCAC 02D .1402(e), (f), or (g) shall comply with all applicable rules in this Section upon start-up of the source. The owner or operator of any new source covered ~~under Rules .1407, .1408, .1409, .1413, or .1418 of this Section~~ by 15A NCAC 02D .1407, .1408, .1409, .1413, or .1418 shall comply with all applicable rules in this Section upon start-up of the source.

(2) Nonattainment areas. The owner or operator of any new source of nitrogen oxides not permitted before March 1, 2007 in an area identified in ~~Paragraph (d) of Rule .1402 of this Section,~~ 15A NCAC 02D .1402(d) shall comply with all applicable rules in this Section upon start-up of the source.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; ~~143-215.107(a)(5), (7), (10); 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);~~  
*Eff. April 1, 1995;*  
*Amended Eff. April 1, 1997;*  
*Temporary Amendment Eff. November 1, 2000;*  
*Amended Eff. April 1, 2001;*  
*Temporary Amendment Eff. August 1, 2001;*  
*Amended Eff. July 1, 2007; March 1, 2007; July 18, 2002-2002;*  
*Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1404 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1404 RECORDKEEPING: REPORTING: MONITORING:**

4 (a) General requirements. The owner or operator of any source shall comply with the monitoring, recordkeeping and  
5 reporting requirements in ~~Section .0600 of this Subchapter~~ 15A NCAC 02D .0600 and shall maintain all records  
6 necessary for determining compliance with all applicable limitations and standards of this Section for five years.

7 (b) Submittal of information to show compliance status. The owner or operator of any source shall ~~maintain and,~~  
8 maintain, and when requested by the Director, submit any information required by this Section to determine the  
9 compliance status of an affected source.

10 (c) Excess emissions reporting. The owner or operator shall report excess emissions following the procedures ~~under~~  
11 Rule .0535 of this Subchapter, in 15A NCAC 02D .0535.

12 (d) Continuous emissions monitors.

13 (1) The owner or operator shall install, operate, and maintain a continuous emission monitoring system  
14 according to 40 CFR Part 75, Subpart H, with such exceptions as may be allowed under 40 CFR  
15 Part 75, Subpart H or 40 CFR Part 96 if the source is covered ~~under Rule .1418 of this Section~~  
16 except internal combustion engines, by 15A NCAC 02D[ .1418] .1418, with the exception of  
17 internal combustion engines.

18 (2) The owner or operator of a source that is subject to the requirements of this Section but not covered  
19 under Subparagraph (1) of this Paragraph and ~~that~~ uses a continuous emissions monitoring system  
20 to measure emissions of nitrogen oxides shall operate and maintain the continuous emission  
21 monitoring system according to 40 CFR Part 60, Appendix B, Performance Specification 2, and  
22 Appendix F or 40 CFR Part 75, Subpart H. If diluent monitoring is required, 40 CFR Part 60,  
23 Appendix B, Performance Specification 3, shall be used. If flow monitoring is required, 40 CFR  
24 Part 60, Appendix B, Performance Specification 6, shall be used.

25 (3) The owner or operator of the following sources ~~is are~~ not required to use continuous emission  
26 monitors unless the Director determines that a continuous emission monitor is necessary ~~under Rule~~  
27 .0611 of this Subchapter pursuant to 15A NCAC 02D .0611 to show compliance with ~~the rules of~~  
28 this Section:

29 (A) a boiler or indirect-fired process heater ~~covered under Rule .1407 of this Section~~ regulated  
30 by 15A NCAC 02D.1407 with a maximum heat input less than or equal to 250 million Btu  
31 per hour;

32 (B) stationary internal combustion engines ~~covered under Rule .1409 of this Section~~ regulated  
33 by 15A NCAC 02D .1409 except for ~~those engines covered under Rules .1409(b) and .1418~~  
34 of this Section, regulated by 15A NCAC 02D .1409(b) and .1418.

35 (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~~ 75, Subpart D 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~~ source's 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. For purposes of this Rule, "properly operated" means that operating and maintenance procedures being used complied with permit conditions, operating and maintenance procedures, preventative maintenance procedures, monitoring results, and compliance history.
- (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~~ in accordance with 40 CFR Part 75, Appendix A, Section 3.2, 6.2, and 7.1;
- (ii) a relative accuracy audit, ~~according to~~ in accordance with 40 CFR Part 60, Appendix F, Section 5 and 6; or
- (iii) a cylinder gas audit ~~according to~~ in accordance with 40 CFR Part 60, Appendix F, Section ~~5 5.0~~ and ~~6; 6.0;~~ and

(C) A daily calibration drift test shall be conducted ~~according to~~ in accordance with 40 CFR Part 60, Appendix F, Section 4.0.

(g) 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~~ in 15A NCAC 02D .0606 shall be recorded for each day beginning May 1 through September ~~30~~ 30, unless a specific rule requires a different averaging time or procedure. A 24-hour block average ~~described in Rule .0606 of this Subchapter~~ as defined in 15A NCAC 02D .0606 shall be used when a continuous emissions monitoring system is used to determine compliance with a short-term ~~pounds per million Btu standard~~ pounds per million Btu standard ~~in Rule .1418 of this Section~~ in 15A NCAC 02D .1418.

(h) 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~~ 75;

(B) a method in 15A NCAC 02D ~~.0501~~ .0501; or

(C) the best available heat input data if approved by the ~~Director~~ Director. ~~The Director shall grant approval on a case-by-case basis if he or she finds that the heat input data is the best available~~ available.

(i) 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~~ in 15A NCAC 02D .1415.

(j) Alternative monitoring and reporting procedures. The owner or operator of a source covered under this Rule may request alternative monitoring or reporting procedures ~~under Rule .0612, Alternative Monitoring and Reporting Procedures~~ pursuant to 15A NCAC 02D .0612.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; ~~143-215.107(a)(5),(7),(10); 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(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;*

*Amendment Eff. December 1, 2005; January 1, 2005; May 1, 2004; July 15, 2002;*

*Temporary Amendment Eff. December 31, 2008(this amendment replaces the amendment approved by RRC on May 15, 2008);*

*Amended Eff. September 29, 2009(amendment approved by RRC on May 15, 2008), ~~[2008; 2008];~~*

- 1 *Readopted Eff. October 1, 2020.*
- 2
- 3

1 15A NCAC 02D .1405 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1405 CIRCUMVENTION**

4 (a) An owner or operator subject to this Section shall not build, erect, install or use any article, machine, equipment,  
5 process, or method ~~which that~~ conceals an emission ~~which that~~ would otherwise constitute a violation of ~~an applicable~~  
6 ~~rule. a rule in this Section.~~

7 (b) Paragraph (a) of this Rule includes the use of gaseous ~~diluent~~ dilutants to achieve compliance and the piecemeal  
8 carrying out of an operation to avoid coverage by a rule that applies only to operations larger than a specified size.

9  
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

11 *Eff. April 1, 1995. ~~[1005']~~ 1995.*

12 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1407 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1407 BOILERS AND INDIRECT-FIRED PROCESS HEATERS**

4 (a) This Rule applies geographically ~~according to Rule .1402 of this Section, pursuant to 15A NCAC 02D .1402.~~

5 (b) The owner or operator of a boiler or indirect-fired process heater with a maximum heat input rate of less than or  
6 equal to 50 million Btu per hour shall comply with the annual tune-up requirements of ~~Rule .1414 of this Section, 15A~~  
7 ~~NCAC 02D .1412, .1414.~~ The owner or operator of a boiler or indirect-fired process heater subject to the  
8 requirements of this Paragraph shall maintain records of all tune-ups performed for each source ~~according to Rule~~  
9 ~~.1404 of this Section, as required by 15A NCAC 02D .1404.~~

10 (c) The owner or operator of a fossil fuel-fired boiler with a maximum heat input rate less than or equal to 250 million  
11 Btu per hour but greater than 50 million Btu per hour, a boiler with a maximum heat input greater than 50 million Btu  
12 per hour that is not a fossil fuel-fired boiler, or an indirect-fired process heater with a maximum heat input greater  
13 than 50 million Btu per hour shall comply by:

- 14 (1) installation of, if necessary, combustion modification technology or other NO<sub>x</sub> control technology  
15 and maintenance, including annual tune-ups and recordkeeping; and  
16 (2) ~~demonstration compliance~~ through source testing or continuous emission monitoring that the source  
17 complies with the ~~following~~ following applicable limitation:  
18

19 **MAXIMUM ALLOWABLE NO<sub>x</sub> EMISSION RATES FOR BOILERS AND INDIRECT PROCESS**  
20 **HEATERS**  
21 **(POUNDS PER MILLION BTU)**

22 Firing Method

<u>Fuel/Boiler Type</u>	<u>Tangential</u>	<u>Wall</u>	<u>Stoker or Other</u>
Coal (Wet Bottom)	1.0	1.0	N/A
Coal (Dry Bottom)	0.45	0.50	0.40
Wood or Refuse	0.20	0.30	0.20
Oil	0.30	0.30	0.30
Gas	0.20	0.20	0.20

29 (d) If the emissions are greater than the applicable limitation in Paragraph (c) of this Rule after reasonable effort as  
30 defined in ~~Rule .1401 of this Section, 15A NCAC 02D .1401,~~ or if the requirements of this Rule are not RACT, the  
31 owner or operator may petition the Director for an alternative limitation or standard ~~in accordance with Rule .1412 of~~  
32 ~~this Section, pursuant to 15A NCAC 02D .1412.~~

33 (e) Compliance with the limitation established for a boiler or indirect-fired process heater under this Rule shall be  
34 determined:

- 35 (1) using a continuous emission monitoring system if the boiler or indirect-fired process heater is  
36 required to use a continuous emissions monitoring system ~~under Rule .0524 of this Section as~~  
37 required by 15A NCAC 02D .0524 or 40 CFR Part 60 to measure emissions of nitrogen oxides; or

(2) using annual source testing ~~according to Rule .1415 of this Section~~ pursuant to 15A NCAC 02D .1415 for boilers or indirect-fired process heaters with a maximum heat input rate less than or equal to 250 million Btu per hour but greater than 50 million ~~BTU~~ Btu per hour with the exception allowed under Paragraph (f) of this Rule.

(f) If a source covered under this ~~rule~~ Rule can burn more than one fuel, the owner or operator of the source may choose not to burn one or more of these fuels during the ozone season. If the owner or operator chooses not to burn a particular fuel, the sources testing required under Subparagraph (e)(2) this Rule shall not be required for that fuel.

(g) If two consecutive annual source tests show compliance, the Director may reduce the frequency of testing up to once every five years. In years that a source test is not done, the boiler or indirect-fired process heater shall comply with the annual tune-up requirements of ~~Rule .1414 of this Section~~ 15A NCAC 02D .1414. If after the Director reduces the frequency of testing, a source test shows that the emission limit ~~under~~ in this Rule is exceeded, the Director shall require the boiler or indirect-fired process heater to be tested annually until two consecutive annual tests show compliance. Then the Director may again reduce the frequency of ~~testing~~ testing up to once every five years.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.66; ~~143-215.107(a)(5), (7), (10);~~ 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);

*Eff. April 1, 1995;*

*Temporary Amendment Eff. August 1, 2001; November 1, 2000;*

*Amended Eff. June 1, 2008; July 18, 2002;*

*Temporary Amendment Eff. December 31, 2008;*

*Temporary Amendment expired September 29, ~~2009~~ 2009;*

*Readopted Eff. October 1, 2020.*



1 15A NCAC 02D .1408 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1408 STATIONARY COMBUSTION TURBINES**

4 (a) This Rule applies geographically ~~according to Rule .1402 of this Section, pursuant to 15A NCAC 02D .1402.~~

5 (b) Unless the owner or operator chooses the option of emission averaging ~~under Rule .1410 of this Section, in 15A~~  
6 NCAC 02D .1410, the owner or operator of a stationary combustion turbine with a heat input rate greater than 100  
7 million Btu per hour but less than or equal to 250 million Btu per hour shall comply with the following limitations:

8 (1) Emissions of ~~NO<sub>x</sub> NO<sub>x</sub>~~ shall not exceed 75 ppm by volume corrected to 15 percent oxygen for gas-  
9 fired ~~turbines, turbines~~ or

10 (2) Emissions of ~~NO<sub>x</sub> NO<sub>x</sub>~~ shall not exceed 95 ppm by volume corrected to 15 percent oxygen for oil-  
11 fired turbines.

12 If necessary, the owner or operator shall install combustion modification technology or other ~~NO<sub>x</sub> NO<sub>x</sub>~~ control  
13 technology to comply with the applicable limitation set forth in this Paragraph.

14 (c) If the emissions are greater than the applicable limitation in Paragraph (b) of this Rule after reasonable effort as  
15 defined in ~~Rule .1401 of this Section, 15A NCAC 02D .1401~~, or if the requirements of this Rule are not RACT for the  
16 particular stationary combustion turbine, the owner or operator may petition the Director for an alternative limitation  
17 or standard ~~according to Rule .1412 of this Section, in accordance with 15A NCAC 02D .1412.~~

18 (d) Compliance with the limitation established for a stationary combustion turbine under this Rule shall be ~~determined;~~  
19 determined by using:

20 (1) ~~using~~ a continuous emissions monitoring ~~system, system~~; or

21 (2) ~~using~~ annual source testing ~~according to Rule .1415 of this Section, in accordance with 15A NCAC~~  
22 02D .1415.

23 (e) If a source covered under this ~~rule Rule~~ can burn more than one fuel, the owner or operator of the source may  
24 choose not to burn one or more of these fuels during the ozone season. If the owner or operator chooses not to burn a  
25 particular fuel, the sources testing required under this Rule is not required for that fuel.

26  
27 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.66; ~~143-215.107(a)(5), (7), (10); 143.215.107(a)(5);~~  
28 143.215.107(a)(7); 143.215.107(a)(10);

29 *Eff. April 1, 1995;*

30 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*

31 *Amended Eff. June 1, 2008; July 18, 2002;*

32 *Temporary Amendment Eff. December 31, 2008;*

33 *Temporary Amendment expired September 29, 2009-2009;*

34 *Readopted Eff. October 1, 2020.*  
35  
36

1 15A NCAC 02D .1409 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1409 STATIONARY INTERNAL COMBUSTION ENGINES**

4 (a) This Rule applies geographically ~~according to Rule .1402 of this Section~~ pursuant to 15A NCAC 02D .1402.

5 (b) The owner or operator of a stationary internal combustion engine having with a rated capacity of ~~650 horsepower~~  
6 ~~or more greater than or equal to 650 horsepower~~ that is not covered under Paragraph (c) of this Rule or ~~Rule .1418 of~~  
7 ~~this Section~~ 15A NCAC 02D .1418 shall not allow emissions of ~~NO<sub>x</sub>~~ NO<sub>x</sub> from the stationary internal combustion  
8 engine to exceed the following limitations:

9  
10 MAXIMUM ALLOWABLE ~~NO<sub>x</sub>~~ NO<sub>x</sub> EMISSION RATES FOR  
11 STATIONARY INTERNAL COMBUSTION ENGINES  
12 (GRAMS PER HORSEPOWER HOUR)

13

14 Engine Type	Fuel Type	Limitation
15 Rich-burn	Gaseous	2.5
16 Lean-burn	Gaseous	2.5
17 Compression Ignition	Liquid	8.0

18

19 (c) Engines identified in the table in this Paragraph shall not exceed the emission limit in the table during the ozone  
20 season.

21  

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SUM OF MAXIMUM ALLOWABLE OZONE SEASON NO<sub>x</sub> EMISSIONS

(tons per ozone season)

FACILITY	REGULATED SOURCES	ALLOWABLE EMISSIONS
Transcontinental Gas Pipeline Station 150	Mainline engines #12, 13, 14, and 15	76
Transcontinental Gas Pipeline Station 155	Mainline engines #2, 3, 4, 5, and 6	127
Transcontinental Gas Pipeline Station 160	Mainline engines #11, 12, 13, 14, and 15	149

22  
23 Compliance shall be determined by summing the actual emissions from the engines listed in the table at each facility  
24 for the ozone season and comparing those sums to the limits in the table. Compliance may be achieved through trading  
25 under Paragraph ~~(g)~~ (h) of this Rule if the trades are approved before the ozone season.

(d) If the emissions from ~~that a~~ stationary internal combustion engine are greater than the applicable limitation in Paragraph (b) of this Rule after ~~applying a~~ reasonable effort as defined in ~~Rule .1401 of this Section, 15A NCAC 02D .1401,~~ or if the requirements of this Rule are not RACT for the particular stationary internal combustion engine, the owner or operator may petition the Director for an alternative limitation or standard ~~according to Rule .1412 of this Section, pursuant to 15A NCAC 02D .1412.~~

(e) For the engines identified in Paragraph (c) of this Rule and any engine involved in emissions trading with one or more of the engines identified in Paragraph (c) of this Rule, the owner or operator shall determine compliance using:

- (1) a continuous emissions monitoring system ~~which that~~ meets the applicable requirements of Appendices B and F of 40 CFR part 60 and ~~Rule .1404 of this Section, 15A NCAC 02D .1404;~~ or
- (2) an alternate monitoring and recordkeeping procedure based on actual emissions testing and correlation with operating parameters.

The installation, implementation, and use of ~~this an~~ alternate procedure allowed under Subparagraph ~~(e)(2)(2)~~ of this Paragraph shall be approved by the Director before it may be used. The Director ~~may~~ shall approve the alternative procedure if he or she finds that it can show the compliance status of the engine.

(f) If a stationary internal combustion engine is permitted to operate more than 475 hours during the ozone season, compliance with the limitation established for a stationary internal combustion engine under Paragraph (b) of this Rule shall be determined using annual source testing ~~according to Rule .1415 of this Section, pursuant to 15A NCAC 02D .1415.~~ If a source covered under this ~~rule Rule~~ can burn more than one fuel, then the owner or operator of the source may choose not to burn one or more of these fuels during the ozone season. If the owner or operator chooses not to burn a particular fuel, the source testing required under this Rule is not required for that fuel.

(g) If a stationary internal combustion engine is permitted to operate no more than 475 hours during the ozone season, the owner or operator of the stationary internal combustion engine shall show compliance with the limitation under Paragraph (b) of this Rule with source testing during the first ozone season of operation ~~according to Rule .1415 of this Section, pursuant to 15A NCAC 02D .1415.~~ Each year after that, the owner or operator of the stationary internal combustion engine shall comply with the annual tune-up requirements of ~~Rule .1414 of this Section, 15A NCAC 02D .1414.~~

(h) The owner or operator of a source covered under Paragraph (c) of this Rule may offset part or all of the emissions of that source by reducing the emissions of another stationary internal combustion engine at that facility by an amount equal to or greater than the emissions being offset. Only actual decreased emissions that have not previously been relied on to comply with 15A NCAC 02D or 02Q Subchapter 02D or 02Q of this Title or Title 40 of the Code of Federal Regulations may be used to offset the emissions of another source. The person requesting the offset shall submit the following information to the Director:

- (1) identification of the source, including permit number, providing the offset and what the new allowable emission rate for the source will be;
- (2) identification of the source, including permit number, receiving the offset and what the new allowable emission rate for the source will be;
- (3) the amount of allowable emissions in tons per ozone season being offset;

- 1 (4) a description of the monitoring, recordkeeping, and reporting that shall be used to show compliance;  
2 and  
3 (5) documentation that the offset is an actual decrease in emissions that has not previously been relied  
4 on to comply with ~~Subchapter 02D or 02Q of this Title~~ Subchapter 15A NCAC 02D or 02Q or Title 40 of the Code of Federal  
5 Regulations.

6 The Director may approve the offset if he or she finds that all the information required by this Paragraph has been  
7 submitted and that the offset is an actual decrease in emissions that have not previously been relied on to comply with  
8 ~~Subchapter 02D or 02Q of this Title~~ Subchapter 15A NCAC 02D or 02Q or Title 40 of the Code of Federal Regulations. If the  
9 Director approves the offset, he or she shall put the new allowable emission rates in the respective permits.

10  
11 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.66; ~~143-215.107(a)(5), (7), (10);~~ 143.215.107(a)(5);  
12 143.215.107(a)(7); 143.215.107(a)(10);  
13 *Eff. April 1, 1995;*  
14 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
15 *Amended Eff. June 1, 2008; June 1, 2004; July 18, 2002;*  
16 *Temporary Amendment Eff. December 31, 2008;*  
17 *Temporary Amendment expired September 29, 2009-2009;*  
18 *Readopted Eff. October 1, 2020.*  
19  
20

1 15A NCAC 02D .1410 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1410 EMISSIONS AVERAGING**

4 (a) This Rule shall not apply to sources ~~covered under Rules or .1418 of this Section, regulated by 15A NCAC 02D~~  
5 ~~.1418~~. Sources that have obtained an alternative limitation ~~as provided by Rule .1412 of this Section pursuant to 15A~~  
6 ~~NCAC 02D .1412~~ or that apply seasonal fuel switching ~~as provided by Rule .1411 of this Section pursuant to 15A~~  
7 ~~NCAC 02D .1411~~ are not eligible to participate in an emissions averaging plan under this Rule.

8 (b) With the exceptions in Paragraph (a) of this Rule, the owner or operator of a facility with two or more sources  
9 with comparable plume rise and subject to the requirements of this Section for all such sources as determined by ~~Rule~~  
10 ~~.1402 of this Section~~ 15A NCAC 02D .1402 may elect to apply an emissions averaging plan according to Paragraph  
11 (c) of this Rule. An ~~emission~~ emissions averaging plan may be used if the total ~~NO<sub>x</sub>~~ NO<sub>x</sub> emissions from the averaged  
12 set of sources based on the total heat input are equal to or less than the ~~NO<sub>x</sub>~~ NO<sub>x</sub> emissions that would have occurred  
13 if each source complied with the applicable limitation.

14 (c) To request approval of an emissions averaging plan to comply with the requirements of this Section, the owner or  
15 operator of a facility shall submit a written request to the Director including the following information:

- 16 (1) the name and location of the facility;
- 17 (2) information identifying each source to be included under the averaging plan;
- 18 (3) the maximum heat input rate for each source;
- 19 (4) the fuel or fuels combusted in each source;
- 20 (5) the maximum allowable ~~NO<sub>x</sub>~~ NO<sub>x</sub> emission rate proposed for each averaging source;
- 21 (6) a demonstration that the nitrogen oxide emissions of the sources being ~~averaged~~ averaged, when  
22 operated together at the maximum daily heat input rate, will be less than or equal to the total ~~NO<sub>x</sub>~~ NO<sub>x</sub>  
23 emissions if each source complied with the applicable limitation of this Section individually;
- 24 (7) an operational plan to provide reasonable assurance that the sources being averaged will satisfy  
25 Subparagraph (5) of this Paragraph when the combined maximum daily heat input rate is less than  
26 the permitted maximum heat input rate; and
- 27 (8) the method to be used to determine the actual ~~NO<sub>x</sub>~~ NO<sub>x</sub> emissions from each source.

28  
29 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; ~~143-215.107(a)(5), (7), (10); 143.215.107(a)(5);~~  
30 ~~143.215.107(a)(7); 143.215.107(a)(10);~~

31 *Eff. April 1, 1995;*

32 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*

33 *Amended Eff. July 18, 2002;*

34 *Temporary Amendment Eff. December 31, 2008(this amendment replaces the amendment approved*  
35 *by RRC on May 15, 2008);*

36 *Amended Eff. September 29, 2009(amendment approved by RRC on May 15, 2008).~~2008; 2008~~;*

37 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1411 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1411 SEASONAL FUEL SWITCHING**

4 (a) This Rule shall not apply to sources ~~covered under Rule .1418 of this Section, regulated by 15A NCAC 02D .1418.~~

5 (b) The owner or operator of a coal-fired or oil-fired boiler subject to the requirements of ~~Rule .1407 of this Section~~  
6 15A NCAC 02D .1407 may elect to comply by applying seasonal combustion of natural gas according to Paragraph

7 (c) of this Rule. This option is not available to a boiler that used natural gas as its primary fuel beginning in or since  
8 1990. Compliance with this Section according to this Rule does not remove or reduce any applicable requirement of  
9 the Acid Rain Program.

10 (c) The owner or operator electing to comply with the requirements of this Section through the seasonal combustion  
11 of natural gas shall establish a ~~NO<sub>x</sub> NO<sub>x</sub>~~ emission limit beginning October 1 and ending April 30 that will result in  
12 annual ~~NO<sub>x</sub> NO<sub>x</sub>~~ emissions of less than or equal to the ~~NO<sub>x</sub> NO<sub>x</sub>~~ that would have been emitted if the source complied  
13 with the applicable limitation for the combustion of coal for the entire calendar year. Compliance with this Section  
14 according to this Rule does not remove or reduce any applicable requirement of the Acid Rain Program.

15 (d) To comply with the requirements of this Section through the seasonal combustion of natural gas, the owner or  
16 operator shall submit to the Director the following information:

- 17 (1) the name and location of the facility;
- 18 (2) information identifying the source to use seasonal combustion of natural gas for compliance;
- 19 (3) the maximum heat input rate for each source;
- 20 (4) a demonstration that the source will comply with the applicable limitation for the combustion of  
21 coal during the ozone ~~season~~ season;
- 22 (5) a demonstration that the source will comply with the ~~NO<sub>x</sub> NO<sub>x</sub>~~ emission limitation established under  
23 Paragraph (c) of this Rule beginning October 1 and ending April 30; and
- 24 (6) a written statement from the natural gas supplier providing reasonable assurance that the fuel will  
25 be available ~~beginning during throughout~~ the ozone season.

26  
27 *History Note:* Authority G.S. 143-215.3(a)(1) 143-215.65; ~~143-215.107(a)(5), (7), (10); 143.215.107(a)(5);~~  
28 143.215.107(a)(7); 143.215.107(a)(10);

29 *Eff. April 1, 1995;*

30 *Temporary Amendment Eff November 1, 2000;*

31 *Amended Eff. April 1, 2001;*

32 *Temporary Amendment Eff August 1, 2001;*

33 *Amended Eff. June 1, 2008; July 18, 2002;*

34 *Temporary Amendment Eff. December 31, 2008;*

35 *Temporary Amendment expired September 29, ~~2009~~ 2009;*

36 *Readopted Eff. October 1, 2020.*  
37

1 15A NCAC 02D .1412 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1412 PETITION FOR ALTERNATIVE LIMITATIONS**

4 (a) ~~The owner or operator may petition the Director for an alternative limitation according to Paragraph (b) or (c) of~~  
5 ~~this Rule if~~ the owner or operator of a source subject to the requirements of Rule .1407, .1408, or .1409(b) of this  
6 ~~Section.~~ 15A NCAC 02D .1407, .1408, or .1409(b):

- 7 (1) cannot achieve compliance with the applicable limitation after reasonable effort to satisfy the  
8 requirements of ~~Rules .1407, .1408, or .1409 of this Section~~ 15A NCAC 02D .1407, .1408, or  
9 .1409, .1409(b) ~~or if the requirements of Rules .1407, .1408, or .1409 of this Section~~ in these Rules  
10 are not RACT for the particular source; and  
11 (2) cannot provide reasonable assurance for overall compliance at a facility through the implementation  
12 of an emissions averaging plan ~~as provided for in Rule .1410 of this Section;~~ pursuant to 15A NCAC  
13 02D .1410.

14 ~~the owner or operator may petition the Director for an alternative limitation according to Paragraph (b) or (c) of this~~  
15 ~~Rule.~~

16 (b) To petition the Director for an alternative limitation, the owner or operator of the source shall ~~submit;~~ submit:

- 17 (1) the name and location of the facility;  
18 (2) information identifying the source for which an alternative limitation is being requested;  
19 (3) the maximum heat input rate for the source;  
20 (4) the fuel or fuels combusted in the source;  
21 (5) the maximum allowable ~~NO<sub>x</sub>~~ NO<sub>x</sub> emission rate proposed for the source for each fuel;  
22 (6) a demonstration that the source has satisfied the requirements to apply for an alternative limitation  
23 under Paragraph (a) of this Rule; and  
24 (7) a demonstration that the proposed alternative limitation is RACT for that source.

25 (c) If the source is required to comply with best achievable control technology ~~under Rule .0530, Prevention of~~  
26 ~~Significant Deterioration, of this Subchapter,~~ pursuant to 15A NCAC 02D .0530, the owner or operator of the source  
27 shall provide the information required under Subparagraphs (b)(1) through (6) of this Rule and documentation that  
28 the source is required to use best available control technology and is complying with that requirement. For this source,  
29 its best available control technology shall be considered RACT without any further demonstrations.

30 (d) The Director shall approve the alternative limitation if ~~he or she finds~~ they find that:

- 31 (1) all the information required by Paragraph (b) of this Rule has been ~~submitted;~~ submitted;  
32 (2) the requirements of Paragraph (a) of this Rule have been ~~satisfied;~~ satisfied; and  
33 (3) the proposed alternative limitation is RACT for that source.

34  
35 *History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.65; ~~143-215.107(a)(5), (7), (10);~~ 143.215.107(a)(5);*  
36 *~~143.215.107(a)(7); 143.215.107(a)(10);~~*  
37 *Eff. April 1, 1995;*

1                   *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
2                   *Amended Eff. June 1, 2008; July 18, ~~2002~~2002;*  
3                   *Readopted Eff. October 1, 2020.*  
4  
5



1 15A NCAC 02D .1413 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1413 SOURCES NOT OTHERWISE LISTED IN THIS SECTION**

4 (a) The owner or operator of any source of ~~nitrogen oxides, NO<sub>x</sub>~~, except boilers, indirect-fired process heaters,  
5 stationary combustion turbines, or stationary internal combustion engines, at a facility that has the potential to emit  
6 100 tons per year or more of ~~nitrogen oxides~~ NO<sub>x</sub> or 560 pounds per calendar day or more of NO<sub>x</sub> from May 1 through  
7 September ~~30~~ 30, shall apply RACT ~~according pursuant~~ to Paragraph (b) of this Rule.

8 (b) To apply RACT to a source of ~~nitrogen oxides NO<sub>x</sub>~~ ~~covered regulated under~~ pursuant to this Rule, the owner or  
9 operator of the source shall submit;

- 10 (1) the name and location of the facility;  
11 (2) information identifying the source for which RACT is being proposed;  
12 (3) a demonstration that shows the proposed limitation is RACT for the source; and  
13 (4) a proposal for demonstrating compliance with the proposed RACT.

14 (c) The Director shall approve the proposed limitation if he or she finds that:

- 15 (1) the owner or operator of the source has submitted all the information required under Paragraph (b)  
16 of this Rule;  
17 (2) the ~~sources~~ source is ~~covered regulated~~ under this Rule; and  
18 (3) the proposed limitation is RACT for this source.

19  
20 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; ~~143-215.107(a)(5), (7), (10);~~*  
21 *143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);*  
22 *Eff. April 1, 1995;*  
23 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
24 *Amended Eff. July 18, ~~2002~~ 2002;*  
25 *Readopted Eff. October 1, 2020.*  
26  
27

1 15A NCAC 02D .1414 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1414 TUNE-UP REQUIREMENTS**

4 (a) This Rule applies to boilers and indirect-fired process heaters subject to the requirements of ~~Rule .1407 of this~~  
5 ~~Section 15A NCAC 02D .1407~~ or stationary internal combustion engines subject to the requirements of ~~Rule .1409 of~~  
6 ~~this Section 15A NCAC 02D .1409~~ that are complying with ~~Rules .1407 or .1409 of this Section through an~~ the annual  
7 tune-up, tune-up requirement.

8 (b) When a tune-up to a boiler or indirect-fired process heater is required for compliance with this Section, the owner  
9 or operator shall at least annually and according to the manufacturer's recommendations:

- 10 (1) inspect each burner and clean or replace any component of the burner as required;
- 11 (2) inspect the flame pattern and make any adjustments to the burner, or burners, necessary to optimize  
12 the flame pattern to minimize total emissions of ~~NO<sub>x</sub>~~ NO<sub>x</sub> and carbon monoxide;
- 13 (3) inspect the combustion control system to ensure proper operation and correct calibration of  
14 components that control the air to fuel ratio and adjust components to meet the manufacturer's  
15 established operating parameters; and
- 16 (4) inspect any other component of the boiler or indirect-fired process heater and make adjustments or  
17 repairs as necessary to improve combustion efficiency.

18 The owner or operator shall perform the tune-up according to a ~~unit-specific~~ unit-specific protocol approved by the  
19 Director. The Director shall approve the protocol if it meets the requirements of this Rule.

20 (c) When a tune-up to a stationary internal combustion engine is required for compliance with this Section, the owner  
21 or operator shall at least annually inspect, adjust, and repair or replace according to the manufacturer's  
22 recommendation, the following, as equipped:

- 23 (1) engine air cleaners, fuel filters, and water traps;
- 24 (2) turbochargers and superchargers;
- 25 (3) spark plugs;
- 26 (4) valve lash;
- 27 (5) ignition systems, including ignition coils and wiring;
- 28 (6) aftercooler cores;
- 29 (7) any other component of the engine as necessary to improve engine efficiency; and
- 30 (8) emission control systems.

31 The owner or operator shall perform the tune-up according to a ~~unit-specific~~ unit-specific protocol, including  
32 inspection, maintenance, and performance procedures as recommended by the ~~manufacturer,~~ manufacturer and  
33 approved by the Director. The Director shall approve the protocol if it meets the requirements of this Rule.

34 (d) The owner or operator shall maintain records of tune-ups performed to comply with this Section ~~according to Rule~~  
35 ~~.1404 of this Section.~~ pursuant to 15A NCAC 02D .1404. The following information shall be included for each source:

- 36 (1) identification of the source;
- 37 (2) the date and time the tune-up started and ended;

- (3) the person responsible for performing the tune-up;
- (4) for boilers and indirect-fired process heaters, the checklist for inspection of the burner, flame pattern, combustion control system, and all other components of the boiler or indirect-fired process heater identified in the protocol, noting any repairs or replacements made;
- (5) for stationary internal combustion engines, the checklist for engine air cleaners, turbochargers, sparkplugs, valve lash, ignition coils and wiring, aftercooler cores, and all other components of the engine identified in the protocol, noting any repairs or replacements made;
- (6) any stack gas analyses performed after the completion of all adjustments to show that the operating parameters of the boiler, indirect-fired process heater, or stationary internal combustion engine have been optimized with respect to fuel consumption and ~~output; output, at a minimum these~~ These parameters shall be within the range established by the equipment manufacturer to ensure that the emission limitation for nitrogen oxides has not been exceeded; and
- (7) any other information requested by the Director to show that the boiler, indirect-fired process heater, or stationary internal combustion engine is being operated and maintained in a manner to minimize the emissions of nitrogen oxides.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; ~~143-215.107(a)(5), (7), (10);~~  
143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);  
Eff. April 1, 1995;  
Temporary Amendment Eff. August 1, 2001; November 1, 2000;  
Amended Eff. July 18, ~~2002-2002~~;  
Readopted Eff. October 1, 2020.

1 15A NCAC 02D .1415 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1415 TEST METHODS AND PROCEDURES**

4 (a) When source testing is used to determine compliance with rules in this Section, the methods and procedures in  
5 ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2600 shall be used.

6 (b) The owner or operator shall maintain records of tests performed to demonstrate compliance with this Section  
7 ~~according to Rule .1404 of this Section~~, as required by 15A NCAC 02D .1404.

8  
9 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; ~~143-215.107(a)(5), (7), (10);~~  
10 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);

11 *Eff. April 1, 1995;*

12 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*

13 *Amended Eff. June 1, 2008; July 18, ~~2002~~, 2002;*

14 *Readopted Eff. October 1, 2020.*  
15  
16

1 15A NCAC 02D .1418 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1418 NEW ELECTRIC GENERATING UNITS, ~~LARGE-BOILERS, COMBUSTION~~**  
4 **TURBINES, AND LARGE-I/C ENGINES**

5 (a) Electric generating units. Emissions of ~~nitrogen oxides~~ NOx from any fossil fuel-fired stationary boiler,  
6 combustion turbine, or combined cycle system permitted after October 31, 2000, serving a generator with a nameplate  
7 capacity greater than 25 megawatts electrical and selling any amount of electricity ~~shall not exceed;~~ shall meet the  
8 applicable requirement:

- 9 (1) 0.15 pounds per million Btu for gaseous and solid fuels and 0.18 pounds per million Btu for liquid  
10 fuels if it is not ~~covered under Rule .0530 (prevention of significant deterioration) or .0531~~  
11 ~~(nonattainment area major new source review) of this Subchapter;~~ regulated by 15A NCAC 02D  
12 .0530 or .0531;  
13 (2) if regulated by 15A NCAC 02D .0530, meet the best available control technology requirements in  
14 15A NCAC 02D .0530 or 0.15 pounds per million Btu for gaseous and solid fuels and 0.18 pounds  
15 per million Btu for liquid fuels or best available control technology requirements of Rule .0530 of  
16 this Subchapter, fuels, whichever requires the greater degree of reduction, if it is covered under Rule  
17 .0530 of this Subchapter; reduction; or  
18 (3) if regulated by 15A NCAC 02D .0531, meet the lowest available emission rate technology  
19 requirements of Rule .0531 of this Subchapter if it is covered under Rule .0531 of this Subchapter.  
20 in 15A NCAC 02D .0531.

21 (b) ~~Large boilers.~~ Boilers and combustion turbines. Emissions of ~~nitrogen oxides~~ NOx from any fossil fuel-fired  
22 stationary boiler, combustion turbine, or combined cycle system having a maximum design heat input greater than  
23 250 million Btu per hour ~~which is~~ permitted after October 31, 2000, and not ~~covered~~ regulated under Paragraph (a) of  
24 this Rule, ~~shall not exceed;~~ meet the applicable requirement:

- 25 (1) 0.17 pounds per million Btu for gaseous and solid fuels and 0.18 pounds per million Btu for liquid  
26 fuels if it is not ~~covered under Rule .0530 (prevention of significant deterioration) or .0531~~  
27 ~~(nonattainment area major new source review) of this Subchapter;~~ regulated by 15A NCAC 02D  
28 .0530 or .0531;  
29 (2) if regulated by 15A NCAC 02D .0530, meet the best available control technology requirements in  
30 15A NCAC 02D .0530 or 0.17 pounds per million Btu for gaseous and solid fuels and 0.18 pounds  
31 per million Btu for liquid fuels or best available control technology requirements of Rule .0530 of  
32 this Subchapter, fuels, whichever requires the greater degree of reduction, if it is covered under Rule  
33 .0530 of this Subchapter; reduction; or  
34 (3) if regulated by 15A NCAC 02D .0531, meet the lowest available emission rate technology  
35 requirements in of Rule .0531 of this Subchapter if it is covered under Rule .0531 of this Subchapter.  
36 15A NCAC 02D .0531.

(c) Internal combustion engines. The following reciprocating internal combustion engines permitted after October 31, 2000, shall comply with the applicable requirements in ~~Rule .1423 of this Section~~ 15A NCAC 02D .1423 if the engine is not ~~covered under Rule .0530 (prevention of significant deterioration) or .0531 (nonattainment area major source review) of this Subchapter;~~ regulated by 15A NCAC 02D .0530 or .0531:

- (1) rich burn stationary internal combustion engines rated at ~~equal to or greater than~~ greater than or equal to 2,400 brake ~~horsepower, horsepower;~~
- (2) lean burn stationary internal combustion engines rated at ~~equal to or greater than~~ greater than or equal to 2,400 brake ~~horsepower, horsepower;~~
- (3) diesel stationary internal combustion engines rated at ~~equal to or greater than~~ greater than or equal to 3,000 brake ~~horsepower, horsepower;~~ or
- (4) dual fuel stationary internal combustion engines rated at ~~equal to or greater than~~ greater than or equal to 4,400 brake ~~horsepower, horsepower.~~

If the engine is ~~covered under Rule .0530 of this Subchapter,~~ regulated by 15A NCAC 02D .0530, it shall comply with the requirements of ~~Rule .1423 of this Section~~ 15A NCAC 02D .1423 or the best available control technology requirements of ~~Rule .0530 of this Subchapter,~~ 15A NCAC 02D .0530, whichever requires the greater degree of reduction. If the engine is ~~covered under Rule .0531 of this Subchapter,~~ regulated by 15A NCAC 02D .0531, it shall comply with lowest available emission rate technology requirements of ~~Rule .0531 of this Subchapter,~~ 15A NCAC 02D .0531.

(d) Monitoring. The owner or operator of a source subject to this ~~Rule Rule,~~ except for internal combustion ~~engines~~ engines, shall show compliance using a continuous emission monitor that meets the requirements of ~~Rule .1404(d) of this Section,~~ 15A NCAC 02D .1404(d). Internal combustion engines shall comply with the monitoring requirements in ~~Rule .1423 of this Section,~~ 15A NCAC 02D .1423. Monitors shall be installed before the first ozone season in which the source will operate and shall be operated each day during the ozone season that the source operates.

*History Note:* Authority G.S. 143-215.3(a)(1); ~~143-215.107(a)(5), (7), (10); 143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);~~

*Temporary Adoption Eff. August 1, 2001; November 1, 2000;*

*Eff. July 18, 2002;*

*Amended Eff. June 1, 2004;*

*Temporary Amendment Eff. December 31, 2008(this amendment replaces the amendment approved by RRC on May 15, 2008);*

*Amended Eff. September 29, 2009(amendment approved by RRC on May 15, 2008).~~[2008; 2008];~~*

*Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1423 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1423 LARGE INTERNAL COMBUSTION ENGINES**

4 (a) Applicability. This Rule applies to the following internal combustion engines permitted after October 30, 2000  
5 that are subject to ~~Rule .1418 of this Section~~ 15A NCAC 02D .1418 but are not subject to ~~Rules .0530 (prevention of~~  
6 ~~significant deterioration) or .0531 (nonattainment area major new source review) of this Subchapter.~~ 15A NCAC 02D  
7 .0530 or .0531:

- 8 (1) rich burn stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal  
9 to 2,400 brake horsepower;  
10 (2) lean burn stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal  
11 to 2,400 brake horsepower;  
12 (3) diesel stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal to  
13 3,000 brake horsepower; or  
14 (4) dual fuel stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal  
15 to 4,400 brake horsepower.

16 (b) Emission limitation. The owner or operator of a stationary internal combustion engine shall not cause to be emitted  
17 into the atmosphere ~~nitrogen oxides~~ NO<sub>x</sub> in excess of the following applicable limit, expressed as ~~nitrogen dioxide~~  
18 NO<sub>x</sub> in parts per million by volume corrected to 15 percent ~~parts per million by volume (ppmv)~~ stack gas oxygen on  
19 a dry basis, averaged over a rolling 30-day period, as may be adjusted ~~under~~ pursuant to Paragraph (c) of this Rule:

20  
21  
22  
23  
24  
25  
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28  
29  
MAXIMUM ALLOWABLE NO<sub>x</sub> EMISSION CONCENTRATION FOR  
STATIONARY INTERNAL COMBUSTION ENGINES  
(parts per million)

Engine Type	Limitation
Rich-burn	110
Lean-burn	125
Diesel	175
Dual fuel	125

21  
22 (c) Adjustment. Each emission limit expressed in Paragraph (b) of this Rule may be multiplied by X, where X equals  
23 the engine efficiency (E) divided by a reference efficiency of 30 percent. Engine efficiency (E) shall be determined  
24 using one of the methods specified in Subparagraphs (1) or (2) of this Paragraph, whichever provides a higher value.  
25 However, engine efficiency (E) shall not be less than 30 percent. An engine with an efficiency lower than 30 percent  
26 shall be assigned an efficiency of 30 percent.

27 (1)\_\_\_\_\_

28 
$$E = \frac{(Engine\ output) * (100)}{Energy\ input}$$

29 ~~—(Engine output)\*(100)~~

$$E = \frac{\text{Energy input}}{\text{Energy input}}$$

where energy input is determined by a fuel measuring device accurate to plus or minus 5 percent and is based on the higher heating value (HHV) of the fuel. Percent efficiency (E) shall be averaged over 15 consecutive minutes and measured at peak load for the applicable engine.

(2) \_\_\_\_\_

$$E = \frac{(\text{Manufacturer's rated efficiency at LHV}) * (\text{LHV})}{\text{HHV}}$$

~~Manufacturer's Rated Efficiency [continuous] at LHV) \* (LHV)~~

$$E = \frac{\text{Manufacturer's Rated Efficiency [continuous] at LHV} * (\text{LHV})}{\text{HHV}}$$

where LHV is the lower heating value of the fuel; and HHV is the higher heating value of the fuel.

(d) Compliance determination and monitoring. The owner or operator of an internal combustion engine subject to the requirements of this Rule shall determine compliance using:

- (1) a continuous emissions monitoring system (CEMS) ~~which that~~ meets the applicable requirements of 40 CFR part 60, Appendices B and F ~~of 40 CFR part 60, F~~, excluding data obtained during periods specified in Paragraph (g) of this Rule and ~~Rule 1404 of this Section; 15A NCAC 02D .1404;~~ or
- (2) an alternate calculated and recordkeeping procedure based on actual emissions testing and correlation with operating parameters. The installation, implementation, and use of this alternate procedure shall be approved by the Director before it may be used. The Director ~~may~~ shall approve the alternative procedure if he or she finds that it can show the compliance status of the engine.

(e) Reporting requirements. The owner or operator of a stationary internal combustion engine subject to this Rule shall submit:

- (1) a report documenting the engine's total nitrogen oxide emissions beginning May 1 and ending September 30 of each year to the Director by October 31 of each year, beginning with the year of first ozone season that the engine operates; and
- (2) an excess emissions and monitoring systems performance report, according to the requirements of 40 CFR 60.7(c) and 60.13, if a ~~continuous~~ continuous emissions monitoring system is used.

(f) Recordkeeping requirements. The owner or operator of a stationary internal combustion engine subject to this Rule shall maintain all records necessary to demonstrate compliance with the Rule for two calendar years at the facility at which the engine is located. The records shall be made available to the Director upon request. The owner or operator shall maintain records of the following information for each day the engine operates:

- (1) identification and location of the engine;
- (2) calendar date of record;
- (3) the number of hours the engine operated during each day, including startups, shutdowns, and malfunctions, and the type and duration of any maintenance and repairs;



- 1 (4) ~~the~~ date and results of each emissions inspection;
- 2 (5) a summary of any emissions corrective maintenance taken;
- 3 (6) the results of all compliance tests; and
- 4 (7) if a unit is equipped with a continuous emission monitoring system:
- 5 (A) identification of time periods during which nitrogen oxide standards ~~are were~~ exceeded,
- 6 the reason for the excess emissions, and action taken to correct the excess emissions and
- 7 to prevent similar future excess emissions; and
- 8 (B) identification of the time periods for which operating conditions and pollutant data were
- 9 not ~~obtained~~ obtained, including reasons for not obtaining sufficient data and a description
- 10 of corrective actions taken.

11 (g) Exemptions. The emission standards of this Rule shall not apply to the following periods of operation:

- 12 (1) start-up and shut-down periods and periods of malfunction, not to exceed 36 consecutive hours; and
- 13 (2) regularly scheduled maintenance activities.
- 14

15 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; ~~143-215.107(a)(5), (7), (10);~~*

16 *143.215.107(a)(5); 143.215.107(a)(7); 143.215.107(a)(10);*

17 *Temporary Adoption Eff. August 1, 2001;*

18 *Eff. July 18, ~~2002~~, 2002;*

19 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1701 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **SECTION .1700 - MUNICIPAL SOLID WASTE LANDFILLS**

4  
5 **15A NCAC 02D .1701 DEFINITIONS**

6 ~~For the purpose of this Rule the~~ The definitions ~~contained~~ in 40 CFR 60.751 ~~shall apply.~~ apply to this Section.

7  
8 *History Note: Authority G.S. ~~143-213~~; 143-215.3(a)(1);*

9 *Eff. July 1, ~~1998~~, 1998;*

10 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1702 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1702 APPLICABILITY**

4 (a) All existing MSW landfills that meet the following conditions are subject to this Section:

5 (1) The landfill has accepted waste at any time since November 8, 1987, or has additional permitted  
6 capacity available for future waste deposition and has not been documented by the Division as being  
7 permanently closed; and

8 (2) The landfill was in operation, or construction, reconstruction, or modification was commenced  
9 before ~~May 30, 1991~~ July 17, 2014.

10 (b) Physical or operational changes made to an existing MSW landfill solely to comply with an emission standard  
11 under this Section are not considered a modification or reconstruction, and do not subject an existing MSW landfill to  
12 the requirements of 40 CFR 60, Subpart ~~WWW-XXX~~ or 15A NCAC ~~2D02D~~ .0524.

13  
14 *History Note:* Authority ~~G.S. 143-213;~~ 143-215.3(a)(1); ~~143-215.107(a)(5),(10);~~ 143-215.107(a)(5); 143-  
15 215.107(a)(10);  
16 *Eff. July 1, 1998, 1998;*  
17 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1703 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1703 EMISSION STANDARDS**

4 (a) Any MSW landfill subject to this Section and meeting the following two conditions shall meet the gas collection  
5 and control requirements of Paragraph (b) of this Rule:

- 6 (1) The landfill has a design capacity greater than or equal to 2.75 million tons and 2.5 million cubic  
7 meters. The owner or operator of the landfill may calculate the design capacity in either tons or  
8 cubic meters for comparison with the exemption values. Any density conversion shall be  
9 documented and submitted along with the initial reporting requirements of ~~Rule 15A NCAC 02D~~  
10 ~~.1708(a); .1708(a) of this Section;~~ and  
11 (2) The landfill has a non-methane organic compound (NMOC) emission rate of 55 tons per year or  
12 more. The NMOC emission rate shall be calculated by following the procedures outlined in 40 CFR  
13 60.754.

14 (b) Each owner or operator of a MSW landfill meeting the conditions of Paragraph (a) of this Rule shall:

- 15 (1) submit to the Director a site-specific design plan for the gas collection and control system that meets  
16 the requirements of 40 CFR 60.752(b)(2)(i);  
17 (2) install a gas collection system that meets the requirements of 40 CFR 60.752(b)(2)(ii); and  
18 (3) control the collected emissions of MSW landfill gas through the use of one or more of the following  
19 control ~~devices;~~ options:  
20 (A) An open flare designed and operated in accordance with the parameters established in 40  
21 CFR 60.18;  
22 (B) A control system designed and operated to reduce NMOC by 98 weight percent; ~~or~~  
23 (C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration  
24 to 20 parts per million as hexane by volume, on a dry basis at three percent oxygen, or ~~less.~~  
25 less; or  
26 (D) ~~[Treatment]~~ A treatment system that processes the collected gas for subsequent sale or use  
27 in accordance with 40 CFR 60.752(b)(2)(iii)(C).

28 (c) The gas collection and control system required ~~under Paragraph (b) of by~~ this Rule may be capped or removed  
29 provided that all the conditions of 40 CFR 60.752(b)(2)(v)(A), ~~(B)(B),~~ and (C) are met.

30  
31 *History Note:* Authority G.S. 143-215.3(a)(1); ~~143-215.107(a)(5),(10);~~ 143-215.107(a)(5); 143-215.107(a)(10);  
32 Eff. July 1, 1998;  
33 Amended Eff. July 1, 2000-2000;  
34 Readopted Eff. October 1, 2020.

1 15A NCAC 02D .1704 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1704 TEST METHODS AND PROCEDURES**

4 The MSW landfill NMOC emission rate shall be calculated by following the procedures in 40 CFR 60.754, as  
5 applicable, in order to determine whether the landfill meets the conditions of ~~Rule 15A NCAC 02D .1703(a)(2).~~  
6 ~~.1703(a)(2) of this Section.~~

7  
8 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.66; ~~143-215.107(a)(5),(10); 143-215.107(a)(5); 143-~~  
9 ~~215.107(a)(10).~~

10 *Eff. July 1, 1998; 1998.*

11 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1705 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1705 OPERATIONAL STANDARDS**

4 The owner and operator of a MSW landfill required to install a landfill gas collection and control system to comply  
5 with ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall:

- 6 (1) operate the collection system in accordance with 40 CFR 60.753(a);
- 7 (2) operate the collection system with negative pressure at each wellhead in accordance with 40 CFR  
8 60.753(b);
- 9 (3) operate each interior wellhead in the collection system in accordance with 40 CFR 60.753(c);
- 10 (4) operate the collection system so that the methane concentration is less than 500 parts per million  
11 above background at the surface of the landfill. To determine if this level is exceeded, the owner  
12 and operator shall follow the procedures given in 40 CFR 60.753(d);
- 13 (5) operate the collection system such that all collected gases are vented to a control system designed  
14 and operated in compliance with ~~Rule .1703(b)(3) of this Section~~ 15A NCAC 02D .1703(b)(3). In  
15 the event that the gas collection and control system is inoperable, measures shall be taken as outlined  
16 in 40 CFR 60.753(e);
- 17 (6) operate the control system at all times when the collected gas is routed to the control system;
- 18 (7) take corrective action as specified in 40 CFR 60.755(c) if monitoring demonstrates that the operation  
19 standards and requirements of Items (2), (3), and (4) of this Rule are not met. If the required  
20 corrective actions are taken, the emissions monitored shall not be considered a violation of the  
21 operational standards of this Rule.

