

15A NCAC 02D .0524 NEW SOURCE PERFORMANCE STANDARDS

(a) With the exception of Paragraph (b) or (c) of this Rule, sources subject to new source performance standards promulgated in 40 CFR Part 60 shall comply with emission standards, monitoring and reporting requirements, maintenance requirements, notification and record keeping requirements, performance test requirements, test method and procedural provisions, and any other provisions, as required therein, rather than with any otherwise-applicable rule in this Section which would be in conflict therewith.

(b) The following is not included under this Rule:

- (1) 40 CFR Part 60, Subpart AAA (new residential wood heaters);
- (2) 40 CFR Part 60, Subpart B (adoption and submittal of state plans for designated facilities);
- (3) 40 CFR Part 60, Subpart C (emission guidelines and compliance times);
- (4) 40 CFR Part 60, Subpart Ca (guidelines for municipal waste combustors);
- (5) 40 CFR Part 60, Subpart Cb (guidelines for municipal waste combustors constructed on or before December 19, 1995);
- (6) 40 CFR Part 60, Subpart Cc (guidelines for municipal solid waste landfills); or
- (7) 40 CFR Part 60, Subpart Cd (guidelines for sulfuric acid production units).

(c) Along with the notice appearing in the North Carolina Register for a public hearing to amend this Rule to exclude a standard from this Rule, the Director shall state whether or not the new source performance standards promulgated under 40 CFR Part 60, or part thereof, shall be enforced. If the Commission does not adopt the amendment to this Rule to exclude or amend the standard within 12 months after the close of the comment period on the proposed amendment, the Director shall begin enforcing that standard when 12 months has elapsed after the end of the comment period on the proposed amendment.

(d) New sources of volatile organic compounds that are located in an area designated in 40 CFR 81.334 as nonattainment for ozone or an area identified in accordance with 15A NCAC 2D .0902 as being in violation of the ambient air quality standard for ozone shall comply with the requirements of 40 CFR Part 60 that are not excluded by this Rule, as well as with any applicable requirements in Section .0900 of this Subchapter.

(e) All requests, reports, applications, submittals, and other communications to the administrator required under Paragraph (a) of this Rule shall be submitted to the Director of the Division of Air Quality rather than to the Environmental Protection Agency. Agency; except that all such reports, applications, submittals, and other communications to the administrator required by 40 CFR Part 60, Subpart JJJ for dry cleaners covered under Chapter 143, Article 21A, Part 6 of the General Statutes shall be submitted to the Director of the Division of Waste Management.

(f) In the application of this Rule, definitions contained in 40 CFR Part 60 shall apply rather than those of Section .0100 of this Subchapter.

(g) With the exceptions allowed under 15A NCAC 2Q .0102, Activities Exempted from Permit Requirements, the owner or operator of the source shall apply for and receive a permit as required in 15A NCAC 2Q .0300 or .0500.

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Filed as a Temporary Amendment Eff. January 3, 1988, for a period of 180 days to expire on June 30, 1988;

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 150B-21.6;

Eff. June 18, 1976;

Amended Eff. _____; July 1, 2000; April 1, 1997; July 1, 1996; July 1, 1994; December 1, 1992; July 1, 1992.

15A NCAC 02D .1111 MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY

(a) With the exception of Paragraph (b) or (c) of this Rule, sources subject to national emission standards for hazardous air pollutants for source categories promulgated in 40 CFR Part 63 shall comply with emission standards, monitoring and reporting requirements, maintenance requirements, notification and record keeping requirements, performance test requirements, test method and procedural provisions, and any other provisions, as required therein, rather than with any otherwise-applicable rule in Section .0500 of this Subchapter which would be in conflict therewith.

(b) The following are not included under this Rule:

- (1) approval of state programs and delegation of federal authorities (40 CFR 63.90 to 63.96, Subpart E); and
- (2) requirements for control technology determined for major sources in accordance with Clean Air Act Sections 112(g) and 112(j) (40 CFR 63.50 to 63.57, Subpart B).

(c) Along with the notice appearing in the North Carolina Register for a public hearing to amend this Rule to exclude a standard from this Rule, the Director shall state whether or not the national emission standard for hazardous air pollutants for source categories promulgated under 40 CFR Part 63, or part thereof, shall be enforced. If the Commission does not adopt the amendment to this Rule to exclude or amend the standard within 12 months after the close of the comment period on the proposed amendment, the Director shall begin enforcing that standard when 12 months has elapsed after the end of the comment period on the proposed amendment.

(d) New sources of volatile organic compounds that are located in an area designated in 40 CFR 81.334 as nonattainment for ozone or an area identified in accordance with 15A NCAC 2D .0902

as being in violation of the ambient air quality standard for ozone shall comply with the requirements of 40 CFR Part 63 that are not excluded by this Rule as well as with any applicable requirements in Section .0900 of this Subchapter.

