

15A NCAC 02D .0902 APPLICABILITY

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

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

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

(d) This Section does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Except as provided in Paragraphs (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 ambient air quality standard for ozone 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 the requirements in 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 ambient air quality standard for ozone, all sources in that county or part of county subject to Paragraph (f) of this Rule that achieved compliance in accordance with 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, where the compliance date in 15A NCAC 02D .0909 has not passed before redesignation of the area to attainment for the 1997 ozone standard, shall comply in accordance with Paragraph (h) of this Rule.

(h) If 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 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 analyses 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 15A NCAC 02D .0909.

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

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

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

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