22  
23 *History Note:* Authority G.S. 143-215.3(a)(1); ~~143-215.107(a)(5), (10); 143-215.107(a)(5); 143-215.107(a)(10);~~  
24 ~~Eff. July 1, 1998.~~ 1998;  
25 Readopted Eff. October 1, 2020.  
26  
27  
28

1 15A NCAC 02D .1706 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1706 COMPLIANCE PROVISIONS**

4 (a) Compliance with ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall be determined using the provisions  
5 of 40 CFR 60.755(a).

6 (b) Compliance with ~~Rule .1705(1) of this Section~~ 15A NCAC 02D .1705(1) shall be determined using the provisions  
7 of 40 CFR 60.755(b).

8 (c) Compliance with the surface methane operational standards of ~~Rule .1705(4) of this Section~~ 15A NCAC 02D  
9 .1705(4) shall be achieved using the procedures of 40 CFR 60.755(c) and (d).

10 (d) The provisions of this Rule apply at all times, except during periods of start-up, shutdown, or malfunction,  
11 provided that the duration of start-up, shutdown, or malfunction shall not exceed five days for collection systems and  
12 shall not exceed one hour for treatment or control devices.

13  
14 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.66; ~~143-215.107(a)(5),(10);~~ 143-215.107(a)(5); 143-  
15 215.107(a)(10);

16 *Eff. July 1, 1998.*

17 *Readopted Eff. October 1, 2020.*  
18  
19

1 15A NCAC 02D .1707 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1707 MONITORING PROVISIONS**

4 (a) The owner or operator of a MSW landfill who is required to comply with ~~Rule .1703(b)(2) of this Section~~15A  
5 NCAC 02D .1703(b)(2) for an active gas collection system shall perform the monitoring requirements as outlined in  
6 40 CFR 60.756(a).

7 (b) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3)(C) of this~~  
8 ~~Section~~15A NCAC 02D .1703(b)(3)(C) using an enclosed combustor shall perform the monitoring requirements as  
9 outlined in 40 CFR 60.756(b).

10 (c) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3)(A) of this~~  
11 ~~Section~~15A NCAC 02D .1703(b)(3)(A) using an open flare shall perform the monitoring requirements as outlined in  
12 40 CFR 60.756(c).

13 (d) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3) of this~~  
14 ~~Section~~15A NCAC 02D .1703(b)(3) using a device other than an open flare or an enclosed combustor shall comply  
15 with the provisions of 40 CFR 60.756(d).

16 (e) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3)(B) of this~~  
17 ~~Section~~15A NCAC 02D .1703(b)(3)(B) using an active collection system or seeking to monitor alternative parameters  
18 to those required by ~~Rule .1704 through .1707 of this Section~~15A NCAC 02D .1704 through .1707 shall comply with  
19 the provisions of 40 CFR 60.756(e).

20 (f) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1706(e) of this~~  
21 ~~Section~~15A NCAC 02D .1706(c) shall do so in accordance with 40 CFR 60.756(f).

22  
23 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; ~~143-215.107(a)(5),(10); 143-215.107(a)(5); 143-~~*  
24 *215.107(a)(10).*  
25 *Eff. July 1, ~~1998~~1998;*  
26 *Readopted Eff. October 1, 2020.*  
27  
28  
29



1 15A NCAC 02D .1708 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1708 REPORTING REQUIREMENTS**

4 (a) The owner or operator of a MSW landfill subject to this Rule according to ~~Rule .1702 of this Section~~ 15A NCAC  
5 02D .1702 shall submit ~~an initial~~ a design capacity report to the Director in accordance with the following:

- 6 (1) The initial design capacity report shall fulfill the requirements of the notification of the date  
7 construction is commenced as required under 40 CFR 60.7(a)(1) and shall be submitted no later than  
8 the earliest of the day from the dates given in 40 CFR 60.757(a)(1)(i) ~~through and~~ 40 CFR  
9 ~~60.757(a)(1)(iii); 60.757(a)(1)(ii);~~  
10 (2) The initial design capacity report shall contain the information given in 40 CFR 60.757(a)(2)(i) and  
11 40 CFR 60.757(a)(2)(ii); and  
12 (3) An amended design capacity report shall be submitted to the Director in accordance with 40 CFR  
13 60.757(a)(3) whenever an increase in the design capacity of the landfill results in the design capacity  
14 of the landfill to exceed 2.5 million cubic meters and 2.75 million tons.

15 (b) The owner or operator of a MSW landfill subject to this ~~Section Rule~~ shall submit a NMOC emission report to  
16 the Director initially and annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) or (b)(3). The initial  
17 NMOC emission rate report shall be submitted within 90 days of the day waste acceptance commences and may be  
18 combined with the initial design capacity report required in Paragraph (a) of this ~~Section Rule~~. The NMOC emission  
19 rate report shall:

- 20 (1) contain an annual or five-year estimate of the NMOC emission rate calculated using the formula  
21 and procedures provided in 40 CFR 60.754(a) or (b), as applicable; and  
22 (2) include all the data, calculations, sample ~~reports~~ reports, and measurements used to estimate the  
23 annual or five-year emissions.

24 (c) The owner or operator of a MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703  
25 shall submit a collection and control system design plan to the Director within one year of the first report, required  
26 under Paragraph (b) of this Rule, in which the emission rate exceeds 55 tons per year, except as provided for in 40  
27 CFR 60.757(c)(1) and (c)(2).

28 (d) The owner or operator of a controlled landfill shall submit a closure report to the Director within 30 days of  
29 cessation of waste acceptance. If a closure report has been submitted to the Director, no additional waste shall be  
30 placed into the landfill without first filing a notification of modification as described under 40 CFR 60.7(a)(4). The  
31 Director may request such additional information as may be necessary to verify that permanent closure of the MSW  
32 landfill has taken place in accordance with the requirements of 40 CFR 258.60.

33 (e) The owner or operator of a controlled MSW landfill shall submit an equipment removal report 30 days prior to  
34 removal or cessation of operation of the control equipment according to ~~Rule .1703(e) of this Section~~ 15A NCAC  
35 02D .1703(e).1703(c). The report shall contain the items listed in 40 CFR 60.757(e)(1). The Director may request  
36 such additional information as may be ~~reasonably~~ necessary to verify that all the conditions for removal in 40 CFR  
37 60.752(b)(2)(v) have been met.

1 (f) The owner or operator of a MSW landfill seeking to comply with ~~Rule .1703(b)(2) of this Section~~ 15A NCAC 02D  
2 .1703(b)(2) using an active collection system designed in accordance with 40 CFR 60.752(b)(2)(ii) shall submit annual  
3 reports of the recorded information in 40 CFR 60.757(f)(1) through (f)(6). The initial annual report shall be submitted  
4 within 180 days of installation and start-up of the collection and control system, and shall include the initial  
5 performance test report required under 40 CFR 60.8.

6 (g) The owner or operator of a MSW landfill seeking to comply with ~~Rule .1703(b)(3) of this Section~~ 15A NCAC  
7 02D .1703(b)(3) using an enclosed combustion device or flare shall report the excess as defined in 40 CFR  
8 60.758(c)(1).

9 (h) The owner or operator of a MSW landfill required to comply with ~~Rule .1703(b)(1) of this Section~~ 15A NCAC  
10 02D .1703(b)(1) shall include the information given in 40 CFR 60.757(g)(1) through (g)(6) with the initial  
11 performance test report required under 40 CFR 60.8.

12  
13 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; ~~143-215.107(a)(5),(10);~~ 143-  
14 215.107(a)(5); 143-215.107(a)(10);  
15 Eff. July 1, 1998;  
16 Amended Eff. July 1, 2000-2000;  
17 Readopted Eff. October 1, 2020.  
18  
19

1 15A NCAC 02D .1709 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1709 RECORDKEEPING REQUIREMENTS**

4 (a) The owner or operator of a MSW landfill subject to this Section and having a maximum design capacity equal to  
5 or greater than 2.5 million cubic meters and 2.75 million tons shall keep on-site for at least five years records of the  
6 information listed in 40 CFR 60.758(a). Off-site records may be maintained if they are retrievable within four hours.  
7 Either paper copy or electronic formats of the records shall be acceptable.

8 (b) The owner or operator of a controlled landfill shall keep ~~up-to-date, readily accessible~~ up-to-date records pursuant  
9 to 40 CFR 60.768(b) for the life of the control equipment of the data listed in 40 CFR ~~60.757(b)(1) through (b)(4)~~  
10 60.758(b)(1) through (b)(4) as measured during the initial performance test or compliance determination. Records of  
11 subsequent tests or monitoring shall be maintained for a minimum of five years. Records of the control device vendor  
12 specifications shall be maintained until removal.

13 (c) Each owner or operator of a MSW landfill subject to this Section shall keep for five years ~~up-to-date, readily~~  
14 ~~accessible continuous~~ up-to-date records pursuant to 40 CFR 60.768(c) of the equipment operating parameters  
15 specified to be monitored in ~~Rule .1707 of this Section~~ 15A NCAC 02D .1707 and records for periods of operation  
16 during which the parameter boundaries established during the most recent performance test are exceeded. The  
17 parameter boundaries considered in excess of those established during the performance test are defined in 40 CFR  
18 ~~60.757(c)(1)(i) 60.758(c)(1)(i)~~ and (ii) and are also required to be reported ~~under~~ pursuant to Rule .1708(g) of this  
19 Section. 15A NCAC 02D .1708(g).

20 (d) The owner or operator of a MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
21 keep for the life of the collection system an ~~up-to-date, readily accessible~~ up-to-date plot map pursuant to 40 CFR  
22 60.768(d) showing existing and planned collectors in the system and provide unique identification location labels for  
23 each collector. Records of newly installed collectors shall be maintained in accordance with 40 CFR 60.758(d)(1)  
24 and documentation of asbestos-containing or nondegradable waste excluded from collection shall be kept in  
25 accordance with 40 CFR 60.758(d)(2).

26 (e) The owner or operator of a MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
27 keep for at least five years records of emissions from the collection and control system exceeding the emission  
28 standards in accordance with 40 CFR 60.758(e).

29 (f) The owner or operator of MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
30 keep ~~up-to-date, readily accessible continuous~~ up-to-date records pursuant to 40 CFR 60.758(c)(2) of the indication  
31 of flow to the control device or the indication of bypass flow or records of monthly inspections of car-seals or lock-  
32 and-key configurations used to seal bypass lines, specified ~~under~~ pursuant to 40 CFR 60.756.

33 (g) The owner or operator of MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) who  
34 uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR  
35 60.752(b)(2)(iii) shall keep an ~~up-to-date, readily accessible~~ up-to-date record pursuant to 40 CFR 60.758(c)(3) of all  
36 periods of operation of the boiler or process heater.

(h) The owner or operator of MSW landfill seeking to comply with the provisions of ~~Rule .1703(b) of this Section 15A~~  
NCAC 02D .1703(b) by use of an open flare shall keep ~~up-to-date, readily accessible continuous up-to-date~~ records  
of the flame or flare pilot flame monitoring specified ~~under pursuant to~~ 40 CFR ~~60.756(e), 60.756(c), and up-to-date,~~  
~~readily accessible up-to-date~~ records of all periods of operation in which the flame or flare pilot flame in absent.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4), ~~(5), (10)~~; 143-*  
*215.107(a)(5), 143-215.107(a)(10);*

*Eff. July 1, 1998;*

*Amended Eff. July 1, ~~2000~~, 2000;*

*Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .1710 is readopted with changes as published in 34:16 NCR 1469 as follows:

3 **15A NCAC 02D .1710 COMPLIANCE SCHEDULES**

4 ~~(a) Except as provided for in Paragraph (b) of this Rule, the schedule for compliance with the requirements of this~~  
5 ~~Section shall meet the following deadlines:~~

6 ~~(1) Each existing MSW landfill subject to this Section according to Rule .1702 of this Section and~~  
7 ~~exceeding the design capacity limitation of Rule .1703(a)(1) of this Section shall submit an~~  
8 ~~application for a permit under 15A NCAC 2Q .0500 by July 1, 1999.~~

9 ~~(2) Each existing MSW landfill subject to this Section according to Rule .1702 of this Section and~~  
10 ~~exceeding the design capacity and NMOC emission rate limitations of Rule .1703(a)(1) and (2) of~~  
11 ~~this Section shall:~~

12 ~~(A) submit a site-specific design plan for the gas collection and control system to the Director~~  
13 ~~by July 1, 1999; and~~

14 ~~(B) plan, award contracts, and install MSW landfill air emission collection and control system~~  
15 ~~capable of meeting the emission standards established under Rule .1703 of this Section by~~  
16 ~~January 1, 2001.~~

17 ~~(b) For each existing MSW landfill subject to this Section as specified in Rule .1702 of this Section~~ 15A NCAC 02D  
18 .1702 ~~and meeting the design capacity condition of Rule .1703(a)(1) of this Section~~ 15A NCAC 02D .1703(a)(1)  
19 ~~whose NMOC emission rate is less than 55 tons per year on~~ or after July 1, 1998, shall:

20 (1) submit a site-specific design plan for the gas collection and control system to the Director within 12  
21 months of first exceeding the NMOC emission rate of 55 tons per year; and

22 (2) plan, award contracts, and install MSW landfill air emission collection and control system capable  
23 of meeting the emission standards established ~~under Rule .1703 of this Section~~ pursuant to 15A  
24 NCAC 02D .1703 within 30 months of the date when the conditions in ~~Rule .1703(a)(2) of this~~  
25 ~~Section~~ 15A NCAC 02D .1703(a)(2) are met.

27 *History Note: Authority G.S. 143-215.3(a)(1); ~~143-215.107(a)(4),(5); 143-215.107(a)(4); 143-215.107(a)(5);~~*  
28 *Eff. July 1, ~~1998~~ 1998;*  
29 *Readopted Eff. October 1, 2020.*

1 15A NCAC 02D .2615 is readopted with changes as published in 34:16 NCR 1469 as follows:

2  
3 **15A NCAC 02D .2615 DETERMINATION OF LEAK TIGHTNESS AND VAPOR LEAKS**

4 (a) ~~Leak Testing-Detection Procedures.~~ One of the following test methods from the EPA document "Control of  
5 Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection System," EPA-450/2-78-051,  
6 published by the U.S. ~~Environmental Protection~~ Environmental Protection Agency, December 1978, shall be used to  
7 determine compliance with ~~Rule .0932~~ 15A NCAC 02D ~~[.0932]~~ **.0932** Gasoline-~~Truck Cargo~~ Tanks And Vapor  
8 Collector ~~Systems of this Section:~~ Systems:

9 (1) The gasoline vapor leak detection procedure by combustible gas detector described in Appendix B  
10 ~~of to~~ EPA-450/2-78-051 shall be used to determine leakage from gasoline-~~truck cargo~~ tanks and  
11 vapor control systems.

12 (2) The leak detection procedure for bottom-loaded-~~truck cargo~~ tanks by bag capture method described  
13 in Appendix C ~~of to~~ EPA-450/2-78-051 shall be used to determine the leak tightness of ~~truck cargo~~  
14 tanks during bottom loading.

15 (b) ~~Annual-Certification Testing.~~ The pressure-vacuum test procedures for leak tightness of ~~truck cargo~~ tanks  
16 described in Method 27 of Appendix A ~~of to~~ 40 CFR Part 60 ~~or 49 CFR [Part] 180.407~~ shall be used to determine the  
17 leak tightness of gasoline-~~truck cargo~~ tanks in use and equipped with vapor collection equipment. Method 27 of  
18 Appendix A ~~of to~~ 40 CFR Part 60 is changed for fugitive emissions leak prevention to read:

19 (1) 8.2.1.2 "Connect static electrical ground connections to tank."

20 (2) 8.2.1.3 "Attach test coupling to vapor return line."

21 (3) 16.0 No alternative procedure is applicable.

22 (c) Copies of Appendix B and C of the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline  
23 Tank Trucks and Vapor Collection System," EPA-450/2-78-051, cited in this Rule, are hereby incorporated with  
24 subsequent amendments and editions by reference and are available on the Division's ~~Website~~ website at  
25 ~~http://daq.state.nc.us/enf/source-test.~~ http://deq.nc.gov/about/divisions/air-quality/air-quality-enforcement/emission-  
26 measurement.

27  
28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

29 *Eff. June 1, 2008-2008;*

30 *Readopted Eff. October 1, 2020.*



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

August 20, 2020

Jennifer Everett  
Environmental Management Commission  
**Sent via email only to: Jennifer.Everett@ncdenr.gov**

Re: Extension of the Period of Review for Rules 15A NCAC 02D .0900, .1400, .1700, and .2615

Dear Ms. Everett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address the requested technical changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder  
Commission Counsel

cc: Patrick Knowlson, NC DEQ

**Julian Mann, III**, Director  
Chief Administrative Law Judge

**Fred G. Morrison, Jr.**  
Senior Administrative Law Judge

**Linda T. Worth**  
Deputy Director

*An Equal Employment Opportunity Employer*

1711 New Hope Church Road, Raleigh, NC 27609  
Telephone: (919) 431-3000 | Facsimile: (919) 431-3100  
[www.oah.nc.gov](http://www.oah.nc.gov)

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: All Rules in 15A NCAC 02D .0900, .1400, 1700, and .2615

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In Box 6, you published that the hearing would occur on March 31, 2020. As a May 31, 2020 hearing would have occurred after the close of the comment period, I believe this is a typographical error. Please insert the correct date on each form.*

*If the hearing date was re-noticed for a later date, please confirm that the hearing information is correct.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0901

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (1), line 7, I take it the terms “functional, protective, or decorative” are known to your regulated public?*

*In (3), line 10, as well as (4), line 12; (7), line 17; (10), line 24; (12), line 30; (15), Page 2, line 1; (20), line 27; (27), Page 3, line 6; and (28), line 8 – please replace “which” with “that”*

*In (4), line 13, what is “intermediate accumulation”? Is this similar to a tankless water heater in that it works upon demand, rather than storing the materials?*

*In (5), line 14, what is “just before”?*

*In (7), line 18, what are “conventional” organic solvent borne coatings? Does your regulated public know?*

*In (9), line 22, what is “efficiently” here*

*On line 23, what is “little”? How is this determined?*

*In (10), line 25, consider replacing “treats” with “shall treat”*

*In (12), line 30, what is “substantially lower”?*

*On line 31, what do you mean by “usually”? Is this known to your regulated public?*

*On line 32, what are these “major groups”? Are they what are listed next – the high solids, waterborne, or powder coatings?*

*In (15), Page 2, line 2, I take it your regulated public knows what a “stationary source” is? I see the term “source” used in CFRs, so I assumed the term is familiar, but I did want to inquire.*

*On lines 6-7, is a “federally enforceable permit” a federal permit?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*On lines 7 and 8, what are “secondary” and “fugitive” emissions? Does your regulated public know? I see that “fugitive emission” is defined in Rule 02D .0101, but I don’t see a definition for “secondary emissions.”*

*On line 8, quantifiable by whom?*

*In (17), line 16, please move the comma after “RACT” inside of the quotation marks – “RACT,”*

*On line 18, I know that “reasonably available” is reciting language from 40 CFR 51.100. Is the method of determination a known standard?*

*On line 19, why do you need “but not necessarily identical”? Wouldn’t “applied to similar source categories” suffice?*

*In (18), line 22, please insert a comma after “liquids”*

*In (20), line 27, as mentioned before, please replace the first “which” with “that” And then please just delete the “which are” before “used”*

*In (22), line 32, it appears you are missing language before “displaced by” Should it read “tank. Once displaced...” Or “tank, and when displaced...”?*

*On line 34, consider inserting a “shall” before “use”*

*In (26), Page 3, I see that in Rule 02D .0104 you have already incorporated by reference to ASTM documents, as well as CFRs. However, as that rule does not include API, you will need to incorporate this standard by reference pursuant to G.S. 150B-21.6.*

*In (27), line 7, where is the liquid loaded?*

*In (28), line 8, generally “at least” is not favored in rules, as rules set the minimum standard. However, I take it you need the term here?*

*In (29), lines 12 and 13, please either state “Section .2600 of this Subchapter” or “15A NCAC 02D .2600”*

*And whichever one you choose, please insert a comma after “Subchapter” or “.2600”*

*On line 14, which “determined to have negligible photochemical reactivity” is in the cited CFR, I take it that it is known who made this determination?*

*In the History Note, why aren’t you citing to G.S. 143-215.107(a)(5) like you do for the other rules in this Section?*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0901 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **SECTION .0900 - VOLATILE ORGANIC COMPOUNDS**  
4

5 **15A NCAC 02D .0901 DEFINITIONS**

6 For the purpose of this Section, the following definitions shall apply:

- 7 (1) "Coating" means a functional, protective, or decorative film applied in a thin layer to a surface.
- 8 (2) "Coating applicator" means an apparatus used to apply a surface coating.
- 9 (3) "Coating line" means one or more apparatus or operations in a single line ~~wherein~~ at which point a  
10 surface coating is applied, dried, or cured and which include a coating applicator and flashoff area  
11 and may include an oven or associated control devices.
- 12 (4) "Continuous vapor control system" means a vapor control system which treats vapors displaced  
13 from tanks during filling on a demand basis without intermediate accumulation.
- 14 (5) "Delivered to the applicator" means the condition of coating after dilution by the user just before  
15 application to the substrate.
- 16 (6) "Flashoff area" means the space between the application area and the oven.
- 17 (7) "High solids coating" means a coating which contains a higher percentage of solids and a lower  
18 percentage of volatile organic compounds and water than conventional organic solvent borne  
19 coatings.
- 20 (8) "Hydrocarbon" means any organic compound of carbon and hydrogen only.
- 21 (9) "Incinerator" means a combustion apparatus designed for high temperature operation in which solid,  
22 semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which  
23 the solid and gaseous residues contain little or no combustible material.
- 24 (10) "Intermittent vapor control system" means a vapor control system which employs an intermediate  
25 vapor holder to accumulate vapors displaced from tanks during filling. The control device treats the  
26 accumulated vapors only during automatically controlled cycles.
- 27 (11) "Loading rack" means an aggregation or combination of loading equipment arranged so that all  
28 loading outlets in the ~~combination equipment~~ combination equipment can be connected to a cargo tank-truck or trailer parked  
29 in a specified loading space.
- 30 (12) "Low solvent coating" means a coating which contains a substantially lower amount of volatile  
31 organic compounds than conventional organic solvent borne coatings; it usually falls into one of  
32 three major groups of high solids, waterborne, or powder coatings.
- 33 (13) "Organic material" means a chemical compound of carbon excluding carbon monoxide, carbon  
34 dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 35 (14) "Oven" means a chamber ~~within which heat is used to bake, cure, polymerize, or dry a surface~~  
36 coating, coating using heat.

- (15) "Potential emissions" means the quantity of a pollutant which would be emitted at the maximum capacity of a stationary source to emit the pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is described or contained as a condition in the federally enforceable permit. Secondary emissions do not count in determining potential emissions of a stationary source. Fugitive emissions count, to the extent quantifiable, in determining the potential emissions only in these cases:
- (a) petroleum refineries;
  - (b) chemical process plants; and
  - (c) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
- (16) "Prime coat" means the first film of coating applied to a surface to protect it or to prepare it to receive subsequent coatings.
- (17) "Reasonably available control technology" ~~(also also denoted as RACT)~~ "RACT", means the lowest emission limit ~~which~~ a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology ~~which that~~ has been applied to similar, but not necessarily identical, source categories.
- (18) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids except liquefied petroleum gases as determined by American Society for Testing and Materials, Part 17, 1973, D-323-72 ~~(reapproved 1977)~~. Materials test method D323-15A.
- (19) "Shutdown" means the cessation of operation of a source or a part thereof or emission control equipment.
- (20) "Solvent" means organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.
- (21) "Standard conditions" means a temperature of ~~68 degrees~~ 68 degrees Fahrenheit and pressure of 29.92 inches of mercury.
- (22) ~~"Stage I",~~ "Stage I" means vapor control systems that minimize, collect, and transfer vapors in a gasoline storage tank, displaced by the incoming gasoline, ~~which vapors~~ are routed through pipes and hoses back into the ~~tank truck cargo~~ tank to be transported to where the ~~truck tank~~ is loaded and the vapors are recovered or destroyed. Vent lines on storage tanks with vapor control systems use pressure release valves or flow restrictors to minimize releases to the atmosphere.
- (23) "Startup" means the setting in operation of a source or emission control equipment.
- (24) "Substrate" means the surface to which a coating is applied.

- (25) "Topcoat" means the final films of coating applied in a multiple or single coat operation.
- (26) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute ~~Bulletin 2517~~, "~~Evaporation Loss from Floating Roof Tanks~~," 1962. Manual of Petroleum Measurement Standards, Chapter 19.2, Evaporative Loss From Floating-Roof Tanks.
- (27) "Vapor collection system" means a vapor transport system which uses direct displacement by the liquid loaded to force vapors from the tank into a vapor control system.
- (28) "Vapor control system" means a system which prevents release to the atmosphere of at least 90 percent by weight of organic compounds in the vapors displaced from a tank during the transfer of gasoline.
- (29) "Volatile organic compound" ~~(also also denoted as VOC)~~ "VOC", means any compound of carbon whose volatile content can be determined by the procedure described in ~~Section 2600-15A NCAC 02D .2600~~ of this Subchapter excluding any compound that is listed under 40 CFR 51.100(s) as having been determined to have negligible photochemical reactivity.

*History Note: Authority G.S. 143-215.3(a)(1);*  
*Eff. July 1, 1979;*  
*Amended Eff. January 1, 2009; June 1, 2008; July 1, 1996; December 1, 1993; July 1, 1991;*  
*March 1, 1991; December 1, ~~1989~~1989;*  
*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0902

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*As the text of this Rule was not published in the Register, I take it you are showing "with changes" to show changes made from the text published on the agency's website? And please note this query for similarly formatted rules.*

*In (a), why do you need this? And if you do need it, why not write it in a positive manner, such as "The rules in this Section shall apply as set forth in this Rule."?*

*In (f), Page 2, please make "Paragraph" plural.*

*On line 14, as you are deleting "in accordance with" should "these" be "the"?*

*In (g), line 17, is the "1997 8-hour ozone standard" the same as the "1997 8-hour ambient air quality source for ozone" used in (h)?*

*In (h), line 25, you made "analysis" plural, so should this also occur on line 29?*

*So that I'm clear – the reference to publication in the Register means the EMC will begin rulemaking, correct? If this is a summary change as discussed in Rule .1402, please provide the statutory authority the agency is relying upon to do this.*

*On line 30, please capitalize the first use of "Rules" (and be consistent with the second use on the same line)*

*On line 33, please make "Rules" in "rules of Section" lowercase.*

*On Page 3, lines 1-3, consider rewriting this to be clearer. "For the purpose of notifying permitted facilities in Mecklenburg County, "Director" means the Director of the Mecklenburg County local air pollution control program." (I note this will mirror the language you are proposing in Rule .1402(e))*

*In (i), line 4, delete "that"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 276

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0902 is readopted with changes as published in 34:16 NCR 1460 as follows:

3 **15A NCAC 02D .0902 APPLICABILITY**

4 (a) The rules in this Section shall 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  
6 day unless specified otherwise in this Section.

7 (c) Rules 15A NCAC 02D .0925, .0926, .0927, .0928, .0931, .0932, .0933, and .0958 of this Section apply regardless  
8 of the level of emissions of volatile organic compounds unless the provisions specified in Paragraph [Subparagraph]  
9 (d)(1)(d) of this Rule are applied.

10 (d) This Section does not apply to:

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

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

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

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

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

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

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

27 (1) 15A NCAC 02D .0925, Petroleum Liquid Storage in Fixed Roof Tanks, for fixed roof tanks at  
28 gasoline bulk plants and gasoline bulk terminals;

29 (2) 15A NCAC 02D .0926, Bulk Gasoline Plants;

30 (3) 15A NCAC 02D .0927, Bulk Gasoline Terminals;

31 (4) 15A NCAC 02D .0928, Gasoline Service Stations Stage I;

32 (5) 15A NCAC 02D .0932, Gasoline-Truck Cargo Tanks and Vapor Collection Systems;

33 (6) 15A NCAC 02D .0933, Petroleum Liquid Storage in External Floating Roof Tanks, for external  
34 floating roof tanks at bulk gasoline plants and bulk gasoline terminals;

35 (7) 15A NCAC 02D .0948, VOC Emissions from Transfer Operations; and

36 (8) 15A NCAC 02D .0949, Storage of Miscellaneous Volatile Organic-Compounds; and Compounds.

(f) Except as provided in Paragraph ~~(c) and~~ (e) of this Rule, 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 that are located in the following moderate nonattainment areas for the 1997 8-hour ozone standard as designated in 40 CFR 81.334 prior to January 2, 2014:

- (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 with these requirements ~~in accordance with Rule .0909 of this Section through use of Rule .0951 of this Section and with Rule .0958 of this Section.~~ 15A NCAC 02D .0909 through .0951 and with 15A NCAC 02D .0958.

(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~~ 15A NCAC 02D .0909 shall continue to comply with this Section. Facilities with potential to emit less than 100 tons of volatile organic compounds per year for that year, where the compliance date in ~~Rule .0909 of this Section~~ 15A NCAC 02D .0909 has not passed before redesignation of the area to attainment for the 1997 ozone ~~standard~~ standard, shall comply in accordance with Paragraph (h) of this Rule.

(h) If a violation of the 1997 ambient air quality standard for ozone occurs when the areas listed in Paragraph (f) ~~of this Rule~~ become ozone maintenance area, no later than 10 days after the violation occurs, the Director shall initiate ~~technical analysis~~ analyses 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 send written notification to all permitted facilities within the counties in which the Rules of this Section are being implemented notifying them that they are or may be subject to the requirements defined in ~~Rule .0909 of this Section.~~ 15A NCAC 02D .0909.



1 For Mecklenburg County, "Director" ~~means, for the purpose of notifying permitted facilities in Mecklenburg County,~~  
2 means the Director of the Mecklenburg County local air pollution control ~~program.~~ program for the purpose of  
3 notifying permitted facilities in Mecklenburg County.

4 (i) Sources whose emissions of volatile organic compounds that are not subject to limitation under this Section may  
5 still be subject to emission limits on volatile organic compounds in ~~Rules .0524, .1110, or .1111 of this Subchapter.~~  
6 15A NCAC 02D .0524, .1110, and .1111.

7  
8 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);

9 *Eff. July 1, 1979;*

10 *Amended Eff. November 1, 2016; May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007;*

11 *March 1, 2007; August 1, 2004; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1995; May 1,*  
12 *1995; July 1, ~~1994.1994;~~*

13 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0903

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(2), line 7, why not replace "maintain, in writing," with "maintain written"?*

*On line 7, please replace "which" with "shall"*

*On line 8, what do you need "upon review"? Why not state "procedures that document the compliance..."?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0903 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0903 RECORDKEEPING: REPORTING: MONITORING**

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

- 5 (1) install, operate, and maintain process and control equipment monitoring instruments or procedures  
6 as necessary to comply with the requirements of this Section; and  
7 (2) maintain, in writing, data and reports relating to monitoring instruments or procedures which will,  
8 upon review, document the compliance status of the volatile organic compound emission source or  
9 control equipment. Such data and reports shall be maintained daily unless otherwise specified in this  
10 Section.

11 (b) The owner or operator of any volatile organic compound emission source or control equipment subject to the  
12 requirements of this Section shall comply with the monitoring, recordkeeping, and reporting requirements in ~~Section~~  
13 ~~.0600 of this Subchapter.~~ 15A NCAC 02D .0600.

14  
15 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
16 Eff. July 1, 1979;  
17 Amended Eff. May 1, 2013; April 1, 1999; July 1, 1993; July 1, 1991; December 1, 1989; January  
18 1, ~~1985~~.1985.  
19 Readopted Eff. September 1, 2020.  
20  
21  
22

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0906

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, what is an "article"? Is this term known to your regulated public?*

*On line 5, please delete the comma after "method"*

*On line 5, please replace "which" with "that"*

*On lines 5-6, I suggest replacing "an applicable rule" with "a rule in this Section." (or "Subchapter" depending upon what rules you mean.)*

*I am not sure this needs to be a two paragraph Rule. I recommend combining the two, and thus deleting "(a)" and "(b)"*

*On line 9, what do you mean by "a specified size"? Are you referring to operations larger than the reported size of the subject operation?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0906 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0906 CIRCUMVENTION**

4 (a) An owner or operator subject to this Section shall not build, erect, install, or use any article, machine, equipment,  
5 process, or method, ~~the use of which~~ that conceals an emission which would otherwise constitute a violation of an  
6 applicable ~~regulation, rule.~~

7 (b) Paragraph (a) of this ~~Regulation Rule includes, but is not limited to,~~ includes the use of gaseous dilutants to  
8 achieve compliance and the piecemeal carrying out of an operation to avoid coverage by a ~~regulation rule~~ that applies  
9 only to operations larger than a specified size.

10  
11 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

12 *Eff. July 1, 1979;*

13 *Amended Eff. January 1, ~~1985, 1985;~~*

14 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0909

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 5, and (b), line 7, consider deleting the lead-in clause.*

*In (c), line 11, and elsewhere the term is used, what is a "Maintenance area contingency plan"? Does your regulated public know?*

*Why do you need Paragraph (d)? All dates allowed under this Paragraph passed four years ago. What purpose does this serve by remaining in the Code? I suggest deleting it.*

*In (e), Page 3, line 9, you need to retain "in accordance with" or state "set forth in"*

*In (f)(1), this is a very long sentence. Could you simplify it, such as by deleting the language on lines 17 -18, "in the North Carolina Register that resolves a violation of the ambient air quality standard of care."?*

*On line 16, how will this be certified "to the satisfaction of the Director"?*

*In (f)(2), if you delete (d) as I am suggesting, you will need to delete this, as well.*

*In (g)(1), line 26, I suggest deleting the comma after "ozone"*

*And why are you citing to Rule .0902(h) here, but not in (f)(1)?*

*In (g)(2), line 28, what is a "new source"? I see the phrase used several times in the Rules, so I take it this is a known term to your regulated public?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0909 is readopted with changes as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0909 COMPLIANCE SCHEDULES FOR SOURCES IN OZONE NONATTAINMENT**  
4 **AND MAINTENANCE AREAS**

5 (a) Applicability. This Rule applies to sources located at any facility covered by Paragraphs (f) and (h) of ~~Rule .0902~~  
6 ~~of this Section. 15A NCAC 02D .0902.~~

7 (b) Exceptions. This Rule does not apply to facilities subject to the rules listed under Paragraph (e) in ~~Rule .0902 of~~  
8 ~~this Section. 15A NCAC 02D .0902(e).~~ Facilities subject to the rules listed in Paragraph (e) of ~~Rule .0902~~ 15A NCAC  
9 02D .0902(e) shall comply ~~in accordance~~ with the provisions of those Rules rather than the schedule in Paragraphs (c)  
10 and (d) of this Rule.

11 (c) Maintenance area contingency plan. The owner or operator of any source subject to this Rule shall adhere to the  
12 following increments of progress and schedules:

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (iii) a date by which process modifications shall be completed and use of low solvent  
2 ~~content~~ coatings shall begin; and
- 3 (C) Final compliance with applicable rules in this Section shall be achieved within two years  
4 after the Director notices the implementation of rules in the North Carolina Register that  
5 resolves a violation of the ambient air quality standard for ozone.
- 6 (3) The owner or operator shall certify to the Director within five days after each increment deadline of  
7 progress defined in this Paragraph, whether the required increment of progress has been met.
- 8 (d) Moderate nonattainment areas. The owner or operator of any source subject to this Rule shall adhere to the  
9 following increments of progress and schedules:
- 10 (1) If compliance with applicable rules in this Section is to be achieved by installing emission control  
11 equipment, replacing process equipment, or modifying existing process equipment:
- 12 (A) The owner or operator shall submit a permit application and a compliance schedule by  
13 August 1, 2007;
- 14 (B) The compliance schedule shall contain the following increments of progress:
- 15 (i) a date by which contracts for the emission control system and process equipment  
16 shall be awarded or orders shall be issued for purchase of component parts;
- 17 (ii) a date by which on-site construction or installation of the emission control and  
18 process equipment shall begin; and
- 19 (iii) a date by which on-site construction or installation of the emission control and  
20 process equipment shall be completed; and
- 21 (C) For facilities with potential to emit 100 tons or more of volatile organic compounds per  
22 year, final compliance with applicable rules in this Section shall be achieved no later than  
23 April 1, 2009.
- 24 (D) For facilities with potential to emit less than 100 tons of volatile organic compounds per  
25 year, final compliance with applicable rules in this Section shall be achieved no later than  
26 May 1, 2016.
- 27 (2) If compliance with applicable rules in this Section is to be achieved by using low solvent ~~content~~  
28 coating technology:
- 29 (A) The owner or operator shall submit a permit application and a compliance schedule by  
30 August 1, 2007;
- 31 (B) The compliance schedule shall contain the following increments of progress:
- 32 (i) a date by which purchase orders shall be issued for low solvent ~~content~~ coatings  
33 and process modifications;
- 34 (ii) a date by which process modifications shall be initiated; and
- 35 (iii) a date by which process modifications shall be completed and use of low solvent  
36 ~~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 in ~~accordance with Section .2600 of this Subchapter~~ 15A NCAC 02D .2600 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 contingency plan. Paragraph (c) of this Rule shall not apply to any source subject to 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 nonattainment areas. Paragraph (d) of this Rule does not apply to sources subject to this Rule if they are in compliance with applicable rules of this Section on March 1, 2007.
- (g) New sources.
- (1) Maintenance area contingency plan. The owner or operator of any source subject to 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~~ pursuant to 15A NCAC 02D .0902(h) 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 nonattainment areas. The owner or operator of any new source subject to this Rule not in existence or under construction before March 1, 2007 in an area identified in ~~Paragraph (f) of Rule .0902~~ 15A NCAC 02D .0902(f) 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~~ 1985;  
Readopted Eff. September 1, 2020.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0912

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 6, I suggest stating, "is not stated in the Rule governing that source."*

*On line 7, under what circumstances will the Director make this request? I know that the Commission has authority to require inspection pursuant to G.S. 143-215.3(a)(2), so I am not questioning authority to do this. But I am asking under what circumstances this will occur. During routine inspections, in response to a complaint, other?*

*In (b), line 9, do not insert a comma after "report"*

*And did you mean to insert "a" before "corrective action"?*

*In (c)(1), lines 11-12, consider replacing "average, that is," with "average by"*

*What does (c)(2)(A) mean? I am sure your regulated public understands this, but I do not, so please tell me.*

*In (c)(2)(B), line 19, please replace "e.g." with "such as"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0912 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0912 GENERAL PROVISIONS ON TEST METHODS AND PROCEDURES**

4 (a) The owner or operator of any volatile organic compound source required to comply with rules in this Section shall  
5 demonstrate compliance by the methods described in ~~Section 2600 of this Subchapter.~~ 15A NCAC 02D .2600, if the  
6 test method is not stated in the Rule. The owner or operator of a volatile organic compound source shall demonstrate  
7 compliance when the Director requests such demonstration.

8 (b) If the volatile organic compound emissions test shows noncompliance, the owner or operator of the volatile organic  
9 source shall submit along with the final test ~~report~~ report, proposed corrective action.

10 (c) Compliance shall be determined on a line-by-line basis using the more stringent of the following two:

11 (1) Compliance shall be determined on a daily basis for each coating line using a weighted average, that  
12 is, dividing the sum of the mass ~~(pounds)~~ in pounds of volatile organic compounds in coatings  
13 consumed on that coating line, as received, and the mass ~~(pounds)~~ in pounds of volatile organic  
14 compound solvents added to the coatings on that coating line by the volume ~~(gallons)~~ in gallons of  
15 coating solids consumed during that day on that coating line; or

16 (2) Compliance shall be determined as follows:

17 (A) When low solvent or high solids coatings are used to reduce emissions of volatile organic  
18 compounds, compliance shall be determined instantaneously.

19 (B) When add on control devices, e.g., solvent recovery systems or incinerators, are used to  
20 reduce emissions of volatile organic compounds, compliance shall be determined by  
21 averaging emissions over a one-hour period.

22  
23 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

24 *Eff. July 1, 1979;*

25 *Amended Eff. June 1, 2008; April 1, 2003; July 1, 1993; July 1, 1991; March 1, 1991; December 1,*  
26 *1989; January 1, 1985; July 1, ~~1980~~ 1980;*

27 *Readopted Eff. September 1, 2020.*  
28  
29

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0918

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, please replace "which" with "that"*

*In (b), line 20, since I think all of the language on lines 20-22 are operations, why not state "...lines involved in the following operations: sheet ..."? Then delete "operations" on line 22.*

*On line 21, I take it the phrase is "can exterior end"? This isn't missing language?*

*In (c), line 23, why do you need "With the exception stated in Paragraph (d) of this Rule"? If you need to point out there is an exception to Paragraph (c) in Paragraph (c), state "Unless the exception in Paragraph (d) of this Rule applies, emissions..."*

*In (d), line 35, Rule 02D .0518 was repealed in 2000. Did you want to delete this Paragraph or insert a new cross-reference? If you want to retain it in order to provide grandfathering of those sources, please see my notes regarding changes to Rule .0924(d).*

*If you are inserting a new cross-reference and thus retaining the language:*

*On line 35, please replace "which" with "that" or delete "which has" altogether.*

*On line 37, do you need to retain this date? If so, please remove the comma after "1989"*

*In (d)(1), Page 2, line 3, and elsewhere the term is used, what are "exempt compounds"? Where is this set out?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0918 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0918 CAN COATING**

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

- 5 (1) "End sealing compound" means a synthetic rubber compound which is coated onto can ends and  
6 ~~which~~ functions as a gasket when the end is assembled on the can.
- 7 (2) "Exterior base coating" means a coating applied to the exterior of a can to provide exterior protection  
8 to the metal and to provide background for the lithographic or printing operation.
- 9 (3) "Interior base coating" means a coating applied by roller coater or spray to the interior of a can to  
10 provide a protective lining between the can metal and product.
- 11 (4) "Interior body spray" means a coating sprayed on the interior of the can body to provide a protective  
12 film between the product and the can.
- 13 (5) "Overvarnish" means a coating applied directly over ink to reduce the coefficient of friction, to  
14 provide gloss, and to protect the finish against abrasion and corrosion.
- 15 (6) "Three-piece can side-seam spray" means a coating sprayed on the exterior and interior of a welded,  
16 cemented, or soldered seam to protect the exposed metal.
- 17 (7) "Two-piece can exterior end coating" means a coating applied by roller coating or spraying to the  
18 exterior end of a can to provide protection to the metal.

19 (b) This Rule applies to volatile organic compound emissions from coating-applicator(s) applicators and oven(s)  
20 ovens of sheet, can, or end coating lines involved in sheet exterior and interior basecoat-~~(exterior and interior)~~ and  
21 overvarnish; two-piece can interior body spray; two-piece spray or roll coat can exterior end-~~(spray or roll coat)~~; end;  
22 three-piece can side-seam spray and end sealing compound operations.

23 (c) With the exception stated in Paragraph (d) of this Rule, emissions of volatile organic compounds from any can  
24 coating line subject to this Rule shall not exceed:

- 25 (1) 4.5 pounds of volatile organic compounds per gallon of solids delivered to the coating applicator  
26 from sheet exterior and interior basecoat-~~(exterior and interior)~~ and overvarnish or two-piece can  
27 exterior-~~(basecoat and overvarnish)~~ basecoat and overvarnish operations;
- 28 (2) 9.8 pounds of volatile organic compounds per gallon of solids delivered to the coating applicator  
29 from two and three-piece can interior body spray and two-piece spray or roll coat can exterior end  
30 ~~(spray or roll coat)~~ operations;
- 31 (3) 21.8 pounds of volatile organic compounds per gallon of solids delivered to the coating applicator  
32 from a three-piece applicator from a three-piece can side-seam spray operations; or
- 33 (4) 7.4 pounds of volatile organic compounds per gallon of solids delivered to the coating applicator  
34 from end sealing compound operations.

35 (d) Any source which has chosen to control emissions under Rule .0518(e) of this Subchapter and which has installed  
36 air pollution control equipment in accordance with an air quality permit in order to comply with this Rule before  
37 December 1, 1989, may comply with the limits contained in this Paragraph instead of those contained in Paragraph

(c) of this Rule. Emissions of volatile organic compounds from any can coating line subject to this Rule shall not exceed:

- (1) 2.8 pounds of volatile organic compounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from sheet exterior and interior basecoat (~~exterior and interior~~) and overvarnish or two-piece can exterior (~~basecoat and overvarnish~~) basecoat and overvarnish operations;
- (2) 4.2 pounds of volatile organic compounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from two and three-piece can interior body spray and two-piece can spray or roll coat exterior end (~~spray or roll coat~~) operations;
- (3) 5.5 pounds of volatile organic compounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from a three-piece applicator from a three-piece can side-seam spray operations; or
- (4) 3.7 pounds of volatile organic compounds per gallon of coating, excluding water and exempt compounds, delivered to the coating applicator from end sealing compound operations.

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

*Eff. July 1, 1979;*

*Amended Eff. July 1, 1996; July 1, 1991; December 1, 1989; January 1, ~~1985~~; 1985;*

*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0919

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 9, please insert a comma after "ovens"*

*In (c), line 10, why do you need "With the exception stated in Paragraph (d) of this Rule"? If you need to point out there is an exception to Paragraph (c) in Paragraph (c), state "Unless the exception in Paragraph (d) of this Rule applies, emissions..."*

*In (d), line 13, Rule 02D .0518 was repealed in 2000. Did you want to delete this Paragraph or insert a new cross-reference? If you want to retain it in order to provide grandfathering of those sources, please see my notes regarding changes to Rule .0924(d).*

*If you are inserting a new cross-reference and thus retaining the language:*

*On line 14, please replace "which" with "that" or delete "which has" altogether.*

*On line 15, do you need to retain this date? If so, please remove the comma after "1989"*

*On line 18, what are "exempt compounds"? Where is this set out?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0919 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0919 COIL COATING**

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

5 (1) "Coil coating" means the coating of any flat metal sheet or strip that comes in rolls or coils.

6 (2) "Quench area" means a chamber where the hot metal exiting the oven is cooled by either a spray of  
7 water or a blast of air followed by water cooling.

8 (b) This Rule applies to volatile organic compound emissions from the coating applicator(s), applicators, oven(s),  
9 ovens and quench-area(s) areas of coil coating lines involved in prime and top coat or single coat operations.

10 (c) With the exception stated in Paragraph (d) of this Rule, emissions of volatile organic compounds from any coil  
11 coating line subject to this Rule shall not exceed 4.0 pounds of volatile organic compounds per gallon of solids  
12 delivered to the coating applicator from prime and topcoat or single coat operations.

13 (d) Any source which has chosen to control emissions of volatile organic compounds under Rule .0518(e) of this  
14 Subchapter and which has installed air pollution control equipment in accordance with an air quality permit in order  
15 to comply with this Rule before December 1, 1989, may comply with the limits contained in this Paragraph instead of  
16 those contained in Paragraph (c) of this Rule. Emissions of volatile organic compounds from any coil coating line  
17 subject to this Rule shall not exceed 2.6 pounds of volatile organic compounds per gallon of coating, excluding water  
18 and exempt compounds, delivered to the coating applicator from prime and topcoat or single coat operations.

19  
20 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

21 *Eff. July 1, 1979;*

22 *Amended Eff. July 1, 1996; July 1, 1991; December 1, 1989; January 1, ~~1985~~; 1985;*

23 *Readopted Eff. September 1, 2020.*  
24  
25



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0922

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*I do not understand what you are saying in (b). Rule .0902(b) states that the rules of the Section apply to sources that emit greater than or equal to 15 pounds of VOC per day. How can someone exceed this threshold, when there is no limit on it? Should this read "meets" the thresholds? And then, why do you need to state that given the language in Rule .0902(b)?*

*In (c), line 12, why do you need "With the exception stated in Paragraph (f) of this Rule"? If you need to point out there is an exception to Paragraph (c) in Paragraph (c), state "Unless the exception in Paragraph (f) of this Rule applies, emissions..."*

*In (c)(1), line 14, and elsewhere the term is used, what are "exempt compounds"?*

*On line 16, what are "general, one component" and "general, multi-component" types of coating operations? Are these terms known to your regulated public?*

*In (d), lines 22-23, what are you saying here? That the manufacturer can create its own method and that can be followed instead? If so, I think that can be stated more clearly here.*

*In (e), line 25, consider hyphenating "touch up"*

*In (f), line 27, replace "which" with "that"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0922 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0922 METAL FURNITURE COATINGS**

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

5 (1) "Application area" means the area where the coating is applied by spraying, dipping, or flowcoating  
6 techniques.

7 (2) "Coating unit" means one or more coating areas and any associated drying area or oven wherein a  
8 coating is applied, dried, or cured.

9 (3) "Metal furniture coatings" means paints, sealants, caulks, inks, adhesives, and maskants.

10 (b) This Rule applies to each metal furniture surface coating unit source whose emissions of volatile organic  
11 compounds exceeds the threshold established in ~~Paragraph (b) of Rule .0902 of this Section.~~ 15A NCAC 02D .0902(b).

12 (c) With the exception stated in Paragraph (f) of this Rule, emissions of all volatile organic compounds from metal  
13 furniture coating unit subject to this Rule shall not exceed:

14 (1) 2.3 pounds of volatile organic compounds per gallon of coating excluding water and exempt  
15 compounds ~~(3.3 or 3.3 pounds of volatile organic compounds per gallon of solids)~~ solids delivered  
16 from general, one component or general, multi-component types of coating operations; and

17 (2) 3.0 pounds of volatile organic compounds per gallon of coating excluding water and exempt  
18 compounds ~~(5.1 or 5.1 pounds of volatile organic compounds per gallon of solids)~~ solids delivered  
19 from any other types of coating operations.

20 (d) EPA Method 24 ~~(40 CFR Part 60, Appendix A-7)~~ of Appendix A to 40 CFR Part 60 shall be used to determine  
21 the volatile organic compounds content of coating materials used at metal furniture surface coating units unless the  
22 facility maintains records to document the volatile organic compounds content of coating materials from the  
23 manufacturer.

24 (e) Emissions limits established in Subparagraph (c)(2) of this Rule do not apply to stencil coatings, safety-indicating  
25 coatings, solid film lubricants, electric-insulating and thermal-conducting coatings, touch up and repair coatings,  
26 coating application utilizing hand- held aerosol cans, or cleaning operations.

27 (f) Any coating unit which has chosen to use add-on control for coating operations rather than the emission limits  
28 established in Paragraph (c) of this Rule shall install control equipment with an overall control efficiency of 90 percent  
29 or use a combination of coating and add-on control equipment on a coating unit to meet limits established in Paragraph  
30 (c) of this Rule.

31 (g) The owner or operator of any facility subject to this rule shall comply with ~~the Rules .0903 and .0958 of this~~  
32 Section. 15A NCAC 02D .0903 and .0958.

33  
34 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

35 *Eff. July 1, 1979;*

36 *Amended Eff. September 1, 2010; July 1, 1996; July 1, 1991; December 1, 1989; January 1,*

37 *~~1985.~~1985;*

- 1                    *Readopted Eff. September 1, 2020.*
- 2
- 3

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0923

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, should "flow coating" be one word, as it is in Rule .0922? Or should that Rule be changed to show it as two words?*

*I do not understand what you are saying in (b). Rule .0902(b) states that the rules of the Section apply to sources that emit greater than or equal to 15 pounds of VOC per day. How can someone exceed this threshold, when there is no limit on it? Should this read "meets" the thresholds? And then, why do you need to state that given the language in Rule .0902(b)?*

*In (c)(1), lines 19-20, and elsewhere the term is used, what are "exempt compounds"?*

*On line 21, what are "general, one component" and "general, multi-component" types of coating operations? Are these terms known to your regulated public?*

*In (d), lines 27-28, what are you saying here? That the manufacturer can create its own method and that can be followed instead? If so, I think that can be stated more clearly here.*

*In (e), line 30, consider hyphenating "touch up"*

*In (f), line 32, replace "which" with "that"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0923 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0923 SURFACE COATING OF LARGE APPLIANCE PARTS**

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

- 5 (1) "Application area" means the area where the coating is applied by spraying, dipping, or flow coating  
6 techniques.
- 7 (2) "Coating" means paints, sealants, caulks, inks, adhesives, and maskants.
- 8 (3) "Coating unit" means a unit that consists of a series of one or more coating applicators and any  
9 associated drying area or oven where a coating is ~~dried, dried~~ or cured.
- 10 (4) "Large appliance part" means any organic surface-coated metal lid, door, casing, panel, or other  
11 interior or exterior metal part or accessory that is assembled to form a large appliance product.
- 12 (5) "Large appliance product" means any organic surface-coated metal range, oven, microwave oven,  
13 refrigerator, freezer, washer, dryer, dishwasher, water heater, or trash compactor manufactured for  
14 household, commercial, or recreational use.