(e) All requests, reports, applications, submittals, and other communications to the administrator required under Paragraph (a) of this Rule shall be submitted to the Director of the Division of Air Quality rather than to the Environmental Protection Agency. Agency; except that all such reports, applications, submittals, and other communications to the administrator required by 40 CFR Part 63, Subpart M for dry cleaners covered under Chapter 143, Article 21A, Part 6 of the General Statutes shall be submitted to the Director of the Division of Waste Management.

(f) In the application of this Rule, definitions contained in 40 CFR Part 63 shall apply rather than those of Section .0100 of this Subchapter when conflict exists.

(g) 15A NCAC 2Q .0102 and .0302 are not applicable to any source to which this Rule applies if the source is required to be permitted under 15A NCAC 2Q .0500, Title V Procedures. The owner or operator of the source shall apply for and receive a permit as required in 15A NCAC 2Q .0300 or .0500. Sources that have heretofore been exempted from needing a permit and become subject to requirements promulgated under 40 CFR 63 shall apply for a permit in accordance to 15A NCAC 2Q .0109.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107 (a)(5); 150B-21.6;
Eff. July 1, 1996;
Amended Eff. _____; April 1, 1997.*

15A NCAC 02D .0605 GENERAL RECORDKEEPING AND REPORTING REQUIREMENTS

(a) The owner or operator of a source subject to a requirement of this Subchapter or Subchapter 2Q of this Chapter shall maintain:

- (1) records detailing all malfunctions under Rule .0535 of this Subchapter,
- (2) records of all testing conducted under rules in this Subchapter,
- (3) records of all monitoring conducted under rules in this Subchapter or Subchapter 2Q of this Chapter,
- (4) records detailing activities relating to any compliance schedule in this Subchapter, and
- (5) for unpermitted sources, records necessary to determine compliance with rules in this Subchapter or Subchapter 2Q of this Chapter .

(b) The Director shall specify in the source=s permit:

- (1) the type of monitoring required and the frequency of the monitoring,
- (2) the type of records to be maintained, and

- (3) the type of reports to be submitted and the frequency of submitting these reports, as necessary to determine compliance with rules in this Subchapter or Subchapter 2Q of this Chapter or with an emission standard or permit condition.
- (c) If the Director has evidence that a source is violating an emission standard or permit condition, the Director may require that the owner or operator of any source subject to the requirements of this Subchapter or Subchapter 2Q of this Chapter submit to the Director any information necessary to determine the compliance status of the source.
- (d) The owner or operator of a source of excess emissions which last for more than four hours and which results from a malfunction, a breakdown of process or control equipment, or any other abnormal conditions shall report excess emissions in accordance with the requirements of Rule .0535 of this Subchapter.
- (e) Copies of all records and reports generated in response to the requirements of this Section shall be retained by the owner or operator for a period of two years after the date on which the record was made or the report submitted, except that the Director may extend the retention period in particular instances when necessary to comply with other State or federal requirements or when compliance with a particular standard requires documentation for more than two years.
- (f) All records and reports generated in response to the requirements of this Section shall be made available to personnel of the Division for inspection.
- (g) The owner or operator of a source subject to the requirements of this Section shall comply with the requirements of this Section at his own cost.
- (h) No person shall falsify any information required by a rule in this Subchapter or a permit issued under 15A NCAC 2Q. No person shall knowingly submit any falsified information required by a rule in this Subchapter or a permit issued under 15A NCAC 2Q.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215-65; 143-215.66; 143-215.1078(a)(4);
Eff. February 1, 1976;
Amended _____ Eff. April 1, 1999; July 1, 1984; June 18, 1976.*

15A NCAC 02D .0927 BULK GASOLINE TERMINALS

- (a) For the purpose of this Rule, the following definitions apply:
- (1) "Bulk gasoline terminal" means:
- (A) breakout tanks of an interstate oil pipeline facility; or
- (B) a gasoline storage facility that usually receives gasoline from refineries primarily by pipeline, ship, or barge; delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck; and has an average daily throughput of more than 20,000 gallons of gasoline.
- (2) "Breakout tank" means a tank used to:

