

**Attachment A**

**Revised 15A NCAC 02D .0902, *Applicability*, Adopted  
by North Carolina**

**Effective Date: November 1, 2016**

*(This page intentionally left blank)*

1 15A NCAC 02D .0902 is amended as published in 30:20 NCR 2137-2138 as follows:

2 **15A NCAC 02D .0902 APPLICABILITY**

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

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

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

8 (d) This Section does not apply to:

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

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

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

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

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

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

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

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

27 (2) .0926, Bulk Gasoline Plants;

28 (3) .0927, Bulk Gasoline Terminals;

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

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

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

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

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

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

1 (f) Except as provided in Paragraph (e) of this Rule, the rules in this Section apply to facilities subject to Section  
2 182(b)(2) of the Clean Air Act with potential to emit 100 or more tons per year of VOC and to facilities with potential  
3 to emit less than 100 tons per year of volatile organic compounds in categories for which the United States  
4 Environmental Protection Agency has issued Control Technique Guidelines that are located in the following moderate  
5 nonattainment areas for the 1997 8-hour ozone standard as designated in 40 CFR ~~81.334~~81.334 prior to January 2,  
6 2014:

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

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

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

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

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

1 (i) Sources whose emissions of volatile organic compounds that are not subject to limitation under this Section may  
2 still be subject to emission limits on volatile organic compounds in Rules .0524, .1110, or .1111 of this Subchapter.  
3

4 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
5 Eff. July 1, 1979;  
6 Amended Eff. November 1, 2016; May 1, 2013; September 1, 2010; January 1, 2009; July 1, 2007;  
7 March 1, 2007; August 1, 2004; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1995; May 1,  
8 1995; July 1, 1994.  
9  
10

*(This page intentionally left blank)*