15 (b) This Rule applies to each large appliance coating unit source whose volatile organic compounds emissions exceed  
16 the threshold established in ~~Paragraph (b) of Rule .0902 of this Section.~~ 15A NCAC 02D .0902.

17 (c) Emissions of all volatile organic compounds from any large appliance coating unit subject to this Rule shall not  
18 exceed:

- 19 (1) 2.3 pounds of volatile organic compounds per gallon of coating, excluding water and exempt  
20 compounds ~~(3.3 or 3.3 pounds of volatile organic compounds per gallon of solids)~~ solids delivered  
21 from general, one component coating or general, multi-component types of coating operations; and
- 22 (2) 2.8 pounds of volatile organic compounds per gallon of coating, excluding water and exempt  
23 compounds ~~(4.5 or 4.5 pounds of volatile organic compounds per gallon of solids)~~ solids delivered  
24 from any other types of coating operations.

25 (d) EPA Method 24 ~~(40 CFR Part 60, Appendix A-7)~~ of Appendix A to 40 CFR Part 60 shall be used to determine  
26 the volatile organic compounds content of coating materials used at surface coating of large appliances parts facilities  
27 unless the facility maintains records to document the volatile organic compounds content of coating materials from  
28 the manufacturer.

29 (e) Emissions limits established in Subparagraph (c)(2) of this Rule do not apply to stencil coatings, safety-indicating  
30 coatings, solid film lubricants, electric-insulating and thermal-conducting coatings, touch up and repair coatings,  
31 coating applications utilizing hand- held aerosol cans, or any cleaning material.

32 (f) Any coating unit which has chosen to use add-on controls for coating operations rather than the emission limits  
33 established in Paragraph (c) of this Rule shall install control equipment with an overall control efficiency of 90 percent  
34 or use a combination of coating and add-on control equipment on a coating unit to meet limits established in Paragraph  
35 (c) of this Rule.

36 (g) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this~~  
37 Section. 15A NCAC 02D .0903 and .0958.

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*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. July 1, 1979;  
Amended Eff. September 1, 2010; July 1, 1996; July 1, 1991; December 1, 1989; January 1,  
~~1985-1985~~;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0924

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (c), line 7, why do you need "With the exception stated in Paragraph (d) of this Rule"? If you need to point out there is an exception to Paragraph (c) in Paragraph (c), state "Unless the exception in Paragraph (d) of this Rule applies, emissions..."*

*And if you do this, there is no need to retain the reference to Paragraph (c) on line 13.*

*In (c), line 8, and (d), line 14, what ovens won't be subject to this Rule? Those not creating 15 or more pounds of VOC per day?*

*In (d), line 10, please replace "which has chosen to control" with "that controls"*

*On line 11, will everyone acting under this Rule know what it says, since it was repealed? I suspect the answer is yes, but I did want to check.*

*On line 11, delete "which has"*

*On line 12, please delete the comma after "1989"*

*On line 15, what are "exempt compounds"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0924 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0924 MAGNET WIRE COATING**

4 (a) For the purpose of this Rule, "magnet wire coating" means the process of applying a coating of electrically  
5 insulating varnish or enamel to aluminum or copper wire for use in electrical machinery.

6 (b) This Rule applies to volatile organic compound emissions from the oven(s) of magnet wire coating operations.

7 (c) With the exception stated in Paragraph (d) of this Rule, emissions of volatile organic compounds from any magnet  
8 wire coating oven subject to this Rule shall not exceed 2.2 pounds of volatile organic compounds per gallon of solids  
9 delivered to the coating applicator from magnet wire coating operations.

10 (d) Any source which has chosen to control emissions of volatile organic compounds ~~under Rule .0518(e) of this~~  
11 ~~Subchapter pursuant to 15A NCAC 02D .0518(e) prior to July 1, 2000~~ and which has installed air pollution control  
12 equipment in accordance with an air quality permit in order to comply with this Rule before December 1, 1989, may  
13 comply with the limits contained in this Paragraph instead of those contained in Paragraph (c) of this Rule. Emissions  
14 of volatile organic compounds from any magnet wire coating oven subject to this Rule shall not exceed 1.7 pounds of  
15 volatile organic compounds per gallon of coating, excluding water and exempt compounds, delivered to the coating  
16 applicator from magnet wire coating operations.

17  
18 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

19 *Eff. July 1, 1979;*

20 *Amended Eff. July 1, 1996; July 1, 1991; December 1, 1989; January 1, ~~1985; 1985;~~*

21 *Readopted Eff. September 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0925

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, replace "which" with "that" Note the same change for (a)(2), lines 7 and 8, (a)(4), line 13, and (a)(5), line 16.*

*In (a)(1), line 6, replace "and/or" with "and" or "or" If you mean X or Y or both, then use "or" Note the same for (a)(2), lines 7 and 8 (both places); and (a)(3), lines 9 and 10. You may want to use the language in Rule .0933 for these terms.*

*In (a)(6), line 19, what are "intermediate products"? Does your regulated public know?*

*In (b), line 25, what are "volatile petroleum liquids" and "true vapor pressure"? Does your regulated public know?*

*In (d), line 30, delete "With the exceptions stated in Paragraph (c) of this Rule" and just begin the sentence "The owner..." You already said in (c) that the Rule does not apply to these things. You do not need to state it is an exception here.*

*In (d)(3), line 36, delete the comma after "openings"*

*And I take it "stub drains" is a term known to your regulated public?*

*In (d)(4), Page 2, line 5, what are "routine" inspections? If it's once a month, then do you even need the word?*

*In (d)(5), line 6, what is "complete" here?*

*On line 7, what is "excessive" here?*

*In (d)(6)(A), line 11, please say "Subparagraphs" (plural).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0925 is readopted as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0925 PETROLEUM LIQUID STORAGE IN FIXED ROOF TANKS**

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

- 5 (1) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes  
6 in the temperature and/or pressure and remains liquid at standard conditions.
- 7 (2) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and/or sulfur,  
8 nitrogen and/or oxygen derivatives of hydrocarbons and which is a liquid at standard conditions.
- 9 (3) "Custody transfer" means the transfer of produced crude oil and/or condensate, after processing  
10 and/or treating in the producing operations, from storage tanks or automatic transfer facilities to  
11 pipeline or any other forms of transportation.
- 12 (4) "External floating roof" means a storage vessel cover in an open top tank consisting of a double  
13 deck or pontoon single deck which rests upon and is supported by the petroleum liquid being  
14 contained and is equipped with a closure seal or seals to close the space between the roof edge and  
15 tank shell.
- 16 (5) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floated  
17 upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the  
18 space between the roof edge and tank shell.
- 19 (6) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products  
20 manufactured or extracted in a petroleum refinery.
- 21 (7) "Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils,  
22 residual fuel oils, lubricants, or other products through distillation of crude oils, or through  
23 redistillation, cracking, extraction, or reforming of unfinished petroleum derivatives.

24 (b) This ~~Regulation, Rule~~ applies to all fixed roof storage vessels with capacities greater than 39,000 gallons containing  
25 volatile petroleum liquids whose true vapor pressure is greater than 1.52 ~~psia~~ pounds per square inch.

26 (c) This ~~Regulation, Rule~~ does not apply to volatile petroleum liquid storage vessels:

- 27 (1) equipped with external floating ~~roofs, roofs;~~ or  
28 (2) having capacities less than 416,000 gallons used to store produced crude oil and condensate prior to  
29 lease custody transfer.

30 (d) With the exceptions stated in Paragraph (c) of this ~~Regulation, Rule,~~ the owner or operator of any fixed roof  
31 storage vessel subject to this ~~Regulation, Rule~~ shall not use the storage vessel unless:

- 32 (1) The storage vessel has been retrofitted with an internal floating roof equipped with a closure seal,  
33 or seals, to close the space between the roof edge and tank wall;
- 34 (2) The storage vessel is maintained such that there are no visible holes, tears, or other openings in the  
35 seal or any seal fabric or materials;
- 36 (3) All openings, except stub drains are equipped with covers, lids, or seals such that:
- 37 (A) ~~The the~~ cover, lid, or seal is in the closed position at all times except when in actual use;

- 1 (B) ~~Automatic-automatic~~ bleeder vents are closed at all times except when the roof is floated  
2 off or landed on the roof leg supports; and  
3 (C) ~~Rim-rim~~ vents, if provided, are set to open when the roof is being floated off the roof leg  
4 supports or at the manufacturer's recommended setting;
- 5 (4) Routine visual inspections are conducted through roof hatches once per month;
- 6 (5) A complete inspection of cover and seal is conducted whenever the tank is emptied for maintenance,  
7 shell inspection, cleaning, or for other nonoperational reasons or whenever excessive vapor leakage  
8 is observed; and
- 9 (6) Records are maintained in accordance with ~~Regulation .0903 of this Section~~ 15A NCAC 02D .0903  
10 and shall include:
- 11 (A) reports of the results of inspections conducted ~~under Parts~~ pursuant to Subparagraph (d)(4)  
12 and (d)(5) of this Regulation, Rule;
- 13 (B) a record of the average monthly storage temperature, and true vapor pressures of petroleum  
14 liquids ~~stored,~~ stored; and
- 15 (C) records of the throughput quantities and types of petroleum liquids for each storage vessel.

16  
17 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
18 Eff. July 1, 1979;  
19 Amended Eff. March 1, 1991; December 1, 1989; January 1, 1985-1985;  
20 Readopted Eff. September 1, 2020.  
21  
22

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0926

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, just so I'm clear – you meant to use 312?*

*I note that you use this term in other rules in the Section; why not include that definition in Rule .0902?*

*In (a)(3), line 9, please replace “which” with “that” and what is “usually” here? Please note the same for (a)(4), line 9.*

*On line 10, why do you need “subsequently”?*

*On line 11, what are “local” farms, businesses, and service stations here?*

*And between (a)(3) and (a)(4), you address under 20,000 and over 20,000. What happens if it is exactly 20,000? Which controls?*

*In (a)(4), line 13, what is “primarily” here? Please note the same for line 14.*

*On line 13, please delete the “and” after “barge;”*

*In (a)(5), please insert a comma after “facilities”*

*In (a)(6), do you want to spell out “pounds per square inch” like you did in Rule .0925?*

*In (a)(7), line 21 and (a)(8), line 25, please replace “which” with “that”*

*In (a)(10), line 32, what is “normally” here?*

*In (b), line 36, please insert a comma after “plants”*

*In (e), Page 2, line 10, replace “specified limits as described” with “the limits”*

*On line 19, how is this approval requested? Is this on a case-by-case basis, or is this of general applicability, such that these other methods should be included within the Rule?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (g), line 30, how will they know which Paragraph to follow?*

*On line 31, what does this sentence mean? What is the purpose?*

*In (h), line 32, should this state "... plant or cargo tank"? It seems that you are missing language here.*

*On line 33, please insert an article, like "a" before 'cargo' Please note the same for line 34 and "stationary"*

*In (h)(1), line 35, what is "good working order"? How is this determined, based upon what?*

*In (i), Page 3, line 4, what are "major components" here?*

*In (i)(1), line 6, (i)(2), line 9, and (i)(3), line 11, please replace "which" with "that"*

*And on lines 7, 9, and 12, what is "automatically and immediately" here? Is this because a machine is going to close it? (Hence, "automatic")*

*In (k), line 17, please capitalize "state" if you mean NC.*

*On lines 17-18, what are these? Do you want to incorporate them by reference?*

*On line 19, I take it "psi" is a known acronym to your regulated public?*

*On line 20, I am simply inquiring – are there still tanks being used that were being used before November 1, 1992?*

*In (m), line 24, I suggest stating "gasoline if:" and then deleting "if" on lines 25 and 26.*

*Please end (m)(1), line 25, with a semicolon, not a comma.*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

1 15A NCAC 02D .0926 is readopted with changes as published in 34:16 NCR 1460 as follows:

2  
3 **15A NCAC 02D .0926 BULK GASOLINE PLANTS**

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

- 5 (1) "Average daily throughput" means annual throughput of gasoline divided by 312 days per year.
- 6 (2) "Bottom filling" means the filling of a cargo tank-truck or stationary storage tank through an opening  
7 ~~that is flush with the tank bottom.~~
- 8 (3) "Bulk gasoline plant" means a gasoline storage and distribution facility ~~which has with~~ an average  
9 daily throughput of less than 20,000 gallons of gasoline and which usually receives gasoline from  
10 bulk terminals by ~~trailer~~ cargo tank transport, stores it in tanks, and subsequently dispenses it via  
11 ~~account-trucks~~ cargo tanks to local farms, businesses, and service stations.
- 12 (4) "Bulk gasoline terminal" means a gasoline storage facility which usually receives gasoline from  
13 refineries primarily by pipeline, ship, or barge; and delivers gasoline to bulk gasoline plants or to  
14 commercial or retail accounts primarily by ~~tank-truck;~~ cargo tank; and has an average daily  
15 throughput of more than 20,000 gallons of gasoline.
- 16 (5) "Cargo tank" means the storage vessels of freight trucks or trailers used to transport gasoline from  
17 sources of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants,  
18 gasoline dispensing facilities and gasoline service stations.
- 19 ~~(5)(6)~~ (6) "Gasoline" means any petroleum distillate having a ~~Reid vapor pressure of four psia~~ Reid Vapor  
20 Pressure (RVP) of 4.0 psi or greater.
- 21 ~~(6)(7)~~ (7) "Incoming vapor balance system" means a combination of pipes or hoses which create a closed  
22 system between the vapor spaces of an unloading cargo tank-truck or trailer and a receiving  
23 stationary storage tank such that vapors displaced from the receiving stationary storage tank are  
24 transferred to the cargo tank-truck or trailer being unloaded.
- 25 ~~(7)(8)~~ (8) "Outgoing vapor balance system" means a combination of pipes or hoses which create a closed  
26 system between the vapor spaces of an unloading stationary storage tank and a receiving cargo tank  
27 ~~truck or trailer~~ such that vapors displaced from the receiving cargo tank-truck or trailer are  
28 transferred to the stationary storage tank being unloaded.
- 29 ~~(8)(9)~~ (9) "Splash filling" means the filling of a cargo tank-truck or stationary storage tank through a pipe or  
30 hose whose discharge opening is above the surface level of the liquid in the tank being filled.
- 31 ~~(9)(10)~~ (10) "Submerged filling" means the filling of a cargo tank-truck or stationary tank through a pipe or hose  
32 whose discharge opening is entirely submerged when the pipe normally used to withdraw liquid  
33 from the tank can no longer withdraw any liquid, or whose discharge opening is entirely submerged  
34 when the liquid level is six inches above the bottom of the tank.

35 (b) This Rule applies to the unloading, loading, and storage facilities of all bulk gasoline plants and of all ~~tank-trucks~~  
36 ~~or trailers~~ cargo tanks delivering or receiving gasoline at bulk gasoline plants except stationary storage tanks with  
37 capacities less than 528 gallons.

1 (c) The owner or operator of a bulk gasoline plant shall not transfer gasoline to any stationary storage tanks ~~after May~~  
2 ~~1, 1993,~~ unless the unloading ~~cargo tank-truck or trailer~~ and the receiving stationary storage tank are equipped with  
3 an incoming vapor balance system as described in Paragraph (i) of this Rule and the receiving stationary storage tank  
4 is equipped with a fill line whose discharge opening is flush with the bottom of the tank.

5 (d) The owner or operator of a bulk gasoline plant with an average daily gasoline throughput of 4,000 gallons or more  
6 shall not load ~~cargo tank-trucks or trailers~~ at such plant ~~after May 1, 1993,~~ unless the unloading stationary storage tank  
7 and the receiving ~~cargo tank-truck or trailer~~ are equipped with an outgoing vapor balance system as described in  
8 Paragraph (i) of this Rule and the receiving ~~cargo tank-truck or trailer~~ is equipped for bottom filling.

9 (e) The owner or operator of a bulk gasoline plant with an average daily throughput of more than 2,500 gallons but  
10 less than 4,000 gallons located in an area with a housing density exceeding specified limits as described in this  
11 Paragraph shall not load any ~~cargo tank-truck or trailer~~ at such bulk gasoline plant ~~after November 1, 1996,~~ unless the  
12 unloading stationary storage tank and receiving ~~cargo tank-truck or trailer~~ are equipped with an outgoing vapor balance  
13 system as described in Paragraph (i) of this Rule and the receiving ~~cargo tank-truck or trailer~~ is equipped for bottom  
14 filling. In the counties of Alamance, Buncombe, Cabarrus, Catawba, Cumberland, Davidson, Durham, Forsyth,  
15 Gaston, Guilford, Mecklenburg, New Hanover, Orange, Rowan, and Wake, the specified limit on housing density is  
16 50 residences in a square one mile on a side with the square centered on the loading rack at the bulk gasoline plant  
17 and with one side oriented in a true North-South direction. In all other counties the specified limit on housing density  
18 is 100 residences per square mile. The housing density shall be determined by counting the number of residences  
19 using aerial photographs or other methods ~~determined~~ approved by the Director to provide equivalent accuracy.

20 (f) The owner or operator of a bulk gasoline plant not subject to the outgoing vapor balance system requirements of  
21 Paragraph (d) or (e) of this Rule shall not load ~~trucks or trailers~~ cargo tanks at such plants unless:

22 (1) ~~Equipment~~ equipment is available at the bulk gasoline plant to provide for ~~submerge-submerged~~  
23 filling of each ~~tank-truck or trailer;~~ cargo tank; or

24 (2) ~~Each~~ each receiving ~~cargo tank-truck or trailer~~ is equipped for bottom filling.

25 (g) For ~~a~~ gasoline bulk plants located in a nonattainment area for ozone, ~~once the average daily throughput of gasoline~~  
26 ~~at the bulk gasoline plant reaches or exceeds the applicability threshold in Paragraph (d) or (e) of this Rule or if~~  
27 ~~Paragraph (d) or (e) is currently applicable to the bulk gasoline plant, the bulk gasoline plant shall continue to comply~~  
28 ~~with the outgoing vapor balance system requirements of Paragraph (d) or (e) of this Rule, as is applicable, even though~~  
29 ~~the average daily gasoline throughput falls below the threshold contained in Paragraph (d) or (e) of this Rule. the~~  
30 owner or operator shall continue to comply with Paragraph (d) or (e) of this Rule even if the average daily throughput  
31 falls below the applicable threshold if ever the facility throughput triggered compliance.

32 (h) The owner or operator of a bulk gasoline plant, ~~cargo tank-truck or trailer~~ that is required to be equipped with a  
33 vapor balance system pursuant to Paragraphs (c), (d), or (e) of this Rule shall not transfer gasoline between ~~cargo tank~~  
34 ~~truck or trailer~~ and stationary storage tank unless:

35 (1) ~~The~~ the vapor balance system is in good working order and is connected and operating;

36 (2) ~~Tank-cargo tank-truck or trailer~~ hatches are closed at all times during loading and unloading  
37 operations; and

- (3) ~~The the tank truck's or trailer's cargo tank's pressure/vacuum relief valves and hatch covers and the truck tanks or storage tanks or valves, hatch covers, and the cargo tank's and storage tank's~~ associated vapor and liquid lines are vapor tight during loading or unloading.
- (i) Vapor balance systems required under Paragraphs (c), (d), and (e) of this Rule shall consist of the following major components:
- (1) a vapor space connection on the stationary storage tank equipped with fittings which are vapor tight and will be automatically and immediately closed upon disconnection ~~so as to prevent release of~~ volatile organic material;
- (2) a connecting pipe or hose equipped with fittings which are vapor tight and will be automatically and immediately closed upon disconnection ~~so as to prevent release of~~ volatile organic material; and
- (3) a vapor space connection on the cargo tank truck or trailer equipped with fittings which are vapor tight and will be automatically and immediately closed upon disconnection ~~so as to prevent release of~~ volatile organic material.
- (j) The owner or operator of a bulk gasoline plant shall paint all tanks used for gasoline storage white or ~~silver at the next scheduled painting or before November 1, 2002, whichever is sooner.~~ silver.
- (k) The pressure relief valves on ~~tank trucks or trailers~~ cargo tanks loading or unloading at bulk gasoline plants shall be set to release at the highest possible pressure ~~(in accordance with state or local fire codes or the National Fire Prevention Association guidelines).~~ Guidelines. The pressure relief valves on stationary storage tanks shall be set at 0.5 psi for storage tanks placed in service on or after November 1, 1992, and 0.25 psi for storage tanks existing before November 1, 1992.
- (l) No owner or operator of a bulk gasoline plant may permit gasoline to be spilled, discarded in sewers, stored in open containers, or handled in any other manner that would result in evaporation.
- (m) The owner or operator of a bulk gasoline plant shall observe loading and unloading operations and shall discontinue the transfer of gasoline:
- (1) if any liquid leaks are observed, or
- (2) if any vapor leaks are observed where a vapor balance system is required under Paragraphs (c), (d), or (e) of this Rule.
- (n) The owner or operator of a bulk gasoline plant shall not load, or allow to be loaded, gasoline into any cargo tank truck tank or trailer unless the cargo tank truck tank or trailer has been certified leak tight in accordance with ~~Rule .0932 of this Section within the last 12 months where the bulk gasoline plant is required to use an outgoing vapor balance system.~~ 15A NCAC 02D .0932, .0960, and .2615.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. July 1, 1979;  
Amended Eff. July 1, 1996; May 1, 1993; March 1, 1991; December 1, 1989; January 1, 1985; 1985;  
Readopted Eff. September 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0927

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1)(B), line 7, what do you mean by "usually"? Who determines this?*

*On lines 7 and 9, what is "primarily" here?*

*On line 9, does "average daily throughput" mean the same thing here that it means in Rule .0926?*

*In (a)(2), line 17, please insert a comma after "facilities"*

*In (a)(4) and elsewhere the term is used, what is the "lower explosive limit"? How is that determined and known?*

*In (a)(5), this definition differs slightly from the definition of the same term in Rule .0926. Is this intentional?*

*In (a)(6), line 27, insert "that is" before "identifiable"*

*On line 31, Rule 02D .0940 was repealed in 2008. Did you mean to use a different cross-reference?*

*In (a)(7), and elsewhere it is used, I take it that "psi" is an acronym known to your regulated public?*

*In (c)(1), Page 2, line 12, please state "his or her"*

*In (c)(4), line 18, what is "automatically and immediately" here?*

*In (d), line 19, delete "Paragraph (b) of"*

*In (g)(1), line 30, and (g)(2), line 31, please replace the commas at the end of the clause with semicolons.*

*In (h), line 34, I take it you need to retain the date, as there are decks installed before it that are still in use? And please note the same query regarding the set date in Paragraph (i).*

*In (h)(1), line 35, please insert a comma after "bolted"*

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: July 31, 2020

*In (i), Page 3, line 9, I recommend deleting “then,”*

*On line 10, I take it you need to retain “at least”?*

*In (j), line 11, delete “has” before “received”*

*Also on line 11, I take it you need to retain this date? If so, please delete the comma after “1992”*

*On line 14, what do you mean by “in which case”? This is a very long sentence and it may be best to break it into two and delete what appears to be extraneous language.*

*In (m), line 26, delete the hyphen between “24” and “hours”*

*In (n), line 28, I am not sure what you mean by “According to Rule .0903 of this Section” If the intent is to state that the information required by Paragraph (n) shall be made and retained in accordance with Rule .0903, then I think that should be made clearer.*

*So that I’m clear – both the inspections in (n) and (o) can be visual inspections?*

*In (q)(2), line 22, will the determination of “as expeditiously as possible” be solely up to the owner/operator?*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0927 is readopted with changes as published in 34:16 NCR 1462 as follows:

2  
3 **15A NCAC 02D .0927 BULK GASOLINE TERMINALS**

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

5 (1) "Bulk gasoline terminal" means:

6 (A) ~~breakout tanks~~ a pipeline breakout station of an interstate oil pipeline facility; or

7 (B) a gasoline storage facility that usually receives gasoline from refineries primarily by  
8 pipeline, ship, or barge; delivers gasoline to bulk gasoline plants or to commercial or retail  
9 accounts primarily by ~~tank truck~~; cargo tank; and has an average daily throughput of more  
10 than 20,000 gallons of gasoline.

11 ~~(2) "Breakout tank" means a tank used to:~~

12 ~~(A) relieve surges in a hazardous liquid pipeline system, or~~

13 ~~(B) receive and store hazardous liquids transported by pipeline for reinjection and continued~~  
14 ~~transport by pipeline.~~

15 (2) "Cargo tank" means the storage vessels of freight trucks or trailers used to transport gasoline from  
16 sources of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants,  
17 gasoline dispensing facilities and gasoline service stations.

18 ~~[(2)](3) "Contact deck" means a deck in an internal floating roof tank that rises and falls with the liquid level~~  
19 ~~and floats in direct contact with the liquid surface.~~

20 ~~(3) "Gasoline" means a petroleum distillate having a Reid vapor pressure of four psia or greater.~~

21 ~~(4) "Contact deck" means a deck in an internal floating roof tank that rises and falls with the liquid level~~  
22 ~~and floats in direct contact with the liquid surface.~~

23 ~~[(3)](5)(4) "Degassing" means the process by which a tank's interior vapor space is decreased to below the~~  
24 ~~lower explosive limit for the purpose of cleaning, inspection, or repair.~~

25 ~~[(4)](5) "Gasoline" means a petroleum distillate having a Reid vapor pressure of four psia or greater.~~

26 ~~[(5)](6) "Leak" means a crack or hole that lets letting petroleum product vapor or liquid escape that can be~~  
27 ~~identified through the use of identifiable through sight, sound, smell, an explosimeter, or the use of~~  
28 ~~a meter that measures volatile organic compounds. When an explosimeter or meter is used to detect~~  
29 ~~a leak, a leak is a measurement that is equal to or greater than 100 percent of the lower explosive~~  
30 ~~limit, as detected by a combustible gas detector using the test procedure described in Rule .0940 of~~  
31 ~~this Section.~~ 15A NCAC 02D .0940.

32 ~~[(6)](7) "Liquid balancing" means a process used to degas floating roof gasoline storage tanks with a liquid~~  
33 ~~whose vapor pressure is below 1.52 psia-psi. This is done by removing as much gasoline as possible~~  
34 ~~without landing the roof on its internal supports, pumping in the replacement fluid, allowing mixing,~~  
35 ~~remove as much mixture as possible without landing the roof, and repeating these steps until the~~  
36 ~~vapor pressure of the mixture is below 1.52 psia-psi.~~

- 1        ~~[(7)](8)~~ "Liquid displacement" means a process by which gasoline vapors, remaining in an empty tank, are  
2        displaced by a liquid with a vapor pressure below 1.52 ~~psia~~ psi.
- 3        ~~[(8)](9)~~ "Pipeline breakout station" means a facility along a pipeline containing storage tanks used to:  
4        (A)        relieve surges in a hazardous liquid pipeline system; or  
5        (B)        receive and store hazardous liquids transported by pipeline for reinjection and continued  
6        transport by pipeline.
- 7        (b) This Rule applies to bulk gasoline terminals and the appurtenant equipment necessary to load the cargo tank-truck  
8        ~~or trailer~~ compartments.
- 9        (c) Gasoline shall not be loaded into any cargo tank-trucks or trailers from any bulk gasoline terminal unless:  
10        (1)        ~~The~~ the bulk gasoline terminal is equipped with a vapor control system that prevents the emissions  
11        of volatile organic compounds from exceeding 35 milligrams per liter. The owner or operator shall  
12        obtain from the manufacturer and maintain in his records a pre-installation certification stating the  
13        vapor control efficiency of the system in use;  
14        (2)        ~~Displaced~~ displaced vapors and gases are vented only to the vapor control system or to a flare;  
15        (3)        ~~A~~ a means is provided to prevent liquid drainage from the loading device when it is not in use or to  
16        accomplish complete drainage before the loading device is disconnected; and  
17        (4)        ~~All~~ all loading and vapor lines are equipped with fittings that make vapor-tight connections and that  
18        are automatically and immediately closed upon disconnection.
- 19        (d) Sources regulated by Paragraph (b) of this Rule shall not:  
20        (1)        allow gasoline to be discarded in sewers or stored in open containers or handled in any manner that  
21        would result in ~~evaporation~~ evaporation; or  
22        (2)        allow the pressure in the vapor collection system to exceed the cargo tank-truck or trailer pressure  
23        relief settings.
- 24        (e) The owner or operator of a bulk gasoline terminal shall paint all tanks used for gasoline storage white or ~~silver at~~  
25        ~~the next scheduled painting or by December 1, 2002, whichever occurs first.~~ silver.
- 26        (f) The owner or operator of a bulk gasoline terminal shall install on each external floating roof tank with an inside  
27        diameter of 100 feet or less used to store gasoline a self-supporting roof, such as a geodesic ~~dome, at the next time~~  
28        ~~that the tank is taken out of service or by December 1, 2002, whichever occurs first.~~ dome.
- 29        (g) The following equipment shall be required on all tanks storing gasoline at a bulk gasoline terminal:  
30        (1)        rim-mounted secondary seals on all external and internal floating roof tanks,  
31        (2)        gaskets on deck fittings, and  
32        (3)        floats in the slotted guide poles with a gasket around the cover of the poles.
- 33        (h) Decks shall be required on all above ground tanks with a capacity greater than 19,800 gallons storing gasoline at  
34        a bulk gasoline terminal. All decks installed after June 30, 1998 shall comply with the following requirements:  
35        (1)        deck seams shall be welded, bolted or riveted; and  
36        (2)        seams on bolted contact decks and on riveted contact decks shall be gasketed.

(i) If, upon facility or operational modification of a bulk gasoline terminal that existed before December 1, 1992, an increase in benzene emissions results such that:

- (1) emissions of volatile organic compounds increase by more than 25 tons cumulative at any time during the five years following modifications; and
- (2) annual emissions of benzene from the cluster where the bulk gasoline terminal is located (including the pipeline and marketing terminals served by the pipeline) exceed benzene emissions from that cluster based upon calendar year 1991 gasoline throughput and application of the requirements of this Subchapter,

then, the annual increase in benzene emissions due to the modification shall be offset within the cluster by reduction in benzene emissions beyond that otherwise achieved from compliance with this Rule, in the ratio of at least 1.3 to 1.

(j) The owner or operators of a bulk gasoline terminal that has received an air permit before December 1, 1992, to emit toxic air pollutants under 15A NCAC 02Q .0700 to comply with Section .1100 of this Subchapter shall continue to follow all terms and conditions of the permit issued under 15A NCAC 02Q .0700 and to bring the terminal into compliance with Section .1100 of this Subchapter according to the terms and conditions of the permit, in which case the bulk gasoline terminal shall continue to need a permit to emit toxic air pollutants and shall be exempted from Paragraphs (e) through (i) of this Rule.

(k) The owner or operator of a bulk gasoline terminal shall not load, or allow to be loaded, gasoline into any ~~truck tank or trailer cargo tank~~ unless the ~~truck tank or trailer cargo tank~~ has been certified leak tight according to Rule .0932 of this Section within the last 12 months. 15A NCAC 02D .0932, .0960, and .2615.

(l) The owner or operator of a bulk gasoline terminal shall have on file at the terminal a copy of the certification test conducted according to Rule .0932 of this Section for each gasoline cargo tank ~~truck~~ loaded at the terminal.

(m) Emissions of gasoline from degassing of external or internal floating roof tanks at a bulk gasoline terminal shall be collected and controlled by at least 90 percent by weight. Liquid balancing shall not be used to degas gasoline storage tanks at bulk gasoline terminals. Bulk gasoline storage tanks containing not more than 138 gallons of liquid gasoline or the equivalent of gasoline vapor and gasoline liquid are exempted from the degassing requirements if gasoline vapors are vented for at least 24-hours. Documentation of degassing external or internal floating roof tanks shall be made according to 15A NCAC 02D .0903.

(n) According to Rule .0903 of this Section, the owner or operator of a bulk gasoline terminal shall visually inspect the following for leaks each day that the terminal is both manned and open for business:

- (1) the vapor collection ~~system~~ system;
- (2) the vapor control ~~system~~ system; and
- (3) each lane of the loading rack while a gasoline cargo tank ~~truck or trailer~~ is being loaded.

If no leaks are found, the owner or operator shall record that no leaks were found. If a leak is found, the owner or operator shall record the information specified in Paragraph (p) of this Rule. The owner or operator shall repair all leaks found according to Paragraph (q) of this Rule.

(o) The owner or operator of a bulk gasoline terminal shall inspect weekly for leaks:

- (1) the vapor collection ~~system~~ system;

(2) the vapor control ~~system, system;~~ and

(3) each lane of the loading rack while a gasoline ~~cargo tank-truck or trailer~~ is being loaded.

The weekly inspection shall be done using sight, sound, or smell; a meter used to measure volatile organic compounds; or an explosimeter. An inspection using either a meter used to measure volatile organic compounds or an explosimeter shall be conducted every month. If no leaks are found, the owner or operator shall record the date that the inspection was done and that no leaks were found. If a leak is found, the owner or operator shall record the information specified in Paragraph (p) of this Rule. The owner or operator shall repair all leaks found according to Paragraph (q) of this Rule.

(p) For each leak found under Paragraph (n) or (o) of this Rule, the owner or operator of a bulk gasoline terminal shall record:

(1) the date of the ~~inspection, inspection;~~

(2) the findings (~~location, nature and severity of each leak~~), detailing the location, nature, and severity of each leak;

(3) the corrective action ~~taken, taken;~~

(4) the date when corrective action was ~~completed, completed;~~ and

(5) any other information that the terminal deems necessary to demonstrate compliance.

(q) The owner or operator of a bulk gasoline terminal shall repair all leaks as follows:

(1) The vapor collection hose that connects to the ~~cargo tank-truck or trailer~~ shall be repaired or replaced before another ~~cargo tank-truck or trailer~~ is loaded at that rack after a leak has been detected originating with the terminal's equipment rather than from the gasoline ~~tank-truck or trailer, cargo tank.~~

(2) All other leaks shall be repaired as expeditiously as possible but no later than 15 days from their detection. If more than 15 days are required to make the repair, the reasons that the repair cannot be made shall be documented, and the leaking equipment shall not be used after the fifteenth day from when the leak detection was found until the repair is made.

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

*Eff. July 1, 1979;*

*Amended Eff. January 1, 2007; April 1, 2003; August 1, 2002; July 1, 1998; July 1, 1996; July 1, 1994; December 1, 1992; December 1, 1989; January 1, ~~1985, 1985;~~*

*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0928

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, (b), Page 2, line 21, and (c), line 23, consider deleting the lead-in clause. I note you are not using these in other rules in this Section.*

*In (a)(1), line 6, what is "Product" here? Is it gasoline? If so, shouldn't you state that?*

*In (a)(4), do you want to define this term as you did in Rule .0926? If not, does your regulated public know the acronym "psia"?*

*What is the difference between (a)(5) and (a)(6)? Is that in (a)(5), there is no purchase required?*

*In (a)(7), how is this suitability determined?*

*In (a)(10), line 8, what is "immediately" here?*

*Also on line 8, what is a "tight seal"?*

*In (a)(11), line 10, please replace "which" with "that"*

*In (a)(12), lines 11 and 13, replace "which" with "that"*

*On line 12, what is "normally" here?*

*In (a)(12)(B), line 14, replace the comma after "adaptor" with a semicolon.*

*In (a)(12)(B), line 16, consider replacing "12" with "twelve" because this number is the beginning of a sentence.*

*In (a)(13), lines 19-20, why do you need to retain "after November 15, 1990"?*

*In (b), line 21, this is not the proper way to insert a comma.*

*In (c)(2), line 26, replace "which" with "that" and please make the same change in (c)(3), line 28.*

*In (c)(2), I am just asking – are there still tanks in use that were installed before July 1, 1979?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (c)(4), line 32, end the sentence after “pipe.” Then state “This exemption...”*

*In (c)(5), line 36, please insert an “or” after “pipes;”*

*In (d), Page 3, line 1, delete “With exceptions stated in Paragraph (c) of this Rule” and just state “Gasoline shall not be...”*

*In (d)(2), line 5, what is “good working order”?*

*In (d)(3), line 7, what is “properly maintained”?*

*In (d)(4), line 9, what are “other specified testing devices” and who will specify them?*

*And what is “proper working order”?*

*In (e)(1), line 18, please insert a comma after “vessel”*

*In (e)(1)(A), line 19, and elsewhere the term is used, what is an “unpoppeted” vapor recovery system? Is this known to your regulated public? Is it a vapor recovery system that doesn’t use a poppet?*

*In (e)(2), line 22, I take it you need to retain “at least” here?*

*In (f), line 25, insert a comma after “line”*

*In (h), are there no vapor lines that that are sized between 2.5 and 3 inches in diameter? If those do exist, what restrictions apply to those sizes?*

*In (j)(1), line 36, what is “normal pressure/vacuum venting”? If the idea is to rely upon the DOT rules to address this, do you have a citation to include?*

*And please replace “regulations” with “rules” on line 36.*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .0928 is readopted as published in 34:16 NCR 1464 as follows:

2  
3 **15A NCAC 02D .0928 GASOLINE SERVICE STATIONS STAGE I**

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

5 (1) "Coaxial vapor recovery system" means the delivery of the product and recovery of vapors occurring  
6 through a single coaxial fill tube, which is a tube within a tube. Product is delivered through the  
7 inner tube, and vapor is recovered through the annular space between the walls of the inner tube and  
8 outer tube.

9 ~~(1) "Gasoline" means a petroleum distillate having a Reid vapor pressure of four psia or greater.~~

10 ~~(2) "Delivery vessel" means tank trucks or trailers cargo tanks equipped with a storage tank and used~~  
11 ~~for the transport of gasoline from sources or supply to stationary storage tanks of gasoline dispensing~~  
12 ~~facilities.~~

13 (3) "Dual point vapor recovery system" means the delivery of the product to the stationary storage tank  
14 and the recovery of vapors from the stationary storage tank occurring through two separate openings  
15 in the storage tank and two separate hoses between the cargo tank and the stationary storage tank.

16 ~~(3) "Submerged fill pipe" means any fill pipe with a discharge opening which is entirely submerged~~  
17 ~~when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid,~~  
18 ~~or which is entirely submerged when the level of the liquid is:~~

19 ~~(A) six inches above the bottom of the tank if the tank does not have a vapor recovery adaptor,~~  
20 ~~or~~

21 ~~(B) 12 inches above the bottom of the tank if the tank has a vapor recovery adaptor. If the~~  
22 ~~opening of the submerged fill pipe is cut at a slant, the distance is measured from the top~~  
23 ~~of the slanted cut to the bottom of the tank.~~

24 ~~(4) "Owner" means any person who has legal or equitable title to the gasoline storage tank at a facility.~~

25 ~~(5) "Operator" means any person who leases, operates, controls, or supervises a facility at which~~  
26 ~~gasoline is dispensed.~~

27 (4) "Gasoline" means a petroleum distillate having a Reid vapor pressure of four psia or greater.

28 ~~(6)(5) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline~~  
29 ~~tanks from stationary storage tanks.~~

30 ~~(7)(6) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the~~  
31 ~~motoring public from stationary storage tanks.~~

32 ~~(8) "Throughput" means the amount of gasoline dispensed at a facility during a calendar month after~~  
33 ~~November 15, 1990.~~

34 ~~(9)(7) "Line" means any pipe suitable for transferring gasoline.~~

35 ~~(10) "Dual point system" means the delivery of the product to the stationary storage tank and the recovery~~  
36 ~~of vapors from the stationary storage tank occurs through two separate openings in the storage tank~~  
37 ~~and two separate hoses between the tank truck and the stationary storage tank.~~

1 ~~(11)~~ "Coaxial system" means the delivery of the product and recovery of vapors occur through a single  
2 coaxial fill tube, which is a tube within a tube. Product is delivered through the inner tube, and  
3 vapor is recovered through the annular space between the walls of the inner tube and outer tube.

4 ~~(8)~~ "Operator" means any person who leases, operates, controls, or supervises a facility at which  
5 gasoline is dispensed.

6 ~~(9)~~ "Owner" means any person who has legal or equitable title to the gasoline storage tank at a facility.

7 ~~(12)~~~~(10)~~ "Poppeted vapor recovery adaptor" means a vapor recovery adaptor that automatically and  
8 immediately closes itself when the vapor return line is disconnected and maintains a tight seal when  
9 the vapor return line is not connected.

10 ~~(13)~~~~(11)~~ "Stationary storage tank" means a gasoline storage container which is a permanent fixture.

11 ~~(12)~~ "Submerged fill pipe" means any fill pipe with a discharge opening which is entirely submerged  
12 when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid,  
13 or which is entirely submerged when the level of the liquid is:

14 ~~(A)~~ six inches above the bottom of the tank if the tank does not have a vapor recovery adaptor,  
15 or

16 ~~(B)~~ 12 inches above the bottom of the tank if the tank has a vapor recovery adaptor. If the  
17 opening of the submerged fill pipe is cut at a slant, the distance is measured from the top  
18 of the slanted cut to the bottom of the tank.

19 ~~(13)~~ "Throughput" means the amount of gasoline dispensed at a facility during a calendar month after  
20 November 15, 1990.

21 (b) Applicability. This Rule applies to all gasoline dispensing facilities and gasoline service stations, and to delivery  
22 vessels delivering gasoline to a gasoline dispensing facility or gasoline service station.

23 (c) Exemptions. This Rule does not apply to:

- 24 (1) transfers made to storage tanks at gasoline dispensing facilities or gasoline service stations equipped  
25 with floating roofs or their equivalent;
- 26 (2) stationary tanks with a capacity of not more than 2,000 gallons which are in place before July 1,  
27 1979, if the tanks are equipped with a permanent or portable submerged fill pipe;
- 28 (3) stationary storage tanks with a capacity of not more than 550 gallons which are installed after June  
29 30, 1979, if tanks are equipped with a permanent or portable submerged fill pipe;
- 30 (4) stationary storage tanks with a capacity of not more than ~~2000~~ 2,000 gallons located on a farm or a  
31 residence and used to store gasoline for farm equipment or residential use if gasoline is delivered to  
32 the tank through a permanent or portable submerged fill pipe except that this exemption does not  
33 apply in ozone non-attainment areas;
- 34 (5) stationary storage tanks at a gasoline dispensing facility or gasoline service station where the  
35 combined annual throughput of gasoline at the facility or station does not exceed 50,000 gallons, if  
36 the tanks are permanently equipped with submerged fill pipes;
- 37 (6) any tanks used exclusively to test the fuel dispensing meters.

(d) With exceptions stated in Paragraph (c) of this Rule, gasoline shall not be transferred from any delivery vessel into any stationary storage tank unless:

- (1) ~~The the~~ tank is equipped with a submerged fill pipe, and the vapors displaced from the storage tank during filling are controlled by a vapor control system as described in Paragraph (e) of this Rule;
- (2) ~~The the~~ vapor control system is in good working order and is connected and operating with a vapor tight connection;
- (3) ~~The the~~ vapor control system is properly maintained and all damaged or malfunctioning components or elements of design are repaired, ~~replaced-replaced~~, or modified;
- (4) ~~Gauges, gauges,~~ meters, or other specified testing devices are maintained in proper working order;
- (5) ~~The the~~ delivery vessel and vapor collection system complies with ~~Rule .0932 of this Section; 15A NCAC 02D .0932;~~ and
- (6) ~~The the~~ following records, ~~as a minimum, records~~ are kept in accordance with ~~Rule .0903 of this Section; 15A NCAC 02D .0903:~~
  - (A) the scheduled date for maintenance or the date that a malfunction was detected;
  - (B) the date the maintenance was performed or the malfunction corrected; and
  - (C) the component or element of design of the control system repaired, replaced, or modified.

(e) The vapor control system required by Paragraph (d) of this Rule shall include one or more of the following:

- (1) a vapor-tight line from the storage tank to the delivery vessel and:
  - (A) for a coaxial vapor recovery system, either a poppeted or unpoppeted vapor recovery adaptor;
  - (B) for a dual point vapor recovery system, a poppeted vapor recovery adaptor; or
- (2) a refrigeration-condensation system or equivalent designed to recover at least 90 percent by weight of the volatile organic compounds in the displaced vapor.

(f) If an unpoppeted vapor recovery adaptor is used pursuant to Part (e)(1)(A) of this Rule, the tank liquid fill connection shall remain covered either with a vapor-tight cap or a vapor return line except when the vapor return line is being connected or disconnected.

(g) If an unpoppeted vapor recovery adaptor is used pursuant to Part (e)(1)(A) of this Rule, the unpoppeted vapor recovery adaptor shall be replaced with a poppeted vapor recovery adaptor when the tank is replaced or is removed and upgraded.

(h) Where vapor lines from the storage tanks are manifolded, poppeted vapor recovery adaptors shall be used. No more than one tank is to be loaded at a time if the manifold vapor lines are size ~~2-1/2~~2.5 inches and smaller. If the manifold vapor lines are ~~3-3/4~~3.0 inches and larger, then two tanks at a time may be loaded.

(i) Vent lines on tanks with Stage I controls shall have pressure release valves or restrictors.

(j) The vapor-laden delivery vessel:

- (1) shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport with the exception of normal pressure/vacuum venting as required by regulations of the Department of Transportation; and

1 (2) if it is refilled in North Carolina, shall be refilled only at:

2 (A) bulk gasoline plants complying with ~~Rule .0926 of this Section,~~ 15A NCAC 02D .0926; or

3 (B) bulk gasoline terminals complying with ~~Rule .0927 of this Section or Rule .0524 of this~~  
4 ~~Subchapter.~~ 15A NCAC 02D .0927 or .0524.

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

7 *Eff. July 1, 1979;*

8 *Amended Eff. July 1, 1996; July 1, 1994; March 1, 1991; December 1, 1989; January 1, ~~1985; 1985;~~*

9 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0930

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(5), line 15, "colder" than what? The solvent? If so, then do you need "colder" at all? Or is cleaning being done when the metal is hot?*

*In (d)(1), line 26, who will determine "easily"?*

*In (d)(3)(C), Page 2, line 6, how is this approval requested by the Director? Upon what is the approval or disapproval based?*

*In (d)(4), line 7, and (e)(14), Page 3, line 21, conspicuous to whom?*

*In (d)(8), lines 13 and 14, replace "which" with "that" Please note the same for (e)(1), line 17, (e)(2)(A), line 20, (e)(2)(B), line 22, (e)(1)(C), line 24, (f)(4)(A), Page 3, line 36, (f)(4)(B), Page 4, line 1, and (f)(4)(C), line 3.*

*On line 14, what is "excessive" splashing? How is this determined? By whom?*

*In (e), delete the language, "With... this Rule" and just start the sentence "The owner..."*

*In (e)(1), line 17, what is "easily" here?*

*In (e)(2)(A), line 21, and (e)(2)(B), line 23, replace the commas at the end of the line with semicolons.*

*In (e)(3)(C), line 30, please insert a "the" before "cover"*

*On line 31, insert a semicolon after "degreaser"*

*In (e)(5)(E), Page 3, line 5, which controls – at least 15 seconds or until visually dry? I note that Rule .0958(d)(3) states, "whichever is longer" Should that language be here, as well?*

*In (e)(10), line 11, what is "immediately" here?*

*In (e)(13), lines 18-20, do you need all of this language? Couldn't you say, "requirements in Title 13"? If you need to keep it the "OSHA requirements" due to its use in (f)(1), I don't think you need*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*to keep the NC Labor delegation language. Why not state “unless necessary to meet OSHA requirements, in G.S. 95 and Title 13.”*

*In (f)(14), line 22, do not make the change you are proposing. The correct citation is what you are removing, “Subparagraphs (4) through (12) of this Paragraph.” Retain that.*

*In (f), do not include “With the exception...” “ Just start the sentence, “The owner or operator...”*

*In (f)(2)(B), line 31, please remove the parenthesis and set it off with commas, as you did on Page 2, line 33.*

*In (f)(9), Page 4, line 15, and (f)(11), line 18, what is “immediately” here?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0930 is readopted as published in 34:16 NCR 1464 as follows:

2  
3 **15A NCAC 02D .0930 SOLVENT METAL CLEANING**

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

- 5 (1) "Cold cleaning" means the batch process of cleaning and removing soils from metal surfaces by  
6 spraying, brushing, flushing, or immersion while maintaining the solvent below its boiling point.  
7 Wipe cleaning is not included in this definition.
- 8 (2) "Conveyorized degreasing" means the continuous process of cleaning and removing soils from  
9 metal surfaces by operating with either cold or vaporized solvents.
- 10 (3) "Freeboard height" means for vapor degreasers the distance from the top of the vapor zone to the  
11 top of the degreaser tank. For cold cleaners, freeboard height means the distance from liquid solvent  
12 level in the degreaser tank to the top of the tank.
- 13 (4) "Freeboard ratio" means the freeboard height divided by the width of the degreaser.
- 14 (5) "Open top vapor degreasing" means the batch process of cleaning and removing soils from metal  
15 surfaces by condensing hot solvent vapor on the colder metal parts.
- 16 (6) "Solvent metal cleaning" means the process of cleaning soils from metal surfaces by cold cleaning  
17 or open top vapor degreasing or conveyorized degreasing.

18 (b) This ~~Regulation-Rule~~ applies to cold cleaning, open top vapor degreasing, and conveyorized degreasing  
19 operations.