- (A) relieve surges in a hazardous liquid pipeline system, or
 - (B) receive and store hazardous liquids transported by pipeline for reinjection and continued transport by pipeline.
- (3) "Gasoline" means a petroleum distillate having a Reid vapor pressure of four psia or greater.
- (4) "Contact deck" means a deck in an internal floating roof tank that rises and falls with the liquid level and floats in direct contact with the liquid surface.
- (5) "Degassing" means the process by which a tank's interior vapor space is decreased to below the lower explosive limit for the purpose of cleaning, inspection, or repair.
- (6) "Leak" means a crack or hole that lets petroleum product vapor or liquid escape that can be identified through the use of sight, sound, smell, an explosimeter, or the use of a meter that measures volatile organic compounds.
- ~~(6)~~(7) "Liquid balancing" means a process used to degas floating roof gasoline storage tanks with a liquid whose vapor pressure is below 1.52 psia. This is done by removing as much gasoline as possible without landing the roof on its internal supports, pumping in the replacement fluid, allowing mixing, remove as much mixture as possible without landing the roof, and repeating these steps until the vapor pressure of the mixture is below 1.52 psia.
- ~~(7)~~(8) "Liquid displacement" means a process by which gasoline vapors, remaining in an empty tank, are displaced by a liquid with a vapor pressure below 1.52 psia.
- (b) This Rule applies to bulk gasoline terminals and the appurtenant equipment necessary to load the tank truck or trailer compartments.
- (c) Gasoline shall not be loaded into any tank trucks or trailers from any bulk gasoline terminal unless:
- (1) The bulk gasoline terminal is equipped with a vapor control system that prevents the emissions of volatile organic compounds from exceeding 35 milligrams per liter. The owner or operator shall obtain from the manufacturer and maintain in his records a pre-installation certification stating the vapor control efficiency of the system in use;
 - (2) Displaced vapors and gases are vented only to the vapor control system or to a flare;
 - (3) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected; and

- (4) All loading and vapor lines are equipped with fittings that make vapor-tight connections and that are automatically and immediately closed upon disconnection.
- (d) Sources regulated by Paragraph (b) of this Rule shall not:
- (1) allow gasoline to be discarded in sewers or stored in open containers or handled in any manner that would result in evaporation, or
 - (2) allow the pressure in the vapor collection system to exceed the tank truck or trailer pressure relief settings.
- (e) The owner or operator of a bulk gasoline terminal shall paint all tanks used for gasoline storage white or silver at the next scheduled painting or by December 1, 2002, whichever occurs first.
- (f) The owner or operator of a bulk gasoline terminal shall install on each external floating roof tank with an inside diameter of 100 feet or less used to store gasoline a self-supporting roof, such as a geodesic dome, at the next time that the tank is taken out of service or by December 1, 2002, whichever occurs first.
- (g) The following equipment shall be required on all tanks storing gasoline at a bulk gasoline terminal:
- (1) rim-mounted secondary seals on all external and internal floating roof tanks,
 - (2) gaskets on deck fittings, and
 - (3) floats in the slotted guide poles with a gasket around the cover of the poles.
- (h) Decks shall be required on all above ground tanks with a capacity greater than 19,800 gallons storing gasoline at a bulk gasoline terminal. All decks installed after June 30, 1998 shall comply with the following requirements:
- (1) deck seams shall be welded, bolted or riveted; and
 - (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 unless the truck tank or trailer has been certified leak tight according to Rule .0932 of this Section within the last 12 months.

(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 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 ~~liquid and vapor~~ leaks each day that the terminal is both manned and open for business:

- (1) the vapor collection system,
- (2) the vapor control system, and
- (3) each lane of the loading rack while a gasoline 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 ~~liquid and vapor~~ leaks:

- (1) the vapor collection system,
- (2) the vapor control system, and
- (3) each lane of the loading rack while a gasoline 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,
- (2) the findings (location, nature and severity of each leak)
- (3) the corrective action taken,
- (4) the date when corrective action was completed, and
- (5) any other important 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 tank truck or trailer shall be repaired or replaced before another 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.
- (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. _____ April 1, 2003; August 1, 2002; July 1, 1998; July 1,
1996; July 1, 1994; December 1, 1992; December 1, 1989; January 1, 1985.*

15A NCAC 2D .0932 GASOLINE TRUCK TANKS AND VAPOR COLLECTION SYSTEMS

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

- (1) "Bottom filling" means the filling of a tank truck or stationary storage tank through an opening that is flush with the tank bottom.
- (2) "~~Bulk gasoline plant~~" means:
(A) ~~breakout tanks of an interstate oil pipeline facility; or~~

~~(B) — a gasoline storage and distribution facility that has an average daily throughput of less than 20,000 gallons of gasoline and usually receives gasoline from bulk terminals by trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.~~

"Bulk gasoline plant" means a gasoline storage and distribution facility which has an average daily throughput of less than 20,000 gallons of gasoline and which usually receives gasoline from bulk terminals by trailer transport, stores it in tanks, and subsequently dispenses it via account trucks to local farms, businesses, and service stations.