20 (c) The provisions of this ~~Regulation-Rule~~ shall apply with the following exceptions:

- 21 (1) Open top vapor degreasers with an open area smaller than 10.8 square feet shall be exempt from  
22 Subparagraph (e)(3) of this ~~Regulation, Rule;~~ and
- 23 (2) Conveyorized degreasers with an air/vapor interface smaller than 21.6 square feet shall be exempt  
24 from Subparagraph (f)(2) of this ~~Regulation-Rule.~~

25 (d) The owner or operator of a cold cleaning facility shall:

- 26 (1) equip the cleaner with a cover and the cover shall be designed so that it can be easily operated with  
27 one hand, if:
- 28 (A) ~~The the~~ solvent volatility is greater than 15 millimeters of mercury or 0.3 pounds per square  
29 inch measured at 100°F;
- 30 (B) ~~The the~~ solvent is agitated; or
- 31 (C) ~~The the~~ solvent is heated;
- 32 (2) equip the cleaner with a facility for draining cleaned parts. The drainage facility shall be constructed  
33 internally so that parts are enclosed under the cover while draining if the solvent volatility is greater  
34 than 32 millimeters of mercury or 0.6 pounds per square inch measured at 100°F. However, the  
35 drainage facility may be external for applications where an internal type cannot fit into the cleaning  
36 system;

- 1 (3) install one of the following control devices if the solvent volatility is greater than 33 millimeters of  
2 mercury or 0.6 pounds per square inch measured at 100°F, or if the solvent is heated above 120°F;  
3 (A) freeboard which gives a freeboard ratio greater than or equal to 0.7;  
4 (B) water cover if the solvent is insoluble in and heavier than water; or  
5 (C) other systems of equivalent control, such as refrigerated chiller or carbon adsorption,  
6 approved by the Director;
- 7 (4) provide a permanent, conspicuous label, summarizing the operating requirements;
- 8 (5) store waste solvent only in covered containers and not dispose of waste solvent or transfer it to  
9 another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into  
10 the atmosphere;
- 11 (6) close the cover whenever parts are not being handled in the cleaner;
- 12 (7) drain the cleaned parts for at least 15 seconds or until dripping ceases; and
- 13 (8) if used, supply a solvent spray which is a solid fluid stream (not a fine, atomized, or shower type  
14 spray) at a pressure which does not cause excessive splashing.
- 15 (e) With the exception stated in Paragraph (c) of ~~the Regulation~~, this Rule the owner or operator of an open top vapor  
16 degreaser shall:
- 17 (1) equip the vapor degreaser with a cover which can be opened and closed easily without disturbing  
18 the vapor zone;
- 19 (2) provide the following safety switches or devices:
- 20 (A) a condenser flow switch and thermostat or other device which prevents heat input if the  
21 condenser coolant is either not circulating or too warm,
- 22 (B) a spray safety switch or other device which shuts off the spray pump if the vapor level  
23 drops more than 10 inches, and
- 24 (C) a vapor level control thermostat or other device which prevents heat input when the vapor  
25 level rises too high;
- 26 (3) install one of the following control devices:
- 27 (A) freeboard ratio greater than or equal to 0.75. If the degreaser opening is greater than 10.8  
28 square feet, the cover must be powered;
- 29 (B) refrigerated chiller;
- 30 (C) enclosed design ~~(The where~~ cover or door opens only when the dry part is actually entering  
31 or exiting the ~~degreaser.); degreaser~~ or
- 32 (D) carbon adsorption system, with ventilation greater than or equal to 50 cubic feet per minute  
33 per square foot of air/vapor area ~~(when when~~ cover is ~~open); open~~, and exhausting less than  
34 25 parts per million of solvent averaged over one complete adsorption cycle;
- 35 (4) keep the cover closed at all times except when processing workloads through the degreaser; and
- 36 (5) minimize solvent carryout by:
- 37 (A) racking parts to allow complete ~~drainage~~, drainage;



- (B) moving parts in and out of the degreaser at less than 11 feet per ~~minute, minute;~~
- (C) holding the parts in the vapor zone at least 30 seconds or until condensation ~~ceases, ceases;~~
- (D) tipping out any pools of solvent on the cleaned parts before removal from the vapor ~~zone,~~  
zone; and
- (E) allowing parts to dry within the degreaser for at least 15 seconds or until visually dry;
- (6) not degrease porous or absorbent materials, such as cloth, leather, wood, or rope;
- (7) not occupy more than half of the degreaser's open top area with a workload;
- (8) not load the degreaser to the point where the vapor level would drop more than 10 inches when the workload is removed from the vapor zone;
- (9) always spray below the vapor level;
- (10) repair solvent leaks immediately or shutdown the degreaser;
- (11) store waste solvent only in covered containers and not dispose of waste solvent or transfer it to another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into the atmosphere;
- (12) not operate the cleaner so as to allow water to be visually detectable in solvent exiting the water separator;
- (13) not use ventilation fans near the degreaser opening, nor provide exhaust ventilation exceeding 65 cubic feet per minute per square foot of degreaser open area, unless necessary to meet OSHA requirements (OSHA is the U.S. Occupational Safety and Health Administration; in North Carolina the N.C. Labor Department has delegation of OSHA programs); and
- (14) provide a permanent, conspicuous label, summarizing the operating procedures of ~~Subparagraph (4) through (12) of this Paragraph.~~ 15A NCAC 02D .0930(c)(4) through (12).
- (f) With the exception stated in ~~Paragraph (e) of this Regulation,~~ 15A NCAC 02D .0930(c), the owner or operator of a conveyORIZED degreaser shall:
- (1) not use workplace fans near the degreaser opening, nor provide exhaust ventilation exceeding 65 cubic feet per minute per square foot of degreaser opening, unless necessary to meet OSHA requirements;
- (2) install one of the following control devices:
- (A) refrigerated chiller; or
- (B) carbon adsorption system, with ventilation greater than or equal to 50 cubic feet per minute per square foot of air/vapor area (when downtime covers are open), and exhausting less than 25 parts per million of solvent by volume averaged over a complete adsorption cycle;
- (3) equip the cleaner with equipment, such as a drying tunnel or rotating (tumbling) basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor;
- (4) provide the following safety switches or devices:
- (A) a condenser flow switch and thermostat or other device which prevents heat input if the condenser coolant is either not circulating or too ~~warm, warm;~~

- 1 (B) a spray safety switch or other device which shuts off the spray pump or the conveyor if the  
2 vapor level drops more than 10 ~~inches~~, inches; and
- 3 (C) a vapor level control thermostat or other device which prevents heat input when the vapor  
4 level rises too high;
- 5 (5) minimize openings during operation so that entrances and exits will silhouette workloads with an  
6 average clearance between the parts and the edge of the degreaser opening of less than four inches  
7 or less than 10 percent of the width of the opening;
- 8 (6) provide downtime covers for closing off the entrance and exit during shutdown hours;
- 9 (7) minimize carryout emissions by:
- 10 (A) racking parts for best drainage; and
- 11 (B) maintaining the vertical conveyor speed at less than 11 feet per minute;
- 12 (8) store waste solvent only in covered containers and not dispose of waste solvent or transfer it to  
13 another party, such that greater than 20 percent of the waste solvent (by weight) can evaporate into  
14 the atmosphere;
- 15 (9) repair solvent leaks immediately, or shut down the degreaser;
- 16 (10) not operate the cleaner so as to allow water to be visually detectable in solvent exiting the water  
17 separator; and
- 18 (11) place downtime covers over entrances and exits or conveyORIZED degreasers immediately after the  
19 conveyors and exhausts are shutdown and not remove them until just before start-up.

20

21 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
22 Eff. July 1, 1979;  
23 Amended Eff. March 1, 1991; December 1, 1989; January 1, ~~1985~~, 1985;  
24 Readopted Eff. September 1, 2020.  
25  
26

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0931

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), lines 6 and 7, replace "which" with "that" Note the same for (a)(2), line 8, (a)(3), line 11.*

*You do not use the term defined in (a)(3) in the Rule. Why is it defined here?*

*In (a)(3), line 12, end the sentence after "agent." Then state, "This is a heterogenous..."*

*On line 12, what is "normally" here? Is this known?*

*In (b), thank you for removing the parenthesis. But you should still set off the terms, so I suggest inserting "including" before "runways" on line 20, and then inserting "such as" before "tennis courts" on line 21.*

*In (c)(1) and (2), necessary to whom?*

*In (c)(2), line 27, please insert a comma after "Station"*

*In (c)(4), what is normal use? Who determines this?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0931 is readopted with changes as published in 34:16 NCR 1464 as follows:

2  
3 **15A NCAC 02D .0931 CUTBACK ASPHALT**

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

- 5 (1) "Asphalt" means a dark-brown to black cementitious ~~material (solid, material, solid,~~ semisolid, or  
6 liquid in ~~consistency)~~ consistency, in which the predominating constituents are bitumens which  
7 occur in nature as such or which are obtained as residue in refining petroleum.
- 8 (2) "Cutback asphalt" means asphalt cement which has been liquefied by blending with petroleum  
9 solvents (~~diluents~~) or diluents. Upon exposure to atmospheric conditions, the diluents evaporate,  
10 leaving the asphalt cement to perform its function.
- 11 (3) "Emulsified asphalt" means an emulsion of asphalt cement and water which contains a small amount  
12 of an emulsifying agent; a heterogeneous system containing two normally immiscible ~~phases~~  
13 (~~asphalt phases, asphalt and water~~) water, in which the water forms the continuous phase of the  
14 emulsion, and minute globules of asphalt form the discontinuous phase.
- 15 (4) "Penetrating prime coat" means an application of low-viscosity liquid asphalt to an absorbent  
16 surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base  
17 and plugs the voids, hardens the top, and helps bind it to the overlying asphalt course. It also reduces  
18 the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

19 (b) This ~~Regulation-Rule~~ applies to the manufacture and use of cutback asphalts for the purpose of paving or  
20 maintaining roads, highways, streets, parking lots, driveways, curbs, sidewalks, ~~airfields (runways, airfields, runways,~~  
21 taxiways, and parking ~~aprons), aprons,~~ recreational ~~facilities (tennis facilities, tennis~~ courts, playgrounds, and ~~trails),~~  
22 trails, and other similar structures.

23 (c) Cutback asphalt shall not be manufactured, mixed, stored, used, or applied except where:

- 24 (1) ~~Long-life (one [long life,] long-life, of one month or more) more,~~ stockpile storage is necessary;
- 25 (2) ~~The the~~ use or application at ambient temperatures less than 50°F, as measured at the nearest  
26 National Weather Service Field Local Office or Federal Aviation Administration Surface Weather  
27 Observation Station is necessary;
- 28 (3) ~~The the~~ cutback asphalt is to be used solely as a penetrating prime coat; or
- 29 (4) ~~The the~~ user can demonstrate to the Director that there are no volatile organic compound emissions  
30 under conditions of normal use.

31  
32 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);

33 *Eff. July 1, 1979;*

34 *Amended Eff. December 1, 1989; January 1, 1985; June 1, ~~1980, 1980:~~*

35 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0932

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(2), line 8, replace "which" with "that" and what is "usually" here?*

*On line 9, should this be "cargo tank" transport, rather than "trailer" to be consistent with the definition of the term in Rule .0926?*

*On line 10, what is "local" here?*

*In (a)(3)(B), line 13, what is "usually" and "primarily"? Please note the same for "primarily" on line 15.*

*In (a)(4), line 19, please insert a comma after "facilities"*

*In (a)(5), I suggest stating "Cargo tank testing facility" means any facility complying with 49 CFR Part 107, Subpart F." I do not recommend you include the name.*

*In (a)(6), line 27, please insert a comma after "facility"*

*What is the difference between (a)(7) and (a)(8)?*

*In (a)(11), Page 2, I take it this definition is intended to control over the definition of this term set forth in Rule .0901(27)?*

*In (c)(2), line 21, please remove the comma after "tight"*

*On line 23, I do not see that this cross reference exists. I see that the entire Part of the CFR is reserved. What did you intend to reference?*

*In (c)(4), line 25, what is the "lower explosive limit"?*

*On lines 26-27, do you want to update the citations to look like the change you made to (c)(1), line 17?*

*In (c)(5), line 32, replace the semicolon after "repair" with a comma.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*Please begin (c)(5)(A), (B), (C), (D), and (G) with articles like “the” or “a”*

*In (c)(5)(G), Page 3, line 9, end the sentence after “tank.” Then state “If none...”*

*In (c)(6), line 15, define “a reasonable time”*

*And when will the Director make such a written request? During an inspection? In response to a complaint?*

*In (d), line 17, remove the comma after “terminals” and state “terminals and bulk gasoline plants that are equipped...” I am suggesting this because I assume that you intend for “equipped with vapor balance or vapor control systems” to apply to both terminals and plants.*

*In (d)(3)(A), line 29, please remove the parenthesis and state “... vapor control system, including the source, shall...”*

*In (d)(3)(B), line 34, so that I’m clear – the reference here is to .0927(q)?*

*In (d)(4), so that I’m clear – if there are 11 to 19 leaks, the frequency of monitoring will remain the same?*

*In (d)(5), Page 4, line 3, please either delete “a” before “vapor control systems” or make “systems” into the singular “system”*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15ANCAC 02D .0932 is readopted as published in 34:16 NCR 1464 as follows:

2  
3 **15A NCAC 02D .0932 GASOLINE-~~TRUCK~~ CARGO TANKS AND VAPOR COLLECTION SYSTEMS**

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

- 5 (1) "Bottom filling" means the filling of a cargo tank ~~truck~~ or stationary storage tank through an opening  
6 ~~that is flush with the tank bottom.~~
- 7 (2) "Bulk gasoline plant" means a gasoline storage and distribution facility ~~that has with~~ an average  
8 daily throughput of less than 20,000 gallons of gasoline and which usually receives gasoline from  
9 bulk terminals by trailer transport, stores it in tanks, and subsequently dispenses it via account ~~trucks~~  
10 cargo tanks to local farms, businesses, and service stations.
- 11 (3) "Bulk gasoline terminal" means:  
12 (A) ~~breakout tanks~~ a pipeline breakout station of an interstate oil pipeline facility; or  
13 (B) a gasoline storage facility that usually receives gasoline from refineries primarily by  
14 pipeline, ship, or barge; delivers gasoline to bulk gasoline plants or to commercial or retail  
15 accounts primarily by ~~tank truck~~; cargo tank; and has an average daily throughput of more  
16 than 20,000 gallons of gasoline.
- 17 (4) "Cargo tank" means the storage vessels of freight trucks or trailers used to transport gasoline from  
18 sources of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants,  
19 gasoline dispensing facilities and gasoline service stations.
- 20 (5)(4) ~~"Certified facility" means any facility that has been certified under Rule .0960 of this Section to~~  
21 ~~perform leak tightness tests on truck tanks.~~ "Cargo tank testing facility" means any facility  
22 complying with Subpart F "Registration of Cargo Tank and Cargo Tank Motor Vehicle  
23 Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers" of 49  
24 CFR Part 107.
- 25 (6) "Cargo tank vapor collection equipment" means any piping, hoses, and devices on the cargo tank  
26 used to collect and route gasoline vapors in the tank to or from the bulk gasoline terminal, bulk  
27 gasoline plant, gasoline dispensing facility or gasoline service station vapor control system or vapor  
28 balance system.
- 29 (7)(5) "Gasoline" means any petroleum distillate having a ~~Reid vapor pressure of 4.0 psia~~ Reid Vapor  
30 Pressure (RVP) of 4.0 psi or greater.
- 31 (8)(6) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline  
32 tanks from stationary storage tanks.
- 33 (9)(7) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the  
34 motoring public from stationary storage tanks.
- 35 (8) ~~"Truck tank" means the storage vessels of trucks or trailers used to transport gasoline from sources~~  
36 ~~of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants, gasoline~~  
37 ~~dispensing facilities and gasoline service stations.~~

(9) ~~"Truck tank vapor collection equipment" means any piping, hoses, and devices on the truck tank used to collect and route gasoline vapors in the tank to or from the bulk gasoline terminal, bulk gasoline plant, gasoline dispensing facility or gasoline service station vapor control system or vapor balance system.~~

(10) "Vapor balance system" means a combination of pipes or hoses that create a closed system between the vapor spaces of an unloading tank and a receiving tank such that vapors displaced from the receiving tank are transferred to the tank being unloaded.

(11) "Vapor collection system" means a vapor balance system or any other system used to collect and control emissions of volatile organic compounds.

(b) This Rule applies to gasoline ~~truck cargo~~ tanks that are equipped for vapor collection and to vapor control systems at bulk gasoline terminals, bulk gasoline plants, gasoline dispensing facilities, and gasoline service stations equipped with vapor balance or vapor control systems.

(c) ~~Gasoline Truck Tanks,~~ For cargo tanks, the following requirements shall apply:

(1) Gasoline ~~truck cargo~~ tanks and their vapor collection systems shall be tested annually by a ~~certified cargo tank testing facility. The test procedure that shall be used is described in Section .2600 of this Subchapter and is according to Rule .0912 of this Section. The facility shall follow test procedure as defined by 15A NCAC 02D .2615 to certify the gasoline cargo tank leak tight.~~ The gasoline ~~truck cargo~~ tank shall not be used if it sustains a pressure change greater than 3.0 inches of water in five minutes when pressurized to a gauge pressure of 18 inches of water or when evacuated to a gauge pressure of 6.0 inches of water, unless it is certified leak tight.

(2) Each gasoline ~~truck cargo~~ tank that has been certified leak tight, according to Subparagraph (1) of this Paragraph shall display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b.

(3) There shall be no liquid leaks from any gasoline ~~truck cargo~~ tank.

(4) Any ~~truck cargo~~ tank with a leak equal to or greater than 100 percent of the lower explosive limit, as detected by a combustible gas detector using the test procedure described in Rule .2615 of this Subchapter shall not be used beyond 15 days after the leak has been discovered, unless the leak has been repaired and the cargo tank has been certified to be leak tight according to Subparagraph (1) of this Paragraph.

(5) The owner or operator of a gasoline ~~truck tanks~~ cargo tank with a vapor collection system shall maintain records of all ~~certification-leak~~ testing and repairs. The records shall identify the gasoline ~~truck cargo~~ tank, the date of the test or repair; and, if applicable, the type of repair and the date of retest. The records of ~~certification-leak~~ tests shall include:

(A) ~~the gasoline truck tank identification number; name, address, and telephone number of cargo tank testing facility performing the leak test;~~

(B) ~~the initial test pressure and the time of the reading;~~ name and signature of the individual performing the leak test;



- (C) ~~the final test pressure and the time of the reading;~~name and address of the owner of the tank;
- (D) ~~the initial test vacuum and the time of reading;~~identification number of the tank;
- (E) ~~the final test vacuum and the time of the reading;~~documentation of tests performed including the date and summary of results;
- (F) ~~the date and location of the tests;~~continued qualification statement and returned to service status; and
- (G) ~~the NC sticker number issued; and~~list or description of identified corrective repairs to the tank, if none are performed then the report shall state "no corrective repairs performed."
- (H) ~~the final change in pressure of the internal vapor value test.~~
- (6) A copy of the most recent ~~certification-leak testing~~ report shall be kept with the ~~truck cargo~~ tank. The owner or operator of the ~~truck cargo~~ tank shall also file a copy of the most recent ~~certification test-leak testing report~~ with each bulk gasoline terminal that loads the ~~truck cargo~~ tank. The records shall be maintained for at least two years after the date of the testing or repair, and copies of such records shall be made available within a reasonable time to the Director upon written request.
- (d) ~~Bulk Gasoline Terminals, Bulk Gasoline Plants Equipped With Vapor Balance or Vapor Control Systems For~~  
bulk gasoline terminals, bulk gasoline plants equipped with vapor balance or vapor control systems, the following requirements shall apply:
- (1) The vapor collection system and vapor control system shall be designed and operated to prevent gauge pressure in the ~~truck cargo~~ tank from exceeding 18 inches of water and to prevent a vacuum of greater than six inches of water.
- (2) During loading and unloading operations there shall be:
- (A) no vapor leakage from the vapor collection system such that a reading equal to or greater than 100 percent of the lower explosive limit at one inch around the perimeter of each potential leak source as detected by a combustible gas detector using the test procedure described in ~~Rule .2615 of this Subchapter;~~ 15A NCAC 02D .2615; and
- (B) no liquid leaks.
- (3) If a leak is discovered that exceeds the limit in Subparagraph (2) of this Paragraph:
- (A) For bulk gasoline plants, the vapor collection system or vapor control system (and therefore the source) shall not be used beyond 15 days after the leak has been discovered, unless the leak has been repaired and the system has been retested and found to comply with Subparagraph (2) of this Paragraph;
- (B) For bulk gasoline terminals, the vapor collection system or vapor control system shall be repaired following the procedures in ~~Rule .0927 of this Section;~~ 15A NCAC 02D .0927.
- (4) The owner or operator of a vapor collection system at a bulk gasoline plant or a bulk gasoline terminal shall test, according to ~~Rule .0912 of this Section;~~ 15A NCAC 02D .0912, the vapor collection system at least once per year. If after two complete annual checks no more than 10 leaks

1 are found, the Director ~~may~~ shall allow less frequent monitoring. If more than 20 leaks are found,  
2 the Director ~~may~~ shall require ~~that~~ the frequency of monitoring be increased.

- 3 (5) The owner or operator of a vapor control systems at bulk gasoline terminals, bulk gasoline plants,  
4 gasoline dispensing facilities, and gasoline service stations equipped with vapor balance or vapor  
5 control systems shall maintain records of all certification testing and repairs. The records shall  
6 identify the vapor collection system, or vapor control system; the date of the test or repair; and, if  
7 applicable, the type of repair and the date of retest.

8  
9 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);

10 *Eff. July 1, 1980;*

11 *Amended Eff. August 1, 2008; June 1, 2008; January 1, 2007; April 1, 2003; August 1, 2002; July*  
12 *1, 1994; December 1, 1989; January 1, ~~1985~~, 1985;*

13 *Readopted Eff. September 1, 2020.*  
14  
15

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0933

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, replace "which" with "that" Note the same change for (a)(2), line 8, (a)(4), line 14, and (a)(5), line 17.*

*The definition of the term in (a)(2) is different from the definition of the same term in Rule .0925. Is this intentional?*

*Please put the terms in alphabetical order by switching the order of (a)(7) and (8).*

*In (a)(8), line 25, what are "intermediate products"? Does your regulated public know?*

*In (b), line 28, I note you deleted "absolute" elsewhere in this Section. Was the retention intentional here?*

*In (c)(2), line 32, what are "heavy-pour crudes"? Does your regulated public know?*

*In (d), line 30, delete "With the exceptions stated in Paragraph (c) of this Rule" and just begin the sentence "An external..." You already said in (c) that the Rule does not apply to these things. You do not need to state it is an exception here.*

*In (d)(1)(C), Page 2, line 9, demonstrated how? And to whom?*

*In (d)(2)(B), line 13, what is "uniformly in place"? Is this known to your regulated public?*

*In (d)(6), what are "equivalent covers"?*

*In (d)(7), line 29, what are "routine" inspections? If it's once a month, then do you even need the word?*

*In (d)(9), line 33, please insert a comma after ".0903"*

*In (d)(9)(A), line 34, please say "Subparagraphs" (plural).*

*In (d)(6)(C), Page 3, line 1, you say "volatile" I note that this is not used in Rule .09259(d)(6)(C). I take it this difference is intentional?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (e), lines 3 and 4, you say, “gap area” but in (d)(2)(C), it’s “gap-area” Please be consistent.*

*On line 3, replace “is” with “shall be”*

*On lines 4 and 5, replace “are” with “shall be”*

*In (f), I do not understand why you are using the “Notwithstanding” language. Are you including for the purposes of this Rule the compounds excluded by the CFR?*

*On lines 7 and 8, consider clarifying this sentence like so: “... external floating roof that is not equipped with a secondary seal or approved alternative and contains ...”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0933 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0933 PETROLEUM LIQUID STORAGE IN EXTERNAL FLOATING ROOF TANKS**

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

- 5 (1) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes  
6 in the temperature or pressure and remains liquid at standard conditions.
- 7 (2) "Crude oil" means a naturally occurring mixture consisting of hydrocarbons or sulfur, nitrogen or  
8 oxygen derivatives of hydrocarbons or mixtures thereof which is a liquid in the reservoir at standard  
9 conditions.
- 10 (3) "Custody transfer" means the transfer of produced crude oil or condensate, after processing or  
11 treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines  
12 or any other forms of transportation.
- 13 (4) "External floating roof" means a storage vessel cover in an open top tank consisting of a double  
14 deck or pontoon single deck which rests upon and is supported by the petroleum liquid being  
15 contained and is equipped with a closure seal or seals to close the space between the roof edge and  
16 tank shell.
- 17 (5) "Internal floating roof" means a cover or roof in a fixed roof tank which rests upon or is floated  
18 upon the petroleum liquid being contained, and is equipped with a closure seal or seals to close the  
19 space between the roof edge and tank shell.
- 20 (6) "Liquid-mounted seal" means a primary seal mounted so the bottom of the seal covers the liquid  
21 surface between the tank shell and the floating roof.
- 22 (7) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath  
23 the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank shell, the  
24 liquid surface, and the floating roof.
- 25 (8) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products  
26 manufactured or extracted in a petroleum refinery.

27 (b) This Rule applies to all external floating roof tanks with capacities greater than 950 barrels containing petroleum  
28 liquids whose true vapor pressure exceed 1.52 pounds per square inch absolute.

29 (c) This Rule does not apply to petroleum liquid storage vessels:

- 30 (1) that have external floating roofs that have capacities less than 10,000 barrels and that are used to  
31 store produced crude oil and condensate prior to custody transfer;
- 32 (2) that have external floating roofs and that store waxy, heavy-pour crudes;
- 33 (3) that have external floating roofs, and that contain a petroleum liquid with a true vapor pressure less  
34 than 4.0 pounds per square inch absolute and:
- 35 (A) ~~The~~the tanks are of welded construction; and
- 36 (B) ~~The~~the primary seal is a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-  
37 mounted filled type seal, or any other closure device of demonstrated equivalence; or

- 1 (4) that have fixed roofs with or without internal floating roofs.
- 2 (d) With the exceptions stated in Paragraph (c) of this Rule, an external floating roof tank subject to this Rule shall
- 3 not be used unless:
- 4 (1) The tank has:
- 5 (A) a continuous secondary seal extending from the floating roof to the tank ~~wall-wall, (a~~
- 6 ~~known as a rim-mounted secondary); secondary seal;~~
- 7 (B) a metallic-type shoe primary seal and a secondary seal from the top of the shoe seal to the
- 8 tank ~~wall-wall, (shoe-mounted known as a shoe-mounted secondary seal); seal;~~ or
- 9 (C) a closure or other control device demonstrated to have an efficiency equal to or greater than
- 10 that required under Part (A) or (B) of this Subparagraph;
- 11 (2) The seal closure devices meet the following requirements:
- 12 (A) There shall be no visible holes, tears, or other openings in the seal or seal fabric;
- 13 (B) The seal shall be intact and uniformly in place around the circumference of the floating
- 14 roof between the floating roof and the tank wall; and
- 15 (C) For vapor mounted primary seals, the gap-area of gaps exceeding 0.125 inch in width
- 16 between the secondary seal and the tank wall shall not exceed 1.0 square inch per foot of
- 17 tank diameter;
- 18 (3) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and
- 19 leg sleeves, are:
- 20 (A) provided with a projection below the liquid surface; and
- 21 (B) equipped with covers, seals, or lids that remain in a closed position at all times except when
- 22 in actual use;
- 23 (4) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the
- 24 roof leg supports;
- 25 (5) Rim vents are set to open only when the roof is being floated off the roof leg supports or at the
- 26 manufacturer's recommended setting;
- 27 (6) Any emergency roof drains are provided with slotted membrane fabric covers or equivalent covers
- 28 that cover at least 90 percent of the area at the opening;
- 29 (7) Routine visual inspections are conducted once per month;
- 30 (8) For tanks equipped with a vapor-mounted primary seal, the secondary seal gap measurements are
- 31 made annually in accordance with Paragraph (e) of this Rule; and
- 32 (9) Records are maintained ~~in accordance with Rule .0903 of this Section and include;~~ pursuant to 15A
- 33 NCAC 02D .0903 including:
- 34 (A) reports of the results of inspections conducted under Subparagraph (7) and (8) of this
- 35 Paragraph;
- 36 (B) a record of the average monthly storage temperature and the true vapor pressures or Reid
- 37 vapor pressures of the petroleum liquids stored; and

(C) records of the throughput quantities and types of volatile petroleum liquids for each storage vessel.

(e) The secondary seal gap area is determined by measuring the length and width of the gaps around the entire circumference of the secondary seal. Only gaps equal to or greater than 0.125 inch are used in computing the gap area. The area of the gaps are accumulated to determine compliance with Part (d)(2)(C) of this Rule.

(f) Notwithstanding the definition of volatile organic compound found in ~~Rule .0901(28) of this Section,~~ 15A NCAC 02D .0901, the owner or operator of a petroleum liquid storage vessel with an external floating roof not equipped with a secondary seal or approved alternative, that contains a petroleum liquid with a true vapor pressure greater than 1.0 pound per square inch shall maintain records of the average monthly storage temperature, the type of liquid, throughput quantities, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 1.0 pound per square inch.

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

*Eff. July 1, 1980;*

*Amended Eff. June 1, 2004; July 1, 1994; March 1, 1991; December 1, 1989; January 1, ~~1985~~, 1985;*

*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0935

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, please insert a comma after "exterior"*

*In (a)(2), line 8, please replace "which" with "That"*

*In (a)(3), line 11, should this read "area(s)"?*

*I do not understand what you are saying in (b). Rule .0902(b) states that the rules of the Section apply to sources that emit greater than or equal to 15 pounds of VOC per day. How can someone exceed this threshold, when there is no limit on it? Should this read "meets" the thresholds? And then, why do you need to state that given the language in Rule .0902(b)?*

*In (b)(4), line 18, what is "thin" here? Does your regulated public know?*

*In (c), line 21, insert a comma after "material"*

*On lines 21-22, what are "exempt compounds"?*

*In (d), line 24, please insert a comma after "facilities"*

*On lines 25-26, what are you saying here? That the manufacturer can create its own method and that can be followed instead? If so, I think that can be stated more clearly here.*

*In (e), line 27, replace "which" with "that"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .0935 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0935 FACTORY SURFACE COATING OF FLAT WOOD PANELING**

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

- 5 (1) Flat wood paneling coatings means wood paneling product that are any interior, exterior or tileboard  
6 ~~(class I or class II hardboard)~~ ~~hardboard~~ panel to which a protective, decorative, or functional material  
7 or layer has been applied.  
8 (2) "Hardboard" is a panel manufactured primarily from inter felted lignocellulosic fibers which are  
9 consolidated under heat and pressure in a hot-press.  
10 (3) "Tileboard" means a premium interior wall paneling product made of hardboard that is used in high  
11 moisture area of the home.

12 (b) This Rule applies to each flat wood paneling coatings source whose volatile organic compounds emissions exceed  
13 the threshold established in ~~Paragraph (b) of Rule .0902 of this Section~~ 15A NCAC 02D .0902(b) at the facilities with  
14 flat wood paneling coating applications for the following products:

- 15 (1) class II finishes on hardboard panels;  
16 (2) exterior siding;  
17 (3) natural finish hardwood plywood panels;  
18 (4) printed interior panels made of hardwood, plywood, and thin particleboard; and  
19 (5) tileboard made of hardboard.

20 (c) Emissions of volatile organic compounds from any ~~factory~~ facility finished flat wood product operation subject  
21 to this Rule shall not exceed 2.1 pounds of volatile organic compounds per gallon material excluding water and exempt  
22 compounds ~~(2.9 or 2.9 pounds of volatile organic compounds per gallon solids.)~~ solids.

23 (d) EPA Method 24 ~~(40 CFR Part 60, Appendix A-7)~~ of Appendix A to 40 CFR Part 60 shall be used to determine  
24 the volatile organic compounds content of coating materials used at surface coating of flat wood paneling facilities  
25 unless the facility maintains records to document the volatile organic compounds content of coating materials from  
26 the manufacturer.

27 (e) Any facility that meet ~~definition~~ applicability requirements of Paragraph (b) of this Rule and which has chosen to  
28 use add-on controls for flat wood paneling coating operation rather than the emission limits established in Paragraph  
29 (c) of this Rule shall install control equipment with an overall control efficiency of 90 percent or use a combination  
30 of coating and add-on control equipment on a flat wood paneling coating operation to meet limits established in  
31 Paragraph (c) of this Rule.

32 (f) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this~~  
33 Section. 15A NCAC 02D .0903 and .0958.

34  
35 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

36 *Eff. July 1, 1980;*

37 *Amended Eff. September 1, 2010; July 1, 1996; December 1, 1989; January 1, ~~1985~~.1985;*

- 1                    *Readopted Eff. September 1, 2020.*
- 2
- 3

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0937

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, (a)(5), line 13, and (a)(6), line 14, I believe "solvent based" should be hyphenated.*

*In (d), so that I'm clear – by saying Paragraph (c) doesn't apply, you mean that an operator can have 40 grams of VOC per tire from undertread cementing?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0937 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0937 MANUFACTURE OF PNEUMATIC RUBBER TIRES**

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

5 (1) "Bead dipping" means the dipping of an assembled tire bead into a solvent based cement.

6 (2) "Green tires" means assembled tires before molding and ~~curing have occurred~~, curing.

7 (3) "Green tire spraying" means ~~the spraying of green tires, both inside and outside, with release~~  
8 ~~compounds which help remove air from the tire during molding and prevent the tire from sticking~~  
9 ~~to the mold after curing.~~ spray coating release compounds inside and outside of green tires to remove  
10 air during the molding process and prevent the tire from sticking to the mold after curing completion.

11 (4) "Pneumatic rubber tire manufacture" means the production of passenger car tires, light and medium  
12 truck tires, and other tires manufactured on assembly lines.

13 (5) "Tread end cementing" means the application of a solvent based cement to the tire tread ends.

14 (6) "Undertread cementing" means the application of a solvent based cement to the underside of a tire  
15 tread.

16 (b) This Rule applies to undertread cementing, tread end cementing, bead dipping, and green tire spraying operations  
17 of pneumatic rubber tire manufacturing.

18 (c) ~~With the exception stated in Paragraph (d) of this Rule, emissions~~ Emissions of volatile organic compounds from  
19 any pneumatic rubber tire manufacturing plant shall not exceed:

20 (1) 25 grams of volatile organic compounds per tire from each undertread cementing ~~operation,~~  
21 operation;

22 (2) 4.0 grams of volatile organic compounds per tire from each tread end cementing ~~operation,~~  
23 operation;

24 (3) 1.9 grams of volatile organic compounds per tire from each bead dipping ~~operation,~~ operation; or

25 (4) 24 grams of volatile organic compounds per tire from each green tire spraying operation.

26 (d) If the total volatile organic compound emissions from ~~all~~ undertread cementing, tread end cementing, bead  
27 dipping, and green tire spraying operations at a pneumatic rubber tire manufacturing facility does not exceed 50 grams  
28 per tire, Paragraph (c) of this Rule shall not apply.

29  
30 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

31 *Eff. July 1, 1980;*

32 *Amended Eff. July 1, 1996; December 1, 1989; January 1, 1985.*

33 *Readopted Eff. September 1, 2020.*  
34  
35

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0943

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, replace the first "which" with "that" and delete "which is" before "composed"*

*Line 6, who determines if this is necessary? Based upon what?*

*In (a)(2), line 8, please replace "which" with "that"*

*In (a)(3), line 10, and elsewhere the term is used, I take it "safety/relief valve" is a known term to your regulated public?*

*In (a)(7), line 23, and (a)(8), line 25, what are "intermediates"? Are they the same as "intermediate project" as used in other rules?*

*On line 27, who determines what is "sufficient"? Or is this what will be needed for the until to run independently?*

*In (c), line 35, insert a comma after "allow"*

*In (d), line 5, there is a random dash before "If" Please just delete it without showing it as a change.*

*On line 6, please insert a comma after "detection"*

*In (e), line 10, there is a random dash before "The" Please just delete it without showing it as a change.*

*On line 12, insert a comma after "detection"*

*On line 13, insert a comma after "(i)"*

*In (f)(4), line 19, please either retain the comma after "valve" or change "which" to "that"*

*In (g), line 22, please insert a comma after "detection"*

*In (h), line 23, insert a comma after "monitoring"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*On line 29, change “which” to “that”*

*In (i), lines 30 and 32, will these “extreme” issues be determined by the owner or operator?*

*Line 32, since the Director “may” allow this, when will this not happen? Will this occur upon request, determined on a case-by-case basis?*

*In (k), Page 3, will this be determined wholly by the owner or operator?*

*Please begin (l)(1) through (6) with articles.*

*In the History Note, line 12, delete the citation to G.S. 150B-14(c).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0943 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0943 SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING**

4 (a) For the purposes of this Rule, the following definitions shall apply:

- 5 (1) "Closed vent system" means a system which is not open to the atmosphere and which is composed  
6 of piping, connections, and if necessary, flow inducing devices that transport gas or vapor from a  
7 fugitive emission source to an enclosed combustion device or vapor recovery system.
- 8 (2) "Enclosed combustion device" means any combustion device which is not open to the atmosphere  
9 such as a process heater or furnace, but not a flare.
- 10 (3) "Fugitive emission source" means each pump, valve, safety/relief valve, open-ended valve, flange  
11 or other connector, compressor, or sampling system.
- 12 (4) "In gas vapor service" means that the fugitive emission source contains process fluid that is in the  
13 gaseous state at operating conditions.
- 14 (5) "In light liquid service" means that the fugitive emission source contains a liquid having:  
15 (A) a vapor pressure of one or more of the components greater than 0.3 kilopascals at 201° C;  
16 and  
17 (B) a total concentration of the pure components having a vapor pressure greater than 0.3  
18 kilopascals at 201° C equal to or greater than 10 percent by weight, and the fluid is a liquid  
19 at operating conditions.
- 20 (6) "Open-ended valve" means any valve, except safety/relief valves, with one side of the valve seat in  
21 contact with process fluid and one side that is open to the atmosphere, either directly or through  
22 open piping.
- 23 (7) "Polymer manufacturing" means the industry that produces, as intermediates or final products,  
24 polyethylene, polypropylene, or polystyrene.
- 25 (8) "Process unit" means equipment assembled to produce, as intermediates or final products,  
26 polyethylene, polypropylene, polystyrene, or one or more of the chemicals listed in 40 CFR 60.489.  
27 A process unit can operate independently if supplied with sufficient feed or raw materials and  
28 sufficient storage facilities for the final product.
- 29 (9) "Quarter" means a ~~three-month~~ three-month period. The first quarter concludes at the end of the  
30 last full month during the 180 days following initial start-up.
- 31 (10) "Synthetic organic chemical manufacturing" means the industry that produces, as intermediates or  
32 final products, one or more of the chemicals listed in 40 CFR Part 60.489.

33 (b) This Rule applies to synthetic organic chemicals manufacturing facilities and polymer manufacturing facilities.

34 (c) The owner or operator of a synthetic organic chemical manufacturing facility or a polymer manufacturing facility  
35 shall not cause, allow or permit:

- 36 (1) any liquid leakage of volatile organic compounds; or

(2) any gaseous leakage of volatile organic compound of 10,000 ppm or greater from any fugitive emission source.

The owner or operator of these facilities shall control emissions of volatile organic compounds from open-ended valves as described in Paragraph (f) of this Rule.

(d) The owner or operator shall visually inspect each week every pump in light liquid service. -If there are indications of liquid leakage, the owner or operator shall repair the pump within 15 days after detection except as provided in Paragraph (k) of this Rule.

(e) Using procedures in ~~Section .2600 of this Section,~~ 15A NCAC 02D .2600, the owner or operator shall monitor each pump, valve, compressor and safety/relief valve in gas/vapor service or in light liquid service for gaseous leaks at least once each quarter. -The owner or operator shall monitor safety/relief valves after each overpressure relief to ensure the valve has properly reseated. If a volatile organic compound concentration of 10,000 ppm or greater is measured, the owner or operator shall repair the component within 15 days after detection except as provided in Paragraph (k) of this Rule. Exceptions to the quarterly monitoring frequency are provided for in Paragraphs (h), (i) and (j) of this Rule.

(f) The owner or operator shall install on each open-ended valve:

- (1) ~~a cap,~~ cap;
- (2) ~~a blind flange,~~ flange;
- (3) ~~a plug,~~ plug; or
- (4) a second closed ~~valve,~~ valve which shall remained attached to seal the open end at all times except during operations requiring process fluid flow through the opened line.

(g) If any fugitive emission source appears to be leaking on the basis of sight, smell, or sound, it shall be repaired within 15 days after detection except as provided in Paragraph (k) of this Rule.

(h) If after four consecutive quarters of monitoring no more than two percent of the valves in gas/vapor service or in light liquid service are found leaking more than 10,000 ppm of volatile organic compounds, then the owner or operator may monitor valves for gaseous leaks only every third quarter. If the number of these valves leaking more than 10,000 ppm of volatile organic compounds remains at or below two percent, these valves need only be monitored for gaseous leaks every third quarter. However, if more than two percent of these valves are found leaking more than 10,000 ppm of volatile organic compounds, they shall be monitored every quarter until four consecutive quarters are monitored which have no more than two percent of these valves leaking more than 10,000 ppm of volatile organic compounds.

(i) When a fugitive emission source is unsafe to monitor because of extreme temperatures, pressures, or other reasons, the owner or operator of the facility shall monitor the fugitive emission source only when process conditions are such that the fugitive emission source is not operating under extreme conditions. The Director ~~may~~ shall allow monitoring of these fugitive emission sources less frequently than each quarter, provided they are monitored at least once per year.

(j) Any fugitive emission source more than 12 feet above a permanent support surface ~~may~~ shall be monitored ~~only~~ once per year.



(k) The repair of a fugitive emission source may be delayed until the next turnaround if the repair is technically infeasible without a complete or partial shutdown of the process unit.

(l) The owner or operator of the facility shall maintain records in accordance with ~~Rule .0903 of this Section, 15A NCAC 02D .0903~~, which shall include:

- (1) identification of the source being inspected or ~~monitored~~, monitored;
- (2) dates of inspection or ~~monitoring~~, monitoring;
- (3) results of inspection or ~~monitoring~~, monitoring;
- (4) action taken if a leak was ~~detected~~, detected;
- (5) type of repair made and when it was ~~made~~, completed; and
- (6) if the repair ~~were~~ was delayed, an explanation as to why.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 150B-14(c);  
Eff. May 1, 1985;  
Amended Eff. June 1, 2008; March 1, 1991; December 1, ~~1989~~, 1989;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0944

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 7, what is "by-product (atactic)"? Is "atactic" another word for byproduct?*

*In (a)(5), line 14, and (a)(7), line 18, what is "continuous"? Please note the same for (b)(3), line 28, and (d)(3), line 5.*

*And on lines 15 and 19, what do you mean by "usually"?*

*In (a)(8), line 20, replace "which" with "that"*

*In (f), line 8, and elsewhere the term is used, I take it "flare" is known to your regulated public?*

*On line 8, insert a comma after "Rule"*

*In (f)(3), I take it that your regulated public knows what "Btu" and "standard cubic foot" mean?*

*On line 17, presumed by whom? The Department or Division?*

*On line 22, who will decide what is necessary – the owner/operator or the Director?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0944 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0944 MANUFACTURE OF POLYETHYLENE: POLYPROPYLENE AND**  
4 **POLYSTYRENE**

5 (a) For the purpose of this ~~Regulation, Rule~~, the following definitions shall apply:

- 6 (1) "By-product and diluent recovery operation" means the process that separates the diluent from the  
7 by-product (atactic) and purifies and dries the diluent for recycle.  
8 (2) "Continuous mixer" means the process that mixes polymer with anti-oxidants.  
9 (3) "Decanter" means the process that separates the diluent/crude product slurry from the alcohol-water  
10 solution by decantation.  
11 (4) "Ethylene recycle treater" means the process that removes water and other impurities from the  
12 recovered ethylene.  
13 (5) "High-density polyethylene plants using liquid phase slurry processes" means plants that produce  
14 high-density polyethylene in which the product, polyethylene, is carried as a slurry in a continuous  
15 stream of process diluent, usually pentane or isobutane.  
16 (6) "Neutralizer" means the process that removes catalyst residue from the diluent/crude produce slurry.  
17 (7) "Polypropylene plants using liquid phase process" means plants that produce polypropylene in  
18 which the product, polypropylene, is carried as a slurry in a continuous stream of process diluent,  
19 usually hexane.  
20 (8) "Polystyrene plants using continuous processes" means plants which produce polystyrene in which  
21 the product, polystyrene, is transferred in a continuous stream in a molten state.  
22 (9) "Product devolatilizer system" means the process that separates unreacted styrene monomer and by  
23 products from the polymer melt.  
24 (10) "Reactor" means the process in which the polymerization takes place.

25 (b) This ~~Regulation, Rule~~ applies to:

- 26 (1) polypropylene plants using liquid phase ~~processes, processes;~~  
27 (2) high-density polyethylene plants using liquid phase slurry ~~processes, processes;~~ and  
28 (3) polystyrene plants using continuous processes.

29 (c) For polypropylene plants subject to this ~~Regulation, Rule~~, the emissions of volatile organic compounds shall be  
30 reduced by 98 percent by weight or to 20 ppm, whichever is less stringent, from:

- 31 (1) reactor ~~vents, vents;~~  
32 (2) decanter ~~vents, vents;~~  
33 (3) neutralizer ~~vents, vents;~~  
34 (4) by-product and diluent recovery operation ~~vents, vents;~~  
35 (5) dryer ~~vents, vents;~~ and  
36 (6) extrusion and pelletizing vents.

(d) For high-density polyethylene plants subject to this ~~Regulation, Rule,~~ the emissions of volatile organic compounds shall be reduced by 98 percent by weight or to 20 ppm, whichever is less stringent, from:

- (1) ethylene recycle treater ~~vents, vents;~~
- (2) dryer ~~vents, vents;~~ and
- (3) continuous mixer vents.

(e) For polystyrene plants subject to this ~~Regulation, Rule,~~ the emissions of volatile organic compounds shall not exceed 0.24 pounds per ton of product from the product devolatilizer system.

(f) If flares are used to comply with this ~~Regulation, Rule~~ all of the following conditions shall be met:

- (1) ~~Visible-visible~~ emissions shall not exceed five minutes in any two-hour ~~period, period;~~
- (2) ~~A~~ a flame in the flare shall be ~~present, present;~~
- (3) ~~If~~ if the flame is steam-assisted or air-assisted, the net heating value shall be at least 300 ~~BTU~~ Btu per standard cubic foot. If the flame is non-assisted, the net heating value shall be at least 200 ~~BTU~~ Btu per standard cubic ~~foot, foot;~~ and
- (4) ~~If~~ if the flare is steam-assisted or non-assisted, the exit velocity shall be no more than 60 feet per second. If the flare is air-assisted, the exit velocity shall be no more than  $(8.706 + 0.7084 \text{ HT})$  feet per second, where HT is the net heating value.

A flare that meets the conditions given in Subparagraphs (1) through (4) of this Paragraph are presumed to achieve 98 percent destruction of volatile organic compounds by weight. If the owner or operator of the source chooses to use a flare that fails to meet one or more of these conditions, he or she shall demonstrate to the Director that the flare shall destroy at least 98 percent of the volatile organic compounds by weight. To determine if the specifications for the flare are being met, the owner or operator of a source using the flare to control volatile organic compound emissions shall install, operate, and maintain necessary monitoring instruments and shall keep ~~necessary~~ records as required by ~~Regulation .0903 of this Section.~~ 15A NCAC 02D .0903.

*History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.107(a)(5);*  
*Eff. May 1, 1985, 1985;*  
*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0945

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(8), line 26, replace "which" with "that" Please note the same for (a)(12), Page 2, line 1.*

*In (c)(1), Page 2, line 9, please replace the comma after "cleaned" with a semicolon.*

*In (d)(2), line 16, please spell out "eight" [See Rule 26 NCAC 02C .0108(9)(a)]*

*In (e), lines 19, 20, and 21, replace "working" with "business"*

*In (f)(3)(A), line 34, (B), line 36, and (C), Page 3, line 2, replace the comma at the end of the line with a semicolon.*

*In (f)(4), line 4, what are "normal operating conditions"?*

*On line 5, I suggest you delete "that" before "represent"*

*Also on line 5, what are a "normal range of variation"? Is this known to your regulated public?*

*In (g), line 13, should this be recorded and retained in accordance with Rule .0903, as set out in other rules of the Section?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0945 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0945 PETROLEUM DRY CLEANING**

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

- 5 (1) "Cartridge filter" means perforated canisters containing filtration paper or filter paper and activated  
6 carbon that are used in a pressurized system to remove solid particles and fugitive dyes from  
7 soil-laden solvent, together with the piping and ductwork used in the installation of this device.
- 8 (2) "Containers and conveyors of solvent" means piping, ductwork, pumps, storage tanks, and other  
9 ancillary equipment that are associated with the installation and operation of washers, dryers, filters,  
10 stills, and settling tanks.
- 11 (3) "Dry cleaning" means a process for the cleaning of textiles and fabric products in which articles are  
12 washed in a non-aqueous solution ~~(solvent)~~ or solvent and then dried by exposure to a heated air  
13 stream.
- 14 (4) "Dryer" means a machine used to remove petroleum solvent from articles of clothing or other textile  
15 or leather goods, after washing and removing of excess petroleum solvent, together with the piping  
16 and ductwork used in the installation of this device.
- 17 (5) "Perceptible leaks" means any petroleum solvent vapor or liquid leaks that are ~~conspicuous from~~  
18 ~~visual observation or that bubble after application of a soap solution,~~ visible, such as pools or  
19 droplets of liquid, open containers of solvent, or solvent laden waste standing open to the  
20 ~~atmosphere.~~ atmosphere, or bubble after application of a soap solution.
- 21 (6) "Petroleum solvent" means organic material produced by petroleum distillation comprising of a  
22 hydrocarbon range of eight to 12 carbon atoms per organic molecule that exists as a liquid under  
23 standard conditions.
- 24 (7) "Petroleum solvent dry cleaning" means a dry cleaning facility that uses petroleum solvent in a  
25 combination of washers, dryers, filters, stills, and settling tanks.
- 26 (8) "Settling tank" means a container which gravimetrically separates oils, grease, and dirt from  
27 petroleum solvent, together with the piping and ductwork used in the installation of the device.
- 28 (9) "Solvent filter" means a discrete solvent filter unit containing a porous medium which traps and  
29 removes contaminants from petroleum solvent, together with the piping and ductwork used in the  
30 installation of this device.
- 31 (10) "Solvent recovery dryer" means a class of dry cleaning dryers that employs a condenser to condense  
32 and recover solvent vapors evaporated in a closed-loop stream of heated air, together with the piping  
33 and ductwork used in the installation of this device.
- 34 (11) "Still" means a device used to volatilize, separate, and recover petroleum solvent from contaminated  
35 solvent, together with the piping and ductwork used in the installation of this device.

1 (12) "Washer" means a machine which agitates fabric articles in a petroleum solvent bath and spins the  
2 articles to remove the solvent, together with the piping and ductwork used in the installation of this  
3 device.

4 (b) This Rule applies to petroleum solvent washers, dryers, solvent filters, settling tanks, stills, and other containers  
5 and conveyors of petroleum solvent that are used in petroleum solvent dry cleaning facilities that consume 32,500  
6 gallons or more of petroleum solvent annually.

7 (c) The owner or operator of a petroleum solvent dry cleaning dryer subject to this Rule shall:

8 (1) limit emissions of volatile organic compounds to the atmosphere to an average of 3.5 pounds of  
9 volatile organic compounds per 100 pounds dry weight of articles dry cleaned, or

10 (2) install and operate a solvent recovery dryer in a manner such that the dryer remains closed and the  
11 recovery phase continues until a final recovered solvent flow rate of 50 milliliters per minute is  
12 attained.

13 (d) The owner or operator of a petroleum solvent filter subject to this Rule shall:

14 (1) reduce the volatile organic compound content in all filter wastes to 1.0 pound or less per 100 pounds  
15 dry weight of articles dry cleaned, before disposal and exposure to the atmosphere; or

16 (2) install and operate a cartridge filter and drain the filter cartridges in their sealed housings for 8 hours  
17 or more before their removal.

18 (e) The owner or operator of a petroleum solvent dry cleaning facility subject to this Rule shall inspect the facility  
19 every 15 days and shall repair all perceptible leaks within 15 working days after identifying the sources of the leaks. If  
20 the necessary repair parts are not on hand, the owner or operator shall order these parts within 15 working days and  
21 repair the leaks no later than 15 working days following the arrival of the necessary parts. The owner or operator shall  
22 maintain records, in accordance with ~~Rule .0903 of this Section, 15A NCAC 02D .0903~~, of when the inspections were  
23 ~~made, performed~~, what equipment was inspected, leaks found, repairs ~~made~~ made, and when the repairs were ~~made~~  
24 completed.

25 (f) To determine compliance with Subparagraph (c)(1) of this Rule, the owner or operator shall use the appropriate  
26 test method in ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2613(g) and shall:

27 (1) field calibrate the flame ionization analyzer with propane standards;

28 (2) determine in a laboratory the ratio of the flame ionization analyzer response to a given parts per  
29 million by volume concentration of propane to the response to the same parts per million  
30 concentration of the volatile organic compounds to be measured;

31 (3) determine the weight of volatile organic compounds vented to the atmosphere by:

32 (A) multiplying the ratio determined in Subparagraph (2) of this Paragraph by the measured  
33 concentration of volatile organic compound ~~gas (as propane)~~ gas, as propane, as indicated  
34 by the flame ionization analyzer response output record,

35 (B) converting the parts per million by volume value calculated in Part (A) of this  
36 Subparagraph into a mass concentration value for the volatile organic compounds present,  
37 and

(C) multiplying the mass concentration value calculated in Part (B) of this Subparagraph by the exhaust flow rate, and

- (4) ~~Calculate~~calculate and record the dry weight of articles dry cleaned. The test shall be repeated for normal operating conditions that encompass at least 30 dryer loads that total not less than 4,000 pounds dry weight and that represent a normal range of variation in fabrics, solvents, load weights, temperatures, flow rates, and process deviations.

(g) To determine compliance with Subparagraph (c)(2) of this Rule, the owner or operator shall verify that the flow rate of recovered solvent from the solvent recovery dryer at the termination of the recovery phase is no greater than 50 milliliters per minute. This one-time procedure shall be conducted for a duration of not less than two weeks during which not less than 50 percent of the dryer loads shall be monitored for their final recovered solvent flow rate. Near the end of the recovery cycle, the flow of recovered solvent shall be diverted to a graduated cylinder. The cycle shall continue until the minimum flow of solvent is 50 milliliters per minute. The type of articles cleaned and the total length of the cycle shall be recorded.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. May 1, 1985;  
Amended Eff. June 1, ~~2008-2008~~;  
Readopted Eff. September 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0947

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), lines 5-6, what is "work area"? Does your regulated public know?*

*And does your regulated public know what "fugitive emissions" are? Is it the term as defined in Rule 02D .0101?*

*On line 7, what is "excessive exposure"? Who determines this?*

*In (a)(2), line 9, should this read "Synthesized pharmaceutical products manufacturing" to be consistent with the term in (c), line 12?*

*In (c)(1), line 14, does your regulated public know what "reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers" are?*

*On line 14, will the "potential to emit" be the same as "potential emissions" defined in Rule .0901(15)? I understand why the wording would be different here, but I wanted to make sure I understood how "potential" was determined.*

*On line 16, what are "equivalent controls"?*

*In (c)(3)(B), line 27, what do you mean by "unless a more effective control system is used"? Who will be able to determine what is more effective here? Is this known to your regulated public?*

*In (d), Page 2, lines 1 and 2, who determines "as expeditiously as possible"?*

*On lines 3-5, consider stating "This repair shall take place within 15 days after the leak is discovered, unless the leaking component cannot be repaired before the process is shutdown; in that case, the leaking component shall be repaired ..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0947 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0947 MANUFACTURE OF SYNTHESIZED PHARMACEUTICAL PRODUCTS**

4 (a) For the ~~purposes~~ purpose of this Rule, the following definitions shall apply:

5 (1) "Production equipment exhaust system" means a device for collecting and directing out of the work  
6 area fugitive emissions of volatile organic compounds from reactor openings, centrifuge openings,  
7 and other vessel openings for the purpose of protecting workers from excessive exposure to volatile  
8 organic compounds.

9 (2) "Synthesized pharmaceutical manufacturing" means manufacture of pharmaceutical products by  
10 chemical synthesis.

11 (b) This Rule applies to synthesized pharmaceutical products manufacturing facilities.

12 (c) The owner or operator of a synthesized pharmaceutical products manufacturing facility shall control the emissions  
13 of volatile organic compounds from:

14 (1) reactors, distillation operations, crystallizers, centrifuges, and vacuum dryers that have the potential  
15 to emit 15 pounds per day or more of volatile organic compounds with surface condensers that meet  
16 the requirements of Paragraph (e) of this Rule or equivalent controls;

17 (2) air dryers and production equipment exhaust system by reducing emissions of volatile organic  
18 compounds:

19 (A) by 90 percent if they are 330 pounds per day or more; or

20 (B) to 33 pounds per day if they are less than 330 pounds per day;

21 (3) storage tanks by:

22 (A) providing a vapor balance system or equivalent control that is at least 90 percent effective  
23 in reducing emissions from truck or railcar deliveries to storage tanks with capacities  
24 greater than 2,000 gallons ~~that store~~ storing volatile organic compounds with a vapor  
25 pressure greater than 4.1 pounds per square inch at 68° F; and

26 (B) installing pressure/vacuum conservation vents, which shall be set at plus or minus 0.8  
27 inches of water unless a more effective control system is used, on all storage tanks that  
28 store volatile organic compounds with a vapor pressure greater than 1.5 pounds per square  
29 inch at 68°F;

30 (4) centrifuges containing volatile organic compounds, rotary vacuum filters processing liquid  
31 containing volatile organic compounds, and other filters having an exposed liquid surface where the  
32 liquid contains volatile organic compounds by enclosing those centrifuges and filters that contain or  
33 process volatile organic compounds with a vapor pressure of 0.5 pounds per square inch or more at  
34 68°F; and

35 (5) in-process tanks by installing covers, which shall remain closed except when production, sampling,  
36 maintenance, or inspection procedures require operator access.

(d) The owner or operator of a synthesized pharmaceutical products manufacturing facility shall repair as expeditiously as possible all leaks from which liquid volatile organic compounds can be seen running or dripping. This repair must take place at least within 15 days after which said leak is discovered unless the leaking component cannot be repaired before the process is shutdown in which case the leaking component must be repaired before the process is restarted.

(e) If surface condensers are used to comply with Subparagraph (c)(1) of this Rule, the condenser outlet temperature shall not exceed:

- (1) -13°F when condensing volatile organic compounds of vapor pressure greater than 5.8 ~~psi-pounds~~ per square inch at 68°F;
- (2) 5°F when condensing volatile organic compounds of vapor pressure greater than 2.9 ~~psi-pounds~~ per square inch at 68°F;
- (3) 32°F when condensing volatile organic compounds of vapor pressure greater than 1.5 ~~psi-pounds~~ per square inch at 68°F;
- (4) 50°F when condensing volatile organic compounds of vapor pressure greater than 1.0 ~~psi-pounds~~ per square inch at 68°F; or
- (5) 77°F when condensing volatile organic compounds of vapor pressure greater than 0.5 ~~psi-pounds~~ per square inch at 68°F.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. July 1, 1994.  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0948

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 10, does your regulated public know what "submerged loading" and "boom loaders" means?*

*On line 11, I appreciate that you state how the determination of "at least as efficient" will be made. But by whom? The Division or the owner or operator?*

*Also, I recommend you retain "that are" on line 11.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0948 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0948 VOC EMISSIONS FROM TRANSFER OPERATIONS**

4 (a) This Rule applies to operations ~~that transfer~~ transferring volatile organic compounds from a storage tank to  
5 ~~tank trucks, trailers, cargo tanks~~ or railroad tank cars ~~that are not covered by Rule .0926, .0927, or .0928 of this~~  
6 ~~Section, not specified by 15A NCAC 02D .0926, .0927, or .0928.~~

7 (b) The owner or operator of a facility to which this Rule applies shall not load in any one day more than 20,000  
8 gallons of volatile organic compounds with a vapor pressure of 1.5 pounds per square inch or greater under actual  
9 conditions into any ~~tank truck, trailer, cargo tank~~ or railroad tank car from any loading operation unless the loading  
10 uses submerged loading through boom loaders ~~that extend~~ extending down into the compartment being loaded or by  
11 other methods ~~that are~~ at least as efficient based on source testing or engineering calculations.

12  
13 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

14 *Eff. July 1, 1994;*

15 *Amended Eff. July 1, ~~2000~~.2000;*

16 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0949

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b)(1), line 11, I take it the owner or operator will be able to determine what is sufficient here?*

*In (b)(2), line 13, consider stating "is designed... vapor loss control devices that are gas-tight except when tank gauging or sampling is taking place:"*

*Then delete the language on lines 18-19 and 21-23. If you decide not to do that, please begin them as new sentences, "All tank..." in both places.*

*In (b)(2)(A), line 14, please insert a comma after "floating roof" and before "or"*

*On line 16, end the sentence after "wall" and then start a new sentence, "This control..."*

*On line 17, I note that you use "absolute" here, but you removed it from many other rules. Is the retention intentional?*

*In (b)(2)(B), line 21, did you mean all volatile organic compounds, or did you mean all organic materials?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0949 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0949 STORAGE OF MISCELLANEOUS VOLATILE ORGANIC COMPOUNDS**

4 (a) This Rule applies to the storage of volatile organic compounds in stationary tanks, reservoirs, or other containers  
5 with a capacity greater than 50,000 gallons ~~that are not covered by Rule .0925 or .0933~~ not regulated by 15A NCAC  
6 02D .0925 or .0933.

7 (b) The owner or operator of any source ~~to which this Rule applies~~ shall not place, store, or hold in any stationary  
8 tank, reservoir, or other container with a capacity greater than 50,000 gallons, any liquid volatile organic compound  
9 ~~that has with~~ a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions unless  
10 such tank, reservoir, or other container:

- 11 (1) is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor  
12 gas loss into the atmosphere; or  
13 (2) is designed and equipped with one of the following vapor loss control devices:  
14 (A) a floating pontoon, double deck type floating roof or internal pan type floating roof  
15 equipped with closure seals to enclose any space between the cover's edge and  
16 compartment wall; this control equipment shall not be permitted for volatile organic  
17 compounds with a vapor pressure of 11.0 pounds per square inch absolute or greater under  
18 actual storage conditions; all tank gauging or sampling devices shall be gas-tight except  
19 when tank gauging or sampling is taking place; or  
20 (B) a vapor recovery system or other equipment or means of air pollution control that reduces  
21 the emission of organic materials into the atmosphere by at least 90 percent by weight; all  
22 tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling  
23 is taking place.

24  
25 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*  
26 *Eff. July 1, 1994;*  
27 *Amended Eff. July 1, 2000-2000;*  
28 *Readopted Eff. September 1, 2020.*  
29  
30

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0951

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), so that I'm clear – if a Rule other than Rule .0958 applies to the facility, which rule is controlling?*

*In (b), I take it your regulated public knows what an “architectural” or “maintenance” coating is? (I see that “coating” is defined in Rule .0901, so they should know that term.)*

*In (c)(1), line 10, I believe “category-specific” should be hyphenated.*

*In (c)(2), line 16, please insert a comma after “Rule”*

*On lines 16, 19, and 20, should the term “state implementation plan” be capitalized to be consistent with the rest of the Subchapter?*

*On line 18, please replace “subsection” with “Subparagraph” assuming you mean (c)(2). And please insert a comma after the term.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .0951 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0951 RACT FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS**

4 (a) Facilities required to install reasonably available control technology (~~RACT~~) pursuant to ~~Rule .0902 of this Section~~  
5 15A NCAC 02D .0902(f) shall determine the emissions control level according to this Rule. If the only other  
6 applicable emissions control rule in this Section for the facility ~~in this Section~~ is ~~Rule .0958~~, 15A NCAC 02D .0958,  
7 then both this Rule and ~~Rule .0958~~ 15A NCAC 02D .0958 apply.

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

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

10 (1) install and operate reasonably available control technology as set forth by category specific emission  
11 standards defined in this Section; or

12 (2) install and operate alternative reasonably available control technology based on the Division's  
13 technical analysis of the information provided in Paragraph (d) of this Rule. All reasonably available  
14 control technology demonstrations, and any modifications or changes to those determinations,  
15 approved or determined by the Division pursuant to this Subparagraph and Paragraph (d) of this  
16 Rule shall be submitted by the Division to the U.S. EPA as a revision to the state implementation  
17 plan. No reasonably available control technology demonstration, nor any modification or change to  
18 a demonstration, approved or determined by the Division pursuant to this subsection shall revise the  
19 state implementation plan or be used as a state implementation plan credit, until it is approved by  
20 the U.S. EPA as a state implementation plan revision.

21 (d) If the owner or operator of a facility chooses to install reasonably available control technology under Subparagraph  
22 (c)(2) of this Rule, the owner or operator shall submit to the Director:

23 (1) the name and location of the facility;

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

26 (3) a demonstration that shows the proposed reasonably available control technology limitation or  
27 standard advances attainment equivalent to or better than application of requirements under  
28 Subparagraph (c)(1) of this Rule; and

29 (4) a proposal for demonstrating compliance with the proposed reasonably available control technology  
30 limitation or standard.

31  
32 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

33 *Eff. July 1, 1994;*

34 *Amended Eff. May 1, 2013; September 1, 2010; July 1, 2000; July 1, ~~1996~~ 1996;*

35 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0952

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 5, delete the comma after "Section"*

*On line 8, should the sentence begin "A petition..."? Additionally, I note that you deleted this sentence in Rule .0959, so do you need to retain it here?*

*In (c)(5), please simplify this by breaking it into two sentences.*

*On line 22, please make "Rules" lowercase, since it is being used in "rules of this Section,"*

*In (c)(7), line 29, please insert a comma after "state"*

*And if you mean "NC" by "state" then please capitalize the term on lines 29 and 36.*

*In (d)(1), line 32, do you mean Paragraph (c)? If so, please update it. If you mean Paragraph (d), then state "in accordance with this Paragraph."*

*In (d)(3), line 36, and (d)(4), Page 2, line 2, who determines what is "as expeditiously as practicable"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0952 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0952 PETITION FOR ALTERNATIVE CONTROLS FOR RACT**

4 (a) This Rule applies to all sources ~~covered under~~ regulated by this Section.

5 (b) If the owner or operator of any source of volatile organic compounds subject to the requirements of this Section,  
6 can demonstrate that compliance with rules in this Section would be technologically or economically infeasible, he or  
7 she may petition the Director to allow the use of alternative operational or equipment controls for the reduction of  
8 volatile organic compound emissions. Petition shall be made for each source to the Director.

9 (c) The petition shall ~~contain:~~ include:

- 10 (1) the name and address of the company and the name and telephone number of ~~a company officer~~  
11 ~~over whose signature the petition is submitted;~~ the petitioner;
- 12 (2) a description of all operations conducted at the location to which the petition applies and the purpose  
13 that the volatile organic compound emitting equipment serves within the operations;
- 14 (3) reference to the specific operational and equipment controls under the rules of this Section for which  
15 alternative operational or equipment controls are proposed;
- 16 (4) a description of the proposed alternative operational or equipment controls, the magnitude of volatile  
17 organic compound emission reduction that will be achieved, and the quantity and composition of  
18 volatile organic compounds that will be emitted if the alternative operational or equipment controls  
19 are instituted;
- 20 (5) a plan, which will be instituted in addition to the proposed alternative operational or equipment  
21 controls, to reduce, where technologically and economically feasible, volatile organic compound  
22 emissions from other source operations at the facility, further than that required ~~under by~~ the Rules  
23 of this Section, if these sources exist at the facility, such that aggregate volatile organic compound  
24 emissions from the facility will in no case be greater through application of the alternative control  
25 than would be allowed through conformance with the rules of this Section;
- 26 (6) a schedule for the installation or institution of the alternative operational or equipment controls in  
27 conformance with ~~Rule .0909 of this Section,~~ 15A NCAC 02D .0909, as applicable; and
- 28 (7) certification that emissions of all other air contaminants from the subject source are in compliance  
29 with all applicable local, state and federal laws and regulations.

30 The petition may include a copy of the permit application and need not duplicate information in the permit application.

31 (d) The Director shall approve a petition for alternative control if:

- 32 (1) ~~The~~ the petition is submitted in accordance with Paragraph (d) of this Rule;
- 33 (2) ~~The~~ the Director determines that the petitioner cannot comply with the rules in question because of  
34 technological or economical infeasibility;
- 35 (3) ~~All~~ all other air contaminant emissions from the facility are in compliance with, or under a schedule  
36 for compliance as expeditiously as practicable with, all applicable local, state, and federal  
37 regulations; and

- 1           (4)    ~~The~~the petition contains a schedule for achieving and maintaining reduction of volatile organic  
2                    compound emissions to the maximum extent feasible and as expeditiously as practicable.
- 3   (e) When controls different from those specified in the appropriate emission standards in this Section are approved  
4   by the Director, the permit shall contain a condition stating such controls.

5

6   *History Note:*    *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*  
7                    *Eff. July 1, 1994;*  
8                    *Amended Eff. September 1, 2010; January 1, 2009; April 1, 2003; July 1, 1995; May 1, ~~1995~~, 1995;*  
9                    *Readopted Eff. September 1, 2020.*

10

11

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0955

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(2), line 7, what are "high temperatures" here?*

*In (a)(7), line 16, I am only asking – since (a)(2) defines curing as requiring an oven, is the use of the term "oven" necessary here?*

*In (a)(8), line 17, what is "easily"? And removed/defaced by whom?*

*In (a)(9), line 18, please replace "which" with "that"*

*In (b), line 25, I do not understand the cross-reference. To which part of Rule .0902 are you referring?*

*In (e)(2), Page 2, line 1, and (e)(4), line 5, please either hyphenate "VOC-containing" or state "materials containing VOC"*

*In (e)(3), line 3, consider replacing "such" with "the"*

*In (e)(6), line 8, conspicuous to whom?*

*On line 9, state "... procedures described in these Subparagraphs for VOC-contaminated materials at the nylon thread coating process."*

*In (f), line 13, what is happening here – the facility is applying for a new permit? Is the old one revoked? What is occurring?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0955 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0955 THREAD BONDING MANUFACTURING**

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

- 5 (1) "Capture hoods" means any device designed to remove emissions from the solution bath tray areas  
6 during the manufacturing process.
- 7 (2) "Curing" means exposing coated threads to high temperatures in an oven until the nylon solution  
8 mixture ~~hardens~~ hardens, ~~(vaporizing the solvents)~~ vaporizing the [solvents]solvents, and bonds to  
9 the threads.
- 10 (3) "Day tanks" means holding tanks that contain nylon solution mixture ready for use.
- 11 (4) "Drying ovens" means any apparatus through which the coated threads are conveyed while curing.
- 12 (5) "Enclose" means to construct an area within the plant that has a separate ventilation system and is  
13 maintained at a slightly negative pressure.
- 14 (6) "Fugitive emissions" means emissions that cannot be collected and routed to a control system.
- 15 (7) "Nylon thread coating process" means a process in which threads are coated with a nylon solution  
16 and oven cured.
- 17 (8) "Permanent label" means a label that cannot be easily removed or defaced.
- 18 (9) "Polyester solution mixture" means a mixture of polyester and solvents which is used for thread  
19 coating.
- 20 (10) "Storing" means reserving material supply for future use.
- 21 (11) "Thread bonding manufacturing" means coating single or multi-strand threads with plastic (nylon  
22 or polyester solution mixture) to impart properties such as additional strength and durability, water  
23 resistance, and moth repellency.
- 24 (12) "Transporting" means moving material supply from one place to another.

25 (b) ~~This Rule applies in accordance with Rule .0902 of this Section.~~ In accordance to 15A NCAC 02D .0902, this  
26 Rule shall apply to any thread bonding manufacturing facility with total uncontrolled exhaust emissions from nylon  
27 thread coating process collection hoods and drying ovens of volatile organic compounds (VOC) equal to or greater  
28 than 100 tons per year.

29 (c) Annual VOC emissions from each nylon thread coating process shall be determined by multiplying the hourly  
30 amount of VOC consumed by the total scheduled operating hours per year.

31 (d) Emissions from each nylon thread coating process subject to this Rule shall be reduced:

- 32 (1) by at least 95 percent by ~~weight~~, weight; or
- 33 (2) by installing a thermal incinerator with a temperature of at least 1600°F and a residence time of at  
34 least 0.75 seconds.

35 (e) The owner or operator of any thread bonding manufacturing facility shall:

- 36 (1) enclose the nylon thread coating process area of the plant to prevent fugitive emissions from entering  
37 other plant areas;

- 1 (2) store all VOC containing materials in covered tanks or containers;
- 2 (3) ensure that equipment used for transporting or storing VOC containing material does not leak and
- 3 that all lids and seals used by such equipment are kept in the closed position at all times except when
- 4 in actual use;
- 5 (4) not cause or allow VOC containing material to be splashed, spilled, or discarded in sewers;
- 6 (5) hold only enough nylon solution mixture in the day tanks to accommodate daily process times
- 7 measured in hours; and
- 8 (6) place permanent and conspicuous labels on all equipment affected by Subparagraphs (3) through
- 9 (5) of this Paragraph summarizing handling procedures described in Subparagraphs (3) through (5)
- 10 of this Paragraph for VOC contaminated materials at the nylon thread coating process.
- 11 (f) The owner or operator of a thread bonding manufacturing facility shall notify the Director within 30 days after the
- 12 calculated annual emissions of VOC from nylon thread coating processes equal or exceed 100 tons per year. The
- 13 owner or operator shall submit within six months after such calculation a permit application including a schedule to
- 14 bring the facility into compliance with this Rule.

15

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

17 *Eff. May 1, ~~1995~~ 1995;*

18 *Readopted Eff. September 1, 2020.*

19

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0956

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, what do you mean by "relatively"?*

*In (a)(3), line 10, I take it you need to retain "traditionally" since these ornaments can be hung on stands, etc.?*

*In (f), lines 28-30, what is happening here – the facility is applying for a new permit? Is the old one revoked? What is occurring?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .0956 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0956 GLASS CHRISTMAS ORNAMENT MANUFACTURING**

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

- 5 (1) "Coating" means the application of a layer of material, either by dipping or spraying, in a relatively  
6 unbroken film onto glass Christmas ornaments.
- 7 (2) "Curing ovens" means any apparatus through which the coated glass Christmas ornaments are  
8 conveyed while drying.
- 9 (3) "Glass Christmas ornament" means any glass ornament that is coated with decorative exterior and  
10 is traditionally hung on Christmas trees.
- 11 (4) "Glass Christmas ornament manufacturing facility" means a facility that coats glass Christmas  
12 ornaments through the process of interior coating or exterior coating that uses either mechanical or  
13 hand-dipping methods, drying (curing), cutting, and packaging operations.
- 14 (5) "Mechanical coating lines" means equipment that facilitates mechanized dipping or spraying of a  
15 coating onto glass Christmas ornaments in which the neck of each ornament is held mechanically  
16 during the coating operation.
- 17 (6) "Solvent-borne coating" means a coating that uses organic solvents as an ingredient.

18 (b) This Rule applies ~~in accordance with Rule .0902 of this~~ to any curing ovens servicing the mechanical coating lines  
19 in the coating of glass Christmas ornaments at glass Christmas tree ornament manufacturing facilities with potential  
20 volatile organic compound (VOC) emissions of 100 tons per year or more.

21 (c) This Rule does not apply to glass Christmas ornament manufacturing facilities that do not use solvent-borne  
22 coating materials.

23 (d) Emissions of VOC from each curing oven shall be reduced by at least 90 percent by weight.

24 (e) If the owner or operator of a facility subject to this Rule chooses to use low VOC content, solvent-borne coatings  
25 to reduce emissions, the emission reduction from the use of these coatings shall be equivalent to that achieved using  
26 add-on controls.

27 (f) The owner or operator of a Christmas tree ornament manufacturing facility shall notify the Director within 30 days  
28 after the calculated annual emissions of VOC from the facility equal or exceed 100 tons per year. The owner or  
29 operator shall submit within six months after such calculation a permit application including a schedule to bring the  
30 facility into compliance with this Rule.

31  
32 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a);*

33 *Eff. May 1, ~~1995~~ 1995;*

34 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0957

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (d), line 15, should this read 'baking oven in a commercial bakery' to be consistent with lines 8 and 9?*

*In (e), lines 23-25, what is happening here – the facility is applying for a new permit? Is the old one revoked? What is occurring?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0957 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0957 COMMERCIAL BAKERIES**

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

5 (1) "Baking Oven" means an oven used at any time for the purpose of baking yeast-leavened products,  
6 including bread and rolls.

7 (2) "Commercial Bakery" means an establishment where bread and baked goods are produced.

8 (b) This Rule applies in accordance with ~~Rule .0902 of this Section~~ 15A NCAC 02D .0902 to any baking oven at a  
9 commercial bakery with potential volatile organic compound (VOC) emissions of 100 tons per year or more. Daily  
10 volatile organic compound emissions shall be determined according to the calculation procedures in Paragraph (d) of  
11 this Rule.

12 (c) Emissions of VOC from baking ovens subject to this Rule shall be reduced by at least:

13 (1) 90 percent by ~~weight, weight,~~ or

14 (2) 60 percent by weight, if biofiltration is used.

15 (d) Daily volatile organic compound emissions from each commercial baking oven shall be determined according to  
16 the following:  $EtOH = 0.40425 + 0.444585[(Y \times T) + (S \times t)]$ , where:

17 (1) EtOH = pounds ethanol per ton of baked bread;

18 (2) Y = baker's percent yeast in sponge to the nearest tenth of a percent;

19 (3) T = total time of fermentation in hours to the nearest tenth of an hour;

20 (4) S = baker's percent of yeast added to dough to the nearest tenth of a percent; and

21 (5) t = proof time ~~+plus~~ floor time in hours to the nearest tenth of an hour.

22 (e) The owner or operator of a commercial bakery shall notify the Director within 30 days after the calculated  
23 emissions of VOC from the bakery equal or exceed 100 tons per year. The owner or operator shall submit within six  
24 months after such calculation a permit application including a schedule to bring the facility into compliance with this  
25 Rule.

26  
27 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a);*

28 *Eff. May 1, ~~1995-1985~~;*

29 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0958

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), lines 4 and 5, does your regulated public know what "carriers, material processing media, and industrial chemical reactants" are? I see that "solvent is defined in Rule .0901, but these terms are not, so I wanted to ask.*

*In (b)(1), line 8, what are "architectural or maintenance" coatings?*

*In (c)(1), line 12, what is "tightly fitting"?*

*In (c)(2), line 13, who determines what is "as soon as possible"?*

*Also on line 13, what are "proper" safety procedures? As determined by whom?*

*In (c)(5), line 17, what is "immediately" here?*

*In (c)(6), line 18, I believe you should remove the comma after "solvent" and insert and "and" after it, so it reads, "cleaning solvent and closing the vat or container..."*

*In (e), line 29, and (f), line 33, how will the Director determine this? Upon request?*

*On lines 30 and 35, remove the parenthesis and state "standard, as set forth in 15A NCAC 02D .0405."*

*In (f), line 32, will everyone acting under this Rule know what it says, since it was repealed? I suspect the answer is yes, but I did want to check.*

*On line 33, make the first "rule" lowercase and the second "rule" capitalized. Thus, "... with a rule in this Section, shall continue to comply with that Rule..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 2D .0958 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 2D .0958 WORK PRACTICES FOR SOURCES OF VOLATILE ORGANIC COMPOUNDS**

4 (a) This Rule applies to all facilities that use volatile organic compounds as solvents, carriers, material processing  
5 media, or industrial chemical reactants, or in other similar uses, or that mix, blend, or manufacture volatile organic  
6 compounds, or emit volatile organic compounds as a product of chemical reactions.

7 (b) This Rule does not apply to:

8 (1) architectural or maintenance ~~coating~~, coatings; or

9 (2) sources subject to 40 CFR Part 63, Subpart JJ.

10 (c) The owner or operator of any facility subject to this Rule shall:

11 (1) store all material, including waste material, containing volatile organic compounds in containers  
12 covered with a tightly fitting lid that is free of cracks, holes, or other defects, when not in ~~use~~, use;

13 (2) clean up spills as soon as possible following proper safety ~~procedures~~, procedures;

14 (3) store wipe rags in closed ~~containers~~, containers;

15 (4) not clean sponges, fabric, wood, paper products, and other absorbent ~~materials~~, materials;

16 (5) drain solvents used to clean supply lines and other coating equipment into closable containers and  
17 close containers immediately after each ~~use~~, use;

18 (6) clean mixing, blending, and manufacturing vats and containers by adding cleaning solvent, closing  
19 the vat or container before agitating the cleaning solvent. The spent cleaning solvent shall then be  
20 poured into a closed container.

21 (d) When cleaning parts, the owner or operator of any facility subject to this Rule shall:

22 (1) flush parts in the freeboard ~~area~~, area;

23 (2) take precautions to reduce the pooling of solvent on and in the ~~parts~~, parts;

24 (3) tilt or rotate parts to drain solvent and allow a minimum of 15 seconds for drying or until all dripping  
25 has stopped, whichever is ~~longer~~, longer;

26 (4) not fill cleaning machines above the fill ~~line~~, line;

27 (5) not agitate solvent to the point of causing splashing.

28 (e) The owner or operator of a source on which a control device has been installed ~~to comply with 15A NCAC 2D~~  
29 ~~.0518(d)~~ shall continue to maintain and operate the control device unless the Director determines that the removal of  
30 the control device shall not cause or contribute to a violation of the ozone ambient air quality standard (15A NCAC  
31 ~~2D-02D~~ 02D .0405).

32 (f) The owner or operator of a source that has complied with 15A NCAC 2D .0518 prior to July 1, 2000, by complying  
33 with a Rule in this Section, shall continue to comply with that rule unless the Director determines that if the source  
34 ceases to comply with that rule, it shall not cause or contribute to a violation of the ozone ambient air quality standard  
35 (15A NCAC 02D .0405).

36 ~~(g)(e)~~ All sources at a facility subject to this Rule shall be permitted unless they are exempted from permitting by  
37 15A NCAC ~~2Q .0102~~, 02Q .0102, ~~Activities Exempted From Permit Requirements~~.

1  
2  
3  
4  
5

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. July 1, ~~2000~~; 2000;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0959

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 5, delete the comma after "Section"*

*On line 6, and elsewhere the term is used, what is "superior" here? Does your regulated public know?*

*In (c)(4), line 16, define "detailed" I note you do not have this term in Rule .0952(c)(4).*

*In (c)(5), line 21, please insert a comma after "state"*

*And if you mean "NC" by "state" then please capitalize the term on lines 21 and 28.*

*In (d)(3), line 28, and (d)(4), line 31, who determines what is "as expeditiously as practicable"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0959 is readopted as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0959 PETITION FOR SUPERIOR ALTERNATIVE CONTROLS**

4 (a) This Rule applies to all sources ~~covered under~~ regulated by this Section.

5 (b) If the owner or operator of any source of volatile organic compounds subject to the requirements of this Section,  
6 can demonstrate that an alternative operational or equipment control is superior to the required control, he or she may  
7 petition the Director to allow the use of alternative operational or equipment controls for the reduction of volatile  
8 organic compound emissions. ~~The petition shall be made for each source to the Director.~~

9 (c) The petition shall ~~contain~~ include:

- 10 (1) the name and address of the company and the name and telephone number of ~~a company officer~~  
11 ~~over whose signature the petition is submitted;~~ the petitioner;  
12 (2) a description of all operations conducted at the location to which the petition applies and the purpose  
13 that the volatile organic compound emitting equipment serves within the operations;  
14 (3) reference to the specific operational and equipment controls under the rules of this Section for which  
15 alternative operational or equipment controls are proposed;  
16 (4) a detailed description of the proposed alternative operational or equipment controls, the magnitude  
17 of volatile organic compound emission reduction that will be achieved, and the quantity and  
18 composition of volatile organic compounds that will be emitted if the alternative operational or  
19 equipment controls are instituted; and  
20 (5) certification that emissions of all other air contaminants from the subject source are in compliance  
21 with all applicable local, state and federal laws and regulations.

22 The petition may include a copy of the permit ~~application and need not duplicate information in the permit application.~~

23 (d) The Director shall approve a petition for alternative control if:

- 24 (1) ~~The~~ the petition is submitted in accordance with Paragraph (c) of this Rule;  
25 (2) ~~The~~ the Director determines that the proposed alternative operational or equipment control is  
26 superior to the required controls;  
27 (3) ~~All~~ all other air contaminant emissions from the facility are in compliance with, or under a schedule  
28 for compliance as expeditiously as practicable with, all applicable local, state, and federal  
29 regulations; and  
30 (4) ~~The~~ the petition contains a schedule for achieving and maintaining reduction of volatile organic  
31 compound emissions to the maximum extent feasible and as expeditiously as practicable.

32 (e) When controls different from those specified in the appropriate emission standards in this Section are approved  
33 by the Director, the permit shall contain a condition stating such controls.

34  
35 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

36 *Eff. April 1, 2003-2003;*

37 *Readopted Eff. September 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0960

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In the Introductory Statement, you say the Rule is adopted "with changes" but none are noted in the Rule. Were additional changes intended?*

*Consider deleting the introductory clauses, like "Purpose" on line 5.*

*In (b), Page 2, line 10, shouldn't be "gasoline cargo truck..." to be consistent with (c), line 23?*

*Also on line 10, end the sentence after "copy"*

*Please begin (b)(1) through (b)(4) and (b)(7) with articles*

*In (b)(4), line 15, should this read "of the gasoline cargo tank"?*

*In (b)(7), line 21, end the sentence after "tank." Then state "If none are performed..."*

*In (c), what are these "leak testing reports"? Paragraph (a) uses the term "leak tightness test" and Paragraph (b) refers to "certification report" Are these all the same thing? If so, why aren't they called the same thing here?*

*In (d), line 26, if the Division "may" use this method, when will it not?*

*And what is Method 21? Is this in a CFR? If so, you need to insert a citation. For sample language, see Rule .0962(f). Otherwise, please state what you are referring to here.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0960 is readopted with changes as published in 34:16 NCR 1466 as follows:

2  
3 **15A NCAC 02D .0960 ~~CERTIFICATION OF LEAK TIGHTNESS TESTER~~CARGO TANK LEAK**  
4 **TESTER REPORT**

5 (a) Purpose. The purpose of this Rule is to establish procedures for ~~certifying cargo tank testing~~ facilities to perform  
6 leak tightness tests on ~~gasoline cargo truck~~ tanks as defined ~~under Rule .0932 of this Section~~ in 15A NCAC 02D .0932.

7 (b) ~~Certification request. To request certification to perform leak tightness testing on truck tanks for the purposes of~~  
8 ~~complying with Rule .0932 of this Section, a facility shall submit to the Director the following information:~~

9 (1) ~~the name and address of the facility requesting certification, including the primary contact and~~  
10 ~~telephone number; and~~

11 (2) ~~the federal (tank cargo) number.~~

12 (c) ~~Approval. The Director shall certify a facility requesting certification to perform leak tightness testing if he finds~~  
13 ~~that:~~

14 (1) ~~All the information required under Paragraph (b) of this Rule has been submitted;~~

15 (2) ~~The Division has observed the facility conducting one or more leak tightness tests and finds that:~~

16 (A) ~~The facility has the equipment necessary to perform Method 27 of 40 CFR Part 60, Subpart~~  
17 ~~A; and~~

18 (B) ~~The facility has the skills necessary to perform Method 27 of 40 CFR Part 60, Subpart A~~  
19 ~~correctly;~~

20 (d) ~~Expiration. A certification to perform leak tightness testing under this Rule shall expire one year from the date of~~  
21 ~~its issuance.~~

22 (e) ~~Renewal. To have a certification renewed, the certified facility shall submit to the Director a request to have the~~  
23 ~~certification renewed. Within 30 days after receipt of the request, the Division shall observe the certified facility~~  
24 ~~conducting one or more leak tightness tests. If the Director finds that:~~

25 (1) ~~The certified facility has the equipment necessary to perform Method 27 of 40 CFR Part 60, Subpart~~  
26 ~~A; and~~

27 (2) ~~The certified facility has the skills necessary to perform Method 27 of 40 CFR Part 60, Subpart A~~  
28 ~~correctly;~~

29 ~~he shall renew the certification. If the certified facility submits a request for renewal after the expiration of the last~~  
30 ~~certification, the Director shall reject the renewal request, and the facility shall request a new certification under~~  
31 ~~Paragraph (b) of this Rule.~~

32 (f) ~~Interim certification. If the Division is unable to observe the performance of leak tightness testing required under~~  
33 ~~Paragraphs (e) or (e) of this Rule, the Director shall issue an interim certification for up to 90 days to allow the certified~~  
34 ~~facility to perform leak tightness tests. An interim certification shall not be renewed.~~

35 (g) ~~Revocation of Certification. If the Director finds that a certified facility is not performing Method 27 of 40 CFR~~  
36 ~~Part 60, Subpart A correctly or that the certified facility is certifying tanks as leak tight that have not passed the leak~~  
37 ~~tightness test, the Director shall revoke the facility's certification or interim certification.~~

1 ~~(h) Stickers. The Division shall provide serialized stickers at no cost, or the facility may choose to provide the stickers.~~  
2 ~~If the facility provides the stickers, the stickers shall contain the same information that is on the stickers provided by~~  
3 ~~the Division and shall have the same dimensions and a sample sticker shall accompany the application for certification.~~

4 ~~Once a facility is certified under this Rule to perform leak tightness tests, stickers are to be:~~

5 ~~(1) affixed to tanks that have passed the test under Rule .0932 of this Section; and~~

6 ~~(2) placed near the Department of Transportation Certification (DOT, 49 CFR 178.340-10b).~~

7 ~~The certified facility performing the test shall maintain a log matching sticker serial numbers and tank identification~~  
8 ~~numbers. The certified facility shall send this log to the Director monthly.~~

9 ~~(i)(b)~~ Certification report. The certified facility performing the test shall give a copy of the certification report to the  
10 ~~truck cargo~~ tank owner and shall retain a copy of the certification report. The certification report shall contain the  
11 following information:

12 (1) name, address, and telephone number of ~~certified cargo tank testing~~ facility performing the leak test;

13 (2) name and signature of the individual ~~actually~~ performing the leak test;

14 (3) name and address of the owner of the tank;

15 (4) ~~serial number of the sticker and~~ identification number of the tank;

16 (5) ~~the date that the sticker is issued and the date that the sticker expires, which shall be one year after~~  
17 ~~the issuance date;~~ documentation of tests performed including the date and summary or results;

18 (6) ~~the pressure drops measured and vacuum drops measured; and~~ continued qualification statement and  
19 returned to service status; and

20 (7) list or description of ~~problems with tank (if none are found, the report shall state that none were~~  
21 ~~found);~~ identified corrective repairs to the tank, if none are performed then the report shall state "no  
22 corrective repairs performed."

23 ~~(j)(c)~~ Record retention. The ~~certified cargo tank testing~~ facility performing the test and the owner of the gasoline  
24 cargo truck tank shall keep the ~~certification leak testing~~ report for at least two years. ~~Certification Leak testing~~ reports  
25 shall be made available to the Division upon request.

26 ~~(k)(d)~~ Verification of leak tightness. The Division may use Method 21 to verify the leak tightness of a tank.

27  
28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (13);*

29 *Eff. April 1, 2003;*

30 *Amended Eff. July 1, 2007-2007;*

31 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0961

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), I take it your regulated public knows what "g/g-mole", "mm Hg" means?*

*In (a)(2), line 21, do you need "actual"?*

*In (a)(4), line 26, insert a comma after "curing"*

*In (b)(1), Page 2, line 12, what are the thresholds set in Rule .0902(b)?*

*In (f)(1), line 34, what are "enforceable" limitations? Enforceable by whom, based upon what?*

*In (f)(2)(A), Page 3, line 7, and (f)(2)(B), line 13, I suggest you end the sentence after "July 1, 2010." Then state "At facilities.."*

*On lines 8 and 14, what do you mean by "and May 1, 2013."? Should this be "at"?*

*On line 9, delete the "or" at the end of the line.*

*In (g)(1), line 20, delete the "and" at the end of the line.*

*In (h)(1), line 26, what is this method? Where is it located? If it's a CFR, please insert a citation, using the language you use in Rule .0962(f).*

*Also on line 26, approved how? By whom, based upon what?*

*On line 27, please insert an "and" or "or" depending upon what you mean.*

*In (h)(2), please note the queries for (h)(1) regarding the approval and where these methods can be found.*

*In (i), line 30, what is "typical" here?*

*In (j)(1)(C), Page 4, line 3, please insert an "and" at the end of the line.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (k), line 23, what is “specified in this Paragraph”? Are you referring to (k)(3)? If so, consider removing the (3) and just moving the text to the left margin.*

*In (l), line 30, I take it you need to retain “at a minimum” here?*

*In (l)(1), line 33, (l)(2), line 36, (l)(3), Page 5, line (2), and (l)(4), line 5, remove the “and” at the end of the line.*

*In (l)(4), line 4, replace “which” with “that”*

*Please begin (l)(5), line 6, with “the”*

*In (l)(6), please put the citations in numerical order; it will also mirror the language in (j).*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02D .0961 is readopted with changes as published in 34:16 NCR 1467 as follows:

2  
3 **15A NCAC 02D .0961 OFFSET LITHOGRAPHIC PRINTING AND LETTERPRESS PRINTING**

4 (a) For the purposes of this Rule, the definitions listed in this Paragraph and ~~Rules .0101 and .0902 of this Subchapter~~  
5 15A NCAC 02D .0101 and .0902 shall apply.

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

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

9  
10 Where:

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

12 Ww = Weight of water, in grams

13 Wc = Weight of exempt compound, in grams

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

15 MWw = Molecular weight of water, in g/g-mole

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

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

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

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

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

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

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

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

- 33 (7) "Offset lithography" means a printing process that uses sheet-fed or web method of press feeding  
34 and transfers ink from the lithographic plate to a rubber-covered intermediate "blanket" cylinder and  
35 then 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 offset lithographic printing when 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~~ 15A NCAC 02D .0966(c)(1) and whose emissions of volatile organic compounds exceed:
- (1) the threshold established in ~~Paragraphs (b) and (f) of Rule .0902 of this Section;~~ 15A NCAC 02D .0902(b) and (f); or
  - (2) an equivalent level of three tons per 12-consecutive month rolling period.
- (c) Volatile organic compounds content in the fountain solution for on-press (as-applied) heatset web offset lithographic printing shall meet one of the following requirements or equivalent level of control as determined in permit conditions:
- (1) contain 1.6 percent alcohol or less, by weight, as applied, in the fountain solution;
  - (2) contain three percent alcohol or less, by weight, on-press (as-applied) in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or
  - (3) contain five percent alcohol substitute or less, by weight, on-press (as-applied) and no alcohol in the fountain solution.
- (d) Volatile organic compounds content in the fountain solution for on-press (as-applied) sheet-fed lithographic printing shall meet one of the following requirements or equivalent level of control as determined in permit conditions:
- (1) contain five percent alcohol or less, by weight, on-press (as-applied) in the fountain solution;
  - (2) contain 8.5 percent alcohol or less, by weight, on-press (as-applied) in the fountain solution if the fountain solution is refrigerated to below 60 degrees Fahrenheit; or
  - (3) contain five percent alcohol substitute or less, by weight, on-press (as-applied) and no alcohol in the fountain solution.
- (e) Volatile organic compounds content in emissions from fountain solution from non-heatset web offset lithographic printing shall not exceed five percent alcohol substitute (by weight) on-press (as-applied) and contain no alcohol in the fountain solution.
- (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 (petroleum ink oil) threshold, which can be achieved by using inks and coatings that contain less than 31.25 tons per year volatile organic

- compound (petroleum ink oil) 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 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 at whose first installation date was prior to July 1, 2010, at facilities with potential to emit 100 tons or more of volatile organic compounds per year and May 1, 2013, at facilities with potential to emit less than 100 tons of volatile organic compounds per year; or
- (B) ~~reduce-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, at facilities with potential to emit 100 tons or more of volatile organic compounds per year and May 1, 2013, at facilities with potential to emit less than 100 tons of volatile organic compounds per year; or
- (C) ~~maintain-maintains~~ a maximum volatile organic compounds outlet concentration of 20 parts per million by volume (ppmv), as hexane (C<sub>6</sub>H<sub>14</sub>) on a dry basis.
- (g) The control limits established in:
- (1) Paragraphs (c), (d), ~~and (e)~~, and (e) of this Rule shall not be applied to any press with total fountain solution reservoir of less than one gallon; and
- (2) Paragraph (d) of this Rule shall not be applied to sheet-fed presses with maximum sheet size 11x 17 inches or smaller; and
- (3) ~~Paragraph~~ Subparagraph (f)(2) of this Rule shall not be applied to a heatset press used for book printing, or to a 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.
- (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.~~ 15A NCAC 02D .0605 and .0903. 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) the 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) the 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°C; 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.
- (3) 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 12 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

- 1 (3) the total amount of each individual or class of cleaning solutions used monthly with vapor pressure  
2 and the percentage of volatile organic compounds as applied in it; and  
3 (4) the total amount of cleaning solutions used monthly with vapor pressure and the percentage of  
4 volatile organic compounds as applied which does not meet the vapor pressure or percentage of  
5 volatile organic compounds requirements of Paragraph (k) of this Rule; and  
6 (5) temperature of fountain solutions for lithographic printing presses using alcohol at the frequency  
7 specified in the permit; and  
8 (6) any other parameters required by the permit in accordance with ~~the Rules .0903 and .0605 of this~~  
9 ~~Subchapter. 15A NCAC 02D .0903 and .0605.~~  
10 (m) The owner or operator of any source subject to this Rule shall comply with ~~Rules .0903 and .0958 of this Section.~~  
11 15A NCAC 02D .0903 and .0958.  
12

13 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*  
14 *Eff. September 1, 2010;*  
15 *Amended Eff. May 1, ~~2013~~, 2013;*  
16 *Readopted Eff. September 1, 2020.*  
17  
18

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0962

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 11, I suggest deleting "with exemptions defined in Paragraphs (c) and (d) of this Rule,"*

*On line 12, what do you mean by "established by" Rule .0902?*

*In (b)(3), line 16, is the term "large" known here? How about "small" in (b)(9)?*

*In (d), line 26, please insert a comma after "tote tanks"*

*In (d)(1), line 28, since you refer to "solvents" plural, please replace "has" with "have"*

*In (e), Page 2, line 8, consider deleting "nine" so that if you add or delete from Paragraph (b), you won't have to change this, too.*

*In (f), line 11, please remove the parenthesis and state "EPA Method 24, as set forth in 40 CFR Part 60, Appendix A-7, shall be used..."*

*On line 12, please insert a comma after "operations"*

*In (g), line 14, please replace "which" with "that"*

*And what does (g) mean? How is (d)(2) meeting the limits in (e), such that you are singling out (d)(3) as not doing so?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0962 is readopted with changes as published in 34:16 NCR 1467 as follows:

2  
3 **15A NCAC 02D .0962 INDUSTRIAL CLEANING SOLVENTS**

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

- 5 (1) "Organic solvent" means a liquid hydrocarbon, such as methyl ethyl ketone or toluene, used to  
6 dissolve paints, varnishes, grease, oil, or other hydrocarbons.  
7 (2) "Solvent cleaning" means the process of removing the excess penetrant from the surface or a part  
8 by wiping, flushing, or spraying with a solvent for the penetrant.  
9 (3) "Wipe cleaning" means the method of cleaning that utilizes a material such as a rag wetted with a  
10 solvent, prior to a physical rubbing process to remove contaminants from surfaces.

11 (b) This Rule applies, with exemptions defined in Paragraphs (c) and (d) of this Rule, to sources whose volatile  
12 organic compound emissions exceed the threshold established in ~~Paragraph (b) of Rule .0902 of this Section~~ 15A  
13 NCAC 02D .0902(b) from the following cleaning operations:

- 14 (1) spray gun cleaning;  
15 (2) spray booth cleaning;  
16 (3) large manufactured components cleaning;  
17 (4) parts cleaning;  
18 (5) equipment cleaning;  
19 (6) line cleaning;  
20 (7) floor cleaning;  
21 (8) tank cleaning; and  
22 (9) small manufactured components cleaning.

23 (c) Paragraph (e) of this Rule does not apply to any cleaning material used for cleaning operations covered by Rules  
24 .0918, .0919, ~~.0921~~, .0923, .0924, .0930, ~~.0934~~, .0935, ~~.0936~~, .0961, .0963, .0964, .0965, .0966, .0967, and .0968 of  
25 this Section.

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

- 28 (1) use industrial cleaning solvents that either contains less than 1.67 pounds VOC per gallon or has an  
29 initial boiling point greater than 120 degrees Celsius, and where the initial boiling point exceeds the  
30 maximum operating temperature by at least 100 degrees Celsius. The industrial cleaning solvents  
31 shall be collected and stored in closed containers;  
32 (2) implement the following work practices:  
33 (A) maintain the equipment being cleaned as leak free; ~~and~~  
34 (B) drain volatile organic compounds containing cleaning materials from the cleaned  
35 equipment upon completion of cleaning; ~~and~~  
36 (C) store or dispose of volatile organic compounds containing cleaning materials, including  
37 waste solvent, in a manner that will prevent evaporation into atmosphere; and

- 1 (D) store all volatile organic containing cleaning materials in closed containers;
- 2 (3) collect and vent the emissions from equipment cleaning to an add-on control system as set forth in
- 3 Paragraph (g) of this Rule; or
- 4 (4) use organic solvents other than listed in ~~Paragraph~~Subparagraph (d)(1) of this Rule if no more than
- 5 60 gallons of fresh solvent shall be used per month. Organic solvent ~~that is~~ reused or recycled either
- 6 onsite or offsite for further use in equipment cleaning or the manufacture of coating, ink, or adhesive
- 7 shall not be included in this limit.
- 8 (e) Any cleaning material of the nine cleaning operations listed in Paragraph (b) of this Rule shall have:
- 9 (1) volatile organic compounds content that does not exceed 0.42 pounds per gallon; or
- 10 (2) composite vapor limit of eight millimeters of mercury (mmHg) at 20 degrees Celsius.
- 11 (f) EPA Method 24 (40 CFR Part 60, Appendix A-7) shall be used to determine the volatile organic compounds
- 12 content of coating materials used in industrial cleaning solvents operations unless the facility maintains records to
- 13 document the volatile organic compounds content of coating materials from the manufacturer.
- 14 (g) Facilities which have chosen to use add-on control rather than to comply with the emission limits established in
- 15 Paragraph (e) of this Rule shall install control equipment with 85 percent overall efficiency.
- 16 (h) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this~~
- 17 ~~Section.~~15A NCAC 02D .0903 and .0958.
- 18

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

20 *Eff. September 1, 2010;*

21 *Amended Eff. May 1, ~~2013~~.2013;*

22 *Readopted Eff. September 1, 2020.*

23

24

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0963

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(3), line 10, please replace 'which' with 'that'*

*In (b), line 12, and elsewhere the term is used, is "related parts" known to your regulated public?*

*On line 15, how does the cross-reference to Rule .0902(b) work here?*

*In (c)(1), line 21, and (c)(2), line 22, what are "surface coatings"? Does your regulated public know?*

*In (d), Page 2, line 16, where is "n" used in the equation? Next to the sigma?*

*In (e), line 17, where are non-monomer VOC limits established in Table 1?*

*In (e)(2), line 27, and (e)(3), line 30, what is a "12-month rolling-average basis"? Does your regulated public know? I don't see that you use this term anywhere else in the Subchapter.*

*In (f), line 31, please delete the comma after "Rule"*

*In (f)(1), Page 3, line 4, and (f)(2), line 27, should these references to "12-month rolling average" and "12-month period" be the same? Should one or both be "12-month rolling average basis"?*

*In (f)(2), who is this demonstration for? Or do you mean compute?*

*In (f)(3), Page 4, line 33, will the values for  $PV_R$ , etc. be determined by (f)(2)?*

*On Page 5, line 1, where is the "n" used now in the formula? Next to the sigma?*

*On line 7, to be consistent with the rest of the Rule, please state, "... in Equation 3 in Subparagraph (f)(2) of this Rule."*

*On line 9, this is not the correct way to add or delete a comma.*

*In (g), line 12, delete the comma after "Rule"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*And I am just checking – on line 12, should both “compounds” and “materials” be plural?*

*In (g)(2), Page 6, line 1, what are “relevant” control devices? Does your regulated public know?*

*In (h), line 7, I believe “as applied” should be hyphenated.*

*What is Equation 5? The formula that was formally named that is being deleted. If the language on line 15 is now Equation 5, please state that within the Rule.*

*In (k), line 34, where can this standard be located? Who created it? Does it need to be incorporated by reference using G.S. 150B-21.6?*

*In (m), Page 7, lines 7-8, I take it your regulated public knows what “mm Hg” means?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02D .0963 is readopted with changes as published in 34:16 NCR 1467 as follows:

2  
3 **15A NCAC 02D .0963 FIBERGLASS BOAT MANUFACTURING MATERIALS**

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

5 (1) "Closed molding" means any fabrication techniques in which pressure is used to distribute the resin  
6 through the reinforcing fabric placed between two mold surfaces to either saturate the fabric or fill  
7 the mold cavity.

8 (2) "Monomer" means a volatile organic compound that partly combines with itself, or other similar  
9 compounds, by a cross-linking reaction to become ~~a~~ part of the cured resin.

10 (3) "Open molding" means the open mold which is first spray-coated with a clear or pigmented  
11 polyester resin known as a gel coat. The gel coat will become the outer surface of the finished part.

12 (b) This Rule applies to a facility that manufactures hulls or decks of boats and related parts, builds molds to make  
13 fiberglass boat hulls or decks and related parts from fiberglass, or makes polyester resin putties for assembling  
14 fiberglass parts; and whose volatile organic compounds emissions exceed the threshold established in ~~Paragraph (b)~~  
15 ~~of Rule .0902 of this Section~~ 15A NCAC 02D .0902(b) from sources for the following operations:

16 (1) open molding and gel coat ~~operations (including operation, including~~ pigmented gel coat, clear gel  
17 coat, production resin, tooling gel coat, and tooling ~~resin); resin;~~

18 (2) resins and gel coat mixing operations; and

19 (3) resins and gel coat application equipment cleaning operations.

20 (c) The following activities are exempted from the provisions of this Rule:

21 (1) surface coatings applied to fiberglass boats;

22 (2) surface coatings for fiberglass and metal recreational ~~boats (pleasure craft); boats;~~ and

23 (3) industrial adhesives used in the assembly of fiberglass boats.