(3) ~~"Bulk gasoline terminal" means a gasoline storage facility that usually receives gasoline from refineries primarily by pipeline, ship, or barge; delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck; and has an average daily throughput of no less than 20,000 gallons of gasoline.~~

"Bulk gasoline terminal" means:

(A) breakout tanks of an interstate oil pipeline facility; or

(B) a gasoline storage facility that usually receives gasoline from refineries primarily by pipeline, ship, or barge; delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tank truck; and has an average daily throughput of more than 20,000 gallons of gasoline.

(4) "Certified facility" means any facility that has been certified under Rule .0960 of this Section to perform leak tightness tests on truck tanks.

(5) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4.0 psia or greater.

~~(6) — "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.~~

~~(7) — "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.~~

~~(8)~~ (6) "Truck tank" means the storage vessels of trucks or trailers used to transport gasoline from sources of supply to stationary storage tanks of bulk gasoline terminals, bulk gasoline plants, gasoline dispensing facilities and gasoline service stations.

~~(9)~~ (7) "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)-(8)~~ "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)-(9)~~ "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 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.

(1) Gasoline truck tanks and their vapor collection systems shall be tested annually by a certified facility. The test procedure that shall be used is described in Rules .0940 and .0941 of this Section, and is according to Rule .0912 of this Section. The gasoline truck tank shall not be used if it sustains a pressure change greater than ~~3.0~~1.0 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.

(2) Each gasoline truck 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.~~ on the front tank shell.

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

(4) Any truck 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 .0940 of this Section, shall not be used beyond 15 days after the leak has been discovered, unless the leak has been repaired and the 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 with a vapor collection system shall maintain records of all certification testing and repairs. The records shall identify the gasoline truck tank, the date of the test or repair; and, if applicable, the type of repair and the date of retest. The records of certification tests shall include:

(A) the gasoline truck tank identification number;

(B) the initial test pressure and the time of the reading;

(C) the final test pressure and the time of the reading;

(D) the initial test vacuum and the time of reading;

- (E) the final test vacuum and the time of the reading.
- (F) the date and location of the tests.
- (G) the NC sticker number issued, and
- (H) the final change in pressure of the internal vapor value test.

- (6) A copy of the most recent certification report shall be kept with the truck tank. The owner or operator of the truck tank shall also file a copy of the most recent certification test with each bulk gasoline terminal that loads the truck 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 System

- (1) The vapor collection system and vapor control system shall be designed and operated to prevent gauge pressure in the truck 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 .0940 of this Section; and
 - (B) no liquid leaks.
- (3) If a leak is discovered that exceeds the limit in Subparagraph (2) Part (2)(A) of this Paragraph; 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) Part (2)(A) of this Paragraph; 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.
- (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 and .0940 of this Section, the vapor collection system at least once per year. If after two complete annual checks no more than 10 leaks are found, the Director may allow less

frequent monitoring. If more than 20 leaks are found, the Director may require that the frequency of monitoring be increased.

- (5) The owner or operator of a 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 shall maintain records of all certification testing and repairs. The records shall identify the vapor collection system, or vapor control system; the date of the test or repair; and, if applicable, the type of repair and the date of retest.

~~(e) The owner or operator of a source subject to this Rule shall maintain records of all certification testing and repairs. The records shall identify the gasoline truck tank, vapor collection system, or vapor control system; the date of the test or repair; and, if applicable, the type of repair and the date of retest. The records of certification tests shall include:~~

- ~~(1) — the gasoline truck tank identification number;~~
- ~~(2) — the initial test pressure and the time of the reading;~~
- ~~(3) — the final test pressure and the time of the reading;~~
- ~~(4) — the initial test vacuum and the time of reading;~~
- ~~(5) — the final test vacuum and the time of the reading, and~~
- ~~(6) — the date and location of the tests.~~

~~(f) A copy of the most recent certification report shall be kept with the truck tank. The owner or operator of the truck tank shall also file a copy of the most recent certification test with each bulk gasoline terminal that loads the truck 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.~~

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. July 1, 1980;
Amended Eff. _____; April 1, 2003; August 1, 2002; July 1, 1994; December 1,
1989; January 1, 1985.*

15A NCAC 02D .1006 SALE AND SERVICE OF ANALYZERS

(a) Definition. For the purposes of this Rule, "vendor" means any person who sells or leases equipment to inspection stations that is used to measure emissions from motor vehicles for the purpose of showing compliance with Rule .1004 of this Section or that is used to perform on-board diagnostic tests to show compliance with Rule .1005 of this Section.

(b) Requirements. A vendor shall not sell or lease equipment unless it meets the requirements of 40 CFR 85.2231 On-board Diagnostic Test Equipment Requirements, and has the software necessary to record and transmit the data required by the Division of Motor Vehicles and the

Division of Air Quality to determine compliance with the inspection/maintenance program requirements of this Section.