24 (d) Volatile organic compounds content limits in resin and gel coat that are used for any molding operations listed in  
25 Paragraph (b) of this Rule and closed molding operations that do not meet the definition of monomer established in  
26 Subparagraph (a)(2) of this Rule, such as vacuum bagging operations, shall not exceed monomer volatile organic  
27 compounds limits established in Table 1:

28  
29 Table ~~1~~ 1. Organic Hazardous Air Pollutants Content Requirements for Open Molding Resin and Gel Coat Operations  
30 (40 CFR 63, Subpart ~~VVVV~~ VVVV)

Material	Application Method	Limit of Weighted-Average Monomer VOC Content (weight percent)
Production resin	Atomized (spray)	<del>28</del> <u>28</u>
Production resin	Nonatomized	<del>35</del> <u>35</u>
Pigmented gel coat	Any method	<del>33</del> <u>33</u>
Clear gel coat	Any method	<del>48</del> <u>48</u>



Tooling resin	Atomized	<del>30</del> 30
Tooling resin	Nonatomized	<del>39</del> 39
Tooling gel coat	Any method	<del>40</del> 40

The average monomer volatile organic compounds contents listed in the Table 1 shall be determined by using Equation 1 below:

$$\text{Weighted Average Monomer VOC Content} = \frac{\sum_{i=1}^n (M_i * VOC_i)}{\sum_{i=1}^n (M_i)}$$

$$\text{Weighted Average Monomer VOC Content} = \frac{\sum_{i=1}^n (M_i * VOC_i)}{\sum_{i=1}^n (M_i)}$$

Where:  $M_i$  = mass of open molding resin or gel coat  $i$  used in the past 12 month in an ~~operation, megagrams.~~ operation in megagrams;

$VOC_i$  = monomer volatile organic compounds content, by weight percent, of open molding resin or gel coat  $i$  used in the past 12 month in an ~~operation.~~ operation;

$n$  = number of different open molding resins or gel coats used in the past 12 months in an operation.

(e) Molding monomer and non-monomer volatile organic compounds limits established in Paragraph (d) of this Rule are not applicable to:

- (1) ~~production resins (including resins, including skin coat resins) resins,~~ that meet specifications for use in military vessels or are approved by the U.S. Coast Guard for the use in the construction of lifeboats, rescue boats, and other life saving appliances approved under 46 CFR Subchapter Q, or the construction of small passenger vessels regulated by 46 CFR Subchapter T. Production resins that meet these criteria shall be applied with ~~nonatomizing~~ non-atomizing resin application equipment;
- (2) production and tooling resins; and pigmented, clear, and tooling gel coat used for part or mold repair and touch up. Total resin and gel coat materials that meet these criteria shall not exceed one percent by weight of all resin and gel coat used at a facility on a 12-month rolling-average basis; or
- (3) pure, 100-percent ~~vinylester~~ vinyl ester resin used for skin coats that are applied with ~~nonatomizing~~ non-atomizing resin application equipment and with the total amount of the resin materials not exceeding five percent by weight of all resin used at a factory on 12-month rolling-average basis.

(f) Any molding resin and gel coat operations listed in Paragraph (b) of this Rule, that a facility chooses to include into average emissions among different operations to meet numerical monomer volatile organic compounds emission

rate limits rather than to comply with the emission limits established in Paragraph (d) of this Rule shall ~~use~~ use the following equations:

- (1) ~~Equation 2~~ to estimate a facility-specific monomer volatile organic compounds mass emission limit (12-month rolling ~~average~~ average) ~~use Equation 2 below: Estimations of emissions average shall be determined on 12-month rolling average basis at the end of every month (12 times per year).~~

~~Equation 2:~~

$$\text{Monomer VOC Limit} = 46(M_R) + 159(M_{PG}) + 291(M_{CG}) + 54(M_{TR}) + 214(M_{TG})$$

Where:

Monomer VOC Limit = total allowable monomer volatile organic compounds that can be emitted from the open molding operations included in the average, in kilograms per 12-month period.

$M_R$  = mass of production resin in megagrams used in the past 12-month months, excluding any materials that are ~~exempt, megagrams, exempt~~;

$M_{PG}$  = mass of pigmented gel coat in megagrams used in the past 12-month months, excluding any materials that are ~~exempt, megagrams, exempt~~;

$M_{CG}$  = mass of clear gel coat in megagrams used in the past 12-month months, excluding any materials that are ~~exempt, megagrams, exempt~~;

$M_{TR}$  = mass of tooling resin coat in megagrams used in the past 12-month months, excluding any materials that are ~~exempt, megagrams, exempt~~;

$M_{TG}$  = mass of tooling gel coat in megagrams used in the past 12-month months, excluding any materials that are ~~exempt, megagrams, exempt~~.

Estimates of average emissions shall be determined on a 12-month rolling average basis at the end of every month. The numerical coefficients associated with each term on the right hand side of Equation 2 are the allowable monomer volatile organic compounds emission rate for that particular material in units of kilograms of VOC per megagrams of material used.

- (2) ~~Equation 3~~ to demonstrate that the monomer volatile organic compounds emissions from the operations included in the average do not exceed the emission limit calculated using Equation 2 from Subparagraph (f)(1) of this Rule for the same 12-month ~~period~~ period ~~use Equation 3 below: This demonstration shall be conducted at the end of the first 12-month averaging period and at the end of every subsequent month for only those operations and materials that included in the average.~~

~~Equation 3:~~

$$\text{Monomer VOC emissions} = (PV_R)(M_R) + (PV_{PG})(M_{PG}) + (PV_{CG})(M_{CG}) + (PV_{TR})(M_{TR}) + (PV_{TG})(M_{TG})$$

Where:

Monomer VOC emissions = monomer volatile organic compounds emissions calculated using the monomer volatile organic compounds emission equation for each operation included in the ~~average, kilograms, average in kilograms~~;

PV<sub>R</sub> = weighted-average monomer volatile organic compounds emission rate in kilograms per megagram for production resin used in the past 12-month, ~~kilograms per megagram, months;~~

M<sub>R</sub> = Mass of production resin in megagrams used in the past 12-month, ~~megagrams, months;~~

PV<sub>PG</sub> = weighted-average monomer volatile organic compounds emission rate in kilograms per megagram for pigmented gel coat used in the past 12-month, ~~kilograms per megagram, months;~~

M<sub>PG</sub> = mass of pigmented gel coat in megagrams used in the past 12-month, ~~megagrams, months;~~

PV<sub>CG</sub> = weighted-average monomer volatile organic compounds emission rate in kilograms per megagram for clear gel coat used in the past 12-month, ~~kilograms per megagram, months;~~

M<sub>CG</sub> = Mass of clear gel coat in megagrams used in the past 12-month, ~~megagrams, months;~~

PV<sub>TR</sub> = Weighted-average monomer volatile organic compounds emission rate in kilograms per megagram for tooling resin used in the past 12-month, ~~kilograms per megagram, months;~~

M<sub>TR</sub> = Mass of tooling resin in megagrams used in the past 12-month, ~~megagrams, months;~~

PV<sub>TG</sub> = Weighted-average monomer volatile organic compounds emission rate in kilograms per megagram for tooling gel coat used in the past 12-month, ~~kilograms per megagram, months;~~

M<sub>TG</sub> = Mass of tooling gel coat in megagrams used in the past 12-month, ~~megagrams, months.~~

This demonstration shall be conducted at the end of the first 12-month averaging period and at the end of every subsequent month for only those operations that are included in the average.

- (3) ~~Equation 4~~ to compute the weighted-average monomer volatile organic compounds emission rate for the previous 12-month ~~months~~ for each open molding resin and gel coat operation use Equation 4 below: ~~included in the average to apply the results in Equation 3.~~

~~Equation 4:~~

$$PV_{OP} = \frac{\sum_{i=1}^n (M_i * PV_i)}{\sum_{i=1}^n M_i}$$

n

$\sum (M_i PV_i)$

i=1

PV<sub>OP</sub> = \_\_\_\_\_

n

$\sum (M_i)$

i=1

Where:

PV<sub>OP</sub> = weighted-average monomer volatile organic compounds emission rate in kilograms of monomer volatile organic compounds per megagram of material applied for each open molding operation (PV<sub>R</sub>, PV<sub>PG</sub>, PV<sub>CG</sub>, PV<sub>TR</sub>, and PV<sub>TG</sub>) included in the ~~average, kilograms of monomer volatile organic compounds per megagram of material applied, average;~~

M<sub>i</sub> = mass or resin or gel coat i in megagrams used within an operation in the past 12-month, ~~megagrams, months;~~

n = number of different open molding resins and gel coats used within an operation in the past 12 ~~month-months~~;

$PV_i$  = the monomer volatile organic compounds emission rate for resin or gel coat i in kilograms of monomer volatile organic compounds per megagram of material applied used within an operation in the past 12 ~~month-months~~, ~~kilograms of monomer volatile organic compounds per megagram of material applied-months~~. Equations in Table 2 shall be used to compute PV. The calculated averages from Equation 4 shall be used as the weighted-average values in Equation 3.

Table 2. Compliant Materials Monomer Volatile Organic Compounds Content for Open Molding Resin and Gel Coat-

For this material	and this application method	Use this formula to calculate the monomer VOC emission rate
1. Production resin, tooling resin	a. Atomized	$0.014 \times (\text{Resin VOC}\%)^{2.425}$
	b. Atomized, plus vacuum bagging with roll-out	$0.01185 \times (\text{Resin VOC}\%)^{2.425}$
	c. Atomized, plus vacuum bagging without roll-out	$0.00945 \times (\text{Resin VOC}\%)^{2.425}$
	d. Nonatomized	$0.014 \times (\text{Resin VOC}\%)^{2.275}$
	e. Nonatomized, plus vacuum bagging with roll-out	$0.0110 \times (\text{Resin VOC}\%)^{2.275}$
	f. Nonatomized, plus vacuum bagging without roll-out	$0.0076 \times (\text{Resin VOC}\%)^{2.275}$
2. Pigmented gel coat, clear gel coat, tooling gel coat	All methods	$0.445 \times (\text{Gel coat VOC}\%)^{1.675}$

(g) If the owner or operator of any facility with molding resin and gel coat operations listed in Paragraph (b) of this Rule, chooses to use ~~of~~ higher-monomer volatile organic compounds materials rather than to comply with the emission limits established in Paragraph (d) of this ~~Rule~~ he Rule, they shall:

- (1) install control equipment to meet the emission limit determined by Equation 2 in Subparagraph (f)(1) of this Rule, by applying the mass of each material used during the control device performance test in Equation 2 to determine the emission ~~limit~~ limit, in kilogram of monomer ~~VOC~~ VOC, that is applicable during the test, instead of using the mass of each material as ~~it~~ established in Subparagraph (f)(1) of this Rule;

- (2) monitor and record relevant control device and capture system operating parameters during the control device performance test to use the recorded values to establish operating limits for those parameters; and
- (3) monitor the operating parameters for the control device and emissions capture system and maintain the parameters within the established limits.
- (h) Any molding resin and gel coat operations that use a filled production resin or filled tooling resin shall calculate the emission rate for the filled production resin or filled tooling resin on an as applied basis using Equation 5. If the filled resin:
- (1) is used as a production resin then the value of  $PV_F$  calculated by Equation 5 shall not exceed 46 kilograms of monomer VOC per megagram of filled resin applied;
  - (2) is used as a tooling resin then the value of  $PV_F$  calculated by Equation 5 shall not exceed 54 kilograms of monomer VOC per megagram of filled resin applied; and
  - (3) is included in the emissions averaging procedure then the facility shall use the value of  $PV_F$  calculated by Equation 5 for the value  $PV_i$  in Equation 4 in Subparagraph (f)(3) of this Rule.

$$PV_F = \frac{PV_U * (100 - \%Filler)}{100}$$

Equation 5:

$$PV_F = \frac{PV_U * (100 - \%Filler)}{100}$$

Where:

$PV_F$  = The as-applied monomer volatile organic compounds emission rate in kilograms monomer VOC per megagram of filled material for the filled production resin or tooling resin, ~~kilograms monomer VOC per megagram of filled material, resin;~~

$PV_U$  = The monomer volatile organic compounds emission rate for the neat (unfilled) resin before filler is added, as calculated using the formulas in Table 2 of Subparagraph (f)(3) of this Rule.

$\%Filler$  = The weight-percent of filler in the as-applied filled resin system.

- (i) All resins and gel coats included in volatile organic compounds limits described in Paragraphs (d) through (h) of this Rule shall meet the non-monomer volatile organic compounds content limit of five percent.
- (j) If the non-monomer volatile organic compounds content of a resin or gel coat exceeds five percent, then the excess non-monomer volatile organic compounds over the five percent shall be counted toward the monomer volatile organic compounds content.
- (k) SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins, revised April 1996 shall be used to determine the monomer volatile organic compounds content of resin and gel coat materials unless the facility maintains records to document the volatile organic compounds content of resin and gel coat materials from the manufacturer.

(l) All resin and gel coat mixing containers with a capacity equal to or greater than 55 gallons, including those used for on-site mixing of putties and polyputties, shall have a cover with no visible gaps in place at all times except for the following operations:

(1) when material is being manually added to or removed from a container; or

(2) when mixing or pumping equipment is being placed or removed from a container.

(m) Volatile organic compounds cleaning solvents for routine application equipment cleaning shall contain no more than five percent volatile organic compounds by weight, or have a composite vapor pressure of no more than 0.50 mm Hg at 68 degrees Fahrenheit.

(n) Only non-volatile organic compounds solvents shall be used to remove cured resin and gel coat from application equipment.

(o) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this Section.~~ 15A NCAC 02D .0903 and .0958.

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

*Eff. September 1, ~~2010~~2010;*

*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0964

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(3), line 10, please insert a comma after "dried"*

*In (a)(4), line 11, why is "Coating" capitalized?*

*In (a)(8), line 18, who determines what is "better" here? Does your regulated public know?*

*In (a)(9), line 22, please insert a comma after "adhesives"*

*On line 24, what do you mean by "certain types"?*

*In (a)(10), line 26, please put the commas after the terms in the quotation marks.*

*In (c), how is this threshold established in Rule .0902(b)?*

*In (d), line 33, I recommend deleting "With the exception... Rule," Paragraph (b) already says that these aren't regulated by this Rule. If you need to retain some notice of the exemption in this Paragraph, why not say on line 34, "... adhesive subject to this Rule application process..."*

*And what does "before control" on line 34 mean?*

*In (d)(1), there is no Table 1 in this Paragraph. Did you mean to refer to Paragraph (f) here?*

*In (d)(2)(H), Page 2, line 9, consider beginning the clause with "any"*

*In (e)(2), line 14, insert a comma after "primer"*

*In (f), line 16, what are "dissimilar substrates"? I take it your regulated public knows?*

*Also on line 16, why is "Table 1" in parenthesis? What are you referring to here? Do you mean "as set forth in Table 1"?*

*In the Table on Page 3, I suggest you remove the parenthesis from ABS, Except ABS, and Except EPDM. Instead, separate this by using a hyphen.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (g), lines 3 and 5, please confirm you meant to cross-reference Paragraph (d), rather than Paragraph (f).*

*In (h), line 7, please remove the parenthesis and state "EPA Method 24, as set forth in 40 CFR Part 60, Appendix A-7, shall be used..."*

*On line 9, what is the "NESHAP"? And please be sure to make conforming changes for the CFR citation as noted above.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .0964 is readopted with changes as published in 34:16 NCR 1467 as follows:

2  
3 **15A NCAC 02D .0964 MISCELLANEOUS INDUSTRIAL ADHESIVES**

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

- 5 (1) "Air-assisted airless spray" means a system that consists of an airless spray gun with a compressed  
6 air jet at the gun tip to atomize the adhesive.
- 7 (2) "Airless spray" means the application of an adhesive through an atomizing nozzle at high pressure  
8 ~~(1,000 to 6,000 pounds per square inch)~~ of 1,000 to 6,000 pounds per square inch by a pump forces.
- 9 (3) "Application process" means a process that consists of a series of one or more adhesive applicators  
10 and any associated drying area or oven where an adhesive is applied, dried and cured.
- 11 (4) "Dip Coating" means application where substrates are dipped into a tank containing the adhesive.  
12 The substrates are then withdrawn from the tank and any excess adhesive is allowed to drain.
- 13 (5) "Electrocoating" means a specialized form of dip coating where opposite electric charges are applied  
14 to the waterborne adhesive and the substrate.
- 15 (6) "Electrostatic spray" means application where the adhesive and substrate are oppositely charged.
- 16 (7) "Flow coating" means conveying the substrate over an enclosed sink where the adhesive is applied  
17 at low pressure as the item passes under a series of nozzles.
- 18 (8) "HVLP" means a system with specialized nozzles that provide better air and fluid flow than  
19 conventional air atomized spray systems at low air pressure, shape spray pattern, and guide high  
20 volumes of atomized adhesive particles to the substrate using lower air pressure ~~(10 pounds per~~  
21 ~~square inch or less at the spray cap)~~ of 10 pounds per square inch or less at the spray cap.
- 22 (9) "Miscellaneous industrial adhesives" means adhesives ~~(including adhesive primers used in~~  
23 ~~conjunction with certain types of adhesives)~~ including adhesive primers used in conjunction with  
24 certain types of adhesives used at industrial manufacturing and repair facilities for a wide variety of  
25 products and equipment that operate adhesives application processes.
- 26 (10) "Roll coating", "brush coating", and "hand application" means application of high viscosity  
27 adhesives onto small surface area.

28 (b) Control of volatile organic compounds emissions from miscellaneous industrial adhesives product categories  
29 covered by ~~Rules 15A NCAC 02D .0921, .0923, .0934, .0935, .0936, .0961, .0962, .0963, .0965, .0966, .0967, and~~  
30 ~~.0968 of this Section~~ are exempted from the requirements of this Rule.

31 (c) This Rule applies to miscellaneous industrial adhesive application sources whose volatile organic compounds  
32 emissions exceed the threshold established in ~~Paragraph (b) of Rule .0902 of this Section, 15A NCAC 02D .0902 (b).~~

33 (d) With the exception established in Paragraph (b) of this Rule, all volatile organic compounds containing materials  
34 applied by each miscellaneous industrial adhesive application processes before control shall:

- 35 (1) not exceed limits established in Table 1 of this Paragraph; and  
36 (2) be used in one of the following application methods in conjunction with using low volatile organic  
37 compounds adhesives or adhesive primers:

- (A) electrostatic spray;
- (B) HVLP spray;
- (C) flow coat;
- (D) roll coat or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
- (E) dip coat (~~including electrodesposition~~); including electrodesposition;
- (F) airless spray;
- (G) air-assisted airless spray; or
- (H) other adhesive application method capable of achieving a transfer efficiency equivalent to or better than that achieved by HVLP spraying.

(e) Emission limits established in Subparagraph (d)(1) of this Rule shall be:

- (1) met by averaging the volatile organic compounds content of materials used on a single application unit for each day; and
- (2) calculated as mass of volatile organic compounds per volume of adhesive primer excluding water and exempt compounds, as applied.

(f) If an adhesive is used to bond dissimilar substrates together in general adhesive application process (Table 1), then the applicable substrate category with the highest volatile organic compounds emission limit shall be established as the limit for such application.

Table 1. Volatile Organic Compounds Emission Limits for General and Specialty Adhesive Application Process.

General Adhesive Application Processes	VOC Emission Limit (lb/gal)
Reinforced Plastic Composite	1.7
Flexible vinyl	2.1
Metal	0.3
Porous Material (Except Wood)	1
Rubber	2.1
Wood	0.3
Other Substrates	2.1
Specialty Adhesive Application Processes	VOC Emission Limit (lb/gal)
Ceramic Tile Installation	1.1
Contact Adhesive	2.1
Cove Base Installation	1.3
Floor Covering Installation (Indoor)	1.3
Floor Covering Installation (Outdoor)	2.1
Floor Covering Installation (Perimeter Bonded Sheet Vinyl)	5.5

Metal to Urethane/Rubber Molding or Casting	7.1
Motor Vehicle Adhesive	2.1
Motor Vehicle Weatherstrip Adhesive	6.3
Multipurpose Construction	1.7
Plastic Solvent Welding (ABS)	3.3
Plastic Solvent Welding (Except ABS)	4.2
Sheet Rubber Lining Installation	7.1
Single-Ply Roof Membrane Installation/Repair (Except EPDM)	2.1
Structural Glazing	0.8
Thin Metal Laminating	6.5
Tire Repair	0.8
Waterproof Resorcinol Glue	1.4
Adhesive Primer Application Processes	VOC Emission Limit1 (lb/gal)
Motor Vehicle Glass Bonding Primer	7.5
Plastic Solvent Welding Adhesive Primer	5.4
Single-Ply Roof Membrane Adhesive Primer	2.1
Other Adhesive Primer	2.1

(g) Any miscellaneous industrial adhesive application processes subject to this Rule, which chooses to use add-on control for adhesive application processes rather than to comply with the emission limits established in Paragraph (d) of this Rule, shall install control equipment with overall control efficiency of 85 percent or use a combination of adhesives and add-on control equipment on an application process to meet limits established in Paragraph (d) of this Rule.

(h) EPA Method 24 or 25A (40 CFR Part 60, Appendix A-7) shall be used to determine the volatile organic compounds content of adhesives, other than reactive adhesives, and the procedure established in Appendix A of the NESHAP for surface coating of plastic parts (40 CFR Part 63, Subpart PPPP) shall be used to determine the volatile organic compounds content of reactive adhesives unless the facility maintains records to document the volatile organic compounds content of adhesives from the manufacturer.

(i) The owner or operator of any facility subject to this Rule shall comply with the ~~Rules .0903 and .0958 of this Section.~~ 15A NCAC 02D .0903 and .0958.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. September 1, ~~2010-2010~~;  
Readopted Eff. September 1, 2020.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0965

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, do you need to retain "actual"?*

*In (a)(2), line 8, I suggest replacing "the shape of which" with "whose shape"*

*And what is "readily" here? By whom?*

*In (a)(4)(B), line 15, please insert an "a" before "series"*

*In (b), how does Rule .0902(b) establish a threshold that can be exceeded?*

*In (c), line 22, I believe you are missing some language. Should this read, "The volatile organic compounds..."?*

*On line 24, what are "materials applied limits"? Does your regulated public know?*

*What is the purpose of the sentence on lines 24-26? Should the "are" on line 25 be "shall be"?*

*In (d), line 27, replace "which" with "that"*

*On line 28, delete the "to" before "comply"*

*In (d)(1), line 31, insert "was" before "prior"*

*In (e), Page 2, line 4, please state "... or 25A, as set forth in 40 CFR" and be sure to have a space between "40" and "CFR"*

*On line 5, consider inserting a comma after "facilities"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0965 is readopted with changes as published in 34:16 NCR 1467 as follows:

2  
3 **15A NCAC 02D .0965 FLEXIBLE PACKAGE PRINTING**

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

- 5 (1) "First installation date" means the actual date when the equipment or control device becomes  
6 operational. This date does not change if the equipment or control device is later moved to a new  
7 location.
- 8 (2) "Flexible Packaging" means any package or part of a package the shape of which can be readily  
9 changed.
- 10 (3) "Flexographic printing" means a printing process in which an image is raised above the printing  
11 plate, and the image carrier is made of rubber or other elastomeric materials.
- 12 (4) "Rotogravure press" means an unwind or feed section, which may include:
- 13 (A) more than one unwind or feed ~~station-station, (such as on a laminator);~~ such as on a  
14 laminator;
- 15 (B) series of individual work stations, one or more of which is a rotogravure print station;
- 16 (C) any dryers associated with the work stations; and
- 17 (D) a rewind, stack, or collection section.
- 18 (5) "Rotogravure printing" means a printing process in which an image ~~(type and art)~~ type and art is  
19 etched or engraved below the surface of a plate or cylinder.

20 (b) This Rule applies to flexible packaging printing press sources whose emissions of volatile organic compounds  
21 exceed the threshold established in ~~Paragraph (b) of Rule .0902 of this Section.~~ 15A NCAC 02D .0902(b).

22 (c) Volatile organic compounds content of materials used on any single flexible packaging printing press subject to  
23 this Rule shall not exceed 0.8 pounds volatile organic compounds per one pound of solids applied, or 0.16 pounds  
24 volatile organic compounds per one pound of materials applied limits. These volatile organic compounds content  
25 limits are consistent with 80 percent overall emissions reduction level and reflect similar control levels as the capture  
26 and control option.

27 (d) Any flexible packaging printing press which has chosen to use add-on control for coating operations rather than  
28 to comply with the emission limits established in Paragraph (c) of this Rule shall install control equipment with:

- 29 (1) 65 percent overall control based on a capture efficiency of 75 percent and a control device efficiency  
30 of 90 percent for a press that was first installed prior to March 14, 1995 and that is controlled by an  
31 add-on control device whose first installation date prior to July 1, 2010;
- 32 (2) 70 percent overall control based on a capture efficiency of 75 percent and a control device efficiency  
33 of 95 percent for a press that was first installed prior to March 14, 1995 and that is controlled by an  
34 add-on control device whose first installation date was on or after July 1, 2010;
- 35 (3) 75 percent overall control based on a capture efficiency of 85 percent and a control device efficiency  
36 of 95 percent for a press that was first installed on or after March 14, 1995 and that is controlled by  
37 an add-on control device whose first installation date was prior July 1, 2010; and

- 1           (4)       80 percent overall control based on a capture efficiency of 85 percent and a control device efficiency  
2                   of 95 percent for a press that was first installed on or after March 14, 1995 and that is controlled by  
3                   an add-on control device whose first installation date was on or after July 1, 2010.
- 4       (e) EPA Method 24 or 25A (~~40CFR Part 60, Appendix A-7~~) 40CFR Part 60, Appendix A-7 shall be used to determine  
5       the volatile organic compounds content of coating materials used at flexible package printing facilities unless the  
6       facility maintains records to document the volatile organic compounds content of coating materials from the  
7       manufacturer.
- 8       (f) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this~~  
9       ~~Section.~~ 15A NCAC 02D .0903 and .0958.

10

11   *History Note:*     *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*  
12                       *Eff. September 1, 2010.*  
13                       *Readopted Eff. September 1, 2020.*  
14  
15  
16

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0966

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 5, what are "flash-off areas"? Does your regulated public know?*

*In (b), line 16, please delete "With the exception in Paragraph (c) of this Rule,"*

*On line 18, please explain the cross-reference to Rule .0902(b).*

*In (b)(1), line 19, insert a comma after "line" and delete the parenthesis on line 20. On line 21, insert a comma after "products" and delete the parenthesis both places on the line. On line 22, insert a comma after "packaging" and delete the parenthesis on that line and 23.*

*In (b)(2), line 25, delete the comma after "paperboard" before "and cardboard"*

*On line 25, are these "otherwise classified" in a rule of this Section?*

*In (c)(2), line 31, should "on machine" be hyphenated?*

*In (d), delete "With ... of this Rule," If you need to retain some reference to the exemption, state "For categories subject to this Rule, emissions..."*

*In (d)(1), lines 35-36, is the parenthetical language the same language as that which precedes it?*

*End line 36, with an "and"*

*In (d)(2), Page 2, line 1, insert a comma after "controls"*

*End line 4 with a period after "controls."*

*On line 8, why not simply refer to Paragraph (c), as it only contains (1) and (2)?*

*In (e), line 9, please be sure to state "as set forth in Appendix A..."*

*On line 10, please insert a comma after "film" and "facilities"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0966 is readopted with changes as published in 34:16 NCR 1467 as follows:

2  
3 **15A NCAC 02D .0966 PAPER, FILM AND FOIL COATINGS**

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

- 5 (1) "Paper, film, and foil coating line" means a series of coating applicators, flash-off areas, and any  
6 associated curing/drying equipment between one or more unwind/feed stations and one or more  
7 rewind/cutting stations.
- 8 (2) "Flexographic coating" means that the area to be coated is delineated by a raised surface on a flexible  
9 plate.
- 10 (3) "Rotary screen or flat screen coating" means the application of a coating material to a substrate by  
11 means of masking the surface and applying a color or finish using a screen either in flat form or  
12 rotary form.
- 13 (4) "Rotogravure coating" means the application of a coating material to a substrate by means of a roll  
14 coating technique in which the pattern to be applied is etched on the coating roll. The coating  
15 material is picked up in these recessed areas and is transferred to the substrate.

16 (b) With the exception in Paragraph (c) of this Rule, this Rule applies to paper, film and foil surface coating operations  
17 sources, including related cleaning activity, whose emissions of volatile organic compounds exceed the threshold  
18 established in ~~Paragraph (b) of Rule .0902 of this Section,~~ 15A NCAC 02D .0902(b), at a facility that applies:

- 19 (1) paper, film, or foil surfaces in the manufacturing of products for pressure sensitive tape and labels  
20 (including fabric coated for use in pressure sensitive tapes and labels; photographic film; industrial  
21 and decorative laminates; abrasive products (including fabric coated for use in abrasive products);  
22 and flexible packaging (including coating of non-woven polymer substrates for use in flexible  
23 packaging); and
- 24 (2) coatings during coating applications for production of corrugated and solid fiber boxes; die-cut  
25 paper paperboard, and cardboard; converted paper and paperboard not elsewhere classified; folding  
26 paperboard boxes, including sanitary boxes; manifold business forms and related products; plastic  
27 aseptic packaging; and carbon paper and inked ribbons.

28 (c) The following types of coatings are not covered by this Rule:

- 29 (1) coatings performed on or in-line with any offset lithographic, screen, letterpress, flexographic,  
30 rotogravure, or digital printing press; or
- 31 (2) size presses and on machine coaters that function as part of an in- line papermaking system.

32 (d) With the exception stated in Paragraph (c) of this Rule, emissions of volatile organic compounds from:

- 33 (1) pressure sensitive tape and label surface coating lines with the potential to emit, prior to controls,  
34 less than 25 tons per year of volatile organic compounds from coatings shall not exceed 0.20 pounds  
35 volatile organic compounds per pound of solids applied (0.067 pounds volatile organic compounds  
36 per pound of coating applied);



(2) paper, film, and foil surface coating lines with the potential to emit, prior to controls less than 25 tons per year of volatile organic compounds from coatings shall not exceed 0.40 pounds of volatile organic compounds per pound of solids (0.08 pounds volatile organic compounds per pound of coating applied); and

(3) ~~The volatile organic compounds content limits [Compliance] shall be determined in accordance with Subparagraphs (c)(2) and (c)(3) of Rule .0912 of this Section. [pursuant to 15A NCAC 02D .0912(c)(1) and (c)(2).]~~

Compliance shall be determined pursuant to 15A NCAC 02D .0912(c)(1) and(c)(2).

(e) EPA Method 24 or 25A ~~(40CFR Part 60, Appendix A-7)~~ of Appendix A to 40 CFR Part 60 shall be used to determine the volatile organic compounds content of coating materials used at paper, film and foil coatings facilities unless the facility maintains records to document the volatile organic compounds content of coating materials from the manufacturer.

(f) Any individual paper, film, and foil coating line with the potential to emit, prior to controls, at least 25 tons per year of volatile organic compounds from coatings shall apply control with overall volatile organic compounds efficiency of 90 percent rather than the emission limits established in Paragraph (d) of this Rule or use a combination of coating and add-on control equipment on a coating unit to meet limits that are equivalent to 90 percent overall control efficiency.

(g) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this Section.~~ 15A NCAC 02D .0903 and .0958.

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

*Eff. September 1, 2010.*

*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0967

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(3), line 9, please replace "which" with "that"*

*In (a)(6), line 15, what does "rapidly" mean here?*

*In (a)(9), I know that you already incorporated by reference all ASTM documents by reference in Rule .0104. However, do you want to ensure that this is still the method you want to use and that it's the correct name?*

*In (a)(10)(A), line 26, what is "chronic" here?*

*Also on line 26, please insert a comma after "caustic"*

*In (a)(10)(B) and (C), lines 28 and 29, what is "repeated" here? And what is "heavy" on line 29?*

*Please insert a comma after "cleansers" on line 29.*

*I suggest taking the sentence on lines 30-32 and pulling it to the left margin, so that's more globally part of (a)(10).*

*In (a)(11), line 33, what are "architectural subsections"? Does your regulated public know?*

*On lines 34 through Page 2, line 2, please incorporate these standards by reference pursuant to G.S. 150B-21.6.*

*In (a)(12), line 7, please insert a comma after "products"*

*On line 11, what is "heavier" here? I note that in (b)(3), you say "heavy" instead.*

*In (a)(14), line 17, considered by whom? The Division? Should this read, "shall not be considered..."?*

*In (b), line 20, please explain the cross-reference to Rule .0902(b).*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (b)(1) through (5), you are just reciting (a)(12). Why not say that it applies to everything in (a)(12)? Or refer in (a)(12) to the items in Paragraph (b)?*

*In (c)(1), line 31, what are “coupons” here?*

*In (c)(3), line 35, please delete .0936, as that is also repealed.*

*In (d), Page 3, line 1, and elsewhere the term is used, what is “before control”? Does your regulated public know?*

*In (e)(1), Page 5, Table 6, please remove the semicolon after “Military Specification”*

*In (e)(3), Table 8, it appears there is an errant “1” after “Automotive/Transportation Coatings”*

*In (f), Page 7, line 2, please state “as set forth in Appendix A”*

*On line 4, please insert a comma after “”facilities”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02D .0967 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .0967 MISCELLANEOUS METAL AND PLASTIC PARTS COATINGS**

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

- 5 (1) "Air dried coating" ~~a means~~ means a coating that is cured at a temperature below 90 degrees Celsius  
6 (194 degrees Fahrenheit).
- 7 (2) "Baked coating" means a coating that is cured at a temperature at or above 90 degrees Celsius (194  
8 degrees Fahrenheit).
- 9 (3) "Clear coat" means a colorless coating which contains binders, but no pigment, and is formulated to  
10 form a transparent film.
- 11 (4) "Coating unit" means a series of one or more coating applicators and any associated drying area and  
12 oven ~~wherein~~ where a coating is applied, dried, and cured.
- 13 (5) "Drum" means any cylindrical metal shipping container ~~larger with a capacity greater~~ than 12  
14 gallons ~~capacity but no larger less~~ than 110 ~~gallons capacity~~ gallons.
- 15 (6) "Electric dissipating coating" means a coating that rapidly dissipates a high voltage electric charge.
- 16 (7) "Electric-insulating varnish" means ~~a non-convertible type~~ nonconvertible type coating applied to  
17 electric motors, components of electric motors, or power transformers, to provide electrical,  
18 mechanical, and environmental protection or resistance.
- 19 (8) "Etching filler" means a coating that contains less than 23 percent solids by weight and at least 1/2-  
20 percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.
- 21 (9) "Extreme high-gloss coating" means a coating which, when tested by the American Society for  
22 Testing Material Test Method D-523 adopted in 1980, shows a reflectance of 75 or more on a 60  
23 degrees meter.
- 24 (10) "Extreme-performance coating" means a coating used on a metal or plastic surface where the coated  
25 surface is, in its intended use, subject to the following:
- 26 (A) Chronic exposure to corrosive, caustic or acidic agents, chemicals, chemical fumes,  
27 chemical mixtures or solutions;
- 28 (B) Repeated exposure to temperatures in excess of 250 degrees Fahrenheit; or
- 29 (C) Repeated heavy abrasion, including mechanical wear and repeated scrubbing with  
30 industrial grade solvents, cleansers or scouring agents. Extreme performance coatings  
31 include coatings applied to locomotives, railroad cars, farm machinery, and heavy duty  
32 trucks.
- 33 (11) "High-performance architectural coating" means a coating used to protect architectural subsections  
34 and ~~which~~ meets the requirements of the Architectural Aluminum Manufacturer Association's  
35 publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test  
36 Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-

05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).

- (12) "Miscellaneous metal product and plastic parts surface coatings" means the coatings that are applied to the surfaces of a varied range of metal and plastic parts and ~~products. Such parts or products~~ products that are constructed either entirely or partially from metal or plastic. These miscellaneous metal products and plastic parts include metal and plastic components of the following types of products as well as the products themselves: fabricated metal products, molded plastic parts, small and large farm machinery, commercial and industrial machinery and equipment, automotive or transportation equipment, interior or exterior automotive parts, construction equipment, motor vehicle accessories, bicycles and sporting goods, toys, recreational vehicles, pleasure craft (recreational boats), extruded aluminum structural components, railroad cars, heavier vehicles, lawn and garden equipment, business machines, laboratory and medical equipment, electronic equipment, steel drums, metal pipes, and other industrial and household products.
- (13) "Multi-component coating" means a coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form a dry film.
- (14) "One-component coating" means a coating that is ready for application as it comes out of its container to form a dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

(b) This Rule applies to miscellaneous metal and plastic parts surface coating units whose volatile organic compounds emissions exceed the threshold established in ~~Paragraph (b) of Rule .0902 of this Section~~ 15A NCAC 02D .0902(b) for coating and related cleaning activities of the following types of products:

- (1) fabricated metal products, molded plastic parts, small and large farm machinery, commercial and industrial machinery and equipment;
- (2) automotive or transportation equipment, interior or exterior automotive parts, construction equipment, motor vehicle accessories, bicycles and sporting goods;
- (3) toys, recreational vehicles, pleasure craft (recreational boats), extruded aluminum structural components, railroad cars, heavy vehicles, lawn and garden equipment;
- (4) business machines, laboratory and medical equipment; and
- (5) electronic equipment, steel drums metal pipes, and other industrial and household products.

(c) This Rule does not apply to:

- (1) coatings that are applied to test panels and coupons as part of research and development, quality control;
- (2) performance testing activities at paint research or manufacturing facility; or
- (3) sources covered by ~~Rules .0921, .0922, .0923, .0935, .0936, .0961, .0962, .0963, .0964, .0965, .0966, and .0968 of this Section.~~ 15A NCAC 02D [.0921,] .0922, .0923, .0935, .0936, .0961, .0962, .0963, .0964, .0965, .0966, and .0968.

(d) With the exception stated in Paragraph (c) of this Rule, emissions of volatile organic compounds before control for surface coating of:

- (1) Metal parts and products shall not exceed limits as established in Table 1;

Table 1. Metal Parts and Products Volatile Organic Compounds Content Limits

Coating Category	Air Dried lb VOC/gal coating	Baked lb VOC/gal coating
General One Component; General Multi Component; Military Specification	2.8	2.3
Camouflage; Electric-Insulating Varnish; Etching Filler; High Temperature; Metallic; Mold-Seal; Pan Backing; Pretreatment Coatings; Drum Coating, New, Interior; Drum Coating, Reconditioned, Exterior; Silicone Release; Vacuum-Metalizing	3.5	3.5
Extreme High-Gloss; Extreme Performance; Heat-Resistant; Repair and Touch Up; Solar-Absorbent	3.5	3.0
High Performance Architectural	6.2	6.2
Prefabricated Architectural Multi-Component; Prefabricated Architectural One-Component	3.5	2.3
Drum Coating, New, Exterior	2.8	2.8
Drum Coating, Reconditioned, Interior	4.2	4.2

- (2) Plastic parts and products shall not exceed limits as established in Table 2;

Table 2. Plastic Parts and Products Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal coating
General One Component	2.3
General Multi Component; Metallic	3.5
Electric Dissipating Coatings and Shock-Free Coatings; Optical Coatings; Vacuum-Metalizing	6.7
Extreme Performance	3.5 (2-pack coatings)
Military Specification	2.8 (1 pack) 3.5 (2 pack)
Mold-Seal	6.3
Multi-colored Coatings	5.7

- (3) automotive/transportation and business machine plastic parts shall not exceed limits as established in Table 3;

Table 3. Automotive/Transportation and Business Machine Plastic Parts Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal coating
Automotive/Transportation Coatings	
I. High Bake Coatings – Interior and Exterior Parts	
Non-flexible Primer	3.5
Base Coats; Non-basecoat/clear coat; Flexible Primer	4.3
Clear Coat	4.0
II. Low Bake/Air Dried Coatings – Exterior Parts	
Primers; Basecoat; Non-basecoat/clearcoat	4.8
Clearcoats	4.5
III. Low Bake/Air Dried Coatings – Interior Parts	5.0
IV. Touchup and Repair Coatings	5.2
Business Machine Coatings	
Primers; Topcoat Texture Coat; Touchup and repair	2.9
Fog Coat	2.2

- (4) pleasure craft shall not exceed limits as established in Table 4;

Table 4. Pleasure Craft Surface Coating Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal coating
Extreme High Gloss Topcoat	4.1
High Gloss Topcoat Finish; Primer/Surfacer; All other pleasure craft surface coatings for metal or plastic	3.5
Pretreatment Wash Primers	6.5
High Build Primer Surfacer; Other Substrate Antifoulant Coating	2.8
Aluminum Substrate Antifoulant Coating	4.7

- (5) motor vehicle materials shall not exceed limits as established in Table 5.

Table 5. Motor Vehicle Materials Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal coating
------------------	---------------------

Motor vehicle cavity wax; Motor vehicle sealer; Motor vehicle deadener; Motor vehicle underbody coating; Motor vehicle trunk interior coating	5.4
Motor vehicle gasket/gasket sealing material; Motor vehicle bedliner	1.7
Motor vehicle lubricating wax/compound	5.8

(e) With the exception of motor vehicle materials coatings, any miscellaneous metal and plastic parts coatings operations facility may choose a combination of low volatile organic compounds coatings and add-on control equipment on a coating unit. Emissions of volatile organic compounds before control with such combination shall not exceed limits for surface coating of:

- (1) Metal parts and products as established in Table 6;

Table 6. Metal Parts and Products Volatile Organic Compounds Content Limits

Coating Category	Air Dried	Baked
	lb VOC/gal solids	lb VOC/gal solids
General One Component; General Multi Component; Military Specification;	4.52	3.35
Etching Filler; High Temperature; Metallic; Mold-Seal; Pan Backing; Pretreatment Coatings; Silicone Release; Drum Coating, New, Interior; Drum Coating, Reconditioned, Exterior; Vacuum-Metalizing	6.67	6.67
Extreme High-Gloss; Extreme Performance; Heat-Resistant; Solar-Absorbent	6.67	5.06
High Performance Architectural	38.0	38.0
Prefabricated Architectural Multi-Component	6.67	3.35
Prefabricated Architectural One-Component	6.67	3.35
Solar-Absorbent	6.67	5.06
Drum Coating, New, Exterior	4.52	4.52
Drum Coating, Reconditioned, Interior	6.67	9.78

- (2) plastic parts and products as established in Table 7;

Table 7. Plastic Parts and Products Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal solids
General One Component	3.35
General Multi Component; Metallic	6.67



Electric Dissipating Coatings and Shock-Free Coatings Optical Coatings; Vacuum-Metalizing	74.7
Extreme Performance	6.67 (2-pack)
Military Specification	4.52 (1 pack) 6.67 (2 pack)
Mold-Seal	43.7
Multi-colored Coatings	25.3

(3) automotive/transportation and business machine plastic parts as established in Table 8;

Table 8. Automotive/Transportation and Business Machine Plastic Parts Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal solids
Automotive/Transportation Coatings <sup>1</sup>	
I. High Bake Coatings – Interior and Exterior Parts	
Flexible Primer	11.58
Non-flexible Primer; Non-basecoat/clear coat	6.67
Base Coats	10.34
Clear Coat	8.76
II. Low Bake/Air Dried Coatings – Exterior Parts	
Primers	13.8
Basecoat; Non-basecoat/clearcoat	15.59
Clearcoats:	11.58
III. Low Bake/Air Dried Coatings – Interior Parts	15.59
IV. Touchup and Repair Coatings	17.72
Business Machine Coatings	
Primers; Topcoat; Texture Coat; Touchup and repair	4.8
Fog Coat	3.14

(4) pleasure craft surface coatings as established in Table ~~9~~; 9.

Table 9. Pleasure Craft surface Coatings Volatile Organic Compounds Content Limits

Coating Category	lbs VOC/gal solids
Extreme High Gloss Topcoat	9.2
High Gloss Topcoat; Finish Primer/Surfacer; All other pleasure craft surface coatings for metal or plastic	6.7

Pretreatment Wash Primers	55.6
Aluminum Substrate Antifoulant Coating	12.8
High Build Primer Surfacer; Other Substrate Antifoulant Coating	4.4

(f) EPA Method 24 or 25A (~~40CFR Part 60, Appendix A-7~~) of Appendix A to 40 CFR Part 60 shall be used to determine the volatile organic compounds content of coating materials used at miscellaneous metal and plastic part coating facilities unless the facility maintains records to document the volatile organic compounds content of coating materials from the manufacturer.

(g) With the exception of motor vehicle materials coatings, any miscellaneous metal and plastic parts coatings operations facility may choose to use add-on control equipment with an overall control efficiency of 90 percent in lieu of using low-VOC coatings and specified application methods.

(h) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this Section.~~ 15A NCAC 02D .0903 and 0958.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. September 1, 2010-2010;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .0968

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 6, what is "light" here for "light loads"? Please note the same for (a)(5), line 19.*

*In (a)(2), please properly incorporate this standard by reference, using G.S. 150B-21.6, and state how a copy can be obtained. If this is part of a CFR, please state that and give the citation.*

*In (a)(5), line 18, what is "primarily" here?*

*On line 19, please insert an "a" before "gross"*

*In (b), line 27, please explain the cross-reference to Rule .0902. And did you not intend to cite specifically to Paragraph (b) of that Rule, as you have elsewhere?*

*In (b)(1)(C), line 33, replace "which" with "that"*

*In (c)(2), line 3, please insert a comma after "trucks" and then delete the parenthesis on line 4, and replace "e.g." with "such as" Insert a comma after "bumpers"*

*On lines 5-6, I suggest replacing "They are covered by...: with "Those coatings are regulated by" or "Those coatings are addressed by" And please make a conforming change to (c)(3), lines 7 and 8.*

*In (d), line 10, what is "before control"? Does your regulated public know?*

*In Table 1, in the Assembly Coating Process column, consider removing the parenthesis and separating that language with commas.*

*In the Electrodeposition primer row, under the second "When" column, what does "R" stand for?*

*Why do you refer to "revised" regarding the Automobile Topcoat Protocol in all three places it is referenced in the Table?*

*In Table 2, Page 3, line 2, it appears you are missing language after "light-duty" Should it be "assembly processes" or "trucks"?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (e), line 4, please state “EPA Method 24 or 25A as set forth in 40 CFR...”*

*On line 5, insert a comma after “facilities”*

*In (f), line 9, what is “efficient” here? Who determines this?*

*On line 9, insert a comma after “equipment”*

*In the History Note, line 14, please be sure to insert “2010;”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .0968 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .0968 AUTOMOBILE AND LIGHT DUTY TRUCK ASSEMBLY COATINGS**

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

- 5 (1) "Automobile" means a motor vehicle designed to carry up to eight passengers, excluding vans, sport  
6 utility vehicles, and motor vehicles designed primarily to transport light loads of property.
- 7 (2) "Automobile Topcoat Protocol" means Protocol For Determining The Daily Volatile Organic  
8 Compound Emission Rate Of Automobile and Light-duty Truck Topcoat Operations (EPA-450/3-  
9 88-018).
- 10 (3) "Electrodeposition" means a process of applying a protective, corrosion-resistant waterborne primer  
11 on exterior and interior surfaces that provides coverage of recessed areas. It is a dip coating method  
12 that uses an electrical field to apply or deposit the conductive coating onto the part. The object  
13 being painted acts as an electrode that is oppositely charged from the particles of paint in the dip  
14 tank.
- 15 (4) "Final repair" means the operations performed and coating(s) applied to completely assembled  
16 motor vehicles or to parts that are not yet on a completely assembled vehicle to correct damage or  
17 imperfections in the coating.
- 18 (5) "Light-duty truck" means vans, sport utility vehicles, and motor vehicles designed primarily to  
19 transport light loads of property with gross vehicle weight rating of 8,500 pounds or less.
- 20 (6) "Primer-surfacer" means an intermediate protective coating applied over the electrodeposition  
21 primer (EDP) and under the topcoat. Primer-surfacer provides adhesion, protection, and appearance  
22 properties to the total finish.
- 23 (7) "Solids turnover ratio ( $R_T$ )" means the ratio of total volume of coating solids that is added to the  
24 EDP system in a calendar month divided by the total volume design capacity of the EDP system.

25 (b) This Rule applies to automobile and light-duty truck assembly coating operations and related cleaning activities  
26 whose emissions of volatile organic compounds exceed the threshold established in ~~Paragraph (b) of Rule .0902 of~~  
27 ~~this Section~~ 15A NCAC 02D .0902 at:

- 28 (1) automobile or light-duty assembly plants during the vehicle assembly processes with the following  
29 primary coating product applications:
- 30 (A) new automobile or new light-duty truck bodies, or body parts for new automobiles or new  
31 light-duty trucks;
- 32 (B) other parts that are coated along with these bodies or body parts; or
- 33 (C) additional coatings which include glass bonding primer, adhesives, cavity wax, sealer,  
34 deadener, gasket/gasket sealing material, underbody coating, trunk interior coating,  
35 bedliner, weatherstrip adhesive, and lubricating waxes/compounds; and
- 36 (2) facilities that perform coating operations on a contractual basis other than plastic or composites  
37 molding facilities.

(c) This Rule does not apply to:

- (1) aerosol coatings of automobile and light-truck assembly coatings;
- (2) coatings that are applied to other parts intended for use in new automobiles or new light-duty trucks (e.g., application of spray primer, color and clear coat to fascia or bumpers) on coating lines that are not related to the vehicle assembly process at automobile or light-duty assembly plants. They are covered by ~~Rules .0964, and .0967 of this Section;~~ 15A NCAC 02D .0964 and .0967; and
- (3) aftermarket repair or replacement parts for automobiles or light-duty trucks that are covered by ~~Rules .0964, and .0967 of this Section;~~ 15A NCAC 02D .0964 and .0967.

(d) With the exception of materials supplied in containers with a net volume of 16 ounces or less, or a net weight of one pound or less, emissions of volatile organic compounds before control for:

- (1) automobile and light-duty truck assembly coatings shall not exceed limits established in Table 1.

Table 1. Volatile Organic Compounds emission limits for automobile and light-duty truck assembly coatings.

Assembly Coating Process	Volatile Organic Compounds Emission Limit		
Electrodeposition primer (EDP) operations (including application area, spray/rinse stations, and curing oven)	When solids turnover ratio $(RT)R_T \geq 0.16$	When $0.040 \leq RT < 0.16$	When $R_T < 0.040$ ;
	$0.16 \leq R_T < 0.7$ lb/gal coatings solids applied.	$0.040 \leq R_T < 0.16$ $0.084^{0.160-R} \times 8.34$ lb/gal coating solids applied.	No VOC emission limit.
Primer-surfacer operations (including application area, flash-off area, and oven)	12.0 lb VOC/gal deposited solids on a daily weighted average basis as determined by following the procedures in the revised Automobile Topcoat Protocol		
Topcoat operations (including application area, flash-off area, and oven)	12.0 lb VOC/gal deposited solids on a daily weighted average basis as determined by following the procedures in the revised Automobile Topcoat Protocol		
Final repair operations	4.8 lb VOC/gallon of coating less water and less exempt solvents on a daily weighted average basis or as an occurrence weighted average.		
Combined primer-surfacer and topcoat operations	12.0 lb VOC/gal deposited solids on a daily weighted average basis as determined by following the procedures in the revised Automobile Topcoat Protocol		

- (2) materials used at automobile and light-duty truck assembly coatings facilities shall not exceed limits established in Table 2.

Table 2. Volatile Organic Compounds emission limits for miscellaneous materials used at automobile and light-duty

Material	VOC Emission Limit (grams of VOC per liter of coating excluding water and exempt compounds, as applied)
Automobile and light-duty truck glass bonding primer	900
Automobile and light-duty truck adhesive	250
Automobile and light-duty truck cavity wax	650
Automobile and light-duty truck sealer	650
Automobile and light-duty truck deadener	650
Automobile and light-duty truck gasket/gasket sealing material	200
Automobile and light-duty truck underbody coating	650
Automobile and light-duty truck trunk interior coating	650
Automobile and light-duty truck bedliner	200
Automobile and light-duty truck weatherstrip adhesive	750
Automobile and light-duty truck lubricating wax/compound	700

(e) EPA Method 24 or 25A (40 CFR Part 60, Appendix A-7) shall be used to determine the volatile organic compounds content of coatings, other than reactive adhesives used at automobile and light-duty truck coating facilities unless the facility maintains records to document the volatile organic compounds content of coating materials from the manufacturer.

(f) The emission limits established in Paragraph (d) of this Rule may be achieved with a combination of higher-solid solvent-borne coatings, efficient application equipment and bake oven exhaust control.

(g) The owner or operator of any facility subject to this Rule shall comply with ~~the Rules .0903 and .0958 of this Section.~~ 15A NCAC 02D .0903 and .0958.