(c) Hardware repair. When equipment hardware fails to meet the requirements of Paragraph (b) of this Rule, the vendor, after receiving a call to its respective service call center, shall communicate with the impacted station within 24 hours and:

- (1) Where the hardware problem is stopping 20 percent or more inspections or is compromising the security of the inspection system, the vendor shall repair the problem within 48 hours after the initial call to its respective service call center.
- (2) Where the hardware problem is stopping less than 20 percent of all inspections and is not compromising the security of the inspection system, the vendor shall repair the problem within 72 hours after the initial call to its respective service call center.
- (3) Where the hardware problem is not stopping inspections and is not compromising the security of the inspection system, the vendor shall repair the problem within 96 hours after the initial call to its respective service call center.

(d) Software repair. When analyzer software fails to meet the requirements of Paragraph (b) of this Rule, the vendor, after receiving a call to its respective service call center, shall communicate with the station within 24 hours. The vendor shall identify and characterize the software problem within 5 days. The vendor shall, within that same 5-day period, inform the station owner and the Division as to the nature of the problem and the proposed corrective course of action and:

- (1) Where the software problem is stopping 20 percent or more inspections or is compromising the security of the inspection system, the vendor shall submit a new revision of the software to the Division for approval within 19 days after receiving the initial call to its service call center.
- (2) Where the software problem is stopping less than 20 percent of all inspections and is not compromising the security of the inspection system, the vendor shall submit a new revision of the software to the Division for approval within 33 days after receiving the initial call to its service call center.
- (3) The vendor shall distribute the new revision of the software to all impacted stations within 14 days after the vendor receives written notification from the Division that the software has been approved as meeting the requirements of Paragraph (b) of this Rule.

(e) Documentation of the initial service call. The vendor's service call center will assign a unique service response number to every reported new hardware or software problem. The time and date of the initial call shall be recorded and identified with the service response number. The service response number shall be communicated to the inspection station operator at the time of the initial contact.

History Note: Authority G.S. 143-215.3(a)(1); 143-215,107(a)(6), (14);

Eff.

15A NCAC 02Q .0306 PERMITS REQUIRING PUBLIC PARTICIPATION

(a) The Director shall provide for public notice for comments with an opportunity for the public to request a public hearing on draft permits for the following:

- (1) any source that may be designated by the Director based on public interest relevant to air quality;
- (2) a source to which 15A NCAC 02D .0530 or .0531 applies;
- (3) a source whose emission limitation is based on a good engineering practice stack height that exceeds the height defined in 15A NCAC 02D .0533(a)(4)(A), (B), or (C);
- (4) a source required to have controls more stringent than the applicable emission standards in 15A NCAC 02D .0500 according to 15A NCAC 02D .0501 when necessary to comply with an ambient air quality standard under 15A NCAC 02D .0400;
- (5) alternative controls different than the applicable emission standards in 15A NCAC 02D .0900 according to 15A NCAC 02D .0952;
- (6) a limitation on the quantity of solvent-borne ink that may be used by a printing unit or printing system according to 15A NCAC 02D .0936;
- (7) an allowance of a particulate emission rate of 0.08 grains per dry standard cubic foot for an incinerator constructed before July 1, 1987, in accordance with 15A NCAC 02D .1204(c)(2)(B) and .1208 (b)(2)(B);
- (8) an alternative mix of controls under 15A NCAC 02D .0501(f);
- (9) a source that is subject to the requirements of 15A NCAC 02D .1109 or .1112; or
- (10) a source seeking exemption from the 20-percent opacity standard in 15A NCAC 2D .0521 under 15A NCAC 2D .0521(f);
- (11) a source using an alternative monitoring procedure or methodology under 15A NCAC 2D .0606(g) or .0608(g); or

~~(40)(12)~~the owner or operator requests that the draft permit go to public notice with an opportunity to request a public hearing.

(b) On the Division's website, the Director shall post a copy of the draft permit that changes classification for a facility by placing a physical or operational limitation in it to avoid the applicability of rules in 15A NCAC 02Q .0500. Along with the draft permit, the Director shall also post a public notice for comments with an opportunity to request a public hearing on that draft

permit. The public notice shall contain the information specified in 15A NCAC 02Q .0307(c) and shall allow at least 30 days for public comment.

(c) If EPA requires the State to submit a permit as part of the North Carolina State Implementation Plan for Air Quality (SIP) and if the Commission approves a permit containing any of the conditions described in Paragraph (a) of this Rule as a part of the SIP, the Director shall submit the permit to the EPA on behalf of the Commission for inclusion as part of the federally approved SIP.

History Note: Authority G.S. 143-215.3(a)(1),(3); 143-215.108; 143-215.114A; 143-215.114B; 143-215.114C;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Amended Eff. _____ August 1, 2004; July 1, 2000; July 1, 1999; July 1, 1998.

15A NCAC 02Q .0503 DEFINITIONS

For the purposes of this Section, the definitions in G.S. 143-212 and 143-213 and the following definitions apply:

- (1) "Affected States" means all states or local air pollution control agencies whose areas of jurisdiction are:
 - (a) contiguous to North Carolina and located less than $D=Q/12.5$ from the facility, where:
 - (i) Q = emissions of the pollutant emitted at the highest permitted rate in tons per year, and
 - (ii) D = distance from the facility to the contiguous state or local air pollution control agency in milesunless the applicant can demonstrate to the satisfaction of the Director that the ambient impact in the contiguous states or local air pollution control agencies is less than the incremental ambient levels in 15A NCAC 2D .0532(c)(5); or
 - (b) within 50 miles of the permitted facility.
- (2) "Complete application" means an application that provides all information described under 40 CFR 70.5(c) and such other information that is necessary to determine compliance with all applicable requirements.

- (3) "Draft permit" means the version of a permit that the Division offers public participation under Rule .0521 of this Section or affected State review under Rule .0522 of this Section.
- (4) "Emissions allowable under the permit" means a federally enforceable permit term or condition determined at issuance to be an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the facility has assumed to avoid an applicable requirement to which the facility would otherwise be subject.
- (5) "Final permit" means the version of a permit that the Director issues that has completed all review procedures required under this Section if the permittee does not file a petition under Article 3 of G.S. 150B.
- (6) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- (7) "Insignificant activities because of category" means:
 - (a) mobile sources;
 - (b) air-conditioning units used for human comfort that are not subject to applicable requirements under Title VI of the federal Clean Air Act and do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;
 - (c) ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing or other industrial process;
 - (d) heating units used for human comfort that have a heat input of less than 10,000,000 Btu per hour and that do not provide heat for any manufacturing or other industrial process;
 - (e) noncommercial food preparation;
 - (f) consumer use of office equipment and products;
 - (g) janitorial services and consumer use of janitorial products;
 - (h) internal combustion engines used for landscaping purposes;
 - (i) new residential wood heaters subject to 40 CFR Part 60, Subpart AAA; and
 - (j) demolition and renovation activities covered solely under 40 CFR Part 61, Subpart M.
- (8) "Insignificant activities because of size or production rate" means any activity whose emissions would not violate any applicable emissions standard and whose potential emission of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices,

i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants before air pollution control devices, are each below 1000 pounds per year.

- (9) "Minor facility" means any facility that is not a major facility.
- (10) "Operation" means the utilization of equipment that emits regulated pollutants.
- (11) "Permit renewal" means the process by which a permit is reissued at the end of its term.
- (12) "Permit revision" means any permit modification under Rule .0515, .0516, or .0517 of this Section or any administrative permit amendment under Rule .0514 of this Section.
- (13) "Proposed permit" means the version of a permit that the Director proposes to issue and forwards to EPA for review under Rule .0522 of this Section.
- (14) "Relevant source" means only those sources that are subject to applicable requirements.
- (15) "Responsible official" means a responsible official as defined under 40 CFR 70.2.
- (16) "Section 502(b)(10) changes" means changes that contravene an express permit term or condition. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
- (17) "Synthetic minor facility" means a facility that would otherwise be required to follow the procedures of this Section except that the potential to emit is restricted by one or more federally enforceable physical or operational limitations, including air pollution control equipment and restrictions on hours or operation, the type or amount of material combusted, stored, or processed, or similar parameters.
- (18) "Timely" means:
 - (a) for initial permit submittals under Rule .0506 of this Section, before the end of the time period specified for submittal of an application for the respective Standard Industrial Classification;
 - (b) for a new facility, one year after commencing operation;
 - (c) for renewal of a permit previously issued under this Section, nine months before the expiration of that permit;
 - (d) for a minor modification under Rule .0515 of this Section, before commencing the modification;
 - (e) for a significant modification under Rule .0516 of this Section where the change would not contravene or conflict with a condition in the existing permit, 12 months after commencing operation;

- (f) for reopening for cause under Rule .0517 of this Section, as specified by the Director in the request for additional information by the Director;
- (g) for requests for additional information, as specified by the Director in the request for additional information by the Director; or
- (h) for modifications made under Section 112(j) of the federal Clean Air Act, 18 months after EPA fails to promulgate a standard for that category of source under Section 112 of the federal Clean Air Act by the date established pursuant to Section 112(e)(1) or (3) of the federal Clean Air Act.