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

*Eff. September 1, 2010.*

*Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1401

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), why not simplify this and state "For the purposes of this Section, in addition to the definitions in G.S. 143-212 and 143-213, as well as 15A NCAC 02D .0101, the following definitions shall apply:"*

*In (a)(2), line 12, and (a)(13), Page 2, line 13, please don't delete "nitrogen oxide" because you've not yet defined "NOx" You should retain the inserted NOx, but just reinstate "nitrogen oxides"*

*In (a)(7), line 23, how is the term "improve overall efficiency" determined here? Does your regulated public know?*

*In (a)(9), line 30, how is "sufficiently high" determined? By actual ignition?*

*In (a)(11)(B), Page 2, line 2, and (a)(12)(B), line 9, who determines what is "essential" here? Based upon what?*

*On lines 3 and 10, what is "periodically" here? Or is this entirely up to the operator?*

*In (a)(13), line 12, what are the "applicable limitation or standards"? Where are those found? And should it be "limitations" (plural)?*

*In (a)(14), lines 18, 23, 26, I am only asking – is "actually" necessary here?*

*Throughout this Paragraph, I take it your regulated public is familiar with the acronym "Btu"?*

*In (a)(18), Page 3, line 5, given that this date passed 16 years ago, could you now just state, "... means the period beginning May 1 and ending September 1."? Or do you need to retain the current language?*

*In (a)(19), line 10, what do you mean by "federally enforceable"?*

*In (a)(22), line 22, what is "possible and practical" and "expected operating conditions"? Expected by whom? Determined by whom? Based upon what?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



*In (a)(23), is this language reciting a CFR, as the definition in Rule .0901(17) did? If not, then what is “reasonably available” and “technological and economic feasibility”?*

*In (a)(24), line 21, what is “proper” here?*

*On line 24, what is “similar guidance”?*

*So that I’m clear – in (a)(26) and (a)(27), this is during ozone season?*

*In (a)(30), Page 4, line 2, what is meant by “sufficient” here? Is this determined by physical evidence?*

*What do you mean in (b)? Any reference to a CFR, or a term defined within the CFR?*

*And on line 7, I do not think you need “specifically”*

*In the History Note, line 9, please separate the serial citations to 143-215.107 by semicolons, and fully state them, so it reads “143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(a)(10);”*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

1 15A NCAC 02D .1401 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **SECTION .1400 – NITROGEN OXIDES**  
4

5 **15A NCAC 02D .1401 DEFINITIONS**

6 (a) For the purpose of this Section, the definitions at ~~G.S.G.S.~~ 143-212 and G.S. 143-213, and 15A NCAC 02D .0101  
7 shall apply, and in addition the following definitions apply. If a term in this Rule is also defined at 15A NCAC 02D  
8 .0101, then the definition in this Rule controls.

- 9 (1) "Acid rain program" means the federal program for the reduction of acid rain including 40 CFR  
10 Parts 72, 75, 76, and 77.
- 11 (2) "Actual emissions" means for ~~Rules .1416 through .1422 of this Section, 15A NCAC 02D .1418,~~  
12 emissions of ~~nitrogen oxides~~ NO<sub>x</sub> as measured and calculated ~~according pursuant~~ to 40 CFR Part  
13 75, Subpart H.
- 14 (3) "Actual heat input" means for ~~Rules .1416 through .1422 of this Section, 15A NCAC 02D .1418,~~  
15 heat input as measured and calculated ~~according pursuant~~ to 40 CFR Part 75, Subpart H.
- 16 (4) "Averaging set of sources" means all the stationary sources included in an emissions averaging plan  
17 ~~according pursuant to Rule .1410 of this Section, 15A NCAC 02D .1410.~~
- 18 (5) "Averaging source" means a stationary source that is included in an emissions averaging plan ~~in~~  
19 ~~accordance pursuant to Rule .1410 of this Section, 15A NCAC 02D .1410.~~
- 20 (6) "Boiler" means an enclosed fossil or other fuel-fired combustion device used to produce heat and to  
21 transfer heat to recirculating water, steam, or other medium.
- 22 (7) "Combined cycle system" means a system consisting of one or more combustion turbines, heat  
23 recovery steam generators, and steam turbines configured to improve overall efficiency of electricity  
24 generation or steam production.
- 25 (8) "Combustion turbine" means an enclosed fossil or other fuel-fired device that is comprised of a  
26 compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of  
27 fuel in the combustor passes through the turbine, rotating the turbine.
- 28 (9) "Diesel engine" means a compression ignited two- or four-stroke engine in which liquid fuel injected  
29 into the combustion chamber ignites when the air charge has been compressed to a temperature  
30 sufficiently high for auto-ignition.
- 31 (10) "Dual fuel engine" means a compression ignited stationary internal combustion engine that is  
32 burning liquid fuel and gaseous fuel simultaneously.
- 33 (11) "Emergency generator" means a stationary internal combustion engine used to generate electricity  
34 only during:
- 35 (A) the loss of primary power at the facility that is beyond the control of the owner or operator  
36 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 NO<sub>x</sub> emitted by a source covered under Rules .1416, .1417, or .1418 of this Section regulated by 15A NCAC 02D .1418 during the ozone season above its allocation, as may be adjusted under Rule .1419 of this Section, allocation~~ 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>"~~ "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>~~ NO<sub>x</sub> that would be emitted at the maximum capacity of a stationary source to emit ~~NO<sub>x</sub>~~ 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>~~ 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>~~ 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 ~~Rules .1407, .1408, or .1409 of this Section~~ 15A NCAC 02D .1407, .1408, or .1409 and the utilization of ~~this technology, 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~~ NO<sub>x</sub> emanate or are emitted.

1 (30) "Startup" means the commencement of operation of any source that has shutdown or ceased  
2 operation for a period sufficient to cause temperature, pressure, process, chemical, or pollution  
3 control device imbalance that would result in excess emissions.

4 (31) "Stationary internal combustion engine" means a reciprocating internal combustion engine that is  
5 not ~~self-propelled~~; self-propelled; however, it may be mounted on a vehicle for portability.

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

8  
9 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (7), (10);*  
10 *Eff. April 1, 1995;*  
11 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
12 *Amended Eff. July 18, ~~2002~~ 2002;*  
13 *Readopted Eff. September 1, 2020.*  
14  
15

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1402

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), why do you need this? And if you do need it, why not write it in a positive manner, such as "The rules in this Section shall apply as set forth in this Rule."?*

*In (c), line 9, please capitalize "Statewide" as I believe you mean NC.*

*In (e), line 23, and elsewhere the term is used, is "control measures" a term known to your regulated public?*

*In (e), (f), and (g), what authority are you relying upon to implement these measures without going through rulemaking? And how is it determined what is "necessary to bring the area into compliance"?*

*In (e), line 32, replace "in which" with "where" Please note the same for (f), Page 2, line 12, and (g), line 22.*

*On lines 32, 12, and 22, please also capitalize "Rules"*

*On lines 33, 13, and 23, please insert a comma after "Section"*

*In (e), line 35, please delete the quotation mark before "For"*

*In (f), line 11, so that I'm clear – these are the only Rules that may be used under this scenario?*

*In (g), line 16, what is the "State nonattainment plan for ozone"?*

*Also on line 16, what is the "air quality standard for ozone"? Where is this set forth?*

*On line 21, please state "these Rules to those sources"*

*On lines 24 and 26, please remove the parenthesis. And I suggest writing this to mirror the language in (e), lines 35-36.*

*In (h)(2), line 30, who determines "primarily" here?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (h)(5), so that I'm clear, the formulas are:*

*(A)  $t = 833,333$*

*(B)  $t = 700,280$*

*As "t" means "time in hours" why are you retaining a formula at all? Why not say "for diesel engines, 833,333"?*

*Also, since you are deleting "ES" on line 3, delete the explanation of the term on line 4.*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02D .1402 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1402 APPLICABILITY**

4 (a) The rules in this Section do not apply except as specifically set out in this Rule. ~~Section .2400 of this Subchapter~~  
5 ~~applies rather than the nitrogen oxide (NOx) state implementation plan (SIP) call (40 CFR 51.121) provisions of Rules~~  
6 ~~.1402(e) and (h), .1403(a) and (d) through (e), .1404(a), (b), and (d) through (j), .1409(c), (d), and (h), and .1416~~  
7 ~~through .1423 of this Subchapter.~~

8 (b) The requirements of this Section apply to all sources May 1 through September 30 of each year.

9 (c) Rules 15A NCAC 02D .1409(c) and .1416 through .1423 of this Section .1409(c), .1418 and .1423 apply statewide.

10 (d) Rules 15A NCAC 02D .1407 through .1409(b) and .1413 of this Section apply to facilities with potential emissions  
11 ~~of nitrogen oxides NOx equal to or greater than~~ greater than or equal to 100 tons per year or 560 pounds per calendar  
12 day beginning May 1 through September 30 of any year in the following areas:

- 13 (1) Cabarrus County;
- 14 (2) Gaston County;
- 15 (3) Lincoln County;
- 16 (4) Mecklenburg County;
- 17 (5) Rowan County;
- 18 (6) Union County; and
- 19 (7) Davidson Township and Coddle Creek Township in Iredell County.

20 (e) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Davidson,  
21 Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North  
22 Carolina Highway 801, Fulton Creek and back to Yadkin River, the Director shall initiate analysis to determine the  
23 control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1,  
24 the Director shall implement the specific stationary source control measures contained in this Section that are required  
25 as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient  
26 air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the  
27 analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and  
28 shall identify whether the rules implemented are to apply in Davidson, Forsyth, or Guilford County or that part of  
29 Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back  
30 to Yadkin River or any combination thereof. At least one week before the scheduled publication date of the North  
31 Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written  
32 notification to all permitted facilities within the county in which the rules are being implemented that are or may be  
33 subject to the requirements of this Section informing them that they are or may be subject to the requirements of this  
34 Section. ~~(For Forsyth County, "Director" means for the purpose of notifying permitted facilities in Forsyth County,~~  
35 ~~the Director of the Forsyth County local air pollution control program.)~~ "For the purposes of notifying permitted  
36 facilities in Forsyth County, "Director" means the Director of the Forsyth County local air pollution control program.  
37 Compliance shall be ~~according to Rule .1403 of this Section.~~ determined by 15A NCAC 02D .1403.



(f) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Durham-~~or County~~, Wake-~~County~~ 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 County~~, Wake-~~County~~ 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 .1407 through .1409(b) and .1413 of this Section, 15A NCAC 02D .1407 through .1409(b) and 15A NCAC 02D .1413,~~ 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, 15A NCAC 02D .1403.~~

(g) If the State nonattainment plan for ozone has failed to attain the ambient air quality standard for ozone and does not qualify for an extension of the attainment date in the Charlotte-Gastonia-Rock Hill ozone nonattainment area, 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 ~~nitrogen oxides~~ NO<sub>x</sub> per year. Once the nonattainment plan for ozone has failed and the area does not qualify for an extension of the attainment date, the Director shall notice the applicability of these rules to these sources 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 .1403 of this Section, 15A NCAC 02D .1403.~~

(h) Regardless of any other statement of applicability of this Section, this Section does not apply to any:

- (1) source not required to obtain an air permit ~~under~~ pursuant to 15A NCAC 02Q .0102 or is an insignificant activity as defined ~~at 15A NCAC 02Q .0103(19); in 15A NCAC 02Q .0103;~~
- (2) incinerator or thermal or catalytic oxidizer used primarily for the control of air pollution;
- (3) emergency generator;
- (4) emergency use internal combustion engine; or
- (5) 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:

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

$$t = 833,333 / ES$$

(B) for natural gas-fired engines:

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

$$t = 700,280 / ES$$

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

*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 Amendment Eff. November 1, 2000;  
Amended Eff. April 1, 2001;  
Temporary Amendment Eff. August 1, 2001;  
Amended Eff. June 1, 2008; July 1, 2007; March 1, 2007; July 18, 2002;  
Temporary Amendment Eff. December 31, 2008;  
Temporary Amendment expired September 29, 2009;  
Amended Eff. January 1, ~~2010-2010~~;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1403

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 6, and (d)(1), Page 3, line 32, what does "Maintenance area and Charlotte ozone nonattainment area" refer to? I only see the term used in this Rule. Is it the areas in Rule .1402(d), (e), (f), and (g)? If so, why not state that in (a), "This Rule applies to sources regulated by 15A NCAC 02D .1402(d), (e), (f), or (g), also referred to as the "maintenance area and Charlotte ozone nonattainment area."? Please clarify what this term means within this Rule.*

*On line 8, delete the comma after "(g)"*

*In (b)(1), line 9, and elsewhere the phrase "compliance with this Section" is used – I want to ensure that by Section, you mean all of Section .1400. Is this correct?*

*In (b)(1)(A), and elsewhere publication in the Register is mentioned – as asked for Rule .1402, what authority are you relying upon to change the standards via publication in the Register, rather than engaging in rulemaking?*

*In (b)(1)(C), line 19, delete the comma after "requirements"*

*In (b)(2)(A), line 24 – is the permit application to install a combustion modification technology or other source modification, as set forth on lines 22 and 23?*

*On line 24, are the requirements of the compliance schedule only what is set forth in (b)(2)(B)?*

*In (b)(2)(C), line 36, consider replacing "such a" with "the"*

*On line 36, all that must happen is the request – the Director does not have to grant the request?*

*In (b)(3), Page 2, line 2, please replace the period after ".1410" with a semicolon.*

*In (b)(3)(A), how will the applicability of (b)(1) or (2) get determined? Will this be entirely up to the owner or operator? And please note the same question for determination of "necessary modifications" in (b)(4)(A).*

*In (b)(4)(B), line 20, I think it would be easier to refer to "Part (2)(A) of this Subparagraph" since it's (b)(2)(A) that requires the application. Please note a conforming suggestion for (c)(4)(B).*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*Why do you need Paragraph (c)? All dates contained within it, as well as the final dates for compliance, passed at least 11 years ago.*

*If you need to retain it:*

*End (c)(1)(B), line 32, with a semicolon and “and”*

*In (c)(3)(B), line 18, replace the period at the end of the line with a semicolon and “and”*

*In (d)(1), line 36, how is “to the satisfaction of the Director” determined? What guidance is there for this to be met?*

*In (d)(2), Page 4, line 5, so that I’m clear – so long as a source was in compliance in 2007, it can never be asked to make changes, even if the standards change?*

*In (e)(2), line 15, please insert a space between “March” and “1” As the space exists in the Code, do not show it as a change – simply do it.*

*In the History Note, why are you citing to G.S. 143-215.65? Is it to address the required reports in (b)(5) and (c)(5)?*

*Also in the History Note, please separate serial citations with semicolons, and use the full citation each time.*

*Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1403 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1403 COMPLIANCE SCHEDULES**

4 (a) Applicability. This Rule applies to sources ~~covered by Paragraph (d), (e), (f), or (g) of Rule .1402 of this Section.~~  
5 regulated by 15A NCAC 02D .1402(d), (e), (f), or (g).

6 (b) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner or operator of a source  
7 subject to this Rule because of the applicability of ~~Paragraph (e), (f), or (g) of Rule .1402 of this Section,~~ 15A NCAC  
8 02D .1402(d), (e), (f), or (g), shall adhere to the following increments of progress and schedules:

9 (1) If compliance with this Section is to be achieved through a demonstration to certify compliance  
10 without source modification:

11 (A) The owner or operator shall notify the Director in writing within six months after the  
12 Director's notice in the North Carolina Register that the source is in compliance with the  
13 applicable limitation or standard;

14 (B) The owner or operator shall perform any required testing, ~~according to Rule .1415 of this~~  
15 ~~Section,~~ pursuant to 15A NCAC 02D .1415, within 12 months after the Director's notice  
16 in the North Carolina Register to demonstrate compliance with the applicable limitation;  
17 and

18 (C) The owner or operator shall implement any required recordkeeping and reporting  
19 requirements, ~~according to Rule .1404 of this Section,~~ pursuant to 15A NCAC 02D .1404,  
20 within 12 months after the Director's notice in the North Carolina Register to demonstrate  
21 compliance with the applicable limitation.

22 (2) If compliance with this Section is to be achieved through the installation of combustion modification  
23 technology or other source modification:

24 (A) The owner or operator shall submit a permit application and a compliance schedule within  
25 six months after the Director's notice in the North Carolina Register.

26 (B) The compliance schedule shall contain the following increments of progress:  
27 (i) a date by which contracts for installation of the modification shall be awarded or  
28 orders shall be issued for purchase of component parts;  
29 (ii) a date by which installation of the modification shall begin;  
30 (iii) a date by which installation of the modification shall be completed; and  
31 (iv) if the source is subject to a limitation, a date by which compliance testing shall be  
32 completed.

33 (C) Final compliance shall be achieved within three years after the Director's notice in the  
34 North Carolina Register unless the owner or operator of the source petitions the Director  
35 for an alternative limitation ~~according to Rule .1412 of this Section,~~ pursuant to 15A  
36 NCAC 02D .1412. If such a petition is made, final compliance shall be achieved within  
37 four years after the Director's notice in the North Carolina Register.

- 1 (3) If compliance with this Section is to be achieved through the implementation of an emissions  
2 averaging plan ~~as provided for in Rule .1410 of this Section~~, pursuant to 15A NCAC 02D .1410.
- 3 (A) The owner or operator shall abide by the applicable requirements of Subparagraphs (b)(1)  
4 or (b)(2) of this ~~Rule Paragraph~~ for certification or modification of each source to be  
5 included under the averaging plan;
- 6 (B) The owner or operator shall submit a plan to implement an emissions averaging plan  
7 ~~according to Rule .1410 of this Section~~, pursuant to 15A NCAC 02D .1410 within six  
8 months after the Director's notice in the North Carolina Register.
- 9 (C) Final compliance shall be achieved within one year after the Director's notice in the North  
10 Carolina Register unless implementation of the emissions averaging plan requires the  
11 modification of one or more of the averaging sources. If modification of one or more of  
12 the averaging sources is required, final compliance shall be achieved within three years.
- 13 (4) If compliance with this Section is to be achieved through the implementation of a seasonal fuel  
14 switching program ~~as provided for in Rule .1411 of this Section~~, pursuant to 15A NCAC 02D  
15 ~~[.1410;].1411~~.
- 16 (A) The owner or operator shall make all necessary modifications according to Subparagraph  
17 (b)(2) of this ~~Rule Paragraph~~.
- 18 (B) The owner or operator shall include a plan for complying with the requirements of ~~Rule~~  
19 ~~.1411 of this Section~~, 15A NCAC 02D .1411 with the permit application required under  
20 Part (A) of this Subparagraph.
- 21 (C) Final compliance shall be achieved within three years after the Director's notice in the  
22 North Carolina Register.
- 23 (5) Increments of progress certification. The owner or operator shall certify to the Director, within five  
24 days after each increment deadline of progress in this Paragraph, whether the required increment of  
25 progress has been met.
- 26 (c) Nonattainment areas. The owner or operator of a source subject to this Rule because of the applicability of  
27 ~~Paragraph (d) of Rule .1402 of this Section~~, 15A NCAC 02D .1402(d), shall adhere to the following:
- 28 (1) If compliance with this Section is to be achieved through a demonstration to certify compliance  
29 without source modification:
- 30 (A) The owner or operator shall notify the Director in writing by August 1, 2007;
- 31 (B) The owner or operator shall perform any required testing, according to ~~Rule .1415 of this~~  
32 ~~Section~~, 15A NCAC 02D .1415, by January 1, 2008 and
- 33 (C) The owner or operator shall implement any required recordkeeping and reporting  
34 requirements, according to ~~Rule .1404 of this Section~~, 15A NCAC 02D .1404, by January  
35 1, 2008.
- 36 (2) If compliance with this Section is to be achieved through the installation of combustion modification  
37 technology or other source modification:

- 1 (A) The owner or operator shall submit a permit application and a compliance schedule by  
2 August 1, 2007.
- 3 (B) The compliance schedule shall contain a date by which contracts for installation of the  
4 modification shall be awarded or orders shall be issued for purchase of component parts.
- 5 (C) The compliance schedule shall contain a date by which installation of the modification  
6 shall begin.
- 7 (D) The compliance schedule shall contain a date by which installation of the modification  
8 shall be completed.
- 9 (E) If the source is subject to a limitation, the compliance schedule shall contain, a date by  
10 which compliance testing shall be completed.
- 11 (F) Final compliance shall be achieved no later than April 1, 2009.
- 12 (3) If compliance with this Section is to be achieved through the implementation of an emissions  
13 averaging plan as provided for in ~~Rule .1410 of this Section~~ 15A NCAC 02D .1410:
- 14 (A) The owner or operator shall abide by the applicable requirements of Subparagraph (c)(1)  
15 or (c)(2) of this ~~Rule Paragraph~~ for certification or modification of each source to be  
16 included under the averaging plan;
- 17 (B) The owner or operator shall submit a plan to implement an emissions averaging plan  
18 according to ~~Rule .1410 of this Section~~ 15A NCAC 02D .1410 by August 1, 2007.
- 19 (C) Final compliance shall be achieved within one year no later than January 1, 2008.
- 20 (4) If compliance with this Section is to be achieved through the implementation of a seasonal fuel  
21 switching program as provided for in ~~Rule .1411 of this Section~~ 15A NCAC 02D .1411:
- 22 (A) The owner or operator shall make all necessary modifications according to Subparagraph  
23 (c)(2) of this ~~Rule Paragraph~~.
- 24 (B) The owner or operator shall include a plan for complying with the requirements of ~~Rule~~  
25 ~~.1411 of this Section~~ 15A NCAC 02D .1411 with the permit application required under  
26 Part (A) of this Subparagraph.
- 27 (C) Final compliance shall be achieved no later than April 1, 2009.
- 28 (5) Increments of progress certification. The owner or operator shall certify to the Director, within five  
29 days after the deadline for each increment of progress in this Paragraph, whether the required  
30 increment of progress has been met.
- 31 (d) Sources already in compliance.
- 32 (1) Maintenance area and Charlotte ozone nonattainment area contingency plan. Paragraph (b) of this  
33 Rule shall not apply to sources that are in compliance with the applicable rules of this Section when  
34 the Director notices the implementation of rules in the North Carolina Register that resolves a  
35 violation of the ambient air quality standard for ozone and that ~~have~~ has determined and certified  
36 compliance to the satisfaction of the Director within six months after the Director notices the

1 implementation of rules in the North Carolina Register that resolves a violation of the ambient air  
2 quality standard for ozone.

- 3 (2) Nonattainment areas. Paragraph (c) of this Rule shall not apply to sources in an area named in  
4 ~~Paragraph (d) of Rule .1402 of this Section~~ 15A NCAC 02D .1402(d) that are in compliance with  
5 applicable rules of this Section on March 1, 2007.

6 (e) New sources.

- 7 (1) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner or operator  
8 of any new source of nitrogen oxides not permitted before the date the Director notices in the North  
9 Carolina Register according to ~~Paragraph (e), (f), or (g) of Rule .1402 of this Section,~~ 15A NCAC  
10 02D .1402(e), (f), or (g) shall comply with all applicable rules in this Section upon start-up of the  
11 source. The owner or operator of any new source covered ~~under Rules .1407, .1408, .1409, .1413,~~  
12 ~~or .1418 of this Section by 15A NCAC 02D .1407, .1408, .1409, .1413, or .1418~~ shall comply with  
13 all applicable rules in this Section upon start-up of the source.

- 14 (2) Nonattainment areas. The owner or operator of any new source of nitrogen oxides not permitted  
15 before March 1, 2007 in an area identified in ~~Paragraph (d) of Rule .1402 of this Section,~~ 15A NCAC  
16 02D .1402(d) shall comply with all applicable rules in this Section upon start-up of the source.

17  
18 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.107(a)(5), (7), (10);  
19 Eff. April 1, 1995;  
20 Amended Eff. April 1, 1997;  
21 Temporary Amendment Eff. November 1, 2000;  
22 Amended Eff. April 1, 2001;  
23 Temporary Amendment Eff. August 1, 2001;  
24 Amended Eff. July 1, 2007; March 1, 2007; July 18, ~~2002, 2002;~~  
25 Readopted Eff. September 1, 2020.  
26  
27



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1404

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*I recommend you delete the lead-in clauses in (a) through (c) and (g) through (j).*

*In (b), line 8, under what circumstances will this request be made?*

*On line 9, what is an "affected" source?*

*In (d)(1), line 16, consider inserting a comma after ".1418"*

*In (d)(2), lines 21, 23, and 24, aren't these Performance Specifications?*

*In (d)(3), line 30, and elsewhere the term is used, I take it your regulated public knows the acronym "Btu"?*

*In (e)(2), Page 2, line 5, shouldn't the word "sources" be possessive, with an apostrophe, reading "source's"?*

*On line 6, what are "equally spaced readings"? And constitute an hour for what? What is the use of "valid" here?*

*In (d)(2)(B), line 11, say this: "document that the combustion source or process equipment and the control device were being properly operated when the monitoring measurements were missing. For the purposes of this Rule/Part, "properly operated" means that operating and maintenance procedures being used complied with permit conditions, operating and maintenance procedures, preventative maintenance procedures, monitoring results, and compliance history." Or something of the sort to show the term was defined.*

*In (f)(2), how do the sentences on lines 19-22 and 22-24 differ?*

*On line 22, do you mean another rule in this Section?*

*In (f)(2)(A), line 25, what is a "relative accuracy test audit"?*

*In (f)(2)(B)(ii) and (iii), lines 32 and 34, should this "5.0 and 6.0" to conform to the CFR and (f)(2)(C)?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

*In (g), Page 3, so that I'm clear – when you refer to Rule .0606, you are specifically referring to Paragraph (c) of that Rule?*

*On line 4, please insert a comma after "30"*

*In (h)(2)(A) and (b), lines 13 and 14, replace the comma at the end of the line with a semicolon.*

*In (h)(2)(C), this language can be simplified. Why not, "the best available heat input data is approved by the Director as the best available"?*

*And how is this determined? Based upon what?*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

*Also in the History Note, line 33, retain the parenthesis after "2008"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1404 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1404 RECORDKEEPING: REPORTING: MONITORING:**

4 (a) General requirements. The owner or operator of any source shall comply with the monitoring, recordkeeping and  
5 reporting requirements in ~~Section .0600 of this Subchapter~~ 15A NCAC 02D .0600 and shall maintain all records  
6 necessary for determining compliance with all applicable limitations and standards of this Section for five years.

7 (b) Submittal of information to show compliance status. The owner or operator of any source shall ~~maintain and,~~  
8 maintain, and when requested by the Director, submit any information required by this Section to determine the  
9 compliance status of an affected source.

10 (c) Excess emissions reporting. The owner or operator shall report excess emissions following the procedures ~~under~~  
11 ~~Rule .0535 of this Subchapter,~~ in 15A NCAC 02D .0535.

12 (d) Continuous emissions monitors.

13 (1) The owner or operator shall install, operate, and maintain a continuous emission monitoring system  
14 according to 40 CFR Part 75, Subpart H, with such exceptions as may be allowed under 40 CFR  
15 Part 75, Subpart H or 40 CFR Part 96 if the source is covered ~~under Rule .1418 of this Section~~  
16 ~~except internal combustion engines,~~ by 15A NCAC 02D .1418 with the exception of internal  
17 combustion engines.

18 (2) The owner or operator of a source that is subject to the requirements of this Section but not covered  
19 under Subparagraph (1) of this Paragraph ~~and that~~ uses a continuous emissions monitoring system  
20 to measure emissions of nitrogen oxides shall operate and maintain the continuous emission  
21 monitoring system according to 40 CFR Part 60, Appendix B, Specification 2, and Appendix F or  
22 40 CFR Part 75, Subpart H. If diluent monitoring is required, 40 CFR Part 60, Appendix B,  
23 Specification 3, shall be used. If flow monitoring is required, 40 CFR Part 60, Appendix B,  
24 Specification 6, shall be used.

25 (3) The owner or operator of the following sources ~~is are~~ not required to use continuous emission  
26 monitors unless the Director determines that a continuous emission monitor is necessary ~~under Rule~~  
27 ~~.0611 of this Subchapter~~ pursuant to 15A NCAC 02D .0611 to show compliance with ~~the rules of~~  
28 this Section:

29 (A) a boiler or indirect-fired process heater ~~covered under Rule .1407 of this Section~~ regulated  
30 by 15A NCAC 02D.1407 with a maximum heat input less than or equal to 250 million Btu  
31 per hour;

32 (B) stationary internal combustion engines ~~covered under Rule .1409 of this Section~~ regulated  
33 by 15A NCAC 02D .1409 except for those engines covered under Rules .1409(b) and .1418  
34 of this Section, regulated by 15A NCAC 02D .1409(b) and .1418.

35 (e) Missing data.

- 1 (1) If data from continuous emission monitoring systems required to meet the requirements of 40 CFR  
2 Part 75 are not available at a time that the source is operated, the procedures in 40 CFR Part ~~75~~ 75,  
3 Subpart D shall be used to supply the missing data.
- 4 (2) For continuous emissions monitors not covered under Subparagraph (1) of this Paragraph, data shall  
5 be available for at least 95 percent of the emission sources operating hours for the applicable  
6 averaging period, where four equally spaced readings constitute a valid hour. If data from  
7 continuous emission monitoring systems are not available for at least 95 percent of the time that the  
8 source is operated, the owner or operator of the monitor shall:
- 9 (A) use the procedures in 40 CFR 75.33 through 75.37 to supply the missing data; or  
10 (B) document that the combustion source or process equipment and the control device were  
11 being properly operated (acceptable operating and maintenance procedures are being used,  
12 such as, compliance with permit conditions, operating and maintenance procedures, and  
13 preventative maintenance program, and monitoring results and compliance history) when  
14 the monitoring measurements were missing.
- 15 (f) Quality assurance for continuous emissions monitors.
- 16 (1) The owner or operator of a continuous emission monitor required to meet 40 CFR Part 75, Subpart  
17 H, shall follow the quality assurance and quality control requirements of 40 CFR Part 75, Subpart  
18 H.
- 19 (2) For a continuous emissions monitor not covered under Subparagraph (1) of this Paragraph, the  
20 owner or operator of the continuous emissions monitor shall follow the quality assurance and quality  
21 control requirements of 40 CFR Part 60, Appendix F, if the monitor is required to be operated  
22 annually under another rule. If the continuous emissions monitor is being operated only to satisfy  
23 the requirements of this Section, then the quality assurance and quality control requirements of 40  
24 CFR Part 60, Appendix F, shall apply except that:
- 25 (A) A relative accuracy test audit shall be conducted after January 1 and before May 1 of each  
26 year;
- 27 (B) One of the following shall be conducted at least once between May 1 and September 30 of  
28 each year:
- 29 (i) a linearity test, ~~according to~~ in accordance with 40 CFR Part 75, Appendix A,  
30 Section 3.2, 6.2, and 7.1;
- 31 (ii) a relative accuracy audit, ~~according to~~ in accordance with 40 CFR Part 60,  
32 Appendix F, Section 5 and 6; or
- 33 (iii) a cylinder gas audit ~~according to~~ in accordance with 40 CFR Part 60, Appendix  
34 F, Section 5 and 6; and
- 35 (C) A daily calibration drift test shall be conducted ~~according to~~ in accordance with 40 CFR  
36 Part 60, Appendix F, Section 4.0.

(g) 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 in 15A NCAC 02D .0606~~ shall be recorded for each day beginning May 1 through September 30 unless a specific rule requires a different averaging time or procedure. A 24-hour block average ~~described in Rule .0606 of this Subchapter as defined in 15A NCAC 02D .0606~~ shall be used when a continuous emissions monitoring system is used to determine compliance with a short-term ~~pounds per million Btu standard~~ pounds per million Btu standard in Rule .1418 of this Section. 15A NCAC 02D .1418.

(h) 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 02D .0501, or
  - (C) the best available heat input data if approved by the ~~Director (the Director. The Director~~ shall grant approval if he finds that the heat input data is the ~~best available).~~ available.

(i) 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. in 15A NCAC 02D .1415.~~

(j) Alternative monitoring and reporting procedures. The owner or operator of a source covered under this Rule may request alternative monitoring or reporting procedures ~~under Rule .0612, Alternative Monitoring and Reporting Procedures.~~ pursuant to 15A NCAC 02D .0612.

*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;  
Amendment Eff. December 1, 2005; January 1, 2005; May 1, 2004; July 15, 2002;  
Temporary Amendment Eff. December 31, 2008(this amendment replaces the amendment approved by RRC on May 15, 2008);  
Amended Eff. September 29, 2009(amendment approved by RRC on May 15, ~~2008~~ 2008);  
Readopted Eff. September 1, 2020.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1405

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, what is an "article"? Is this term known to your regulated public?*

*On line 5, please replace "which" with "that"*

*On lines 5-6, I suggest replacing "an applicable rule" with "a rule in this Section." (or "Subchapter" depending upon what rules you mean.)*

*I am not sure this needs to be a two paragraph Rule. I recommend combining the two, and thus deleting "(a)" and "(b)"*

*On line 7, I note that in this Rule, you refer to a "diluent" and in Rule .0906, you refer to a "dilutant." I take it the difference is intentional?*

*On line 8, what do you mean by "a specified size"? Are you referring to operations larger than the reported size of the subject operation?*

*In the History Note, please fix the date and punctuation on line 11.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1405 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1405 CIRCUMVENTION**

4 (a) An owner or operator subject to this Section shall not build, erect, install or use any article, machine, equipment,  
5 process, or method ~~which~~ that conceals an emission which would otherwise constitute a violation of an applicable  
6 rule.

7 (b) Paragraph (a) of this Rule includes the use of gaseous diluent to achieve compliance and the piecemeal carrying  
8 out of an operation to avoid coverage by a rule that applies only to operations larger than a specified size.

9  
10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

11 *Eff. April 1, ~~1995~~ 1005*

12 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1407

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What does Paragraph (a) mean? What does "applies geographically" mean here?*

*In (b) and elsewhere the acronym is used in this Rule, I take it your regulated public knows what "Btu" means?*

*In (c)(1), line 14, who will determine if this is "necessary"? If it's necessary to comply with the applicable limit, then why not use the language in Rule .1408(b), line 12?*

*In (c)(2), for whom is this demonstration done?*

*In (f), Page 2, line 5, please capitalize "Rule"*

*In (g), line 8, since you say the Director "may" make this reduction, under what circumstances will the Director not do so if the two consecutive annual source tests show compliance? And please note the same question for line 13.*

*And how will the determination of how many years between tests be made? Will it be on a case-by-case basis? Some guidance needs to be provided in the Rule.*

*In the History Note, please separate the serial citations using the full citation and semicolons.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .1407 is readopted with changes as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1407 BOILERS AND INDIRECT-FIRED PROCESS HEATERS**

4 (a) This Rule applies geographically ~~according to Rule .1402 of this Section, pursuant to 15A NCAC 02D .1402.~~

5 (b) The owner or operator of a boiler or indirect-fired process heater with a maximum heat input rate of less than or  
6 equal to 50 million Btu per hour shall comply with the annual tune-up requirements of ~~Rule .1414 of this Section, 15A~~  
7 ~~NCAC 02D .1412, .1414~~. The owner or operator of a boiler or indirect-fired process heater subject to the  
8 requirements of this Paragraph shall maintain records of all tune-ups performed for each source ~~according to Rule~~  
9 ~~.1404 of this Section, as required by 15A NCAC 02D .1404.~~

10 (c) The owner or operator of a fossil fuel-fired boiler with a maximum heat input rate less than or equal to 250 million  
11 Btu per hour but greater than 50 million Btu per hour, a boiler with a maximum heat input greater than 50 million Btu  
12 per hour that is not a fossil fuel-fired boiler, or an indirect-fired process heater with a maximum heat input greater  
13 than 50 million Btu per hour shall comply by:

- 14 (1) installation of, if necessary, combustion modification technology or other NO<sub>x</sub> control technology  
15 and maintenance, including annual tune-ups and recordkeeping; and  
16 (2) demonstration through source testing or continuous emission monitoring that the source complies  
17 with the ~~following~~following applicable limitation:  
18

19 **MAXIMUM ALLOWABLE NO<sub>x</sub> EMISSION RATES FOR BOILERS AND INDIRECT PROCESS**  
20 **HEATERS**  
21 **(POUNDS PER MILLION BTU)**

22 Firing Method

<u>Fuel/Boiler Type</u>	<u>Tangential</u>	<u>Wall</u>	<u>Stoker or Other</u>
Coal (Wet Bottom)	1.0	1.0	N/A
Coal (Dry Bottom)	0.45	0.50	0.40
Wood or Refuse	0.20	0.30	0.20
Oil	0.30	0.30	0.30
Gas	0.20	0.20	0.20

29 (d) If the emissions are greater than the applicable limitation in Paragraph (c) of this Rule after reasonable effort as  
30 defined in ~~Rule .1401 of this Section, 15A NCAC 02D .1401,~~ or if the requirements of this Rule are not RACT, the  
31 owner or operator may petition the Director for an alternative limitation or standard ~~in accordance with Rule .1412 of~~  
32 ~~this Section, pursuant to 15A NCAC 02D .1412.~~

33 (e) Compliance with the limitation established for a boiler or indirect-fired process heater under this Rule shall be  
34 determined:

- 35 (1) using a continuous emission monitoring system if the boiler or indirect-fired process heater is  
36 required to use a continuous emissions monitoring system ~~under Rule .0524 of this Section as~~  
37 required by 15A NCAC 02D .0524 or 40 CFR Part 60 to measure emissions of nitrogen oxides; or

(2) using annual source testing ~~according to Rule .1415 of this Section~~ pursuant to 15A NCAC 02D .1415 for boilers or indirect-fired process heaters with a maximum heat input rate less than or equal to 250 million Btu per hour but greater than 50 million ~~BTU~~ Btu per hour with the exception allowed under Paragraph (f) of this Rule.

(f) If a source covered under this rule can burn more than one fuel, the owner or operator of the source may choose not to burn one or more of these fuels during the ozone season. If the owner or operator chooses not to burn a particular fuel, the sources testing required under Subparagraph (e)(2) this Rule shall not be required for that fuel.

(g) If two consecutive annual source tests show compliance, the Director may reduce the frequency of testing up to once every five years. In years that a source test is not done, the boiler or indirect-fired process heater shall comply with the annual tune-up requirements of ~~Rule .1414 of this Section~~ 15A NCAC 02D .1414. If after the Director reduces the frequency of testing, a source test shows that the emission limit ~~under~~ in this Rule is exceeded, the Director shall require the boiler or indirect-fired process heater to be tested annually until two consecutive annual tests show compliance. Then the Director may again reduce the frequency of ~~testing~~ testing up to once every five years.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5), (7), (10);  
Eff. April 1, 1995;  
Temporary Amendment Eff. August 1, 2001; November 1, 2000;  
Amended Eff. June 1, 2008; July 18, 2002;  
Temporary Amendment Eff. December 31, 2008;  
Temporary Amendment expired September 29, ~~2009~~ 2009;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1408

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What does Paragraph (a) mean? What does "applies geographically" mean here?*

*In (b) and elsewhere the acronym is used in this Rule, I take it your regulated public knows what "Btu" means? And the same for "ppm"?*

*In (b)(1), line 9, replace the comma after "turbines" with a semicolon. Please note the same for (d)(1), line 20, after "system"*

*In (e), line 23, please capitalize "Rule"*

*In the History Note, please separate the serial citations using the full citation and semicolons.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1408 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1408 STATIONARY COMBUSTION TURBINES**

4 (a) This Rule applies geographically ~~according to Rule .1402 of this Section, pursuant to 15A NCAC 02D .1402.~~

5 (b) Unless the owner or operator chooses the option of emission averaging ~~under Rule .1410 of this Section, in 15A~~  
6 NCAC 02D .1410, the owner or operator of a stationary combustion turbine with a heat input rate greater than 100  
7 million Btu per hour but less than or equal to 250 million Btu per hour shall comply with the following limitations:

8 (1) Emissions of ~~NO<sub>x</sub>~~ NO<sub>x</sub> shall not exceed 75 ppm by volume corrected to 15 percent oxygen for gas-  
9 fired turbines, or

10 (2) Emissions of ~~NO<sub>x</sub>~~ NO<sub>x</sub> shall not exceed 95 ppm by volume corrected to 15 percent oxygen for oil-  
11 fired turbines.

12 If necessary, the owner or operator shall install combustion modification technology or other ~~NO<sub>x</sub>~~ NO<sub>x</sub> control  
13 technology to comply with the applicable limitation set forth in this Paragraph.

14 (c) If the emissions are greater than the applicable limitation in Paragraph (b) of this Rule after reasonable effort as  
15 defined in ~~Rule .1401 of this Section, 15A NCAC 02D .1401~~, or if the requirements of this Rule are not RACT for the  
16 particular stationary combustion turbine, the owner or operator may petition the Director for an alternative limitation  
17 or standard ~~according to Rule .1412 of this Section, in accordance with 15A NCAC 02D .1412.~~

18 (d) Compliance with the limitation established for a stationary combustion turbine under this Rule shall be ~~determined;~~  
19 determined by using:

20 (1) ~~using~~ a continuous emissions monitoring system, or

21 (2) ~~using~~ annual source testing ~~according to Rule .1415 of this Section, in accordance with 15A NCAC~~  
22 02D .1415.

23 (e) If a source covered under this rule can burn more than one fuel, the owner or operator of the source may choose  
24 not to burn one or more of these fuels during the ozone season. If the owner or operator chooses not to burn a particular  
25 fuel, the sources testing required under this Rule is not required for that fuel.

26  
27 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5), (7), (10);*

28 *Eff. April 1, 1995;*

29 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*

30 *Amended Eff. June 1, 2008; July 18, 2002;*

31 *Temporary Amendment Eff. December 31, 2008;*

32 *Temporary Amendment expired September 29, ~~2009~~ 2009;*

33 *Readopted Eff. September 1, 2020.*  
34  
35

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1409

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*What does Paragraph (a) mean? What does "applies geographically" mean here?*

*In (c), line 25, should the cross-reference be to Paragraph (h) instead of (g)?*

*In (d), Page 2, line 1, consider replacing "that" with "a"*

*On line 2, please insert "applying a" before "reasonable effort"*

*In (e)(1), line 8, replace "which" with "that"*

*In (e)(2), line 10, I take it "actual emissions" are those in (c), line 23?*

*On line 12, I suggest replacing "this" with "and" before "alternate"*

*On line 14, please state "he or she"*

*In (h), line 31, you have an errant hyphen before "The person" Please just remove it.*

*In (h)(5), Page 3, line 4, as well as line 8, do you want to update the cross-reference to "15A NCAC 02D and 02Q" as you did on Page 2, line 30?*

*Please delete the errant hyphens on Page 3, line 6 and 8.*

*In the History Note, please separate the serial citations using the full citation and semicolons.*

*Also in the History Note, line 16, do not strike "2009:"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1409 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1409 STATIONARY INTERNAL COMBUSTION ENGINES**

4 (a) This Rule applies geographically ~~according to Rule .1402 of this Section~~ pursuant to 15A NCAC 02D .1402.

5 (b) The owner or operator of a stationary internal combustion engine ~~having with~~ a rated capacity of ~~650 horsepower~~  
6 ~~or more greater than or equal to 650 horsepower~~ that is not covered under Paragraph (c) of this Rule or ~~Rule .1418 of~~  
7 ~~this Section~~ 15A NCAC 02D .1418 shall not allow emissions of ~~NO<sub>x</sub>~~ NO<sub>x</sub> from the stationary internal combustion  
8 engine to exceed the following limitations:

9  
10 MAXIMUM ALLOWABLE ~~NO<sub>x</sub>~~ NO<sub>x</sub> EMISSION RATES FOR  
11 STATIONARY INTERNAL COMBUSTION ENGINES  
12 (GRAMS PER HORSEPOWER HOUR)  
13

Engine Type	Fuel Type	Limitation
Rich-burn	Gaseous	2.5
Lean-burn	Gaseous	2.5
Compression Ignition	Liquid	8.0

18  
19 (c) Engines identified in the table in this Paragraph shall not exceed the emission limit in the table during the ozone  
20 season.

21  
SUM OF MAXIMUM ALLOWABLE OZONE SEASON NO<sub>x</sub> EMISSIONS

(tons per ozone season)

FACILITY	REGULATED SOURCES	ALLOWABLE EMISSIONS
Transcontinental Gas Pipeline Station 150	Mainline engines #12, 13, 14, and 15	76
Transcontinental Gas Pipeline Station 155	Mainline engines #2, 3, 4, 5, and 6	127
Transcontinental Gas Pipeline Station 160	Mainline engines #11, 12, 13, 14, and 15	149

22  
23 Compliance shall be determined by summing the actual emissions from the engines listed in the table at each facility  
24 for the ozone season and comparing those sums to the limits in the table. -Compliance may be achieved through trading  
25 under Paragraph (g) of this Rule if the trades are approved before the ozone season.

(d) If the emissions from that stationary internal combustion engine are greater than the applicable limitation in Paragraph (b) of this Rule after reasonable effort as defined in ~~Rule .1401 of this Section, 15A NCAC 02D .1401,~~ or if the requirements of this Rule are not RACT for the particular stationary internal combustion engine, the owner or operator may petition the Director for an alternative limitation or standard ~~according to Rule .1412 of this Section,~~ pursuant to 15A NCAC 02D .1412.

(e) For the engines identified in Paragraph (c) of this Rule and any engine involved in emissions trading with one or more of the engines identified in Paragraph (c) of this Rule, the owner or operator shall determine compliance using:

- (1) a continuous emissions monitoring system which meets the applicable requirements of Appendices B and F of 40 CFR part 60 and ~~Rule .1404 of this Section, 15A NCAC 02D .1404;~~ or
- (2) an alternate monitoring and recordkeeping procedure based on actual emissions testing and correlation with operating parameters.

The installation, implementation, and use of this alternate procedure allowed under Subparagraph ~~(e)(2)(2)~~ of this Paragraph shall be approved by the Director before it may be used. The Director ~~may~~ shall approve the alternative procedure if he finds that it can show the compliance status of the engine.

(f) If a stationary internal combustion engine is permitted to operate more than 475 hours during the ozone season, compliance with the limitation established for a stationary internal combustion engine under Paragraph (b) of this Rule shall be determined using annual source testing ~~according to Rule .1415 of this Section,~~ pursuant to 15A NCAC 02D .1415. If a source covered under this rule can burn more than one fuel, then the owner or operator of the source may choose not to burn one or more of these fuels during the ozone season. If the owner or operator chooses not to burn a particular fuel, the source testing required under this Rule is not required for that fuel.

(g) If a stationary internal combustion engine is permitted to operate no more than 475 hours during the ozone season, the owner or operator of the stationary internal combustion engine shall show compliance with the limitation under Paragraph (b) of this Rule with source testing during the first ozone season of operation ~~according to Rule .1415 of this Section,~~ pursuant to 15A NCAC 02D .1415. Each year after that, the owner or operator of the stationary internal combustion engine shall comply with the annual tune-up requirements of ~~Rule .1414 of this Section,~~ 15A NCAC 02D .1414.

(h) The owner or operator of a source covered under Paragraph (c) of this Rule may offset part or all of the emissions of that source by reducing the emissions of another stationary internal combustion engine at that facility by an amount equal to or greater than the emissions being offset. Only actual decreased emissions that have not previously been relied on to comply with 15A NCAC 02D or 02Q ~~Subchapter 02D or 02Q of this Title~~ or Title 40 of the Code of Federal Regulations may be used to offset the emissions of another source. ~~The person requesting the offset shall~~ submit the following information to the Director:

- (1) identification of the source, including permit number, providing the offset and what the new allowable emission rate for the source will be;
- (2) identification of the source, including permit number, receiving the offset and what the new allowable emission rate for the source will be;
- (3) the amount of allowable emissions in tons per ozone season being offset;

- 1 (4) a description of the monitoring, recordkeeping, and reporting that shall be used to show compliance;  
2 and  
3 (5) documentation that the offset is an actual decrease in emissions that has not previously been relied  
4 on to comply with Subchapter 02D or 02Q of this Title or Title 40 of the Code of Federal  
5 Regulations.

6 The Director ~~may~~ approve the offset if he or she finds that all the information required by this Paragraph has been  
7 submitted and that the offset is an actual decrease in emissions that have not previously been relied on to comply with  
8 Subchapter 02D or 02Q of this Title or Title 40 of the Code of Federal Regulations. ~~-If the Director approves the~~  
9 offset, he or she shall put the new allowable emission rates in the respective permits.

10  
11 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5), (7), (10);*  
12 *Eff. April 1, 1995;*  
13 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
14 *Amended Eff. June 1, 2008; June 1, 2004; July 18, 2002;*  
15 *Temporary Amendment Eff. December 31, 2008;*  
16 *Temporary Amendment expired September 29, ~~2009, 2009;~~*  
17 *Readopted Eff. September 1, 2020.*  
18  
19



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1410

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 8, I recommend deleting "With the exceptions in Paragraph (a) of this Rule" and just stating "The owner..." If you are worried about losing the clear exemption, you could state on line 8, "of two or more eligible sources..."*

*On line 9, what is "comparable rise plume"? How is this determined?*

*In (c), line 14, I am only asking – do you need to retain "to comply with the requirements of this Section,"?*

*In (c)(2), line 17, what will this information be? Does your regulated public know?*

*In (c)(6), line 21, what will this demonstration entail? How does this happen?*

*Also on line 21, insert a comma after "averaged"*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

*Also in the History Note, line 35, retain the parenthesis after "2008"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1410 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1410 EMISSIONS AVERAGING**

4 (a) This Rule shall not apply to sources ~~covered under Rules or .1418 of this Section, regulated by 15A NCAC 02D~~  
5 ~~.1418~~. Sources that have obtained an alternative limitation ~~as provided by Rule .1412 of this Section pursuant to 15A~~  
6 ~~NCAC 02D .1412~~ or that apply seasonal fuel switching ~~as provided by Rule .1411 of this Section pursuant to 15A~~  
7 ~~NCAC 02D .1411~~ are not eligible to participate in an emissions averaging plan under this Rule.

8 (b) With the exceptions in Paragraph (a) of this Rule, the owner or operator of a facility with two or more sources  
9 with comparable plume rise and subject to the requirements of this Section for all such sources as determined by ~~Rule~~  
10 ~~.1402 of this Section~~ 15A NCAC 02D .1402 may elect to apply an emissions averaging plan according to Paragraph

11 (c) of this Rule. ~~An emission~~ emissions averaging plan may be used if the total ~~NO<sub>x</sub> NO<sub>x</sub>~~ emissions from the averaged  
12 set of sources based on the total heat input are equal to or less than the ~~NO<sub>x</sub> NO<sub>x</sub>~~ emissions that would have occurred  
13 if each source complied with the applicable limitation.

14 (c) To request approval of an emissions averaging plan to comply with the requirements of this Section, the owner or  
15 operator of a facility shall submit a written request to the Director including the following information:

- 16 (1) the name and location of the facility;
- 17 (2) information identifying each source to be included under the averaging plan;
- 18 (3) the maximum heat input rate for each source;
- 19 (4) the fuel or fuels combusted in each source;
- 20 (5) the maximum allowable ~~NO<sub>x</sub> NO<sub>x</sub>~~ emission rate proposed for each averaging source;
- 21 (6) a demonstration that the nitrogen oxide emissions of the sources being averaged when operated  
22 together at the maximum daily heat input rate, will be less than or equal to the total ~~NO<sub>x</sub> NO<sub>x</sub>~~  
23 emissions if each source complied with the applicable limitation of this Section individually;
- 24 (7) an operational plan to provide reasonable assurance that the sources being averaged will satisfy  
25 Subparagraph (5) of this Paragraph when the combined maximum daily heat input rate is less than  
26 the permitted maximum heat input rate; and
- 27 (8) the method to be used to determine the actual ~~NO<sub>x</sub> NO<sub>x</sub>~~ emissions from each source.

28  
29 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.107(a)(5), (7), (10);*

30 *Eff. April 1, 1995;*

31 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*

32 *Amended Eff. July 18, 2002;*

33 *Temporary Amendment Eff. December 31, 2008(this amendment replaces the amendment approved*  
34 *by RRC on May 15, 2008);*

35 *Amended Eff. September 29, 2009(amendment approved by RRC on May 15, 2008)-2008;*

36 *Readopted Eff. September 1, 2020.*  
37

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1411

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 7, consider replacing "in or since" with "beginning in"*

*In (c), line 9, what is the "Acid Rain Program"? Is this the term defined in Rule .1401? If so, should the term begin with capital letters there?*

*In (d), lines 13-14 is a restatement of the sentence on lines 8-9. You do not need them in both places.*

*In (d)(2), line 18, what will this information be? Does your regulated public know?*

*In (d)(4) and (d)(5), lines 20 and 22, what will this demonstration entail? How does this happen?*

*In (d)(6), line 25, what do you mean by "beginning during"? Should this read "at the beginning and during"?*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1411 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1411 SEASONAL FUEL SWITCHING**

4 (a) This Rule shall not apply to sources ~~covered under Rule .1418 of this Section, regulated by 15A NCAC 02D .1418.~~

5 (b) The owner or operator of a coal-fired or oil-fired boiler subject to the requirements of ~~Rule .1407 of this Section~~  
6 15A NCAC 02D .1407 may elect to comply by applying seasonal combustion of natural gas according to Paragraph  
7 (c) of this Rule. This option is not available to a boiler that used natural gas as its primary fuel in or since 1990.  
8 Compliance with this Section according to this Rule does not remove or reduce any applicable requirement of the  
9 Acid Rain Program.