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Authority G.S. 143-215.3(a)(1); 143-212; 143-213;
Eff. July 1, 1994;
Amended Eff. July 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. _____ July 1, 2000.

15A NCAC 02Q .0508 PERMIT CONTENT

- (a) The permit shall specify and reference the origin and authority for each term or condition and shall identify any differences in form as compared to the applicable requirement on which the term or condition is based.
- (b) The permit shall specify emission limitations and standards, including operational requirements and limitations, that assure compliance with all applicable requirements at the time of permit issuance.
- (c) Where an applicable requirement of the federal Clean Air Act is more stringent than an applicable requirement of rules promulgated pursuant to Title IV, both provisions shall be placed in the permit. The permit shall state that both provisions are enforceable by EPA.
- (d) The permit for sources using an alternative emission limit established under 15A NCAC 02D .0501(f) or 15A NCAC 02D .0952 shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
- (e) The expiration date contained in the permit shall be for a fixed term of five years for sources covered under Title IV and for a term of no more than five years from the date of issuance for all other sources including solid waste incineration units combusting municipal waste subject to standards under Section 129(e) of the federal Clean Air Act.

(f) The permit shall contain monitoring and related recordkeeping and reporting requirements as specified in 40 CFR 70.6(a)(3) and 70.6(c)(1) including conditions requiring:

- (1) the permittee to submit reports of any required monitoring at least every six months. The permittee shall submit reports:
 - (A) on official forms obtained from the Division at the address in Rule .0104 of this Subchapter,
 - (B) in a manner as specified by a permit condition, or
 - (C) on other forms that contain the information required on official forms provided by the Division or as specified by a permit condition; and
- (2) the permittee to ~~report~~ report:
 - (A) malfunctions, emergencies, and other upset conditions as prescribed in 15A NCAC 02D .0524, .0535, .1110, or .1111; ~~.4111 and to report by the next business day~~
 - (B) deviations quarterly from permit requirements not covered under 15A NCAC 02D .0524, .0535, .1110, or .1111. ~~The permittee shall report in writing to either the Director or Regional Supervisor all other deviations from permit requirements not covered under 15A NCAC 02D .0535 within two business days after becoming aware of the deviation. The permittee shall include the probable cause of such deviation and any corrective actions or preventive measures taken.~~
- (3) All the responsible official to certify all deviations from permit requirements. ~~requirements shall be certified by a responsible official.~~

(g) At the request of the permittee, the Director may allow records to be maintained in computerized form in lieu of maintaining paper records if computerized records contain the same information as the paper records would contain.

(h) The permit for facilities covered under 15A NCAC 02D .2100, Risk Management Program, shall contain:

- (1) a statement listing 15A NCAC 02D .2100 as an applicable requirement;
- (2) conditions that require the owner or operator of the facility to submit:
 - (A) a compliance schedule for meeting the requirements of 15A NCAC 2D .2100 by the dates provided in 15A NCAC 02D .2101(a); or
 - (B) as part of the compliance certification under Paragraph (m) ~~(t)~~ of this Rule, a certification statement that the source is in compliance with all requirements of 15A NCAC 02D .2100, including the registration and submission of the risk management plan.

The content of the risk management plan need not itself be incorporated as a permit term or condition.

(i) The permit shall:

- (1) contain a condition prohibiting emissions exceeding any allowances that a facility lawfully holds under Title IV; but shall not limit the number of allowances held by a permittee, but the permittee may not use allowances as a defense to noncompliance with any other applicable requirement;
- (2) contain a severability clause so that various permit requirements will continue to be valid in the event of a challenge to any other portion of the permit;
- (3) state that noncompliance with any condition of the permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application;
- (4) state that the permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit;
- (5) state that the Director may reopen, modify, revoke and reissue, or terminate the permit for reasons specified in Rule .0517 or .0519 of this Section;
- (6) state that the filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition;
- (7) specify the conditions under which the permit shall be reopened before the expiration of the permit;
- (8) state that the permit does not convey any property rights of any sort, or any exclusive privileges;
- (9) state that the permittee shall furnish to the Division, in a timely manner;
 - (A) any reasonable information that the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit, and
 - (B) copies of records required to be kept by the permit when such copies are requested by the Director.

(For information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality.)
- (10) contain a provision to ensure that the permittee pays fees required under Section .0200 of this Subchapter;
- (11) contain a condition that authorizes the permittee to make Section 502(b)(10) changes, off-permit changes, or emission trades in accordance with Rule .0523 of this Section;
- (12) include all applicable requirements for all sources covered under the permit;
- (13) include fugitive emissions, if regulated, in the same manner as stack emissions;

- (14) contain a condition requiring annual reporting of actual emissions as required under Rule .0207 of this Subchapter;
 - (15) include all sources including insignificant activities; and
 - (16) may contain such other provisions as the Director considers appropriate.
- (i) The permit shall state the terms and conditions for reasonably anticipated operating scenarios identified by the applicant in the application. These terms and conditions shall:
- (1) require the permittee, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the operating scenario under which it is operating;
 - (2) extend the permit shield described in Rule .0512 of this Section to all terms and conditions under each such operating scenario; and
 - (3) ensure that each operating scenario meets all applicable requirements of Subchapter 02D of this Chapter and of this Section.
- (j) The permit shall identify which terms and conditions are enforceable by:
- (1) both EPA and the Division;
 - (2) the Division only;
 - (3) EPA only; and
 - (4) citizens under the federal Clean Air Act.
- (k) The permit shall state that the permittee shall allow personnel of the Division to:
- (1) enter the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records are kept under the conditions of the permit;
 - (2) have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
 - (3) inspect at reasonable times and using reasonable safety practices any source, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - (4) sample or monitor substances or parameters, using reasonable safety practices, for the purpose of assuring compliance with the permit or applicable requirements at reasonable times.
- (l) When a compliance schedule is required under 40 CFR 70.5(c)(8) or under a rule contained in Subchapter 02D of this Chapter, the permit shall contain the compliance schedule and shall state that the permittee shall submit at least semiannually, or more frequently if specified in the applicable requirement, a progress report. The progress report shall contain:
- (1) dates for achieving the activities, milestones, or compliance required in the compliance schedule, and dates when such activities, milestones, or compliance were achieved; and

- (2) an explanation of why any dates in the compliance schedule were not or will not be met, and any preventive or corrective measures adopted.
- (m) The permit shall contain requirements for compliance certification with the terms and conditions in the permit that are enforceable by EPA under Title V of the federal Clean Air Act, including emissions limitations, standards, or work practices. The permit shall specify:
 - (1) the frequency (not less than annually or more frequently as specified in the applicable requirements or by the Director) of submissions of compliance certifications;
 - (2) a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices; and
 - (3) a requirement that the compliance certification include:
 - (A) the identification of each term or condition of the permit that is the basis of the certification;
 - (B) the status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the methods or means designated in 40 CFR 70.6(c)(5)(iii)(B). The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR 64 occurred;
 - (C) whether compliance was continuous or intermittent;
 - (D) the identification of the method(s) or other means used by the owner and operator for determining the compliance status with each term and condition during the certification period; these methods shall include, at a minimum, the methods and means required under 40 CFR Part 70.6(a)(3); and
 - (E) such other facts as the Director may require to determine the compliance status of the source;
 - (4) that all compliance certifications be submitted to EPA as well as to the Division.

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Eff. July 1, 1994;

Amended Eff. July 1, 1996;

Temporary Amendment Eff. December 1, 1999;

Amended Eff. _____; December 1, 2005; April 1, 2001; July 1, 2000.

15A NCAC 02Q .0514 ADMINISTRATIVE PERMIT AMENDMENTS

(a) An "administrative permit amendment" means a permit revision that:

- (1) corrects typographical errors;
- (2) identifies a change in the name, address or telephone number of any individual identified in the permit, or provides a similar minor administrative change at the facility;
- (3) requires more frequent monitoring or reporting by the permittee;
- (4) changes test dates or construction dates provided that no applicable requirements are violated by the change in test dates or construction dates;
- (5) moves terms and conditions from the State-enforceable only portion of a permit to the State-and-federal- enforceable portion of the permit provided that terms and conditions being moved have become federally enforceable through Section 110, 111, or 112 or other parts of the federal Clean Air Act;
- (6) moves terms and conditions from the federal-enforceable only portion of a permit to the State-and-federal-enforceable portion of the permit;
- (7) changes the permit number without changing any portion of the permit that is federally enforceable that would not otherwise qualify as an administrative amendment; or
- (8) changes the State-enforceable only portion of the permit.

(b) In making administrative permit amendments, the Director:

- (1) shall take final action on a request for an administrative permit amendment within 60 days after receiving such request,
- (2) may make administrative amendments without providing notice to the public or any affected State(s) provided he designates any such permit revision as having been made pursuant to this Rule, and
- (3) shall submit a copy of the revised permit to EPA.

(c) The permittee may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(d) Upon taking final action granting a request for an administrative permit amendment, the Director shall allow coverage by the permit shield under Rule .0512 of this Section for the administrative permit amendments made.

(e) Administrative amendments for sources covered under Title IV shall be governed by rules in Section .0400 of this Subchapter.

(f) This Rule shall not be used to make changes the state-enforceable only part of a Title V permit. For the state-enforceable only part of a Title V permit, Rule .0316 of this Subchapter shall be used for administrative permit amendments.

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