10 (c) The owner or operator electing to comply with the requirements of this Section through the seasonal combustion  
11 of natural gas shall establish a ~~NO<sub>x</sub> NO<sub>x</sub>~~ emission limit beginning October 1 and ending April 30 that will result in  
12 annual ~~NO<sub>x</sub> NO<sub>x</sub>~~ emissions of less than or equal to the ~~NO<sub>x</sub> NO<sub>x</sub>~~ that would have been emitted if the source complied  
13 with the applicable limitation for the combustion of coal for the entire calendar year. Compliance with this Section  
14 according to this Rule does not remove or reduce any applicable requirement of the Acid Rain Program.

15 (d) To comply with the requirements of this Section through the seasonal combustion of natural gas, the owner or  
16 operator shall submit to the Director the following information:

- 17 (1) the name and location of the facility;
- 18 (2) information identifying the source to use seasonal combustion of natural gas for compliance;
- 19 (3) the maximum heat input rate for each source;
- 20 (4) a demonstration that the source will comply with the applicable limitation for the combustion of  
21 coal during the ozone ~~season~~ season;
- 22 (5) a demonstration that the source will comply with the ~~NO<sub>x</sub> NO<sub>x</sub>~~ emission limitation established under  
23 Paragraph (c) of this Rule beginning October 1 and ending April 30; and
- 24 (6) a written statement from the natural gas supplier providing reasonable assurance that the fuel will  
25 be available beginning during the ozone season.

26  
27 *History Note: Authority G.S. 143-215.3(a)(1) 143-215.65; 143-215.107(a)(5), (7), (10);*  
28 *Eff. April 1, 1995;*  
29 *Temporary Amendment Eff November 1, 2000;*  
30 *Amended Eff. April 1, 2001;*  
31 *Temporary Amendment Eff August 1, 2001;*  
32 *Amended Eff. June 1, 2008; July 18, 2002;*  
33 *Temporary Amendment Eff. December 31, 2008;*  
34 *Temporary Amendment expired September 29, ~~2009~~ 2009;*  
35 *Readopted Eff. September 1, 2020.*  
36

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1412

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 7, should this citation be “.1409(b)” to be consistent with line 5?*

*In (a)(2), line 12, replace the period with either a comma or a semicolon and “then”*

*In (b), line 15, replace the semicolon after “submit” with a colon.*

*In (b)(2), line 17, what will this information be? Does your regulated public know?*

*In (d)(6) and (d)(7), lines 21 and 23, what will this demonstration entail? How does this happen?*

*In (c), line 25, to what part of Rule .0530 are you referring?*

*In (d), line 29, do not insert “they find” as “they” is plural and “Director” is singular. Instead, insert a “or she” after “he”*

*In (d)(1) and (2), what if the owner or operator is applying under (c)? What needs to be submitted for that?*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1412 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1412 PETITION FOR ALTERNATIVE LIMITATIONS**

4 (a) If the owner or operator of a source subject to the requirements of ~~Rule .1407, .1408, or .1409(b) of this Section:~~  
5 15A NCAC 02D .1407, .1408, or .1409(b):

- 6 (1) cannot achieve compliance with the applicable limitation after reasonable effort to satisfy the  
7 requirements of ~~Rules .1407, .1408, or .1409 of this Section~~ 15A NCAC 02D .1407, .1408, or .1409  
8 or if the requirements of ~~Rules .1407, .1408, or .1409 of this Section~~ in these Rules are not RACT  
9 for the particular source; and  
10 (2) cannot provide reasonable assurance for overall compliance at a facility through the implementation  
11 of an emissions averaging plan ~~as provided for in Rule .1410 of this Section;~~ pursuant to 15A NCAC  
12 02D .1410.

13 the owner or operator may petition the Director for an alternative limitation according to Paragraph (b) or (c) of this  
14 Rule.

15 (b) To petition the Director for an alternative limitation, the owner or operator of the source shall submit;

- 16 (1) the name and location of the facility;  
17 (2) information identifying the source for which an alternative limitation is being requested;  
18 (3) the maximum heat input rate for the source;  
19 (4) the fuel or fuels combusted in the source;  
20 (5) the maximum allowable ~~NO<sub>x</sub>~~ NO<sub>x</sub> emission rate proposed for the source for each fuel;  
21 (6) a demonstration that the source has satisfied the requirements to apply for an alternative limitation  
22 under Paragraph (a) of this Rule; and  
23 (7) a demonstration that the proposed alternative limitation is RACT for that source.

24 (c) If the source is required to comply with best achievable control technology ~~under Rule .0530, Prevention of~~  
25 ~~Significant Deterioration, of this Subchapter,~~ pursuant to 15A NCAC 02D .0530, the owner or operator of the source  
26 shall provide the information required under Subparagraphs (b)(1) through (6) of this Rule and documentation that  
27 the source is required to use best available control technology and is complying with that requirement. For this source,  
28 its best available control technology shall be considered RACT without any further demonstrations.

29 (d) The Director shall approve the alternative limitation if ~~he finds~~ they find that:

- 30 (1) all the information required by Paragraph (b) of this Rule has been ~~submitted,~~ submitted;  
31 (2) the requirements of Paragraph (a) of this Rule have been ~~satisfied,~~ satisfied; and  
32 (3) the proposed alternative limitation is RACT for that source.

33  
34 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.107(a)(5), (7), (10);  
35 Eff. April 1, 1995;  
36 Temporary Amendment Eff. August 1, 2001; November 1, 2000;  
37 Amended Eff. June 1, 2008; July 18, ~~2002,~~ 2002;

- 1 *Readopted Eff. September 1, 2020.*
- 2
- 3

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1413

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Paragraph (a) is one very long, confusing sentence. Consider breaking this up into at least two sentences by removing the exceptions on lines 4-5 and then adding a new sentence on line 7. "This Rule shall not apply to boilers,..."*

*In (b), line 8, consider replacing "covered" with "regulated"*

*In (b)(2), line 11, what is this information? Does your regulated public know?*

*In (b)(3) and (4), lines 12 and 13, what will these demonstrations entail?*

*In (c)(2), line 17, please state "sources are" or "source is" I believe you mean "source is"*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .1413 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1413 SOURCES NOT OTHERWISE LISTED IN THIS SECTION**

4 (a) The owner or operator of any source of ~~nitrogen oxides~~, NOx, except boilers, indirect-fired process heaters,  
5 stationary combustion turbines, or stationary internal combustion engines, at a facility that has the potential to emit  
6 100 tons per year or more of ~~nitrogen oxides~~ NOx or 560 pounds per calendar day or more of NOx from May 1 through  
7 September ~~30~~ 30, shall apply RACT ~~according pursuant~~ to Paragraph (b) of this Rule.

8 (b) To apply RACT to a source of ~~nitrogen oxides~~ NOx covered ~~under~~ pursuant to this Rule, the owner or operator  
9 of the source shall submit;

- 10 (1) the name and location of the facility;  
11 (2) information identifying the source for which RACT is being proposed;  
12 (3) a demonstration that shows the proposed limitation is RACT for the source; and  
13 (4) a proposal for demonstrating compliance with the proposed RACT.

14 (c) The Director shall approve the proposed limitation if he or she finds that:

- 15 (1) the owner or operator of the source has submitted all the information required under Paragraph (b)  
16 of this Rule;  
17 (2) the sources is covered under this Rule; and  
18 (3) the proposed limitation is RACT for this source.

19  
20 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5), (7), (10);*  
21 *Eff. April 1, 1995;*  
22 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
23 *Amended Eff. July 18, ~~2002~~ 2002;*  
24 *Readopted Eff. September 1, 2020.*  
25  
26

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1414

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 9, and (c), line 21, I take it you need to retain "at least annually" here?*

*In (b)(2), line 11, what does "necessary to optimize" mean here?*

*In (b)(3), so that I'm clear – "proper operation and correct calibration" on line 13 refers to those set by the manufacturer, as stated on lines 14-15?*

*In (b)(4), line 17, so that I'm clear – the determination of what is "necessary to improve combustion efficiency" will be up to the owner or operator alone?*

*In (b), line 18, and (c), line 31, I believe "unit-specific" should be hyphenated  
And will the approval on lines 18 and 33 be on an individual basis?*

*In (c)(7), line 29, will the determination of "as necessary to improve engine efficiency" be based upon the manufacturer's recommendation, as reference on lines 21-22?*

*In (d)(6), Page 2, line 10, end the sentence after "output" If you need to retain "At a minimum," then have it start the next sentence. Otherwise, state "These parameters..."*

*In (d)(7), how will this request be made by the Director? Will it specifically say to retain the information in the record?*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1414 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1414 TUNE-UP REQUIREMENTS**

4 (a) This Rule applies to boilers and indirect-fired process heaters subject to the requirements of ~~Rule .1407 of this~~  
5 ~~Section 15A NCAC 02D .1407~~ or stationary internal combustion engines subject to the requirements of ~~Rule .1409 of~~  
6 ~~this Section 15A NCAC 02D .1409~~ that are complying with ~~Rules .1407 or .1409 of this Section through an the annual~~  
7 ~~tune-up, tune-up requirement.~~

8 (b) When a tune-up to a boiler or indirect-fired process heater is required for compliance with this Section, the owner  
9 or operator shall at least annually and according to the manufacturer's recommendations:

- 10 (1) inspect each burner and clean or replace any component of the burner as required;
- 11 (2) inspect the flame pattern and make any adjustments to the burner, or burners, necessary to optimize  
12 the flame pattern to minimize total emissions of ~~NO<sub>x</sub>~~ NO<sub>x</sub> and carbon monoxide;
- 13 (3) inspect the combustion control system to ensure proper operation and correct calibration of  
14 components that control the air to fuel ratio and adjust components to meet the manufacturer's  
15 established operating parameters; and
- 16 (4) inspect any other component of the boiler or indirect-fired process heater and make adjustments or  
17 repairs as necessary to improve combustion efficiency.

18 The owner or operator shall perform the tune-up according to a unit specific protocol approved by the Director. The  
19 Director shall approve the protocol if it meets the requirements of this Rule.

20 (c) When a tune-up to a stationary internal combustion engine is required for compliance with this Section, the owner  
21 or operator shall at least annually inspect, adjust, and repair or replace according to the manufacturer's  
22 recommendation, the following, as equipped:

- 23 (1) engine air cleaners, fuel filters, and water traps;
- 24 (2) turbochargers and superchargers;
- 25 (3) spark plugs;
- 26 (4) valve lash;
- 27 (5) ignition systems, including ignition coils and wiring;
- 28 (6) aftercooler cores;
- 29 (7) any other component of the engine as necessary to improve engine efficiency; and
- 30 (8) emission control systems.

31 The owner or operator shall perform the tune-up according to a unit specific protocol, including inspection,  
32 maintenance, and performance procedures as recommended by the ~~manufacturer,~~ manufacturer and approved by the  
33 Director. The Director shall approve the protocol if it meets the requirements of this Rule.

34 (d) The owner or operator shall maintain records of tune-ups performed to comply with this Section ~~according to Rule~~  
35 ~~.1404 of this Section, pursuant to 15A NCAC 02D .1404.~~ The following information shall be included for each source:

- 36 (1) identification of the source;
- 37 (2) the date and time the tune-up started and ended;

- (3) the person responsible for performing the tune-up;
- (4) for boilers and indirect-fired process heaters, the checklist for inspection of the burner, flame pattern, combustion control system, and all other components of the boiler or indirect-fired process heater identified in the protocol, noting any repairs or replacements made;
- (5) for stationary internal combustion engines, the checklist for engine air cleaners, turbochargers, sparkplugs, valve lash, ignition coils and wiring, aftercooler cores, and all other components of the engine identified in the protocol, noting any repairs or replacements made;
- (6) any stack gas analyses performed after the completion of all adjustments to show that the operating parameters of the boiler, indirect-fired process heater, or stationary internal combustion engine have been optimized with respect to fuel consumption and output; at a minimum these parameters shall be within the range established by the equipment manufacturer to ensure that the emission limitation for nitrogen oxides has not been exceeded; and
- (7) any other information requested by the Director to show that the boiler, indirect-fired process heater, or stationary internal combustion engine is being operated and maintained in a manner to minimize the emissions of nitrogen oxides.

*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;  
Temporary Amendment Eff. August 1, 2001; November 1, 2000;  
Amended Eff. July 18, ~~2002~~2002;  
Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1415

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1415 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1415 TEST METHODS AND PROCEDURES**

4 (a) When source testing is used to determine compliance with rules in this Section, the methods and procedures in  
5 ~~Section .2600 of this Subchapter~~ 15A NCAC 02D .2600 shall be used.

6 (b) The owner or operator shall maintain records of tests performed to demonstrate compliance with this Section  
7 ~~according to Rule .1404 of this Section.~~ as required by 15A NCAC 02D .1404.

8  
9 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5), (7), (10);*  
10 *Eff. April 1, 1995;*  
11 *Temporary Amendment Eff. August 1, 2001; November 1, 2000;*  
12 *Amended Eff. June 1, 2008; July 18, ~~2002~~, 2002;*  
13 *Readopted Eff. September 1, 2020.*  
14  
15

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1418

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*The name of a Rule is not within the RRC's purview; however, if "I/C Engines" means "Internal Combustion Engines" (the term used in Rule), consider spelling that out in the name. If you do so, you will need to update Box 2 on the Submission for Permanent Rule form.*

*Throughout this Rule, do you need to retain a reference to "permitted after October 1, 2000"? I understand if you do, but I wanted to check.*

*In (a)(1), line 9 and elsewhere in the Rule that the acronym is used, I take it your regulated public knows what "Btu" means*

*In (a)(3), line 20, you say "in 15A" In (b)(3), line 35, you say "of 15A" I believe these should be the same language.*

*In (a), you refer to being "regulated" by other rules. Starting in (b), line 23, you refer to being "covered" I believe the language should be the same in all places.*

*In (b)(1), line 27, please insert a space between "by" and "15A" You will not show this as a change; simply do it.*

*In (c)(1) through (4), Page 2, you are not using the same language as you are using in Rule .1423, as there you replaced "equal to or greater than" with "greater than or equal to." I suggest you make a conforming change in this Rule.*

*In (d), Page 2, line 18, please insert a comma after "Rule", and "for" before "internal" and a comma after "engines" So it will read, "Rule, except for internal combustion engines, shall show..."*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

*Also in the History Note, line 30, retain the parenthesis after "2008"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1418 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1418 NEW ELECTRIC GENERATING UNITS, ~~LARGE-BOILERS,~~ COMBUSTION**  
4 **TURBINES, AND LARGE I/C ENGINES**

5 (a) Electric generating units. Emissions of ~~nitrogen oxides NOx~~ from any fossil fuel-fired stationary boiler,  
6 combustion turbine, or combined cycle system permitted after October 31, 2000, serving a generator with a nameplate  
7 capacity greater than 25 megawatts electrical and selling any amount of electricity ~~shall not exceed;~~ shall meet the  
8 applicable requirement:

- 9 (1) 0.15 pounds per million Btu for gaseous and solid fuels and 0.18 pounds per million Btu for liquid  
10 fuels if it is not ~~covered under Rule .0530 (prevention of significant deterioration) or .0531~~  
11 ~~(nonattainment area major new source review) of this Subchapter;~~ regulated by 15A NCAC 02D  
12 .0530 or .0531;  
13 (2) if regulated by 15A NCAC 02D .0530, meet the best available control technology requirements in  
14 15A NCAC 02D .0530 or 0.15 pounds per million Btu for gaseous and solid fuels and 0.18 pounds  
15 per million Btu for liquid fuels or best available control technology requirements of Rule .0530 of  
16 this Subchapter, fuels, whichever requires the greater degree of ~~reduction, if it is covered under Rule~~  
17 ~~.0530 of this Subchapter;~~ reduction; or  
18 (3) if regulated by 15A NCAC 02D .0531, meet the lowest available emission rate technology  
19 ~~requirements of Rule .0531 of this Subchapter if it is covered under Rule .0531 of this Subchapter.~~  
20 in 15A NCAC 02D .0531.

21 (b) ~~Large boilers.~~ Boilers and combustion turbines. Emissions of ~~nitrogen oxides NOx~~ from any fossil fuel-fired  
22 stationary boiler, combustion turbine, or combined cycle system having a maximum design heat input greater than  
23 250 million Btu per hour which is permitted after October 31, 2000, and not covered under Paragraph (a) of this Rule,  
24 ~~shall not exceed;~~ meet the applicable requirement:

- 25 (1) 0.17 pounds per million Btu for gaseous and solid fuels and 0.18 pounds per million Btu for liquid  
26 fuels if it is not ~~covered under Rule .0530 (prevention of significant deterioration) or .0531~~  
27 ~~(nonattainment area major new source review) of this Subchapter;~~ regulated by 15A NCAC 02D  
28 .0530 or .0531;  
29 (2) if regulated by 15A NCAC 02D .0530, meet the best available control technology requirements in  
30 15A NCAC 02D .0530 or 0.17 pounds per million Btu for gaseous and solid fuels and 0.18 pounds  
31 per million Btu for liquid fuels or best available control technology requirements of Rule .0530 of  
32 this Subchapter, fuels, whichever requires the greater degree of ~~reduction, if it is covered under Rule~~  
33 ~~.0530 of this Subchapter;~~ reduction; or  
34 (3) if regulated by 15A NCAC 02D .0531, meet the lowest available emission rate technology  
35 ~~requirements of Rule .0531 of this Subchapter if it is covered under Rule .0531 of this Subchapter.~~  
36 15A NCAC 02D .0531.



(c) Internal combustion engines. The following reciprocating internal combustion engines permitted after October 31, 2000, shall comply with the applicable requirements in ~~Rule .1423 of this Section~~ 15A NCAC 02D .1423 if the engine is not covered under ~~Rule .0530 (prevention of significant deterioration) or .0531 (nonattainment area major source review) of this Subchapter.~~ 15A NCAC 02D .0530 or .0531:

- (1) rich burn stationary internal combustion engines rated at equal to or greater than 2,400 brake ~~horsepower, horsepower;~~ horsepower;
- (2) lean burn stationary internal combustion engines rated at equal to or greater than 2,400 brake ~~horsepower, horsepower;~~ horsepower;
- (3) diesel stationary internal combustion engines rated at equal to or greater than 3,000 brake ~~horsepower, horsepower;~~ horsepower; or
- (4) dual fuel stationary internal combustion engines rated at equal or to greater than 4,400 brake ~~horsepower, horsepower.~~ horsepower.

If the engine is covered ~~under Rule .0530 of this Subchapter,~~ by 15A NCAC 02D .0530, it shall comply with the requirements of ~~Rule .1423 of this Section~~ 15A NCAC 02D .1423 or the best available control technology requirements of ~~Rule .0530 of this Subchapter,~~ 15A NCAC 02D .0530, whichever requires the greater degree of reduction. If the engine is covered ~~under Rule .0531 of this Subchapter,~~ by 15A NCAC 02D .0531, it shall comply with lowest available emission rate technology requirements of ~~Rule .0531 of this Subchapter.~~ 15A NCAC 02D .0531.

(d) Monitoring. The owner or operator of a source subject to this Rule except internal combustion engines shall show compliance using a continuous emission monitor that meets the requirements of ~~Rule .1404(d) of this Section.~~ 15A NCAC 02D .1404(d). Internal combustion engines shall comply with the monitoring requirements in ~~Rule .1423 of this Section.~~ 15A NCAC 02D .1423. Monitors shall be installed before the first ozone season in which the source will operate and shall be operated each day during the ozone season that the source operates.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (7), (10);  
Temporary Adoption Eff. August 1, 2001; November 1, 2000;  
Eff. July 18, 2002;  
Amended Eff. June 1, 2004;  
Temporary Amendment Eff. December 31, 2008(this amendment replaces the amendment approved by RRC on May 15, 2008);  
Amended Eff. September 29, 2009(amendment approved by RRC on May 15, ~~2008~~, 2008);  
Readopted Eff. September 1, 2020.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1423

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*I suggest you delete the lead-in clauses for all Paragraphs, like "Applicability" in (a).*

*In (c), are the formulas going to be the language on lines 28 and Page 2, line 9? It looks like part of it is being struck, so I wanted to check.*

*In d)(1), line 16, replace "which" with "that"*

*In (d)(2), I take it this approval is on a case-by-case basis and upon request?*

*On line 22, state "he or she"*

*Please end (e)(1), line 27, with an "and"*

*In (f), line 31, so that I'm clear – only 2 years, not the 5 in Rule .1404(a)?*

*On line 32, under what circumstances will the Director make this request?*

*In (f)(3), Page 3, line 2, should this be "any" maintenance?*

*Please begin (f)(4), line 3, with "the"*

*In (f)(7)(A), line 7, replace "are" with "were"*

*In (f)(7)(B), line 11, please insert a comma after "obtained"*

*In (g)(1), line 14, please insert an "and" or "or" at the end of the line, depending upon what you mean.*

*In (g)(2), line 15, what is "regularly" scheduled? Does your regulated public know?*

*In the History Note, please separate serial citations with semicolons, and use the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: July 31, 2020

15A NCAC 02D .1423 is readopted as published in 34:16 NCR 1468 as follows:

**15A NCAC 02D .1423 LARGE INTERNAL COMBUSTION ENGINES**

(a) Applicability. This Rule applies to the following internal combustion engines permitted after October 30, 2000 that are subject to ~~Rule .1418 of this Section~~ 15A NCAC 02D .1418 but are not subject to ~~Rules .0530 (prevention of significant deterioration) or .0531 (nonattainment area major new source review) of this Subchapter.~~ 15A NCAC 02D .0530 or .0531:

- (1) rich burn stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal to 2,400 brake horsepower;
- (2) lean burn stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal to 2,400 brake horsepower;
- (3) diesel stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal to 3,000 brake horsepower; or
- (4) dual fuel stationary internal combustion engines rated at ~~equal or greater than~~ greater than or equal to 4,400 brake horsepower.

(b) Emission limitation. The owner or operator of a stationary internal combustion engine shall not cause to be emitted into the atmosphere ~~nitrogen oxides~~ NO<sub>x</sub> in excess of the following applicable limit, expressed as ~~nitrogen dioxide~~ NO<sub>x</sub> in parts per million by volume corrected to 15 percent ~~parts per million by volume (ppmv)~~ stack gas oxygen on a dry basis, averaged over a rolling 30-day period, as may be adjusted ~~under~~ pursuant to Paragraph (c) of this Rule:

MAXIMUM ALLOWABLE NO<sub>x</sub> EMISSION CONCENTRATION FOR  
STATIONARY INTERNAL COMBUSTION ENGINES  
(parts per million)

Engine Type	Limitation
Rich-burn	110
Lean-burn	125
Diesel	175
Dual fuel	125

(c) Adjustment. Each emission limit expressed in Paragraph (b) of this Rule may be multiplied by X, where X equals the engine efficiency (E) divided by a reference efficiency of 30 percent. Engine efficiency (E) shall be determined using one of the methods specified in Subparagraphs (1) or (2) of this Paragraph, whichever provides a higher value. However, engine efficiency (E) shall not be less than 30 percent. An engine with an efficiency lower than 30 percent shall be assigned an efficiency of 30 percent.

(1) \_\_\_\_\_

$$E = \frac{(\text{Engine output}) * (100)}{\text{Energy input}}$$

$$E = \frac{(\text{Engine output}) * (100)}{\text{Energy input}}$$

$$E = \frac{\text{Energy input}}{\text{Energy input}}$$

$$\text{Energy input}$$

where energy input is determined by a fuel measuring device accurate to plus or minus 5 percent and is based on the higher heating value (HHV) of the fuel. Percent efficiency (E) shall be averaged over 15 consecutive minutes and measured at peak load for the applicable engine.

(2)\_\_\_\_\_

$$E = \frac{(\text{Manufacturer's rated efficiency at LHV}) * (\text{LHV})}{\text{HHV}}$$

$$\text{Manufacturer's Rated Efficiency [continuous] at LHV} * (\text{LHV})$$

$$E = \frac{\text{Manufacturer's Rated Efficiency [continuous] at LHV} * (\text{LHV})}{\text{HHV}}$$

$$\text{HHV}$$

where LHV is the lower heating value of the fuel; and HHV is the higher heating value of the fuel.

(d) Compliance determination and monitoring. The owner or operator of an internal combustion engine subject to the requirements of this Rule shall determine compliance using:

- (1) a continuous emissions monitoring system (~~CEMS~~) which meets the applicable requirements of 40 CFR part 60, Appendices B and F of 40 CFR part 60, F, excluding data obtained during periods specified in Paragraph (g) of this Rule and ~~Rule 1404 of this Section; 15A NCAC 02D .1404;~~ or
- (2) an alternate calculated and recordkeeping procedure based on actual emissions testing and correlation with operating parameters. The installation, implementation, and use of this alternate procedure shall be approved by the Director before it may be used. The Director ~~may~~ shall approve the alternative procedure if he finds that it can show the compliance status of the engine.

(e) Reporting requirements. The owner or operator of a stationary internal combustion engine subject to this Rule shall submit:

- (1) a report documenting the engine's total nitrogen oxide emissions beginning May 1 and ending September 30 of each year to the Director by October 31 of each year, beginning with the year of first ozone season that the engine operates;
- (2) an excess emissions and monitoring systems performance report, according to the requirements of 40 CFR 60.7(c) and 60.13, if a ~~continuous~~ continuous emissions monitoring system is used.

(f) Recordkeeping requirements. The owner or operator of a stationary internal combustion engine subject to this Rule shall maintain all records necessary to demonstrate compliance with the Rule for two calendar years at the facility at which the engine is located. The records shall be made available to the Director upon request. The owner or operator shall maintain records of the following information for each day the engine operates:

- (1) identification and location of the engine;
- (2) calendar date of record;

- 1 (3) the number of hours the engine operated during each day, including startups, shutdowns, and  
2 malfunctions, and the type and duration of maintenance and repairs;  
3 (4) date and results of each emissions inspection;  
4 (5) a summary of any emissions corrective maintenance taken;  
5 (6) the results of all compliance tests; and  
6 (7) if a unit is equipped with a continuous emission monitoring system:  
7 (A) identification of time periods during which nitrogen oxide standards are exceeded, the  
8 reason for the excess emissions, and action taken to correct the excess emissions and to  
9 prevent similar future excess emissions; and  
10 (B) identification of the time periods for which operating conditions and pollutant data were  
11 not obtained including reasons for not obtaining sufficient data and a description of  
12 corrective actions taken.
- 13 (g) Exemptions. The emission standards of this Rule shall not apply to the following periods of operation:  
14 (1) start-up and shut-down periods and periods of malfunction, not to exceed 36 consecutive hours;  
15 (2) regularly scheduled maintenance activities.  
16

17 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5), (7), (10);*  
18 *Temporary Adoption Eff. August 1, 2001;*  
19 *Eff. July 18, ~~2002~~2002;*  
20 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1701

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 6, I do not think you mean only this Rule, but rather, the entire Section. So, why not state "The definitions in 40 CFR 60.751 apply to this Section."?*

*In the History Note, why are you citing to G.S. 143-213?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1701 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **SECTION .1700 - MUNICIPAL SOLID WASTE LANDFILLS**

4  
5 **15A NCAC 02D .1701 DEFINITIONS**

6 For the purpose of this Rule the definitions contained in 40 CFR 60.751 shall apply.

7  
8 *History Note: Authority G.S. 143-213; 143-215.3(a)(1);*

9 *Eff. July 1, ~~1998~~ 1998;*

10 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1702

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 6, documented by whom? How?*

*In (b), line 10, how is the determination of "solely" made? By whom?*

*On line 12, please state "Q2D"*

*In the History Note, why are you citing to G.S. 143-213?*

*Please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .1702 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1702 APPLICABILITY**

4 (a) All existing MSW landfills that meet the following conditions are subject to this Section:

5 (1) The landfill has accepted waste at any time since November 8, 1987, or has additional permitted  
6 capacity available for future waste deposition and has not been documented as being permanently  
7 closed; and

8 (2) The landfill was in operation, or construction, reconstruction, or modification was commenced  
9 before ~~May 30, 1991~~ July 17, 2014.

10 (b) Physical or operational changes made to an existing MSW landfill solely to comply with an emission standard  
11 under this Section are not considered a modification or reconstruction, and do not subject an existing MSW landfill to  
12 the requirements of 40 CFR 60, Subpart ~~WWW-XXX~~ or 15A NCAC 2D .0524.

13  
14 *History Note:* Authority *G.S. 143-213; 143-215.3(a)(1); 143-215.107(a)(5),(10);*  
15 *Eff. July 1, ~~1998~~, 1998;*  
16 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1703

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), lines 4-5, consider shortening this and stating "Any MSW landfill subject to this Section meeting the following shall comply with this Rule:"*

*In (a)(1), line 8, what are "exemption values"? Does your regulated public know?*

*In (b)(3)(D), line 26, please state "A treatment..."*

*In (c), line 28, why not simply state "The gas collection and control system required by this Rule may be..."?*

*On line 29, insert a comma after "(B)"*

*In the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1703 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1703 EMISSION STANDARDS**

4 (a) Any MSW landfill subject to this Section and meeting the following two conditions shall meet the gas collection  
5 and control requirements of Paragraph (b) of this Rule:

6 (1) The landfill has a design capacity greater than or equal to 2.75 million tons and 2.5 million cubic  
7 meters. The owner or operator of the landfill may calculate the design capacity in either tons or  
8 cubic meters for comparison with the exemption values. Any density conversion shall be  
9 documented and submitted along with the initial reporting requirements of ~~Rule 15A NCAC 02D~~  
10 ~~.1708(a); 1708(a) of this Section;~~ and

11 (2) The landfill has a non-methane organic compound (NMOC) emission rate of 55 tons per year or  
12 more. The NMOC emission rate shall be calculated by following the procedures outlined in 40 CFR  
13 60.754.

14 (b) Each owner or operator of a MSW landfill meeting the conditions of Paragraph (a) of this Rule shall:

15 (1) submit to the Director a site-specific design plan for the gas collection and control system that meets  
16 the requirements of 40 CFR 60.752(b)(2)(i);

17 (2) install a gas collection system that meets the requirements of 40 CFR 60.752(b)(2)(ii); and

18 (3) control the collected emissions of MSW landfill gas through the use of one or more of the following  
19 control ~~devices~~ options:

20 (A) An open flare designed and operated in accordance with the parameters established in 40  
21 CFR 60.18;

22 (B) A control system designed and operated to reduce NMOC by 98 weight percent; ~~or~~

23 (C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration  
24 to 20 parts per million as hexane by volume, on a dry basis at three percent oxygen, or ~~less~~.  
25 less; or

26 (D) Treatment system that processes the collected gas for subsequent sale or use in accordance  
27 with 40 CFR 60.752(b)(2)(iii)(C).

28 (c) The gas collection and control system required under Paragraph (b) of this Rule may be capped or removed  
29 provided that all the conditions of 40 CFR 60.752(b)(2)(v)(A), (B) and (C) are met.

30  
31 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10);*

32 *Eff. July 1, 1998;*

33 *Amended Eff. July 1, 2000; 2000;*

34 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1704

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Why do you need this Rule? What is it stating that Rule .1703(a)(2) is not?*

*If you need to retain it, in the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1704 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1704 TEST METHODS AND PROCEDURES**

4 The MSW landfill NMOC emission rate shall be calculated by following the procedures in 40 CFR 60.754, as  
5 applicable, in order to determine whether the landfill meets the conditions of ~~Rule 15A NCAC 02D .1703(a)(2).~~  
6 ~~.1703(a)(2) of this Section.~~

7  
8 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5),(10);*

9 *Eff. July 1, ~~1998~~ 1998;*

10 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1705

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1705 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1705 OPERATIONAL STANDARDS**

4 The owner and operator of a MSW landfill required to install a landfill gas collection and control system to comply  
5 with ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall:

- 6 (1) operate the collection system in accordance with 40 CFR 60.753(a);
- 7 (2) operate the collection system with negative pressure at each wellhead in accordance with 40 CFR  
8 60.753(b);
- 9 (3) operate each interior wellhead in the collection system in accordance with 40 CFR 60.753(c);
- 10 (4) operate the collection system so that the methane concentration is less than 500 parts per million  
11 above background at the surface of the landfill. To determine if this level is exceeded, the owner  
12 and operator shall follow the procedures given in 40 CFR 60.753(d);
- 13 (5) operate the collection system such that all collected gases are vented to a control system designed  
14 and operated in compliance with ~~Rule .1703(b)(3) of this Section~~ 15A NCAC 02D .1703(b)(3). In  
15 the event that the gas collection and control system is inoperable, measures shall be taken as outlined  
16 in 40 CFR 60.753(e);
- 17 (6) operate the control system at all times when the collected gas is routed to the control system;
- 18 (7) take corrective action as specified in 40 CFR 60.755(c) if monitoring demonstrates that the operation  
19 standards and requirements of Items (2), (3), and (4) of this Rule are not met. If the required  
20 corrective actions are taken, the emissions monitored shall not be considered a violation of the  
21 operational standards of this Rule.

22  
23 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5),(10);  
24 Eff. July 1, ~~1998~~ 1998;  
25 Readopted Eff. September 1, 2020.  
26  
27  
28

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1706

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020



1 15A NCAC 02D .1706 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1706 COMPLIANCE PROVISIONS**

4 (a) Compliance with ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall be determined using the provisions  
5 of 40 CFR 60.755(a).

6 (b) Compliance with ~~Rule .1705(1) of this Section~~ 15A NCAC 02D .1705(1) shall be determined using the provisions  
7 of 40 CFR 60.755(b).

8 (c) Compliance with the surface methane operational standards of ~~Rule .1705(4) of this Section~~ 15A NCAC 02D  
9 .1705(4) shall be achieved using the procedures of 40 CFR 60.755(c) and (d).

10 (d) The provisions of this Rule apply at all times, except during periods of start-up, shutdown, or malfunction,  
11 provided that the duration of start-up, shutdown, or malfunction shall not exceed five days for collection systems and  
12 shall not exceed one hour for treatment or control devices.

13  
14 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5),(10);*

15 *Eff. July 1, ~~1998~~, 1998;*

16 *Readopted Eff. September 1, 2020.*  
17  
18  
19

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1707

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (d), line 14, I realize that you are mostly restating CFR. But isn't this cross-reference actually 02D .1703(b)(3)(D)?*

*And for (d) through (f), again, I realize you are following the CFR language. But why aren't you using "monitoring requirements" instead of "provisions of"? I think making it clear that these are monitoring procedures makes it easier to read, but I may be missing something, so I wanted to ask.*

*In the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1707 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1707 MONITORING PROVISIONS**

4 (a) The owner or operator of a MSW landfill who is required to comply with ~~Rule .1703(b)(2) of this Section~~15A  
5 NCAC 02D .1703(b)(2) for an active gas collection system shall perform the monitoring requirements as outlined in  
6 40 CFR 60.756(a).

7 (b) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3)(C) of this~~  
8 ~~Section~~15A NCAC 02D .1703(b)(3)(C) using an enclosed combustor shall perform the monitoring requirements as  
9 outlined in 40 CFR 60.756(b).

10 (c) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3)(A) of this~~  
11 ~~Section~~15A NCAC 02D .1703(b)(3)(A) using an open flare shall perform the monitoring requirements as outlined in  
12 40 CFR 60.756(c).

13 (d) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3) of this~~  
14 ~~Section~~15A NCAC 02D .1703(b)(3) using a device other than an open flare or an enclosed combustor shall comply  
15 with the provisions of 40 CFR 60.756(d).

16 (e) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1703(b)(3)(B) of this~~  
17 ~~Section~~15A NCAC 02D .1703(b)(3)(B) using an active collection system or seeking to monitor alternative parameters  
18 to those required by ~~Rule .1704 through .1707 of this Section~~15A NCAC 02D .1704 through .1707 shall comply with  
19 the provisions of 40 CFR 60.756(e).

20 (f) The owner or operator of an MSW landfill seeking to comply with the provisions of ~~Rule .1706(e) of this~~  
21 ~~Section~~15A NCAC 02D .1706(c) shall do so in accordance with 40 CFR 60.756(f).

22  
23 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.66; 143-215.107(a)(5),(10);*

24 *Eff. July 1, ~~1998~~ 1998;*

25 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1708

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 5, why not delete "initial" since (a)(3) refers to an "amended" plan and (a)(1) and (2) already say "initial"?*

*In (a)(1), line 8, I am only asking – since the date in 40 CFR 60.757(a)(1)(i) is June 10, 1996, do you still need this? If you do, replace "through" with "and" to be consistent with (a)(2), line 10.*

*In (b), lines 15 and 18, instead of "Section" (which is all of Section .1700), I believe you mean "Rule"*

*In (b)(2), line 22, please insert a comma after "sample reports"*

*In (c), line 24, don't you actually mean subject to the entire Rule, rather than that Paragraph?*

*In (e), line 35, why are you citing to Rule .1703(c)?*

*Also, please insert a period after the citation.*

*On line 36, what is "reasonably" necessary here?*

*And so that I'm clear- on line 37, compliance with 40 CFR 60.752(b)(2)(v) would also be compliance with Rule .1703(c), right? If so, why not cite to that instead?*

*In (f), Page 2, line 2, so that I'm clear, is an "active collection system" the same as a "control system" defined in Rule .1703(b)(2)?*

*In the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1708 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1708 REPORTING REQUIREMENTS**

4 (a) The owner or operator of a MSW landfill subject to this Rule according to ~~Rule .1702 of this Section~~ 15A NCAC  
5 02D .1702 shall submit an initial design capacity report to the Director in accordance with the following:

- 6 (1) The initial design capacity report shall fulfill the requirements of the notification of the date  
7 construction is commenced as required under 40 CFR 60.7(a)(1) and shall be submitted no later than  
8 the earliest of the day from the dates given in 40 CFR 60.757(a)(1)(i) through 40 CFR  
9 ~~60.757(a)(1)(iii); 60.757(a)(1)(ii);~~  
10 (2) The initial design capacity report shall contain the information given in 40 CFR 60.757(a)(2)(i) and  
11 40 CFR 60.757(a)(2)(ii); and  
12 (3) An amended design capacity report shall be submitted to the Director in accordance with 40 CFR  
13 60.757(a)(3) whenever an increase in the design capacity of the landfill results in the design capacity  
14 of the landfill to exceed 2.5 million cubic meters and 2.75 million tons.

15 (b) The owner or operator of a MSW landfill subject to this Section shall submit a NMOC emission report to the  
16 Director initially and annually thereafter, except as provided for in 40 CFR 60.757(b)(1)(ii) or (b)(3). The initial  
17 NMOC emission rate report shall be submitted within 90 days of the day waste acceptance commences and may be  
18 combined with the initial design capacity report required in Paragraph (a) of this Section. The NMOC emission rate  
19 report shall:

- 20 (1) contain an annual or five-year estimate of the NMOC emission rate calculated using the formula  
21 and procedures provided in 40 CFR 60.754(a) or (b), as applicable; and  
22 (2) include all the data, calculations, sample reports and measurements used to estimate the annual or  
23 five-year emissions.

24 (c) The owner or operator of a MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
25 submit a collection and control system design plan to the Director within one year of the first report, required under  
26 Paragraph (b) of this Rule, in which the emission rate exceeds 55 tons per year, except as provided for in 40 CFR  
27 60.757(c)(1) and (c)(2).

28 (d) The owner or operator of a controlled landfill shall submit a closure report to the Director within 30 days of  
29 cessation of waste acceptance. If a closure report has been submitted to the Director, no additional waste shall be  
30 placed into the landfill without first filing a notification of modification as described under 40 CFR 60.7(a)(4). The  
31 Director may request such additional information as may be necessary to verify that permanent closure of the MSW  
32 landfill has taken place in accordance with the requirements of 40 CFR 258.60.

33 (e) The owner or operator of a controlled MSW landfill shall submit an equipment removal report 30 days prior to  
34 removal or cessation of operation of the control equipment according to ~~Rule .1703(e) of this Section~~ 15A NCAC  
35 02D .1703(c) The report shall contain the items listed in 40 CFR 60.757(e)(1). The Director may request such  
36 additional information as may be reasonably necessary to verify that all the conditions for removal in 40 CFR  
37 60.752(b)(2)(v) have been met.

1 (f) The owner or operator of a MSW landfill seeking to comply with ~~Rule .1703(b)(2) of this Section~~ 15A NCAC 02D  
2 .1703(b)(2) using an active collection system designed in accordance with 40 CFR 60.752(b)(2)(ii) shall submit annual  
3 reports of the recorded information in 40 CFR 60.757(f)(1) through (f)(6). The initial annual report shall be submitted  
4 within 180 days of installation and start-up of the collection and control system, and shall include the initial  
5 performance test report required under 40 CFR 60.8.

6 (g) The owner or operator of a MSW landfill seeking to comply with ~~Rule .1703(b)(3) of this Section~~ 15A NCAC  
7 02D .1703(b)(3) using an enclosed combustion device or flare shall report the excess as defined in 40 CFR  
8 60.758(c)(1).

9 (h) The owner or operator of a MSW landfill required to comply with ~~Rule .1703(b)(1) of this Section~~ 15A NCAC  
10 02D .1703(b)(1) shall include the information given in 40 CFR 60.757(g)(1) through (g)(6) with the initial  
11 performance test report required under 40 CFR 60.8.

12  
13 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(5),(10);  
14 Eff. July 1, 1998;  
15 Amended Eff. July 1, ~~2000~~ 2000;  
16 Readopted Eff. September 1, 2020.  
17  
18

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1709

### **DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*I am aware that most of the language in this Rule repeats CFR. However, what is meant by "readily accessible" and "continuous" here? You will either need to define these terms or say, "shall keep up-to-date records pursuant to 40 CFR 60.XXX" and not use those terms at all.*

*In (c), line 18, I do not understand this cross-reference to .1708(g). What do you mean here?*

*In (f), line 28, what do you mean by "indication" both places?*

*On line 30, so that I'm clear – this would be 40 CFR 657.756(b)?*

*In (g), line 33, so that I'm clear – these would not be continuous records, as required elsewhere?*

*In (h), Page 2, line 2, please remove the space between "60." and ".756(c)"*

*In the History Note, please separate the serial citations to G.S. 143-215.107 by using semicolons and using the full citation each time.*

*And why are you citing to G.S. 143-215.107(a)(4)? Doesn't the citation to G.S. 143-215.65 suffice?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1709 is readopted as published in 34:16 NCR 1468 as follows:

2  
3 **15A NCAC 02D .1709 RECORDKEEPING REQUIREMENTS**

4 (a) The owner or operator of a MSW landfill subject to this Section and having a maximum design capacity equal to  
5 or greater than 2.5 million cubic meters and 2.75 million tons shall keep on-site for at least five years records of the  
6 information listed in 40 CFR 60.758(a). Off-site records may be maintained if they are retrievable within four hours.  
7 Either paper copy or electronic formats of the records shall be acceptable.

8 (b) The owner or operator of a controlled landfill shall keep up-to-date, readily accessible records for the life of the  
9 control equipment of the data listed in 40 CFR ~~60.757(b)(1) through (b)(4)~~ 60.758(b)(1) through (b)(4) as measured  
10 during the initial performance test or compliance determination. Records of subsequent tests or monitoring shall be  
11 maintained for a minimum of five years. Records of the control device vendor specifications shall be maintained until  
12 removal.

13 (c) Each owner or operator of a MSW landfill subject to this Section shall keep for five years up-to-date, readily  
14 accessible continuous records of the equipment operating parameters specified to be monitored in ~~Rule .1707 of this~~  
15 ~~Section~~ 15A NCAC 02D .1707 and records for periods of operation during which the parameter boundaries established  
16 during the most recent performance test are exceeded. The parameter boundaries considered in excess of those  
17 established during the performance test are defined in 40 CFR ~~60.757(e)(1)(i)~~ 60.758(c)(1)(i) and (ii) and are also  
18 required to be reported ~~under pursuant to Rule .1708(g) of this Section.~~ 15A NCAC 02D .1708(g).

19 (d) The owner or operator of a MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
20 keep for the life of the collection system an up-to-date, readily accessible plot map showing existing and planned  
21 collectors in the system and provide unique identification location labels for each collector. Records of newly installed  
22 collectors shall be maintained in accordance with 40 CFR 60.758(d)(1) and documentation of asbestos-containing or  
23 nondegradable waste excluded from collection shall be kept in accordance with 40 CFR 60.758(d)(2).

24 (e) The owner or operator of a MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
25 keep for at least five years records of emissions from the collection and control system exceeding the emission  
26 standards in accordance with 40 CFR 60.758(e).

27 (f) The owner or operator of MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) shall  
28 keep up-to-date, readily accessible continuous records of the indication of flow to the control device or the indication  
29 of bypass flow or records of monthly inspections of car-seals or lock-and-key configurations used to seal bypass lines,  
30 specified ~~under pursuant to~~ 40 CFR 60.756.

31 (g) The owner or operator of MSW landfill subject to ~~Rule .1703(b) of this Section~~ 15A NCAC 02D .1703(b) who  
32 uses a boiler or process heater with a design heat input capacity of 44 megawatts or greater to comply with 40 CFR  
33 60.752(b)(2)(iii) shall keep an up-to-date, readily accessible record of all periods of operation of the boiler or process  
34 heater.

35 (h) The owner or operator of MSW landfill seeking to comply with the provisions of ~~Rule .1703(b) of this Section~~ 15A  
36 NCAC 02D .1703(b) by use of an open flare shall keep up-to-date, readily accessible continuous records of the flame



1 or flare pilot flame monitoring specified ~~under~~ pursuant to 40 CFR 60 .756(c), and up-to-date, readily accessible  
2 records of all periods of operation in which the flame or flare pilot flame in absent.

3  
4 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215.107(a)(4),(5),(10);  
5 Eff. July 1, 1998;  
6 Amended Eff. July 1, ~~2000~~. 2000.  
7 Readopted Eff. September 1, 2020.  
8

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .1710

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*On line 19, what if the landfill wasn't open on July 1, 1998 (as these Rules apply to landfills commencing operations before July 27, 2014)? What standards apply?*

*In the History Note, please separate the serial citations to G.S. 143-215.107(a) with semicolons, using the full citation for both.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .1710 is readopted with changes as published in 34:16 NCR 1469 as follows:

2  
3 **15A NCAC 02D .1710 COMPLIANCE SCHEDULES**

4 ~~(a) Except as provided for in Paragraph (b) of this Rule, the schedule for compliance with the requirements of this~~  
5 ~~Section shall meet the following deadlines:~~

6 ~~(1) Each existing MSW landfill subject to this Section according to Rule .1702 of this Section and~~  
7 ~~exceeding the design capacity limitation of Rule .1703(a)(1) of this Section shall submit an~~  
8 ~~application for a permit under 15A NCAC 2Q .0500 by July 1, 1999.~~

9 ~~(2) Each existing MSW landfill subject to this Section according to Rule .1702 of this Section and~~  
10 ~~exceeding the design capacity and NMOC emission rate limitations of Rule .1703(a)(1) and (2) of~~  
11 ~~this Section shall:~~

12 ~~(A) submit a site-specific design plan for the gas collection and control system to the Director~~  
13 ~~by July 1, 1999; and~~

14 ~~(B) plan, award contracts, and install MSW landfill air emission collection and control system~~  
15 ~~capable of meeting the emission standards established under Rule .1703 of this Section by~~  
16 ~~January 1, 2001.~~

17 ~~(b)~~ For each existing MSW landfill subject to this Section as specified in ~~Rule .1702 of this Section~~ 15A NCAC 02D  
18 .1702 and meeting the design capacity condition of ~~Rule .1703(a)(1) of this Section~~ 15A NCAC 02D .1703(a)(1)  
19 whose NMOC emission rate is less than 55 tons per year on July 1, 1998, shall:

20 (1) submit a site-specific design plan for the gas collection and control system to the Director within 12  
21 months of first exceeding the NMOC emission rate of 55 tons per year; and

22 (2) plan, award contracts, and install MSW landfill air emission collection and control system capable  
23 of meeting the emission standards established ~~under Rule .1703 of this Section~~ pursuant to 15A  
24 NCAC 02D .1703 within 30 months of the date when the conditions in ~~Rule .1703(a)(2) of this~~  
25 ~~Section~~ 15A NCAC 02D .1703(a)(2) are met.

26  
27 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4),(5);*

28 *Eff. July 1, 1998; 1998;*

29 *Readopted Eff. September 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02D .2615

**DEADLINE FOR RECEIPT: Friday, August 14, 2020**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, delete "One of" and just begin the sentence with "The following..." as it appears these are two different tests.*

*On lines 7-8 , why are you inserting the name of the cited rule?*

*In (b), lines 16 and 17-18, when referring to the EPA Method 27, to be consistent with other rules, please state: "EPA Method 27, as set forth in 40 CFR Part 60, Appendix A-8"*

*On line 16, state "49 CFR 180.407" (delete "Part")*

*In (b)(1), so that I'm clear, the CFR states:*

8.2.1.2 Connect static electrical ground connections to the tank. Attach the liquid delivery and vapor return hoses, remove the liquid delivery elbows, and plug the liquid delivery fittings.

*Is the intention here that what is in (b)(1) is all that will apply, and you are deleting the second sentence in the CFR?*

*In (c), line 24, please make "website" lowercase. Also, please insert an "at" after "website"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: July 31, 2020

1 15A NCAC 02D .2615 is readopted as published in 34:16 NCR 1469 as follows:

2  
3 **15A NCAC 02D .2615 DETERMINATION OF LEAK TIGHTNESS AND VAPOR LEAKS**

4 (a) ~~Leak Testing-Detection Procedures.~~ One of the following test methods from the EPA document "Control of  
5 Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection System," EPA-450/2-78-051,  
6 published by the U.S. ~~Environmental Protection~~ Environmental Protection Agency, December 1978, shall be used to  
7 determine compliance with ~~Rule .0932~~ 15A NCAC 02D .0932 Gasoline-~~Truck Cargo~~ Tanks And Vapor Collector  
8 ~~Systems of this Section.~~ Systems:

9 (1) The gasoline vapor leak detection procedure by combustible gas detector described in Appendix B  
10 ~~of to~~ EPA-450/2-78-051 shall be used to determine leakage from gasoline-~~truck cargo~~ tanks and  
11 vapor control systems.

12 (2) The leak detection procedure for bottom-loaded-~~truck cargo~~ tanks by bag capture method described  
13 in Appendix C ~~of to~~ EPA-450/2-78-051 shall be used to determine the leak tightness of ~~truck cargo~~  
14 tanks during bottom loading.

15 (b) ~~Annual-Certification. Testing.~~ The pressure-vacuum test procedures for leak tightness of ~~truck cargo~~ tanks  
16 described in Method 27 of Appendix A ~~of to~~ 40 CFR Part 60 or 49 CFR Part 180.407 shall be used to determine the  
17 leak tightness of gasoline-~~truck cargo~~ tanks in use and equipped with vapor collection equipment. Method 27 of  
18 Appendix A ~~of to~~ 40 CFR Part 60 is changed for fugitive emissions leak prevention to read:

19 (1) 8.2.1.2 "Connect static electrical ground connections to tank."

20 (2) 8.2.1.3 "Attach test coupling to vapor return line."

21 (3) 16.0 No alternative procedure is applicable.

22 (c) Copies of Appendix B and C of the EPA document, "Control of Volatile Organic Compound Leaks from Gasoline  
23 Tank Trucks and Vapor Collection System," EPA-450/2-78-051, cited in this Rule, are hereby incorporated with  
24 subsequent amendments and editions by reference and are available on the Division's Website  
25 ~~<http://daq.state.nc.us/enf/sourcetest>~~ <http://deq.nc.gov/about/divisions/air-quality/air-quality-enforcement/emission->  
26 [measurement](http://deq.nc.gov/about/divisions/air-quality/air-quality-enforcement/emission-measurement).

27  
28 *History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.107(a)(5);*

29 *Eff. June 1, 2008-2008;*

30 *Readopted Eff. September 1, 2020.*